

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

JRPP No	2015SYE002
DA Number	LDA2014/0517
Local Government Area	City of Ryde
Proposed Development	Mixed use development containing 380 apartments, retail premises and car parking for 366 vehicles, and landscaping works
Street Address	1-17 Delhi Road, North Ryde
Applicant	Australand North Ryde Development Pty Ltd
Number of Submissions	1 submission objecting to the development
Regional Development Criteria (Schedule 4A of the Act)	General Development over \$20 Million
List of All Relevant S79C(1)(a) Matters	<ul style="list-style-type: none"> • 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 2014 • Draft State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development • North Ryde Station Precinct Development Control Plan • Ryde Development Control Plan 2014 • Section 94 Development Contributions Plan 2007 (Amendment 2010)
List all documents submitted with the report for the panel's consideration	<p>Conditions of consent</p> <p>Clause 4.6 variation to the floor space ratio standard</p>
Recommendation	Approval subject to conditions
Report by	Sandra Bailey, Team Leader Major Development
Report date	22 September 2015

Assessment Report and Recommendation

1. EXECUTIVE SUMMARY

The following report is an assessment of a development application for the construction of a mixed use development containing retail uses and residential uses at 1-17 Delhi Road, North Ryde. The development comprises four separate buildings erected over two podiums. The overall height of the buildings, including the podiums, range from 10 storeys to 14 storeys. The development will contain 380 apartments and three retail tenancies. Parking will be provided for 366 vehicles.

The site is part of the North Ryde Station Urban Activation Precinct and a site specific planning regime for the Precinct was established by the then Department of Planning and Infrastructure.

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

- The development results in a 3.9% variation in relation to the floor space ratio control. The applicant has submitted a Clause 4.6 variation to this development standard.
- There are minor non compliances with the Residential Flat Design Code in respect to deep soil areas, private open space for ground level apartments and kitchen ventilation.
- The development fails to comply with a few of the requirements of the North Ryde Station Precinct DCP 2014. The non-compliances relate to street frontage heights, mixed use buildings and the provision of awnings.

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 one submission objecting to the development. The issues raised in this submission related to whether the development provided sufficient car parking as well as the likely traffic issues associated with the development. These matters are addressed in full detail in Section 11 of this report.

The development is consistent with the desired future character of the precinct as identified in the relevant planning instruments. It will contribute to greater activity around the railway station as well as integrating open spaces and public domain areas. The amount of car parking proposed for the development is consistent with the objectives of Transit Oriented Development and will maximise the public transport patronage.

The development is likely to contribute to additional traffic congestion in the area. This impact will be acceptable due to restrictions on the number of car parking spaces proposed and the regional infrastructure upgrades to be completed by the State Government. RMS has raised no objection to the application.

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: Australand North Ryde Development Pty Ltd

Owner of site: Urban Growth NSW

Estimated value of works: \$168,239,969

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

3. SITE DESCRIPTION

The site is known as 1-17 Delhi Road, North Ryde and the legal description of the land is Lot 4 DP131774. The site has an area of 13,000m².

Consent has been granted to SSD 6256 which affects the subject site as well as the property to the immediate south known as 27-37 Delhi Road North Ryde. This application proposed in part the construction of a new road and the subdivision of the site to create a road and two development lots. Figure 1 demonstrates the approved subdivision layout. The subject site is identified as proposed lot 1 in the SSD and will have an area of 11,315m². The development has been submitted based on the dimensions and area of proposed lot 1.

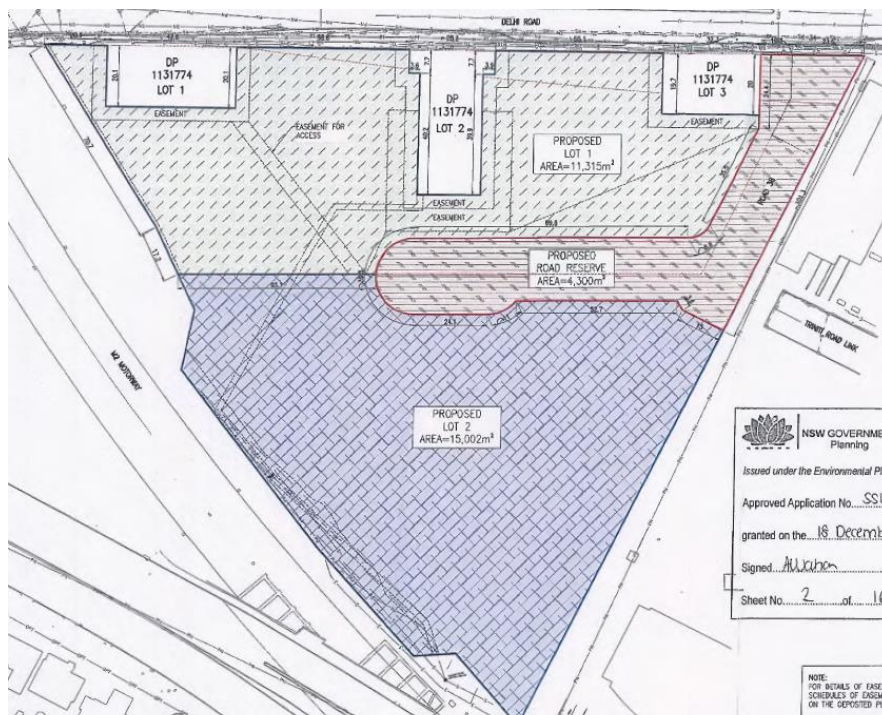


Figure 1. SSD 6256 approved subdivision layout. The development is located on proposed lot 1.

Proposed lot 1 is an irregular shaped allotment due to the North Ryde Rail Station entry portal and the two Epping-Chatswood Rail Link buildings which front Delhi Road. The site will have a direct frontage to Delhi Road for 132.3m. The western boundary of the site adjoins the M2 for 87.9m. The site will have a frontage of 113.85m to Station Street and 64.3m to Road 38.

The site generally slopes at 4° down in a southerly direction. This is a crib wall with thick vegetation that forms the boundary between Delhi Road and the northern property line.

The site is currently vacant.

The site contains numerous trees. These trees are mostly located along the boundaries of the site.

To the north of the site is Macquarie Park Suburbs Cemetery and Crematorium. To the east of the site is Riverside Corporate Park. To the west of the site is the M2 Motorway corridor. To the south of the site is 27-37 Delhi Road. A mixed use development has been approved on this site comprising 830 residential apartments, a child care centre, retail spaces and parking for 730 vehicles. The location of the site is demonstrated in the following aerial photograph.



Figure 2. Aerial photography of the site.



Photograph 1. View of the subject site looking to the east.

4. PROPOSAL

The development involves the construction of a mixed use development comprising:

- Four buildings containing a total of 380 residential apartments. A podium structure is proposed on either side of the North Ryde Station entry portal. The podia will be raised relative to Delhi Road and a maximum of three storeys relative to Station Street. Above the podia, the four residential buildings will be divided into two pairs of tower sitting on the two podiums. Buildings A, B and C will be a maximum of 11 storeys above the podium and Building D will be a maximum of 7 storeys above the podium. The following figure demonstrates the location of the towers in respect to the site.

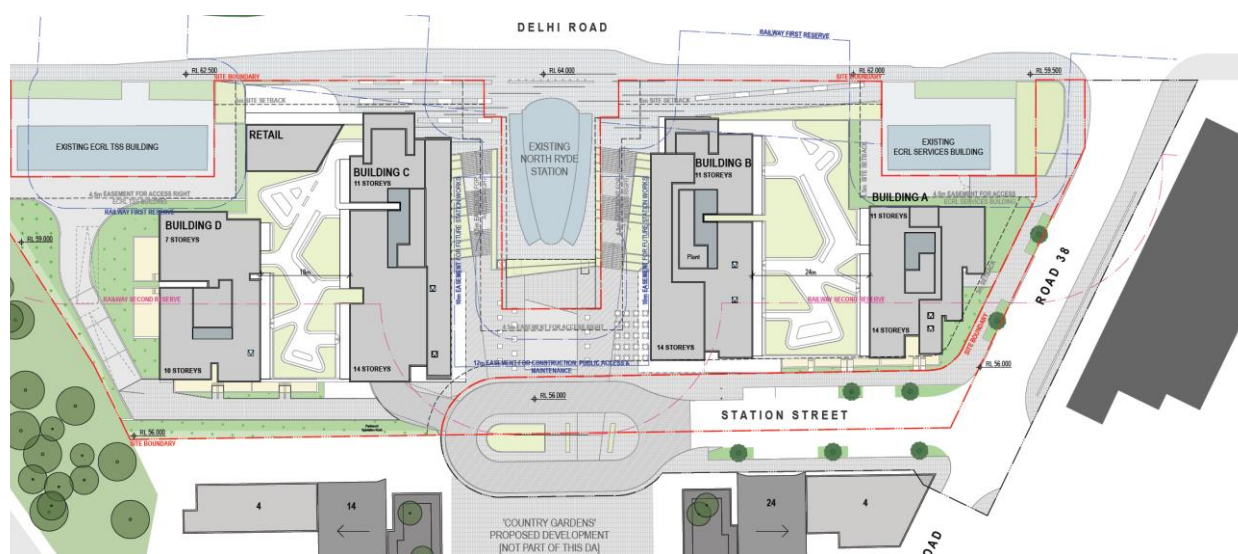


Figure 3. The above figure demonstrates the location of the four towers.

A podium is located beneath Buildings A & B as well as Buildings C & D.

The main lobbies to each of the buildings will be provided via Delhi Road and secondary lobbies have been provided from the central publicly accessible plaza on the western and eastern facades of the podia adjacent to the plaza.

Of the 380 residential apartments the following mix is proposed:

- 174 x 1 bed apartments
- 185 x 2 bedroom apartments
- 21 x 3 bedroom apartments.

A photomontage of the development as viewed from Delhi Road and Station Street has been provided in Figures 4 and 5.



Figure 4. Photomontage of the development as viewed from Delhi Road.



Figure 5. Photomontage of the development as viewed from Station Street.

The planning process for this precinct was managed by the then Department of Planning and Infrastructure and involved public consultation with the community and Council. As a result of this process a site specific planning regime for the Precinct was developed. This involved an amendment to Ryde LEP 2010 which established land use zones, building height and floor space ratio for the sites. The State Environmental Planning Policy Amendment (North Ryde Station Precinct) 2013 was gazetted on 23 September 2013.

The North Ryde Station Precinct Development Control Plan (NRSP DCP) prepared by the Department came into effect on 4 December 2014.

State Significant Development (SSD)

On 28 March 2014, Urban Growth NSW lodged a SSD application (SSD6256) for the site. This application proposed the following:

- Construction of the entry road and Station Street from Delhi Road;
- Subdivision to create two super lots and one new lot to accommodate the entry road;
- Drainage and stormwater management infrastructure;
- Landscaping and public domain works.

This application was approved by the Department of Planning and Environment on 18 December 2014.

A second SSD application (SSD 5093) was lodged with the Department in July 2014. This application mainly involves the M2 site which is identified as the Mixed Use Precinct and the High Density Residential Precinct in Figure 6. This application proposed to subdivide the site into 13 allotments and the allocation of floor space to those allotments. The application also included a pedestrian / cycle bridge over Delhi Road to the North Ryde Station Precinct. This application was approved on 5 March 2015.

Development Application

The development application was submitted to Council on 14 November 2014.

Following an initial assessment, a letter was sent to the applicant on 26 February 2015 identifying various concerns and issues with the application.

Amended documentation was submitted to Council on 19 June 2015. The major changes included the following:

- A reduction in the residential car parking numbers from 380 to 313 spaces. The overall car parking numbers were reduced from 422 spaces to 366 spaces.
- Provision of car share spaces.
- Amendments to the apartment layouts.
- The provision of a lift from the plaza level to the station entry. Removal of the western stairs from the plaza to Delhi Road. The stairs have been replaced with a battered planter.
- Changes to the entry lobby of Building B.

This report addresses the amended plans.

6. PLANNING ASSESSMENT

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

As the proposed development has a Capital Investment Value of \$168,239,969, the development application is required to be determined by the Joint Regional Planning Panel.

6.2 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 Audit Statement which has concluded that the site is suitable for the proposed development. The applicant has not submitted a copy of the Summary Report which would have been required to be completed prior to the Site Audit Statement. A condition of consent has been imposed to require this to be submitted for Council's records prior to any works occurring on the site. (See condition number 78).

6.3 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 for each building (No 583858M and 585382M) 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, 37 and 140).

6.4 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 19 December 2013 and the current proposal on 26 March 2014. The following comments were provided by the Panel.

The Plaza

The plaza proposed by the applicant is located in a different position on the site to that nominated in the UAP diagram. It is understood that the plaza area is equivalent to the 2,900sqm required. The applicant has justified the different location on the basis that the footbridge will land in a different position to that proposed at the time the UAP diagram was prepared, and that the nominated location would not be practical or appropriate with the new location and the actual location of the service buildings.

The Panel notes that ideally the footbridge should land to connect with Station St and bring cyclists into the main plaza as part of their journey to the station. This would be ideal if a lower level connection from the plaza is to be created to the station. The increased activity would also assist in supporting proposed retail to this area.

The Panel understands that achieving this outcome would be challenging given the topography and character of the area to the south of the service buildings for the station. The Panel suggests that the applicant provide additional information to the Council to support these concerns and to demonstrate that the link to Station Road is not achievable.

Comment: As part of SSD 5093 a pedestrian bridge over Delhi Road has been approved. The location of this pedestrian bridge is demonstrated in the following figure. The landing point for the pedestrian bridge is different to what was identified in the North Ryde Station Precinct DCP and as suggested by the Panel. In the DCP the landing point was proposed to be on the lower side of the western Chatswood Rail Line building whereas the Panel would prefer for the landing to connect with Station Street. The applicant has provided evidence that the levels of the site will not allow a connection from Delhi Road past the Chatswood Rail Line building to Station Street.



Figure 7. Location of the pedestrian bridge connection as approved in SSD5093.

The Panel supports, in principle, the location of the plaza connecting with the southern open area proposed by Country Garden, subject to ensuring appropriate activation and access is provided into and through the square and into the station.

Comment: Noted.

The Panel strongly supports the potential of a new connection for the station from the plaza. Privacy to apartments adjacent to the stairs leading up to the existing station entry and an appropriate treatment of any blank walls of the car park if exposed to the plaza, will need to be carefully considered as the design develops. The Panel also notes that escalators are shown on the montages. If these are to be provided they need to be carefully located to avoid privacy, noise and light issues for adjacent apartments.

Comment: The development does not include escalators. The original proposal included stairs on either side of the North Ryde Rail Station entry portal. However the amended application has only included the stairs on the eastern side of the entry portal. The area on the western side of the entry portal has been amended to include landscaping. Those parts of the buildings that are directly level and adjacent to the plaza stairs, plaza or green space includes communal lobbies, plant and retail uses. This is demonstrated on the following figure. This will ensure that no residential apartment will be affected by privacy or acoustic issues from the adjacent plaza and plaza stairs.



Figure 8. The above figure demonstrates the western façade of Building B. The building has been designed to provide communal lobbies, plant and retail uses adjacent to the stairs. This is demonstrated in the area marked in red on the above figure.

Concerns are raised that the amended design which has replaced one set of stairs from the Delhi Road frontage to the plaza area with landscaping will result in an inappropriate urban design outcome. It is anticipated that there will be a significant volume of pedestrian movement between the station entry and the plaza once the precinct is fully developed. The provision of the two sets of stairs as demonstrated on the originally submitted plans will provide a superior design outcome for the following reasons:

- The symmetry of the double flight of stairs provides a grander and more suitable setting for the station which is regarded as an iconic architectural feature.
- The double flight of stairs will better accommodate anticipated pedestrian movements/desire lines.
- The proposed access to the lift is between the planting area and the side wall of the station and is likely to be perceived as an area of entrapment. The inclusion of a flight of stairs provides the opportunity of improving sightlines and access to the lift.

For the above reasons, a condition of consent is to be imposed to ensure the second flight of stairs is provided on the western side of the North Ryde Rail Station entry portal. (See condition number 1).

The retail pavilion on Delhi Road appears isolated from both the station entry and the new plaza, as such its potential for success seems limited. The Panel supports the notion that retail would be better situated close to the station entry, and concentrated around the plaza edges.

Comment: The below figure demonstrates the location of the retail space in question. This location is considered suitable for retail activity given that there will be a considerable amount of pedestrian traffic walking in front of the site via the new pedestrian bridge which connects the rest of the North Ryde Station Precinct.

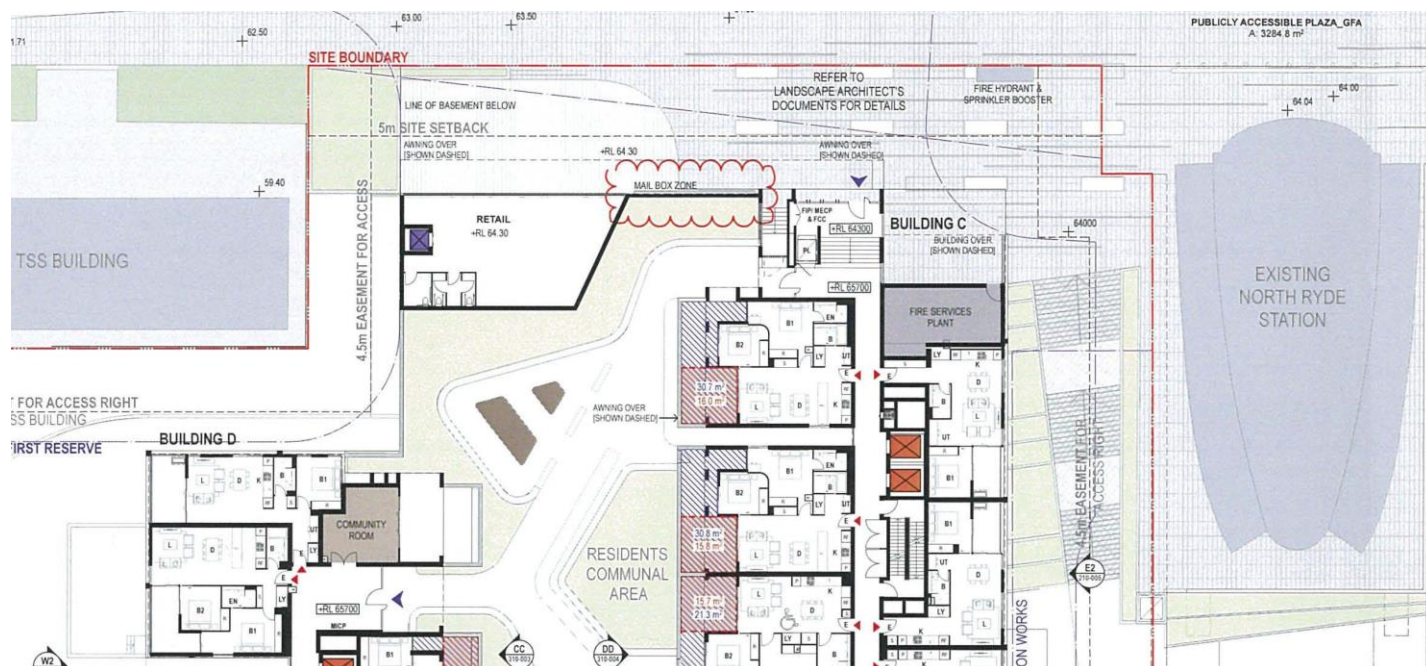


Figure 9. Location of the retail tenancy along Delhi Road in front of Buildings C and D.

Entry points

The Panel is concerned with the proposed configuration of the vehicle entries, the proximity to the plaza and the ground floor apartments to Station St and the stub of the service road. Only a small retail tenancy separates the plaza and the vehicle entry points. This creates potential safety issues which will need to be resolved for pedestrians moving from the plaza along Station St to the east. Adjacent to the vehicle entry points are garbage handling rooms and other service facilities.

The Panel questions why these facilities need to be located so close to the plaza creating an inactive and unattractive frontage so close to the plaza and separating the apartments from the plaza space. The Panel considers that a better location to consider is further to the west along the stub road leading to the service buildings and either off Road 38 or further to the east along Station St.

Comment: Due to constraints on the site in terms of easements, it is not possible to relocate the vehicular entry for Buildings C and D. Access to both of the buildings is restricted to either Road 38 or Station Street. Where ever the access is provided it will create conflict with pedestrians. As proposed the access is located furthest away from the ground floor residential apartments so as to limit the impact on these

apartments in respect to noise. No objection is raised to the location of the access points.

To ensure minimal conflict with pedestrians in the vicinity of the entry to Buildings A and B, the applicant has proposed bicycle parking to the west of the entry. This will allow for increased visibility of pedestrians from vehicles.

The Panel also considers that the stub road to the service building to the east should be designed as a two way 'street' that provides the same character and quality of a traditional street including street trees and landscape and that provides an appropriate address for the ground floor units. Such a street would also better address the ground floor apartments opposite in the Country Garden development.

Comment: The following figure demonstrates the location of the stub road as referred to by the Panel. The applicant has advised that the stub road is actually an easement for access to the western Chatswood Rail Link building. The easement is required to be accessible by heavy vehicles and cranes for maintenance and must be free of buildings, structures or hindrances. If this was provided as a road it would be necessary to provide a turning area for vehicles. This would occupy a significant area of the site as well as resulting in conflict with service vehicles. The provision of a street as suggested by the Panel is not supported.

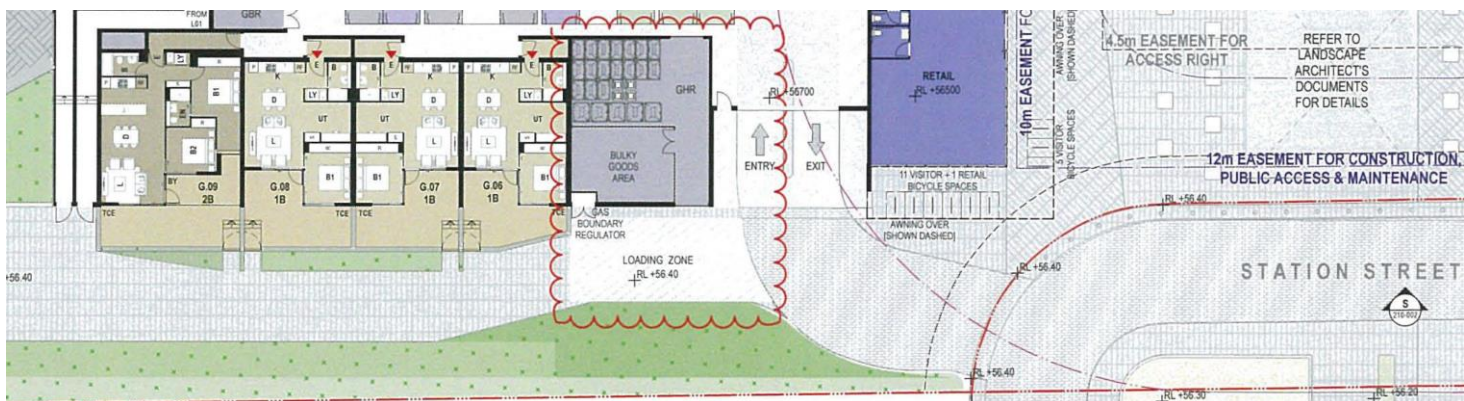


Figure 10. Ground floor of western podium demonstrating the relationship with Station Street and the easement to the western Chatswood Rail Link building.

The Panel does not support single entry points for each building cluster. Additional entry points should be provided to provide a range of access opportunities for residents and to provide clear address and way finding for visitors and tradesmen or deliverymen. To achieve this, the Panel considers that additional entries to the cores should be provided from the plaza at the lower level or from Station Street into the building. For the eastern building cluster an entry point should also be provided from Road 38 into the eastern most tower from that street. It is noted that additional building cores may be required to achieve this outcome.

Comment: The amended plans have incorporated a new residential foyer off the plaza into each of the buildings. From the new foyers it will be necessary to access the car parking area on the ground floor to gain access to the lift cores. This is demonstrated on the following plan. While the main address of the site is Delhi Road, the amended plans have proposed improved residential access to the site via the plaza area. This is considered to satisfy the concern raised by the Panel.

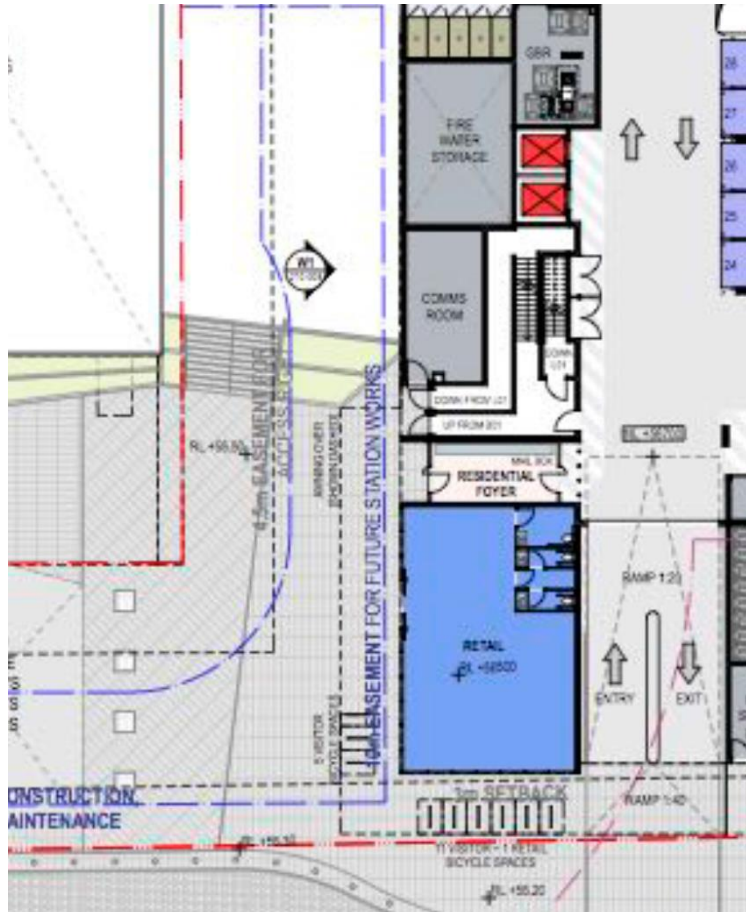


Figure 11. Secondary access to the development has been provided via a new residential foyer that can be accessed from the Plaza.

The Panel also considers that all apartments at ground floor should be provided with a direct address and entry from the street, configured with a designated front door (rather than only sliding glass balcony doors). It is understood that the applicant is intending to provide such a connection to those units fronting Station Street. The Panel also encourages the applicant to consider how residents in the podiums will gain access to the communal open spaces on the top of the podiums as well as improving the access for residents on the ground floor at Station Street to the lift cores.

Comment: The amended plans have improved the pedestrian access to the apartments on the ground floor as well as the podiums. The ground floor apartments have incorporated a pedestrian entrance including a door to the apartment directly from Station Street and the easement in front of Buildings C and D. Access is provided to the courtyards for those apartments that are located on the podiums.

The entries into the buildings are not overly generous and often present the visitor with exposed blank walls to plant immediately next to the entry lobby. This is not ideal and should be reconsidered.

Comment: The applicant has incorporated an amendment to make the entry lobby of Building B larger. The applicant has advised that the appearance of the entry lobbies will be improved by the use of lighting and screening to improve the visual

appearance of the lobby. This is demonstrated in Figure 12. This is considered acceptable.



Figure 12. Possible treatment to the entry lobby.

Both entry points also require all residents and visitors to climb stairs on entry or use a platform lift before gaining access to the lifts. This grade change from Delhi Road appears to be almost a full storey which is not ideal. Every effort should be considered to lower the entry lobbies and lifts relative to the street at least for the two towers with direct frontage onto Delhi Road. The other building should have their own direct access from other streets which will avoid this issue such that the stairs from Delhi Road become a secondary access only.

Comment: The applicant has advised that the height difference is equivalent to less than half a storey rather than a full storey. Due to the levels of the site and the development being constructed as a podium and then the four towers above the podium, it is not possible to lower the entry level of Buildings B and C. The applicant has incorporated a second entry point into the buildings from the plaza area adjacent to Station Street however the main entry to these buildings will be from Delhi Road. No objection is raised to the entry configuration as proposed.

Apartment design

The interface of the ground floor apartments to Station Street and the private outdoor spaces for the units here will need to be designed to ensure sufficient setback and landscape to buffer the terraces from the noise and activity from the station users. Solutions that rely on 1.8m high front fences are to be avoided.

Comment: Five apartments have been provided with courtyards adjacent to Station Street. Adjacent to the footpath in Station Street, the applicant has proposed a 1m wide landscape strip. The fencing around the courtyards will be 1.8m high consisting of a blockwall with cement render to a height of 600mm and 1.2m high galvanised fencing. The fencing and landscaping will assist in providing delineation between the public and private spaces as well as an appropriate level of privacy without adversely impacting on the streetscape.

The Panel notes from the preliminary plans that a number of units rely on bedroom windows deeply recessed into the plan with narrow outlooks. The panel does not support this approach and the plans should be further developed to ensure all bedrooms benefit from a reasonable outlook, light and ventilation via a reasonable width of façade.

Comment: The development has incorporated 80 apartments that are defined as 'snorkel' apartments. The following figure demonstrates a typical layout of the apartments.

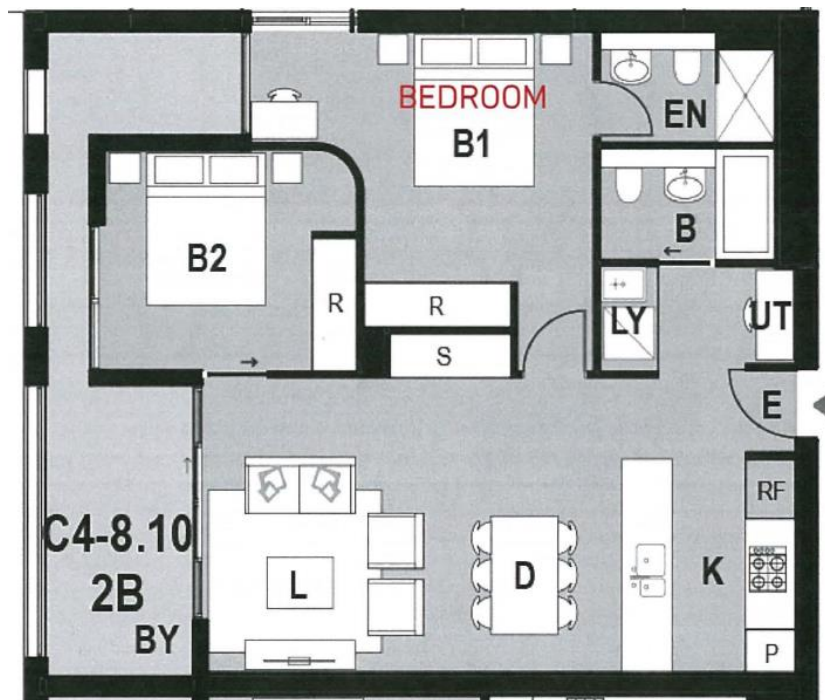


Figure 13. Typical floorplan demonstrating the 'snorkel' apartment.

The apartments in question are all restricted to the main bedroom which are larger in size than the secondary bedrooms. Each of the bedrooms have a full height window with a width of 1.5m. Some of these apartments open up directly onto a balcony and some have secondary windows. While in many cases it would be possible to delete the 'snorkel' component of the apartment, this would only result in the bedroom having less amenity. These apartments have been utilised throughout Sydney. As proposed the snorkel contributes to the amenity of the apartments and it is recommended that it remains.

Internal rooms

The Panel notes that there are a number of internal study spaces without access to light or light and air. The Panel does not support this approach. These rooms should be relocated to benefit from some provision of light and air.

Comment: The majority of the apartments contain a utility room and the plans demonstrate a desk in this space. These rooms do not have access to light and air. Although the Panel may not support such rooms, a large number of other recent developments have contained such rooms. It is intended to propose a condition on the consent that these spaces are not used as bedrooms and that the utility rooms are provided with the internal joinery for the construction of a desk and storage area. (See condition number 113).

SEPP 65 Design Quality Principles


There are ten design quality principles identified within SEPP 65. The following table provides an assessment of the proposed residential flat building (RFB) against the ten 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.	<p>The site is located within the Station Precinct of the North Ryde Station Precinct DCP as demonstrated in Figure 6.</p> <p>The redevelopment of this site is consistent with the future character for the Precinct as identified by this planning instrument and the recent amendments to RLEP 2014. The vision for the Precinct <i>"is for a 'Transit Oriented Development' which has direct access to North Ryde Station on the Epping to Chatswood Rail Link, and which is connected, accessible, permeable and has a high base population density."</i> The proposal will provide increased residential density around the North Ryde Station as well as providing high quality open spaces and retail uses to help stimulate activity around the station.</p>	Yes

<p>Scale</p> <p>Good design provides an appropriate scale in terms of the bulk and height that suits the scale of the street and the surrounding buildings.</p> <p>Establishing an appropriate scale requires a considered response to the scale of existing development. In precincts undergoing a transition, proposed bulk and height needs to achieve the scale identified for the desired future character of the area.</p>	<p>The development has been designed as four buildings sitting upon two podiums. From Station Street the podiums will be read as 3 storeys and from Delhi Road the podium will be a maximum of one storey above ground. Three of the buildings above the podiums will be 11 storeys and the fourth building will be seven storeys above.</p> <p>As the podium is a maximum of three storeys high it will provide a human scale to Station Street and Road 38. The scale of the buildings is broken up by the break up of the built form as well as using differing architectural details and materials. The scale of the buildings is consistent with the desired future character of the area.</p>	<p>Yes</p>
<p>Built Form</p> <p>Good design achieves an appropriate built form for a site and the building's purpose, in terms of building alignments, proportions, building type and the manipulation of building elements.</p>	<p>The built form of the four buildings and the podiums are consistent in terms of their facades and the built form elements. This provides cohesion between the buildings. The buildings incorporate horizontal and vertical elements to break up the massing. The façade elements have been designed to respond to the orientation of the site as well as the new street network, rail infrastructure and the pedestrian access requirements.</p>	<p>Yes</p>
<p>Density</p> <p>Good design has a density appropriate for a site and its context, in terms of floor space yields (or number of units or residents).</p> <p>Appropriate densities are sustainable and consistent with the existing density in an area or, in precincts undergoing a transition, are consistent with the stated desired future density.</p>	<p>The density of the development is consistent with the floor space ratio and height controls permitted by the LEP and site specific DCP.</p>	<p>Yes</p>

<p>Resource, energy and water efficiency</p> <p>Good design makes efficient use of natural resources, energy and water throughout its full life cycle, including construction.</p> <p>Sustainability is integral to the design process. Aspects include demolition of existing structures, recycling of materials, selection of appropriate and sustainable materials, adaptability and reuse of buildings, layouts and built form, passive solar design principles, efficient appliances and mechanical services, soil zones for vegetation and reuse of water.</p>	<p>The applicant has provided a BASIX Certificate to demonstrate that each of the buildings can meet the energy and water use targets set by the site specific DCP which exceeds the requirements of the BASIX SEPP. The site specific DCP also requires that the development is to achieve a 7 star NatHERS for heating and cooling. Certification has been provided to demonstrate that this can be achieved. A condition of consent will be imposed to ensure that the development will achieve a minimum 4 star green star rating. (See condition number 39).</p> <p>The design of the development will also comply with the soil depth, cross ventilation and passive solar design requirements of the RFDC.</p> <p>The development complies with this planning principal.</p>	<p>Yes</p>
<p>Landscape</p> <p>Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in greater aesthetic quality and amenity for both occupants and the adjoining public domain.</p> <p>Landscape design builds on the existing site's natural and cultural features in responsible and creative ways. It enhances the development's natural environmental performance by co-ordinating water and soil management, solar access, micro-climate, tree canopy and habitat values. It contributes to the positive image and contextual fit of development through respect for streetscape and neighbourhood character, or desired future character.</p>	<p>The landscape design is integrated with the overall development and provides a hierarchy of activities, uses and connectivity. The design provides for a plaza and pedestrian links through the middle of the site and along Delhi Road. This will connect with the pedestrian link from the mixed use precinct to this site approved as part of SSDA 5093. The plaza will also connect with the public open space proposed within the approved development at 27-37 Delhi Road.</p> <p>The development will also provide landscaping to the west of the site between Building D and the M2 Motorway and the land between the western portion of the site and Station Street. Landscaping within these areas will provide outlook and some activation by the way of private terraces.</p> <p>Communal areas will be provided on the residential podiums between Buildings A and B and Buildings C and D. This space is intended to provide outdoor amenity for the occupants as well as outlook.</p>	<p>Yes</p>

Landscape design should optimise useability, privacy and social opportunity, equitable access and respect for neighbours' amenity, and provide for practical establishment and long term management.	The tree and planting selection is predominantly native (indigenous) species to ensure that it will contribute to the urban habitat of Ryde.	
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 the public plaza area and streets with respect to safety and security. The provision of the Plaza and retail spaces will ensure that the public areas of the development will provide pedestrian activation. Passive surveillance over the public domain areas will be possible from the residential apartments. The development also provides secure access points to the site and car park entries. The landscaping also assists in providing clear delineation of the public and private spaces within the development.	Yes

<p>Social Dimensions and Housing Affordability</p> <p>Good design responds to the social context and needs of the local community in terms of lifestyles, affordability, and access to social facilities.</p> <p>New developments should optimise the provision of housing to suit the social mix and needs in the neighbourhood or, in the case of precincts undergoing transition, provide for the desired future community.</p> <p>New developments should address housing affordability by optimising the provision of economic housing choices and providing a mix of housing types to cater for different budgets and housing needs.</p>	<p>The development will include the following housing mix:</p> <ul style="list-style-type: none"> • 174 x 1 bedroom apartments (46%); • 185 x 2 bedroom apartments (49%); and • 21 x 3 bedroom apartments (5%). <p>The development predominantly contains one and 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.</p> <p>Adaptable units are also proposed.</p>	<p>Yes</p>
<p>Aesthetics</p> <p>Quality aesthetics require the appropriate composition of building elements, textures, materials and colours and reflect the use, internal design and structure of the development. Aesthetics should respond to the environment and context, particularly to desirable elements of the existing streetscape or, in precincts undergoing transition, contribute to the desired future character of the area.</p> 	<p>The building form responds to the site opportunities by being orientated north-south to take advantage of the views to the CBD as well as the south east. The building form has been divided into two different approaches. The facades of the buildings which face the station and public plaza area are more horizontal in expression with large scale white frames throughout the elevation. The remaining facades including the podium have a more vertical treatment with metal clad panels of an earthy tone.</p> <p>The building materials include metal cladding, painted concrete, painted CFC cladding and powder coated glazed windows / balustrading. The colours are muted in tone and bright whites are used as the high-light colour.</p> <p>Figure 14. Photomontage of the development as viewed from Station Street. This shows the different facades of the buildings as well as the colours of the materials.</p>	<p>Yes</p>

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). Many of the requirements are already covered by the LEP and the North Ryde Station Precinct DCP and will be addressed elsewhere in the report. The following table addresses the relevant matters.

Primary Development Control and Guidelines	Comments	Comply
Part 01 – Local Context		
Building Depth In general, an apartment building depth of 10m to 18m is appropriate.	The building depth ranges between 21m and 24m, which exceeds the requirement. The building depth relates to the tower components of the development. In this respect the RFDC states that tower building types may have greater depth than 18 metres only if they still achieve satisfactory daylight and ventilation. The development will achieve acceptable daylight and ventilation which will ensure acceptable amenity for the residents. This variation is consistent with the requirement.	Yes
Building Separation 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. Building separation for buildings nine storeys and over should be: -24m between habitable rooms/balconies -18m between habitable/balconies and non-habitable rooms -12m between non-habitable rooms.	The development achieves the required building separation distances for the buildings located on the subject site. The development also achieves adequate building separation distances with the adjoining development at 27-37 Delhi Road.	Yes

Street Setbacks Identify the desired streetscape character. In general, no part of the building should encroach into a setback area.	The NRSP DCP identifies that the development is to be setback 5m from Delhi Road and 3m from Road 38 and Station Street. The development complies with these requirements.	Yes
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.	The rear and side setbacks is applicable to the western and southern boundary in the vicinity of Buildings C and D. These buildings are setback a minimum of 12m from the boundary. This reflects other development in the vicinity and ensures adequate building separation distances are maintained.	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.	The development will contain a total of 1598m ² of deep soil area. This is equivalent to 22.6% of the landscaped area. This site is restricted in providing more deep soil zones due to the provision of the easements for Transport NSW. As 49.1% of the site is defined as landscaped area (as per the landscaped definition in NRSP DCP), and this figure significantly exceeds the DCP requirement of 30%, the reduction in deep soil zones is considered satisfactory.	No. Variation acceptable
Fences and Walls Fences and walls are to respond to the identified architectural character for the street and area. They are also to delineate the private and public domain without compromising safety and security.	Fencing is proposed along Station Street and adjacent to the easement proposed to the south of Buildings C and D. The fencing will be 1.8m in height and consist of 600mm high block wall with a rendered finish and paint and 1.2m high galvanised fencing on top. The fencing will ensure that private and public areas are clearly delineated with ensuring a satisfactory impact on the streetscape.	Yes
Landscape Design Landscaping is to improve the amenity of open spaces as well as contribute to the streetscape character.	The landscape design can be divided into 4 areas being the central public plaza, Delhi Road streetscape, Station Street and Road 38 streetscape and the communal areas on the podium. These areas have all been designed to improve the amenity of the spaces for the occupants as well as contributing to the character of the streetscape.	Yes

<p>Open Space The area of communal open space required should generally be at least between 25% and 30% of the site area. The minimum recommended area of private open space for each apartment at ground level or similar space on a structure such as on a podium or car park is 25m².</p>	<p>The site has provided approximately 49.1% of the site as open space. This figure consists of the public plaza, communal courtyards and the setback areas surrounding the buildings.</p> <p>The development has proposed 26 apartments that are at ground level or located on a podium. Of these apartments, 7 do not achieve the minimum 25m² of private open space. The open space for these apartments range in size from 17.9m² to 24.4m². Although these apartments are below the current standard they will all comply with the Apartment Design Guide which is recommending a minimum of 16m². The size of the courtyards is considered to be large enough to provide adequate amenity as well as contribute to the streetscape. The occupants will also be able to benefit from the plaza provided on site as well as the park on the other side of Station Street that is part of the adjoining development.</p>	<p>No. Variation acceptable</p>
<p>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.</p>	<p>The buildings have been orientated in a north-south direction. This has ensured that the development will achieve adequate solar and daylight access as well as enabling apartments to enjoy views to Chatswood and the CBD.</p>	<p>Yes</p>
<p>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.</p>	<p>The applicant has advised that the development will comply with the minimum requirements as outlined in the RFDC. A condition of consent will be imposed to ensure compliance. (See condition number 38).</p>	<p>Yes</p>
<p>Stormwater Management Reduce the volume impact of stormwater on infrastructure by retaining it on site.</p>	<p>Council's Senior Development Engineer has reviewed the proposed stormwater management measures and considers them to be generally adequate.</p>	<p>Yes</p>

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 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.	The development complies with the building separation distances.	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 main entry to the development is via Delhi Road. A secondary entry has also been provided adjacent to the Plaza. The entry points are both legible with clear lines of vision between the entrances and the street or Plaza. The 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 car parking requirements in the North Ryde Station Precinct DCP is a maximum control rather than a minimum control. The development will not exceed the maximum control.	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.	<p>The development provides an accessible path of travel from the pedestrian footpath adjacent to the main entrance on Delhi Road and the Plaza to the principle building entrance lobbies for all buildings as well as the communal areas within the development.</p> <p>The development has provided 38 adaptable apartments which satisfies Council's requirements.</p>	Yes

<p>Vehicle Access To ensure that the potential for pedestrian / vehicle conflicts is minimised. The width of driveways should be limited to 6 metres. Vehicular entries should be located away from main pedestrian entries and on secondary streets.</p>	<p>Buildings A & B and Buildings C& D will each have a separate parking area within the development. Access to the parking areas are via two driveways off Station Street. The vehicular access to Buildings A & B is located approximately 185m west of the intersection of Station Street and Road 38. To ensure that pedestrian conflict is minimised, bicycle parking has been provided to the west of this access point. This will allow for increased visibility of pedestrians from vehicles. This driveway will have a clear width of 6.6m and complies with the minimum requirements under AS2890.1.</p> <p>The second crossing to Buildings C & D is located at the western extent of Station Street. The width of the driveway will be 6.7m to ensure compliance with AS2890.1. This access point is likely to have less conflict with pedestrians due to the reduced pedestrians' movements in this area.</p>	<p>Yes</p>
<p>Part 3 Building Design</p>		
<p>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</p>	<p>The development has incorporated single aspect apartments which exceed the 8m depth from a window. These apartments generally have a depth of 10m and have provided either a bathroom or study in the area that exceeds the 8m depth. As these rooms are not primary living areas, no objection is raised to the increased depth.</p> <p>The applicant has provided details to demonstrate that all of the apartments will exceed the minimum area requirement as specified in the RFDC.</p>	<p>Yes</p>
<p>Apartment Mix The development should provide a variety of types.</p>	<p>The development proposes 380 apartments. Of these, 174 will be one bed apartments (45.8%), 185 will be two bedroom apartments (48.7%) and 21 will be three bedroom apartments (5.5%). 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.</p>	<p>Yes</p>

Balconies Where private open space is not provided, primary balconies with a minimum depth of 2 metres should be provided.	Each apartment is proposed with a primary balcony that is accessible from the main living areas of the apartments. All of the balconies have a minimum depth of two metres.	Yes
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.	All of the ground floor apartments have been provided with access directly from the street as well as an internal access from within the building.	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.	Two lifts have been provided to each building. On the podium levels, a maximum of 11 apartments will have access to the four lifts. A maximum of nine apartments in the tower component of each building will be accessed via the two lifts. The foyers within the towers have all been provided with natural light. The development satisfies the requirements of this clause.	Yes
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 must also have legible circulation systems.	The development contains three retail tenancies with a combined area of 350m ² . These retail spaces will add to the character and economics of the area as well as being compatible with the residential apartments. The spaces are located adjacent to areas that are likely to have high pedestrian activity and should they also contribute to the activation of the area.	Yes

<p>Storage In addition to kitchen cupboards and bedroom wardrobes, provide accessible storage facilities at the following rates:</p> <ul style="list-style-type: none"> • studio apartments - 6.0m³ • one bedroom apartments - 6.0m³ • two bedroom apartments - 8.0m³ • three bedroom apartments – 10.0m³ 	<p>The applicant has provided details to demonstrate that the apartments will provide adequate storage. The storage will include areas within the apartment as well as within the basement.</p>	<p>Yes</p>
<p>Acoustic Privacy Apartments within a development are to be arranged to minimise noise transitions.</p>	<p>Where possible, the apartments have been arranged with the living areas adjacent to living area.</p> <p>The applicant has also submitted an Acoustic Report that has identified that the site is affected by traffic noise from the M2 and Delhi Road. The report has concluded that acceptable noise levels within the apartments will be achieved subject to specific glazing solutions. The acoustic report has not provided the detailed calculations in respect of the specific glazing as this was beyond the scope of the DA assessment. This is to be developed during the design stage. A condition of consent will be imposed to ensure this detail is provided at CC stage. (See condition number 42).</p>	<p>Yes</p>
<p>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.</p> <p>Limit the number of single aspect apartments with a southerly aspect to a maximum of 10% of the total units proposed.</p>	<p>The site is within a dense urban area and two hours of direct sunlight is required. The development will provide adequate solar access to 71% of the apartments.</p> <p>The development does not incorporate any single aspect apartments with a southerly aspect.</p>	<p>Yes</p>

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 will achieve cross ventilation to 62% of the apartments. Only 6.3% of the kitchens will have access to natural ventilation. This requirement has been deleted from the Apartment Design Guide which will replace the Residential Flat Design Code. No objections were raised by the Council's Urban Design Review Panel.	No. Variation acceptable
Awning Awnings are to encourage pedestrian activity on streets by providing awnings to retail strips.	The development does not propose any awnings on the building. This is consistent with the DCP requirements.	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
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

6.5 State Environmental Planning Policy (Infrastructure) 2007

Clause 86 – Excavation in, Above or Adjacent to Rail Corridors

As the development proposes excavation deeper than 2m above and within 25m of the easement, this clause is applicable to the development.

Sydney Trains advised Council on 13 August 2015 that it has granted its concurrence to the development application subject to Council imposing various conditions on the consent. (See condition numbers 20 to 23, 66 to 77, 129 to 133 and 151).

Clause 87 – Impact of Rail Noise and Vibration

Before determining a development application, a consent authority is to ensure that appropriate measures will be taken to ensure that the following LAeq levels are not exceeded:

- (a) In any bedroom in the building – 35dB(A) at any time between 10pm and 7am;
- (b) Anywhere else in the building – 40dB (A) at any time.

The applicant has provided an acoustic report which assessed the impact of rail vibration and ground borne noise on the buildings. The report identified that the predicted internal railway noise level for ground and structure borne noise for Building B will exceed the Australian Standard requirements. This building will be required to be vibration isolated. This is a matter that will be addressed at the Construction Certificate stage. A condition of consent has been imposed to ensure compliance with the recommendations of this report. (See condition number 42).

Clause 101 – Development with frontage to a Classified Road

Clause 101 applies to the development as the site has a frontage to the M2 Motorway and Delhi Road. The consent authority must not grant consent to development unless it is satisfied of certain criteria.

The first criteria require that where practicable, vehicular access to the land is to be provided by a road other than a classified road. Access to the site is proposed via Station Street. SSD 6256 has been approved by the Department of Planning and Environment for the construction of the first 90m of Road 38 from Delhi Road and the construction of Station Street. As part of the conditions of consent for this SSD, these roads are required to be dedicated to Council. A condition of consent will be imposed to ensure that no Occupation Certificate is issued for any of the buildings until these roads have been dedicated to Council. (See condition number 142).

The second criteria requires that the safety, efficiency and ongoing operation of the classified road is not adversely affected by the development as a result of the design of the vehicular access to the land, the emission of smoke or dust from the development, or the nature, volume or frequency of vehicles using the classified road to gain access to the land.

As access is proposed either via Road 38 or Station Street, there will be no adverse impacts to the classified road as a result of the design of the vehicular access. The development will not result in the emission of smoke or dust.

The intersections along Delhi Road including at Epping Road, the M2 intersection, Road 38 and Plassey Road/Julius Avenue all operate at capacity during peak periods. Any development traffic on the site will worsen these conditions for existing users and future users. The degree of the impact is related to traffic generation, which is related to the residential parking provision.

As previously advised a site specific planning regime for the North Ryde Station Urban Activation Precinct was established by the Department of Planning and Infrastructure. The rezoning of the site was based on the North Ryde Station Urban Activation Precinct Finalisation Report (July 2013). This report acknowledged the need to upgrade roads and intersections surrounding the Station Precinct as well as the other Sub-Precincts within the DCP area due to the mix of new development

traffic and existing traffic. The following regional transport measures have been identified:

- Widening of Delhi Road (eastbound) from the M2 Motorway to east of Julius Avenue.
- Duplication of left turn lane from Pittwater Road to Epping Road.
- Provision of new left and right turn auxiliary lanes on Wicks Road (both north and south) at its intersection with Epping Road.
- Construction of signals at the intersection of Wicks Road and Waterloo Road.
- Provision of additional storage on the eastern approach of Waterloo Road at its intersection with Lane Cove Road.
- New on-ramp from Lucknow Road to Epping Road.

The Finalisation Report stated that “individual developments in the Precinct will be required to make regional contributions to recover part of the cost of funding regional upgrades.” This report implies that the regional upgrades would precede the development recognising that enabling infrastructure upgrades were important to cater for any new development in this capacity constrained area.

This development application fails to address any of the required infrastructure upgrades to cater for traffic that would be generated by this development. The applicant has advised that this work is the responsibility of Urban Growth as identified in the Finalisation Report. The applicant has however, as part of the amended plans reduced the amount of car parking from 422 car spaces to 366 spaces. This reduction in car parking ensures that the parking is more consistent with a Transport Orientated Development as well as reducing the traffic generated by the development.

A Voluntary Planning Agreement (VPA) between the Minister for Planning and Landcom trading as Urban Growth NSW has been publicly exhibited. The purpose of this VPA is to provide the relevant regional infrastructure upgrades for this development application or the recoupment of the cost of providing the work.

This VPA is likely to be executed in the near future. Once executed, it will provide certainty to ensure that these works will occur. Council is satisfied that the provision of this work combined with the reduced car parking proposed for this development application will ensure that the traffic generated by the development will have an acceptable impact on the road network.

Clause 102 Impact of Road Noise or Vibration on Non-road Development

Clause 102 applies to any residential building that is located on land that is adjacent to the road corridor for any road that has an annual average daily traffic volume of more than 40,000 vehicles. The consent authority is required to take into consideration the interim guideline “Development near Rail Corridors and Busy Roads”. In addition, the development must achieve appropriate noise levels within the building.

As the development adjoins Delhi Road, the applicant has submitted an Acoustic Report which addresses these requirements. This acoustic report has identified that

the development will achieve the required noise levels by the provision of appropriately glazed windows. However the exact locations and specifications of the required glazing would be developed following detailed noise modelling during the design stage. Any approval would be conditioned to ensure that this information is provided at the Construction Certificate stage. (See condition number 42).

Clause 104 – Traffic Generating Development

The development is 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 reviewed the submitted documentation and raised no objection to the application subject to conditions of consent that would be required on any approval. (See condition numbers 15 to 18, 44 to 48, 94 to 100).

6.5 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 2014. The proposed development raises no other issues and otherwise satisfies the aims and objectives of the planning instrument.

6.6 Ryde Local Environmental Plan 2014

The following is an assessment of the proposed development against the applicable provisions from the Ryde Local Environmental Plan 2014.

Clause 2.3 Zone Objectives and Land Use Table

The site is zoned B4 Mixed Use under the provisions of RLEP 2014. 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; and
- 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.

The site is within a highly accessible location being adjacent to the North Ryde Railway Station and having access to a bus service and employment opportunities. This unique location encourages a high density residential development with ancillary and compatible land uses such as retail premises. The proposed development has incorporated such land uses within the development. The development will provide a safe and attractive environment for pedestrians as well as providing a vibrant and active development. The development complies with the objectives of the zone.

Clause 4.3 Heights of Buildings

The height of a building on any land is not to exceed a maximum height of 45m. This is demonstrated in the following extract from RLEP 2014.

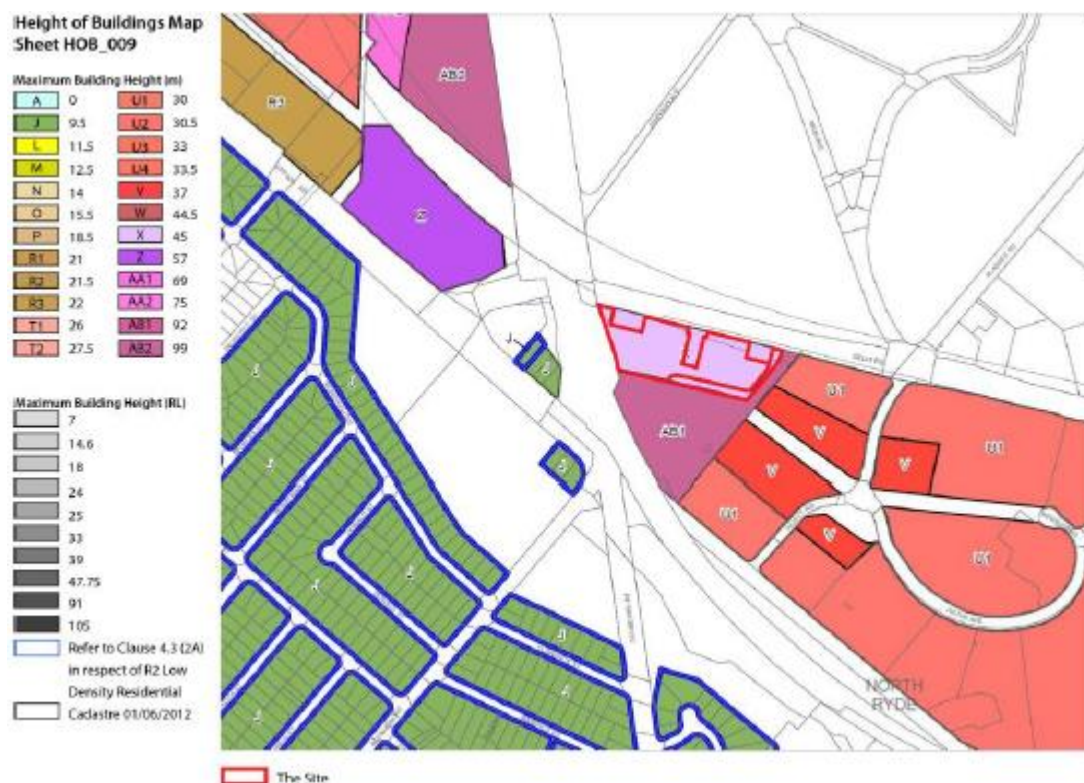


Figure 15. Extract from the building height map.

All of the buildings comply with the maximum height control.

Clause 4.4 Floor Space Ratio

The floor space ratio of a building is not to exceed the maximum floor space ratio as specified on the Floor Space Ratio Map. The map identifies the site as having a floor space ratio of 2.2:1.

The site currently has an area of 13,010m² which would permit 28,622m² of floor space. The development proposes a gross floor area of 29,739m², with a resultant FSR of 2.85:1. This represents a variation of 3.9% or an additional 507m².

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.

2. Whether compliance with the development standard would be unreasonable or unnecessary in the circumstances of the case and that there are sufficient environmental planning grounds to justify contravening the development standard.

The applicant's written request has demonstrated that compliance with the development standard would be unreasonable and unnecessary as the development complies with the objectives of the standard. The written request has also considered the environmental planning grounds that are particular to the circumstances of the proposed development. In part the applicant's submission is as follows:

The objectives as set out by clause 4.4(1) of the LEP 2014 are as follows:

- a) To provide effective control over the bulk of future development,*
- b) To allow appropriate levels of development for specific areas*
- c) In relation to land identified as a Centre on the Centres Map – to consolidate development and encourage sustainable development patterns around key public transport infrastructure.*

The following sections demonstrate that the proposed variation to the floor space ratio development standard will still result in a development that achieves the relevant objectives of the clause.

a) To provide effective control over the bulk of future development

The proposed development was designed to be 'compliant' with Council's FSR control, acknowledging that the FSR control provided an effective control over bulk across the subject site. In this regard, the proposal has a FSR below 2.3:1 – which was the FSR control applying to the site during the design phase and prior to the gazettal of Ryde LEP 2014.

b) To allow appropriate levels of development for specific areas

The development testing and threshold across the subject site was determined by the State Government in 2013 as appropriate to accommodate mixed use development in the order of 29,923m² (equating to a FSR of 2.3:1).

Nothing has changed in the circumstances of the subject site since 2013, when the site was rezoned for mixed use and high density development at a FSR of 2.3:1, to today. What was considered appropriate in 2013 for the site in terms of applying to the site under Ryde LEP 2014 (being 2.2:1) does not support/allow an appropriate level of development.

The B4 zone objectives 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 maximise public transport patronage and encourage walking and cycling.*

The proposed development will meet the relevant objectives across both zones satisfactorily. Specifically, the following is noted:

- The proposal provides a mixture of compatible land uses that are appropriate to the site's highly accessible location above a train station;*
- The proposal will facilitate the future integration of sustainable business, residential and retail uses in a highly accessible location with excellent access to public transport, walking and cycling facilities and services; and*
- Result in the orderly and efficient development of land through the redevelopment of a vacant and underutilised site.*

There are sufficient environmental planning grounds to justify contravening the development standard.

The Ryde LEP 2014 currently identifies the subject site as having a FSR of 2.2:1 (refer to Figure 1).



It has become evident that this FSR allocated to the site is in fact an error/misdescription. The error/misdescription has come about from the translation of the Ryde LEP 2010 across to the comprehensive Ryde LEP 2014.

Under Ryde LEO 2010 the subject site had a FSR of 2.3:1 (refer to Figure 2). This FRS was established following gazettal of the North Ryde Urban Activation Precinct rezoning by the Minister in September 2013.



As a State Government initiated rezoning process, it is clear that there would be no reason or rationale for the FSR applying to the site to have been reduced within Ryde LEP 2014.

We understand that in liaising with the Department of Planning and Environment and Council that the subject site is not alone in terms of being affected by translation errors.

In summary, there are sufficient environmental planning grounds to justify contravening the development standard as the proposal is fully compliant with the 'correct' FSR control that would have applied to the site should the documentation/data error not have occurred.

Furthermore, it is noted that:

- The development will provide a number of significant benefits to the local and future community in terms of more housing and greater accommodation choice.*
- The development will not result in any significant adverse impacts in terms of visual impact, overshadowing, acoustic or visual privacy or any other built form-related impacts.*
- The proposed minor FSR variation will not result in a building form that is out of character with the existing/future surrounding area and does not result in any non-compliance with other development standards.*
- Full compliance with the development standard will neither be noticeable nor deliver any material public benefit or improved amenity outcome over the current proposal.*
- The proposed development is inconsistent with the objectives of the FSR control as highlighted above.*

Overall, it is considered that the proposed development will result in an overall improvement to the Ryde LGA, its housing supply and choice of housing type and that there are sufficient environmental planning grounds to justify contravening the development standard.

3. The proposed development is in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out.

The objectives of the floor space ratio standard and the zone objectives have been addressed in the applicant's submission detailed above.

4. Concurrence of the Director General has been obtained.

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 applicant has demonstrated satisfactorily that the development complies with the objectives of the FSR standard and the objectives of the B4 zoning. Council agrees with the applicant that the proposed development is considered to be in the public interest and that strict compliance with the FSR standard would be unreasonable and unnecessary.

Council is aware that there are a number of errors that have occurred between the maps exhibited and submitted to DoPE as part of LEP 2014. Council has approached the Department a number of times seeking a way forward in correcting these errors. The Department has advised that some of the errors can be corrected using Section 73A of the Environmental Planning and Assessment Act and others will require a planning proposal. Errors in respect to the FSR map could be addressed under Section 73A of the EP&A Act. Council has requested that all of the errors as a result of the making of LEP 2014 be forwarded to the Minister under Section 73AA(c) for his consideration on the basis that the identified errors do not warrant compliance with the conditions precedent for the making of the instrument because they will not have any significant adverse impact on the environment or adjoining land.

In this instance, there is sufficient environmental planning grounds to justify contriving the development standard. These grounds are particular to the circumstance of the proposed development on this site. To accept a departure from the development standard in this context would promote the proper and orderly development of land as contemplated by the controls applicable to the B4 zoned land and the objectives of the EP&A Act.

The variation to the FSR standard is 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 the Macquarie Park Suburbs Cemetery, Lane Cove National Park and the building at 2-4 Richardson Place. This is demonstrated in the following figure.

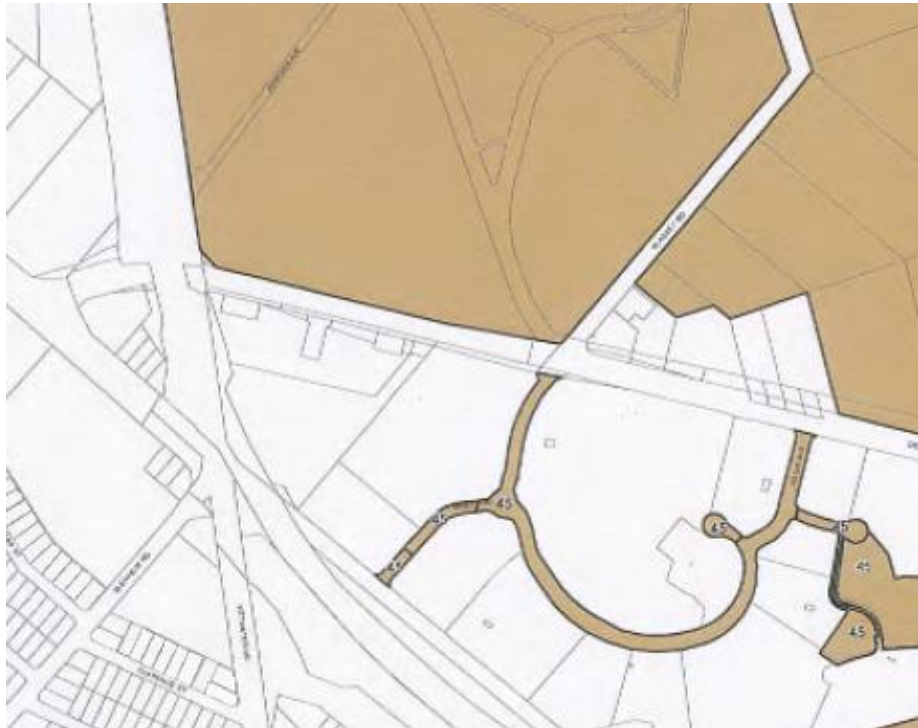


Figure 16. Extract from the Heritage map.

The applicant has submitted a Heritage Impact Assessment 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 no adverse heritage impact to the identified significance of the nearby heritage items. The proposed buildings will have some visual impact on the views from Macquarie Park Cemetery, however given the lack of heritage values to this view and the established precedent of high density contemporary development, this impact is considered acceptable.”*

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 the erection of the building in addition to the earthworks. All of these matters have been addressed in the body of this report and the development is considered to be satisfactory in respect of this clause.

Clause 6.9 Development requiring the Preparation of a Development Control Plan

This clause requires that development is not to occur within the North Ryde Station Precinct unless a development control plan has been prepared for the site which addresses various issues. The North Ryde Station Precinct DCP came into effect on 4 December 2013. Accordingly, this control has been satisfied.

6.7 Draft State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development

Draft SEPP 65 was placed on public exhibition on 23 September 2014 and incorporated changes to the SEPP itself and the RFDC. The revised SEPP was published on the NSW legislation website on 19 June 2015. Transitional arrangements for the amended SEPP state that for DAs lodged before 19 June 2015 and not determined before the amendment commenced on 17 July 2015, the application must be determined under the version of the SEPP in force prior to 19 June 2015.

As such, this DA has been assessed under the provisions of the previous version of SEPP 65 (Design Quality of Residential Flat Development) and the associated Residential Flat Design Code (see previous consideration in this report).

6.8 North Ryde Station Precinct Development Control Plan

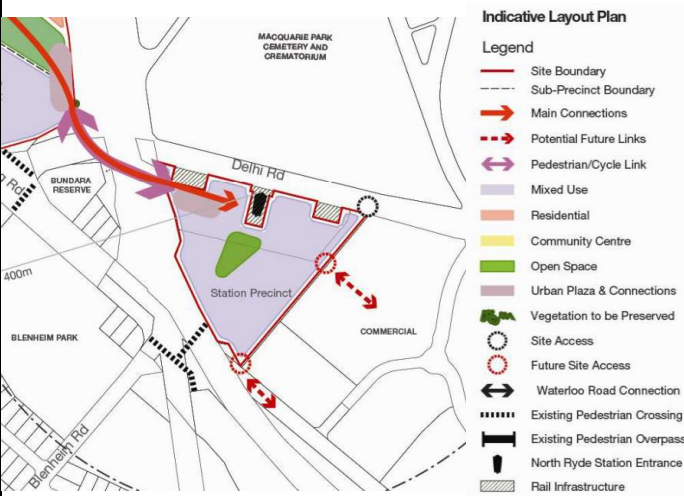
Figure 6 demonstrates the area of land that is affected by the provisions of this DCP.

The North Ryde Station Precinct DCP provides a framework to guide future development in the North Ryde Station Precinct. The document specifies built form and other controls for all development within the Precinct to achieve the vision for the Precinct as a vibrant community and as a place to live, work and visit.

The vision for the Precinct is for a “Transit Orientated Development” which has direct access to North Ryde Station on the Epping to Chatswood Rail Link, and which is connected, accessible, and permeable and has a high base population density. The Precinct’s development will encourage greater activity around the railway station through the inclusion of suitable land uses to encourage greater use of the public transport network. The vision for the Precinct also seeks to:

- Maximise public transport patronage through the appropriate placement of compatible land uses and improvements in accessibility and connectivity through the Precinct and to North Ryde Station.
- Represent 'place making' through activation of the space, creation of a destination and creation of identifiable landmarks, including an appropriate mix of uses and community facilities.
- Create communities that are well connected to employment areas via public transport, pedestrians and bicycle links.
- Create integrated open space and public domain spaces encouraging their use and activation by key buildings.
- Create liveability through innovation, leading edge design and sustainability.
- Provide a logical extension of urban areas for employment, residential, retail and commercial land uses.

To achieve this vision, the DCP provides for various controls as demonstrated in the table below.

Control	Proposed	Comply?
<p>3.1.2 Indicative Layout Plan</p> <p>1. All development applications are to be generally in accordance with the Indicative Layout Plan. However, the Indicative Layout Plan is preliminary only and shows one option for development of the Precinct. An alternative layout can be considered.</p>	<p>The following diagram demonstrates the indicative plan provided in the DCP.</p>  <p>Figure 17. Indicative layout plan as contained in the NRSP DCP.</p> <p>The development is not in accordance with this plan in respect to the location of the urban plaza and connections for the following reasons:</p>	Yes

SSD 6093 proposes the construction of a new pedestrian / cycle bridge over Delhi Road to the North Ryde Station. This proposes a landing zone adjacent to Delhi Road as demonstrated in Figure 5 rather than within the public plaza as contemplated by the DCP. Due to the levels of the site all pedestrian and cyclist activity will be restricted to Delhi Road.

The site is also affected by various easements and restrictions as demonstrated in Figure 18. These easements provide significant constraints to the configuration of development on the site.

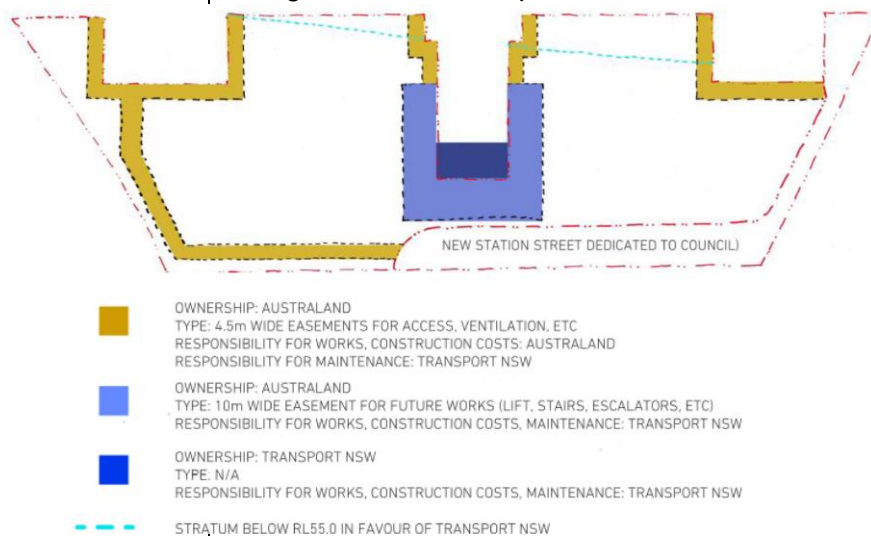


Figure 18. Plan showing the easements and restrictions affecting the site.

The applicant has proposed that the development be in accordance with the following layout plan.

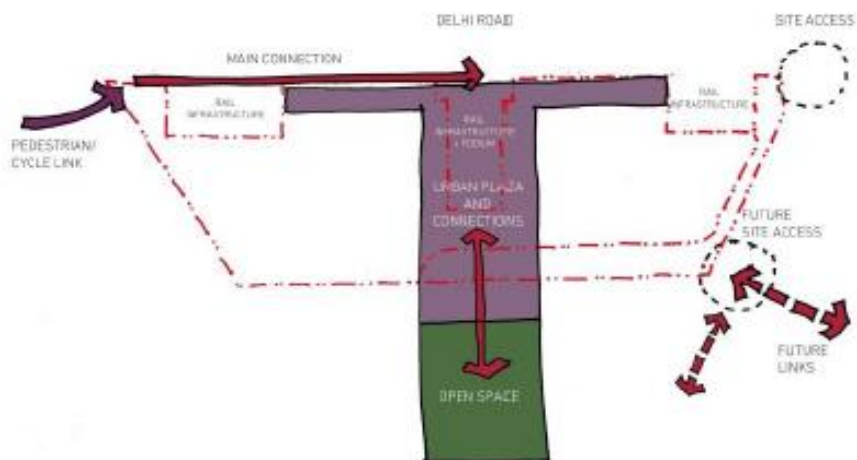

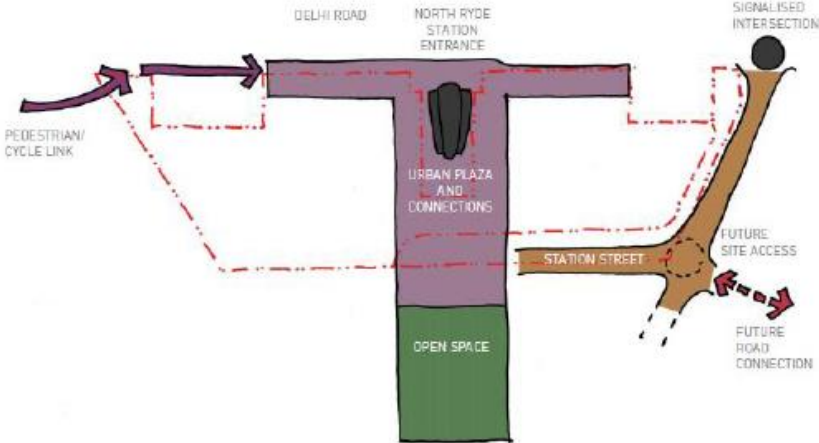



Figure 19. Proposed indicative plan as suggested by the applicant.

	<p>The major differences between the two plans are as follows:</p> <ul style="list-style-type: none"> • Due to the location of the new pedestrian/cycle bridge landing on Delhi Road rather than within a public plaza, pedestrians and cyclists will be required to stay on Delhi Road which will connect to the North Ryde Rail Station and bus services. The levels of the site prevent a pedestrian or cycle connection along the western boundary to connect with Station Street. • The urban plaza has been relocated to the centre of the site and reconfigured to provide a precinct based north-south orientated urban plaza which will connect with the open space proposed on the adjoining development site at 27-37 Delhi Road. <p>This arrangement will provide a more appropriate link with the Station Precinct Park as proposed on the adjoining site at 27-37 Delhi Road. For the reasons given above, no objection is raised to the indicative plan as proposed by the applicant.</p>	
<p>3.2 Circulation Networks</p> <ol style="list-style-type: none"> 1. DA's for subdivision are to be generally in accordance with the Indicative Vehicular Movement Plan at Figure 4. 2. Any variations to the Indicative Vehicular Movement Plan must demonstrate compliance with the objectives and adequate connections to the area. 	<p>The following diagram demonstrates the indicative vehicular movement plan provided in the DCP.</p>  <p>Figure 20. Indicative Vehicular Movement Plan as contained in the NRSP DCP.</p>	<p>Yes</p>

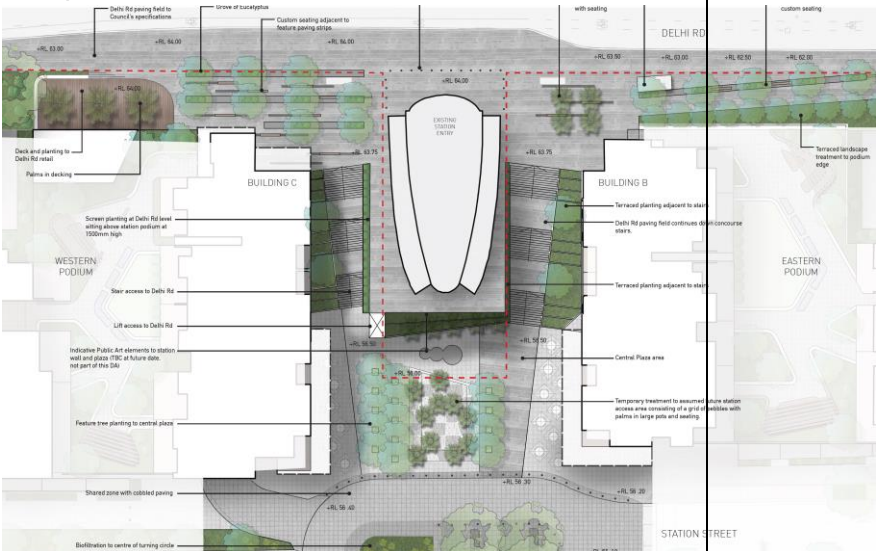
	<p>Due to the issues discussed in Section 3.1.2 of this table, the applicant has not been able to comply with the above indicative plan in respect to the location of the public plaza and flow of pedestrians and cyclists. The following diagram demonstrates the applicant's indicative plan.</p>  <p>Figure 21. Proposed indicative vehicular movement plan as suggested by the applicant.</p> <p>This layout will still provide safe, clear and legible pedestrian and cycle movements within the site and to surrounding areas. No objections are raised to this layout.</p>	
<p>3.3 Public Transport</p> <ol style="list-style-type: none"> 1. A Public Transport Facilities Plan is to be prepared for the Precinct identifying the location, design, timing, funding and responsibilities for delivery of key public transport facilities with the Precinct. 2. Two separate Public Transport Plans may be lodged for the Precinct being for the station precinct and the high density residential and mixed use precincts combined. 	<p>The key public transport facilities identified in the DCP are:</p> <ul style="list-style-type: none"> • Passenger set-down/pick up and cycle parking at the North Ryde Railway Station. The pick-up and drop off spaces have been identified on SSD consent 6256. This road will be required to be constructed and dedicated to Council prior to the issue of any Occupation Certificate for any building. • Relocation of bus stop facilities at Delhi Road eastbound stop at Road 38. • New bus facilities at Epping Road outbound stop at Delhi road. • Waterloo Road (northern side) shared pedestrian and cycle path. 	<p>Yes</p>

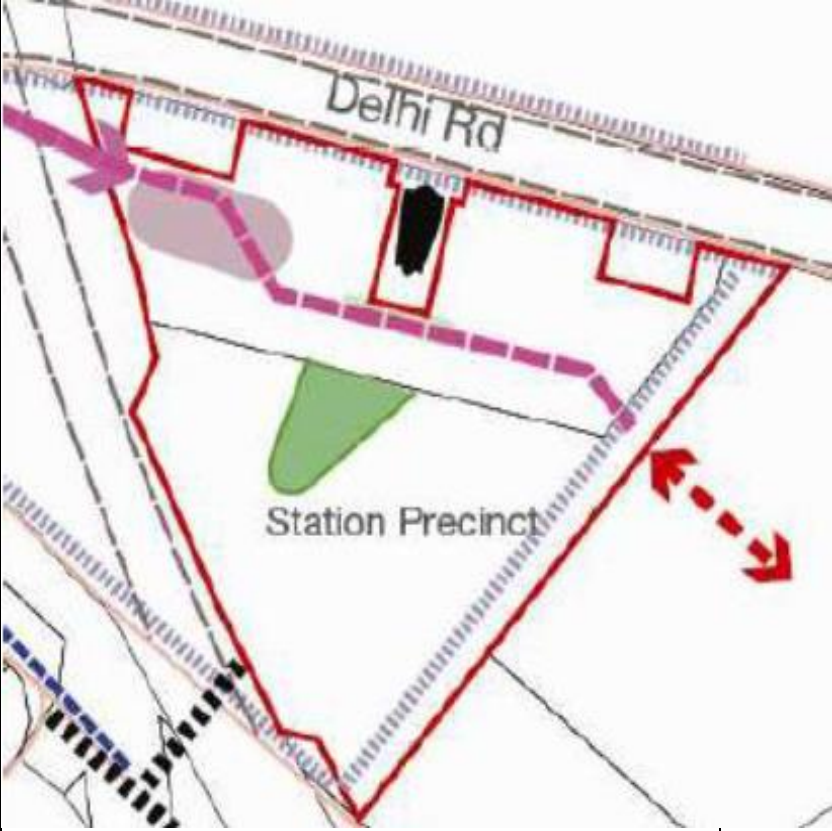
<p>3. The Public Transport Plan is to be lodged with the first development application for residential/commercial development and approved prior to the first occupation by residents/workers.</p>	<ul style="list-style-type: none"> • New bus shelter and facilities at Epping Road inbound stop between Wicks and Delhi Road. • Completion of the Macquarie University to Macquarie Park North Ryde active transport spine. <p>These key public transport facilities were all identified in the Finalisation Report. Only the first three are applicable to the Station Precinct with the remaining facilities to be addressed in a separate Public Transport Facilities Plan for the high density residential and mixed use precinct.</p> <p>These facilities are to be provided by Urban Growth NSW rather than the applicant. A Voluntary Planning Agreement exists between the Minister for Planning and Landcom trading as Urban Growth NSW. This VPA identifies the upgrading on the public transport facilities and provides certainty that they will be provided.</p>	
<p>3.4 Open Space</p> <ol style="list-style-type: none"> 1. Open spaces are to be provided in accordance with the Indicative Open Space Typologies Plan and the requirements in Table 3. This requires Station Precinct Plaza to have a minimum area of 2900m². The pedestrian plaza is to extend from the station and link to the bridge landing area. It is to provide sufficient area to facilitate ease of circulation to the Station in peak times. 2. Open spaces should be designed to maximise solar access but also to provide for shade. 3. Parks and plazas are to be designed in accordance with the Macquarie Park Public Domain Technical Manual. 	<p>The following diagram demonstrates the indicative plan provided in the DCP.</p>  <p>Figure 22. Indicative Open Space Plan as contained in the NRSP DCP.</p>	<p>Yes subject to condition</p>

4. Trees will be predominantly indigenous with some specimen exotic trees. Tree selection and planting should be undertaken in accordance with the City of Ryde Street Tree Master Plan.
5. Any variations to the Indicative Open Space Typologies Plan must demonstrate that the development meets the objectives and that at least 50% of new public space is to receive 3 hours of sunlight on June 21 between 9am and 3pm.

The urban plaza and bridge landing connection has not been complied with for the reasons as outlined in section 3.1.2 of this table. Figure 23 identifies the location of the urban plaza as proposed by the applicant. For this reason, the location of the plaza is supported.

The DCP requires the Plaza to have an area of 2,900m². This figure represents a combined area between the two plazas located in Station Precinct as well as the Mixed Use Precinct. The Plaza area as proposed by the applicant has an area equivalent to 2520m². This area represents only one of the two plaza areas. Given that it significantly exceeds more than 50% of the total 2900m², the size of the plaza is acceptable.



	In addition, the original proposal of the planter and stairs provided symmetry to the Plaza space as well as ensuring the safety of pedestrians in the area. As the original proposal provided a far better urban design outcome, Condition 1a has been imposed to ensure that the stairs and planter is returned to this area.	
Public Domain		
4.1 Streets 1. New streets are to confirm with Section 3.2 Circulation Networks.	No new streets are proposed as part of this LDA.	NA
4.2 Pedestrian and Cycle Network 1. Cycle and pedestrian links are to be provided generally in accordance with the Indicative Pedestrian and Cycle Links Plan. 2. Bicycle parking is to be provided at the station entry, retail nodes and community facilities in centrally located and well defined areas. 3. Cycle facilities are to be provided in accordance with Part 9.3 of Ryde DCP 2010. 4. Any variations must demonstrate that the proposed changes meet the objectives for this section.	<p>The following diagram demonstrates the indicative pedestrian and cycle link as required by the DCP.</p>  <p>Figure 24. Indicative Pedestrian and Cycle Links Plan as contained in the NPSP DCP.</p>	Yes

The applicant has proposed the following plan:

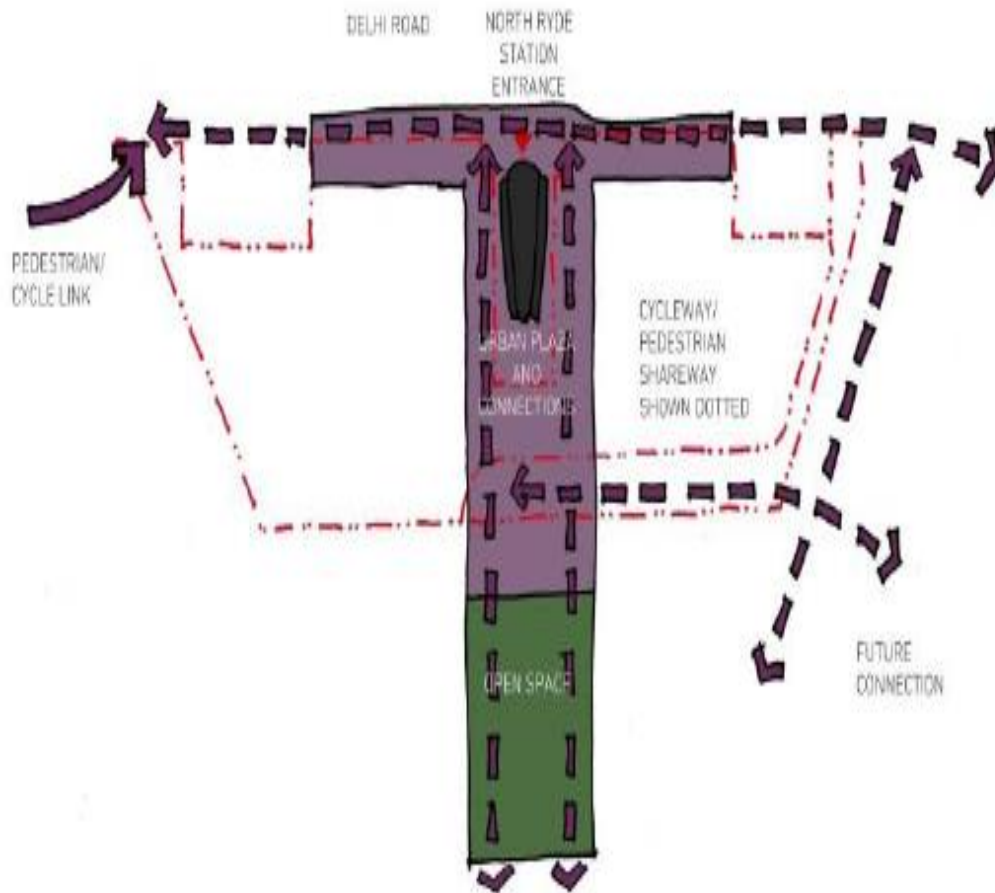


Figure 25. Proposed indicative pedestrian and cycle plan as suggested by the applicant.

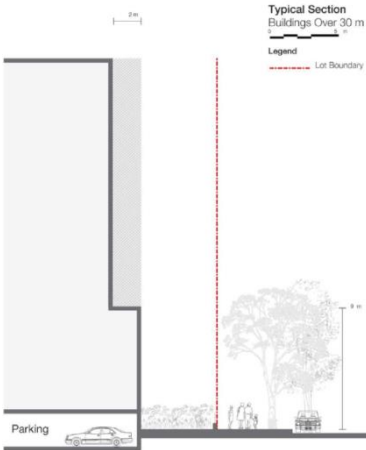
The major difference between these plans is that the cycleway/pedestrian shareway through the site is redirected along Delhi Road and through the accessible plaza that connects Delhi Road and Station Street. This configuration is supported.

The development has proposed a total of 34 bicycle parking spaces adjacent to the two retail spaces in the vicinity of station Street and the Plaza. This bicycle parking satisfies the requirement of the DCP.

The cycle and pedestrians links are different to the links proposed in the indicative plan. However, the links will still maximise pedestrian and cycle connections through and around the Precinct as well as allowing permeability within the Precinct.

<p>4.3 Pedestrian and Cycle Station Link</p> <p>1. A pedestrian cycle link is to be provided between the North Ryde Station and mixed use precinct. This link is to comprise a bridge between the mixed use precinct and Bundara Reserve and a pedestrian/cycle crossing between Bundara Reserve and North Ryde Station.</p>	<p>The bridge has been approved by SSD 5093 and will be constructed by Urban Growth NSW.</p>	<p>NA</p>
<p>4.4 Stormwater Management</p> <p>1. An Integrated Water Management Plan is to be prepared for the Precinct to incorporate water sensitive urban design measures and ensure that stormwater systems are designed and built to minimise pollutant discharge into receiving waterways.</p>	<p>The DCP requires that an Integrated Water Management Plan can be prepared as two separate plans for each precinct. The plan is to be lodged with the first DA for construction works. This Plan has been submitted and approved as part of the SSD for the construction of Station Street and the northern part of Road 38.</p> <p>The applicant has also submitted site specific stormwater management plans. These have been reviewed by Council's Engineers and are considered acceptable. The current development application has incorporated the following water management measures in the design:</p> <ul style="list-style-type: none"> • On site storage for rainwater reuse • Stormwater treatment devices • Bioremediation swales • Water efficient irrigation systems • Drought tolerant plant species. 	<p>Yes</p>

<p>4.5 Street Tree Planting</p> <ol style="list-style-type: none"> 1. Street tree planting is to be provided on all streets and generally in accordance with the City of Ryde Street Tree Master Plan. 2. Street trees are to be planted in accordance with the relevant street sections. 	<p>In accordance with the Ryde Public Domain Technical Manual, the street trees along Delhi Road are provided within the site. A condition of consent will ensure that these trees are <i>Corymbia maculata</i> (spotted gum). (See condition number 59).</p> <p>The street trees will be provided within a tree pit, however no details have been provided in respect of the tree pit. A condition of consent will be required to ensure that the tree pit is in accordance with Council's Public Domain Technical Manual. (See condition number 59).</p>	<p>Yes subject to conditions</p>
<p>4.6 Street Furniture and Lighting</p> <ol style="list-style-type: none"> 1. Street furniture and lighting is to be provided in accordance with the Macquarie Park Public Domain Technical Manual. 	<p>Street lighting and furniture has already been provided along Delhi Road. As part of SSD 6256, conditions of consent were imposed to ensure street lighting and furniture along Station Street and the northern portion of Road 38 is provided in accordance with the Public Domain Technical Manual.</p>	<p>NA</p>
<p>4.7 Public Art</p> <ol style="list-style-type: none"> 1. Developments with a CIV of \$5 million or more are to include an element of public art. Details are to accompany the DA. 	<p>The applicant has advised that the public art is likely to be provided in the centre of the plaza but at this stage requires further consultation with Transport NSW. The applicant has suggested that this matter could be addressed as a condition on any consent. (See condition number 43).</p>	<p>Yes subject to condition</p>
<p>4.8 Safety</p> <ol style="list-style-type: none"> 1. Incorporate the principles of Crime Prevention through Environmental Design and Safer by Design into the design of the public domain. 	<p>The four CPTED principles include surveillance, access control, territorial reinforcement and space management. The development has incorporated the following in respect to CPTED:</p> <ul style="list-style-type: none"> • Casual surveillance from within the development over the public domain areas including Delhi Road, Road 38, Station Street and the central publicly accessible plaza is possible. 	<p>Yes</p>

<ol style="list-style-type: none"> Plantings alongside pathways are to be a combination of canopy trees and groundcovers so that sight lines are not obstructed. The public domain is to be lit to comply with Australian Standards. Open spaces are to have more than two access points so that people cannot be cornered. Retail and commercial activities are to be located adjacent to open space so that the open space is activated. 	<ul style="list-style-type: none"> Casual surveillance is also possible of the communal open space by the residential apartments. Retail uses have been provided adjacent to the streets and public plaza to increase usage of these areas. The development provides clear definition of public and private areas and will encourage pedestrian's routes from the Railway Station to the public plaza in the adjoining development. <p>The development is considered to be satisfactory in respect to this aspect.</p>	
<p>5.1 Street Frontage Heights</p> <ol style="list-style-type: none"> Buildings are to generally comply with street frontage heights as shown.  <p>Figure 15 Streetwall Section - Buildings over 30m</p> <p>Figure 26. Streetwall section for buildings over 30m.</p>	<p>As the development is required to be setback from the adjoining streets, Figure 26 demonstrates the relevant requirements. The development to have a 9m high podium and anything above the podium is to have a 2m articulation zone.</p> <p>From Station Street and Road 38, the podium will be a maximum of 3 storeys high and will achieve the DCP height of 9 metres. Due to the slope of the site, the height of the podium from Delhi Road will be a maximum of 1 storey high.</p> <p>The tower component of the development does not allow for the 2 metre articulation zone on the street frontages which the exception of the Station Street frontage for Building A. This variation however is considered to be satisfactory as the buildings are generally setback further from the streets than required by the DCP which will ensure that the towers will not dominant the appearance of the public domain. Articulation has also been provided to the street elevations of the tower. This variation was also supported by the Council's Urban Design Review Panel.</p>	<p>No. Variation acceptable</p>

<p>5.2 Building Setbacks</p> <p>1. Building setbacks are to be generally in accordance with Table 5. Table 5 provides the following setbacks:</p> <p>Delhi Road – 5m</p> <p>Other road frontages – 3m</p> <p>Public plazas – 3m</p> <p>2. Setbacks between buildings are to comply with SEPP 65 and the Residential Flat Design Code.</p> <p>3. Buildings are to be aligned to the street to define and frame the street edge.</p> <p>4. Buildings are to provide clear delineation between the public and private domain.</p>	<p>The development complies with the required setbacks with the exception of the plaza area as identified by the applicant. The development has not been setback from the plaza. Any setback would not change the relationship between the plaza and the building but rather it would enlarge the plaza area. The buildings adjacent to the plaza have been designed so those parts of the building directly level and adjacent to the plaza/stairs incorporate communal lobbies, plant and retail. This is demonstrated in Figure 8.</p> <p>The building setback is considered adequate.</p>	<p>Yes</p>
<p>5.3 Building Depth and Bulk</p> <p>1. No building above 22m in height is to have a building length that aligns to a street in excess of 50m.</p>	<p>This control is applicable for the tower component of the development as all of the towers are greater than 22m in height. The towers have all be orientated to align with the street frontage. None of the towers have a frontage of greater than 50m to the street.</p>	<p>Yes</p>
<p>5.4 Mixed Use Buildings</p> <p>1. Provide flexible building layouts which allow variable tenancies or uses on the first two floors of a building above the ground floor.</p> <p>2. The first two floors above ground are to have a minimum floor to ceiling height of 3.3m to maximise future adaptability of units.</p>	<p>The development has not complied with all of the DCP requirements in respect of mixed use developments. The application has incorporated three retail tenancies which are all located on the ground floor. The development will not allow for flexible building layouts on the first two floors. The ground and first floor have proposed a floor to ceiling height of 2.7m rather than the 3.3m required by the DCP. The provision of further mixed uses along Delhi Road is not considered appropriate due to the setback of the buildings from the street.</p>	<p>No. Variation acceptable.</p>

<ol style="list-style-type: none"> 3. Minimum floor to ceiling heights for residential developments are to comply with the requirements of the RFDC. 4. Separate commercial service requirements, such as loading docks, so as not to interfere with residential access, servicing needs and primary outlooks. 5. Locate clearly identified residential entries directly from the public street. 6. Clearly separate commercial and residential entries directly from the public street. 7. Incorporate the Safety principles of the RFDC into the design of RFB's. 8. Provide security access controls to all entrances into private areas, including car parks and internal courtyards. 9. Provide safe pedestrian routes through the site, where required. 10. Avoid the use of blank building walls at the ground level. 	<p>Mixed uses within the podium of Buildings C & D also would not be appropriate as these buildings do not have direct access to a street.</p> <p>Despite the development not complying with the mixed use requirements of the DCP, as a whole the development is considered appropriate and consistent with the vision for the Precinct.</p> <p>The floor to ceiling heights of all other buildings comply with the minimum requirements under the RFDC.</p> <p>The residential entries are all located from Delhi Road as well as the Plaza area. The entries are clearly identifiable.</p> <p>The development has proposed secure access points to the buildings and car park entries. CCTV is also proposed to the car park and public areas.</p> <p>Safe pedestrian routes have been provided around the 'public' areas of the site with adequate lighting and signage.</p>	
<p>5.5 Building Design and Materials</p> <ol style="list-style-type: none"> 1. Balconies and terraces are to be provided, particularly where buildings overlook parks and on low rise parts of buildings. Gardens on the top of setback areas of buildings are encouraged. 	<p>The development has proposed balconies and terraces for each apartment.</p> <p>A communal open space has been provided on top of the podium in between Buildings A and B as well as Buildings C and D. This space is proposed to include grass, raised planter beds as well as cabanas. The space will be functional as well as providing visual amenity for the residents.</p>	<p>Yes</p>

<ol style="list-style-type: none"> 2. Articulate facades so that they address the street and add visual interest. Avoid extensive expanses of any single material. 3. Building design is to include articulation of the ground floor elevation to enable it to read differently from the upper floors. 4. External walls are to be constructed of high quality and durable materials and finishes with self-cleaning attributes such as brickwork, rendered brickwork, stone, concrete and glass. 5. Limit opaque or blank walls for ground floor uses. 6. Maximise glazing for retail uses and break glazing into sections to avoid large expanses of glass. 7. Highly reflective finishes and curtain wall glazing are not permitted above ground level. 8. A materials sample board is to be provided. 9. The design of roof plant rooms and lift overruns to be integrated into the overall architecture of the building. 10. Façade design is to reflect and respond to the orientation of the site using elements such as sun shading and environmental controls where appropriate. 	<p>The building form has been designed to provide two distinct characterisations of the eastern and western halves of the building. Half of each building has been designed so that it is more horizontal in expression with large scale white frames set in a stretcher bond pattern. The opposite side is more vertical in expression with 2-storey metal clad panels of an earthy tone. The podium has been designed to integrate both of these expressions. This articulation will add visual interest as well as ensuring consistency between the buildings. This is demonstrated in Figures 3 and 4.</p> <p>Building materials include metal cladding, painted concrete, painted CFC cladding and powder coated glazed windows/balustrades. Colours to be used are muted in tone to suit the landscape setting and white is to be used as a highlight colour. These materials are consistent with the DCP requirements.</p> <p>The retail floor space has maximised glazing on the front elevation. This glazing has been divided into sections to avoid the appearance of large expanses of glass.</p> <p>The podium as viewed from Delhi Road beneath Building A and B will present as a blank wall. The height of the podium above ground level will range from approximately 4m to 5m. The appearance of this wall will be softened by the provision of planter boxes and landscaping in front of the wall.</p> <p>The building design and materials is considered satisfactory by Council's Urban Design Review Panel.</p>	
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<p>5.6 Overshadowing</p> <ol style="list-style-type: none"> 1. Daylight access is to be provided in accordance with the daylight access provisions in the RFDC. 2. Solar access to communal open spaces is to be maximised. At least 50% of communal courtyards must receive a minimum of 3 hours direct sunlight between 9am and 3pm on June 21. 3. At least 50% of new public open space is to receive 3 hours direct sunlight between 9am and 3pm on June 21. 4. No overshadowing of residential lots outside of the Precinct is to occur after 11am on June 21. 5. No overshadowing of Blenheim Park or Bundara Reserve is to occur after 9am on June 21. 6. No overshadowing of Myall Reserve is to occur after 11am on June 21. 7. No overshadowing of Yinnell Reserve is to occur after 12.30pm on June 21. 	<p>71% of the apartments will receive 2 hours of direct sunlight in winter to the living rooms and private open space.</p> <p>Communal open space has been provided on the podiums between Buildings A & B and C & D. The majority of the podium will receive solar access from 9am to 1pm. After 1pm more than 50% of the space is overshadowed.</p> <p>The development will still ensure that adequate solar access is provided to Station Precinct Park.</p> <p>Shadow will affect the lots to the east of the site from 1pm onwards. As these are not residential lots, the development complies with this clause.</p> <p>No overshadowing will occur.</p> <p>No overshadowing will occur.</p> <p>No overshadowing will occur.</p>	<p>Yes</p>
<p>5.7 Landscape Design</p> <ol style="list-style-type: none"> 1. A minimum 30% of the developable area of residential sites is to be provided as landscaped area. 	<p>Landscaped area is defined as the area not occupied by any buildings (except swimming pools or open air recreation facilities), which is landscaped by way of gardens, lawns, shrubs or trees and is available for use by the occupants. A minimum of 30% of the developable area is to be landscaped.</p>	<p>Yes</p>

<ol style="list-style-type: none"> 2. Appropriate shading is to be provided in the design of communal spaces to facilitate use during summer. 3. Communal open spaces are to incorporate the primary deep soil area where possible. 4. Landscaped areas are to incorporate trees, shrubs and ground covers endemic to the area where appropriate. 5. Landscaping is to contribute to water efficiency and effective stormwater management. 6. Deep soil planting within residential and mixed use developments is to be provided in accordance with the deep soil zone provisions of the RFDC. 	<p>The landscaped area consists of the communal area on the podiums, plaza areas and setback areas of the buildings. This area represents 49.1% of the site as landscaped area.</p> <p>The landscaped areas all incorporate trees, shrubs and ground covers that are endemic to the area. In addition, the communal open spaces will provide adequate shading. The landscape design has incorporated suitable WSUD measures.</p> <p>A condition of consent has been imposed to ensure that the deep soil zones will comply with the requirements of the RFDC. (See condition number 38).</p>	
<p>6.1 Active Street Frontages</p> <ol style="list-style-type: none"> 1. Retail development is to be provided within the mixed use precinct adjacent to the central open space and in the vicinity of the entrance to North Ryde Station within the station precinct. 2. Buildings are to be designed to provide high activity area zones. Active ground level uses are required on all street frontages in these areas. 3. Glazing of windows and doors of building frontages in the mixed use zone should be maximised. 	<p>The development has incorporated a total of three retail spaces. Two of these are located adjacent to the Public Plaza fronting Station Street and the third space is located adjacent to Delhi Road.</p> <p>High activity zones are likely to be along the Plaza which connects Delhi Road and Station Street. Due to the change in levels it is not possible to provide more retail or commercial spaces within this area.</p> <p>Other than the two retail tenancies in the vicinity of Station Street, the development has not incorporated any other active uses along Station Street. The residential apartments have however been designed to provide courtyards with entrances along the street which will add to the activation of the area.</p> <p>The residential lobbies will not occupy more than 25% of the total length of the buildings street frontage.</p>	<p>Yes</p>

<p>4. Commercial and residential lobbies are not to occupy more than 25% of the total length of the building's street frontage.</p> <p>5. Active uses in the mixed use zone are to occupy the street frontage for a depth of at least 10m.</p>		
<p>6.2 Awnings</p> <p>1. Awnings are to be provided at key pedestrian and active frontage locations, including along Delhi Road adjacent to the station and within the mixed use precinct.</p> <p>2. Awning width is to be appropriate to the building design and streetscape and have regard to the location of street trees.</p>	<p>An awning has just been provided in the vicinity of the retail spaces. Given the uses within the buildings and the required setbacks, this is considered to be appropriate.</p>	<p>No. Variation acceptable</p>
<p>6.3 Signage</p> <p>1. Signage is to comply with the provisions of Part 4.5 of Ryde DCP 2010. In particular, way finding and directional signage is to be installed throughout the development and at site entry points.</p>	<p>The development has proposed adequate directional and way finding signage. This has also been imposed as a condition. (See condition number 139).</p>	<p>Yes</p>
<p>7.1 Vehicular Access</p> <p>1. Design of driveway crossings is to be in accordance with Part 8.3 of Ryde DCP 2010.</p> <p>2. The location and design of access ways to underground parking is to consider residential amenity particularly the location of doors and</p>	<p>Council's Senior Development Engineer has raised no objection to the location or width of these access points. The access points will cause minimal conflict between pedestrians and vehicles.</p>	<p>Yes</p>

<p>windows of habitable rooms.</p> <p>3. Potential pedestrian/vehicle conflict is to be minimised.</p>		
<p>7.2 Car Parking</p> <p>1. A parking management strategy is to be prepared to address the co-ordination and management of on street parking in the Precinct and identify measures to address potential parking overspill into surrounding areas, including the Macquarie Park Cemetery and Crematorium. This is to address the objectives of the clause and be lodged with the first DA and approved prior to the first occupation by residents and workers.</p> <p>2. DA's must be accompanied by a traffic and transport impact assessment.</p> <p>3. Developments are to comply with the following maximum car parking rates:</p> <p>Retail – 1 space per 100m² GFA</p> <p>Residential – 1 space per 1, 2 or 3 bedroom dwelling; 0 space per studio; 1 space per 10 dwellings for visitors</p>	<p>A parking management strategy was submitted with the adjoining development application at 27-37 Delhi Road. This strategy identified that parking may be an issue for Riverside Corporate Park, the residential precinct bounded by Wicks Road/Pittwater Road/Coxs Road/ Blenheim Road and the Macquarie Park Cemetery and Crematorium. If parking issues arose in these areas it would be an issue for either Council or the landowner to address.</p> <p>The development has been accompanied by a traffic and transport impact assessment.</p> <p>Under this DCP, a maximum of 422 car parking spaces would be permitted. Council has previously raised concerns that the car parking rate provided in the DCP is too high for an area that has been identified as a TOD. By providing additional car parking, it will encourage residents to own and most likely use a vehicle. This would then contribute to the traffic resulting in adverse impacts to the network operation. As part of the amended plans, the applicant has reduced the car parking spaces to 366. Of these spaces, 313 spaces are to service the residential apartments, 37 spaces are to service the residential visitors, 4 spaces are to service the retail uses and 12 car share spaces are proposed. This rate is more consistent with the car parking rate for residential development contained in Part 4.5 Macquarie Park Corridor of DCP 2014.</p>	Yes
<p>7.3 Bicycle Parking</p> <p>1. Bicycle parking is to be provided in accordance with Section 6.3.8 of Part 4.5 of Ryde DCP 2010.</p>	<p>Section 6.3.8 of Part 4.5 of DCP 2010 requires the following bicycle parking is be provided:</p> <p>Residential – 1 space per 3 units and 1 visitor space per 12 units</p> <p>Retail – 1 space per 300m² for employees and 1 space per 200m² for shoppers.</p>	Yes

	<p>Using the above requirements, the development would be required to provide 161 bicycle spaces (127 spaces for apartments, 32 for residential visitors and 2 spaces for combined retail). (See condition 40). The development has proposed 161 spaces. The residential visitor space and retail spaces are located in the public plaza outside the retail uses near Station Street. This is considered an appropriate location and will contribute to the activation of this area. All of the residential bicycle parking spaces are located in the basements within the area allocated for individual storage spaces for the apartments. These spaces have been enlarged to accommodate a bicycle. This approach is permitted in Residential Flat Design Code.</p>	
<p>7.4 Site Facilities and Services</p> <p>1. Site facilities and services are to comply with the controls set out in Section 6.3.6 of Part 4.5 of Ryde DCP 2010.</p>	<p>This part of the DCP requires the development to provide either communal or individual laundry facilities to each dwelling, storage and lockable mail boxes. Individual laundries have been provided to each apartment. These laundries will contain a dryer and sufficient space to accommodate a washing machine and other laundry storage. Storage has been provided in accordance with the RFDC requirements. Lockable mail boxes will be provided at the adjacent to the residential entry the buildings along Delhi Road.</p>	Yes
<p>7.6 Accessible Design</p> <p>1. Development is to be designed to comply with the controls set out in Part 9.2 of Ryde DCP 2010.</p> <p>2. In designed new developments and the public domain, consideration is to be given to the recommendations of the National Disability Strategy NSW Implementation Plan 2012.</p>	<p>The DCP requires RFB's must provide an accessible path of travel to all units as well as the development containing a minimum of 38 adaptable units. The applicant has provided an access report which confirms that 38 adaptable units have been provided and that the development will be able to comply with the relevant statutory guidelines in terms of access. A condition will be included on the consent to ensure that the development complies with this Access Report. (See condition number 33 to 34).</p> <p>One of the recommendations of the National Disability Strategy NSW Implementation Plan 2012 is to improve accessibility through better designs in developments as this will provide for inclusive and accessible communities.</p>	Yes

	The site is considered to be accessible and complies with the recommendations of the National Disability Strategy NSW Implementation Plan 2012.	
8.1 Environmental Performance 1. All multi-unit residential buildings are to be assessed and certified against Green Star (Design Rating) and achieve a minimum 4 star rating. 2. Portable water demand in residential buildings is to be reduced by at least 50% from BASIX baseline for an average household. 3. All buildings are to be connected to smart water metering. 4. All buildings with basement parking should make provision for electro-voltaic charging infrastructure to allow for the transition to electric car technology. 5. The following targets for the reduction in energy use are to be met. BASIX 25 – achieve a 25% reduction in kgCO ₂ – e/person/year in residential buildings 6 storeys or higher. 6. All residential buildings are to achieve a 7 star NatHERS for heating and cooling.	<p>The applicant has provided information in respect to the BASIX requirements and to demonstrate that the buildings can achieve a 7 star NatHERS rating for heating and cooling.</p> <p>To address the other requirements of this clause it would be necessary to include conditions on any consent. This will include the requirement for smart water metering, electro-voltaic charging infrastructure and ensuring that the building achieves a minimum of 4 star rating against Green Star (Design Rating). (See condition number 39).</p>	Yes. Subject to conditions.

<p>8.3 Wind Mitigation</p> <p>1. Development is to comply with the Macquarie Park Wind Impacts controls contained in Part 4.5 of DCP 2010.</p>	<p>This part of the DCP requires that buildings are not to create uncomfortable or unsafe wind conditions in the public domain which exceed the acceptable criteria for environmental wind conditions. The applicant has submitted a detailed Wind Assessment Report. This report has concluded that to achieve the desired criteria for pedestrian comfort and safety, certain ameliorative treatments are required. This includes plantings, screening of particular balconies and extending the canopy in the vicinity of the ground floor retail. These recommendations have been achieved on the architectural plans and landscaping plans.</p>	<p>Yes</p>
<p>8.4 Air, Noise and Vibration</p> <p>1. The provisions of SEPP (Infrastructure) 2007 and Development Near Rail Corridors and Busy Roads Interim Guidelines must be taken into consideration to minimise impacts of busy roads and railway corridors on residential and other sensitive development such as child care centres and health serviced facilities.</p> <p>2. An Acoustic Report is to be submitted.</p> <p>3. Non-residential development is not to adversely affect the amenity of adjacent and nearby residential development and public spaces as a result of noise, hours of operation and/or service deliveries.</p>	<p>The applicant has provided an acoustic report that addresses the relevant documents. This acoustic report has identified that the development will achieve the required noise levels by the provision of appropriately glazed windows. However the exact locations and specifications of the required glazing would be developed following detailed noise modelling during the design stage. Any approval will be conditioned to ensure that this information is provided at the Construction Certificate stage. (See condition number 42).</p> <p>The acoustic report has also addressed the issue of predicted internal railway noise level for ground and structure borne noise in the vicinity of Building B. To address this issue it will be necessary to install building vibration isolation mounts throughout the building. Any approval will be conditioned to ensure that this information is provided at the Construction Certificate stage. (See condition number 42).</p> <p>The uses of the retail spaces at this time are not known. To ensure the retail uses will not affect the amenity of the residential apartments, it will be necessary to include conditions to limit the hours of operation and timing of service deliveries. (See condition number 153).</p>	<p>Yes.</p> <p>Subject to conditions.</p>

<p>4. Noise from plant and equipment is to be attenuated to an appropriate level to ensure the amenity of adjacent and nearby uses is achieved and maintained.</p>	<p>Mechanical ventilation systems will be designed to meet BCA and Australian Standards and so should not create noise that would affect the amenity of the locality.</p>	
<p>8.5 Waste Management</p> <p>1. Development is complying with the Macquarie Park Waste Management controls set out in Part 4.5 of DCP 2010.</p>	<p>This Section of the DCP requires the submission of a Waste Management Plan. The development has complied with this requirement.</p>	Yes
<p>8.6 Vegetation Management</p> <p>1. Where practical, development within the Precinct should be sited to minimise impacts on existing vegetation and avoid removal of significant trees.</p>	<p>The applicant has provided an Arborist Report for the site. This development will involve the removal of approximately 20 trees on the site. The other trees on the site occur in the location of Station Street and have been approved to be removed as part of the SSD 6256. The majority of these 20 trees are Paperbarks, Tallowwoods and She Oaks. None of these trees are endangered species or part of an endangered community. The landscaping plan will provide more appropriate street tree plantings as well as landscaping across the site.</p>	Yes
<p>8.7 Soil Management</p> <p>1. Development is to comply with the Macquarie Park Soil Management controls set out in Part 4.5 of DCP 2010.</p>	<p>The development is to be designed and constructed to minimise soil disturbances and prevent soil loss. The DA has been accompanied by an Erosion and Sediment Control Plan that meets Council's requirements.</p>	Yes
<p>8.8 Site Contamination</p> <p>1. Development is complying with the Macquarie Park Site Contamination controls set out in Part 4.5 of DCP 2010.</p>	<p>The DA is required to provide information as to whether the site is contaminated. The applicant has provided a Site Audit Statement which has concluded that the site is suitable for the proposed development. This report has been reviewed by Council's EHO, who supports the findings of the report.</p>	Yes

6.9 City of Ryde DCP 2014

Many of the DCP provisions have been superseded by the controls within the North Ryde Station Precinct DCP. The following sections of DCP 2014 are however relevant to the proposed development:

Part 4.5 Macquarie Park Corridor

This part of the DCP provides a framework to guide future development in the Macquarie Park Corridor, North Ryde. The DCP specifies built form controls for all development within the Corridor and sets in place urban design guidelines to achieve the vision for Macquarie Park as a vibrant community, as a place to live, work and visit. The majority of the provisions of the DCP have been superseded by the North Ryde Station Precinct Development Control Plan. The applicable clauses include the following:

Control	Comments
Sustainable Transport <ol style="list-style-type: none">1 car share space per 50 proposed parking spaces.Car share spaces are to be publicly accessible 24 hours a day 7 days a week.Parking spaces for car share schemes located on private land are to be retained as common property by the Owners Corporation of the site.	The development has proposed 12 car share spaces. This exceeds the DCP's requirements. Despite this this rate is supported given that the site is located in a mixed use precinct and there is likely to be a demand for such spaces. 6 of these spaces are located within the building and the remaining 6 spaces are located adjacent to the access road in front of the podium of Building C and D. A condition of consent will be imposed to ensure that all 12 spaces are retained as common property and are publicly accessible. (See condition number 167).
Topography & Building Interface <ol style="list-style-type: none">Level changes across sites are to be resolved within the building footprint.Where buildings are set back from the street boundary, entries are to be provided at street level wherever possible.Where necessary, stairs and ramps are to be integrated with the landscape design of front setbacks.Natural ground level is to be retained for a zone of 4m from the side and rear property boundaries. Retaining walls, cut and fill are not permitted within this zone.	The development complies with the required DCP controls.

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. (See condition numbers 79 to 81, 87, 88, 90 to 92, and 101 to 107).

6.10 **Section 94 Development Contributions Plan 2007 (Amendment 2010)**

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

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

Contribution Plan	Contributions	Total
Community and Cultural Facilities	\$960,864.38	
Open Space and Recreation Facilities	\$3,826,954.49	
Civic and Urban Improvements	\$499,021.46	
Roads and Traffic Management Facilities	\$542,507.08	
Cycleways	\$68,992.41	
Stormwater Management Facilities	\$61,900.88	
Plan Administration	\$18,600.94	
Grand Total		\$5,978,841.64

Notes:

- The June 2015 rates have been applied to the development.

Condition 26 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.

7 LIKELY IMPACTS OF THE DEVELOPMENT

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

8 SUITABILITY OF THE SITE FOR THE DEVELOPMENT

The 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 2014, which permits the development of residential flat buildings and retail premises. Accordingly, the proposed development is considered suitable with respect to land use permissibility.

The development predominantly complies with the planning controls identified under the various planning instruments.

9 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.

10 REFERRALS

External Referrals

Roads and Maritime Services

No objection has been raised to the development subject to appropriate conditions of consent. (See condition numbers 15 to 18, 44 to 48, and 94 to 101).

Sydney Water

No objections were raised to the proposed development.

Sydney Trains

No objections were raised subject to conditions of consent. (See condition numbers 20 to 23, 66 to 77, 129 to 133 and 151).

Internal Referrals:

Senior Development Engineer

No objections were raised to the proposed development subject to conditions of consent. (See condition numbers 11 to 14, 49 to 53, 103 to 107, 114, 148 to 150).

Environmental Health Officer

No objections were raised to the proposed development subject to conditions of consent. (See condition numbers 60 to 65, 78, 120 to 128, 145 to 148, and 156 to 166).

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 55 to 58, 84, 134, and 144).

Waste

No objections were raised to the proposed development subject to conditions of consent. (See condition numbers 63 to 65).

Consultant Landscape Architect

No objections subject to appropriate conditions of consent. (See condition numbers 59, 85, 115, 116, and 118).

Traffic Engineer

No objections subject to appropriate conditions of consent. (See condition numbers 49, 54 and 101).

11 PUBLIC NOTIFICATION AND SUBMISSIONS

The proposed development was originally notified and advertised in accordance with Development Control Plan 2014 – Part 2.1, Notification of Development Applications. The application was advertised on 3 December 2014 in the *Northern District Times*. Notification of the proposal was from 2 December 2014 until 24 December 2014.

During the notification period, one submission was received. The issues raised in the submission included the following:

- *The development has only proposed 424 parking spaces. Given that there will be 380 apartments and retail spaces, this is clearly not enough. Council must make the developers provide sufficient parking.*

Comment: During the assessment process, the amount of car parking has been reduced from 424 spaces to 366 spaces. The reason for the reduction in the car parking was to ensure that the development is consistent with the vision for the Precinct as identified in the DCP. This precinct is for “Transit Orientated Development” which has direct access to North Ryde Station on the Epping to Chatswood Rail Link, and which is connected, accessible, and permeable and has a high base population density. The Precinct’s development will encourage greater

activity around the railway station through the inclusion of suitable land uses to encourage greater use of the public transport network. In such a Precinct it is appropriate to provide less car parking rather than more car parking. More car parking as suggestion in the submission will encourage residents to use private motor vehicles rather than public transport. This would then exponentially increase delays and queuing within the surrounding road network.

- *Delhi Road and Epping Road are already overcrowded, especially during peak hours. This and other developments will only make this worse.*

Comment: Council agrees that the intersections in the vicinity of the site all operate at capacity during the peak periods. The degree to which these roads will be made worse is related to the traffic generation of the development, which is related to the residential parking provision. The provision of more car parking will encourage residents to use private motor vehicles rather than public transport. By reducing the car parking as discussed in the point above, it will reduce the traffic generation associated with the development.

It should also be noted that as part of the rezoning process, various regional transport measures were identified. These measures would ensure that vehicles would be able to adequately enter and exit the Precinct. The relevant works in respect to this Sub Precinct have been identified in a Voluntary Planning Agreement between the Minister for Planning and Urban Growth NSW. Once these works are constructed, combined with the reduced car parking, this will ensure that the development will have an acceptable impact on the surrounding road network.

12 CONCLUSION

This report considers an application for the construction of a mixed use development containing retail and residential uses at 1-17 Delhi Road, Macquarie Park.

The development does result in a minor variation to the FSR standard. This variation has occurred due to a mapping error in the process of making RLEP 2014. The applicant's Clause 4.6 variation can be supported.

Minor variations have been identified in respect to deep soil areas, private open space and kitchen ventilation as identified in the Residential Flat Design Code. The development also fails to comply with the requirements in respect to the street frontage heights, mixed use buildings and the provision of awnings as identified in the North Ryde Station Precinct DCP 2014. These variations are all minor and are acceptable on planning grounds.

During the assessment process the applicant reduced the car parking provision to a rate that is considered more appropriate for a transit orientated development. The

reduction in car parking will also ensure a reduction in the traffic generated by the development.

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

13 RECOMMENDATION

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

- A. That the Sydney East Region Joint Regional Planning Panel grant consent to development application LDA2014/0517 for the construction of a mixed use development at 1-17 Delhi Road, Macquarie Park subject to the conditions of consent in Attachment 1 of this report.
- B. That the objector be advised of this decision.
- C. That a copy of the development consent be forwarded to Sydney Trains and RMS.

Report prepared by:

Sandra Bailey
Team Leader Major Development

Report approved by:

Liz Coad
Manager Assessment

Sam Cappelli
Acting Group Manager - Environment and Planning

Attachment 1 – Draft 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 generally in accordance with the following plans (stamped approved by Council) and support documents:

Document Description	Date	Plan No/Reference
Site Plan	18/6/15	DA-100-002 Rev S3
Basement 02	27/06/15	DA-110-006 Rev S3
Basement 01	27/06/15	DA-110-007 Rev S3
Ground Level	27/06/15	DA-110-008 Rev S4
Level 01	27/06/15	DA-110-010 Rev S3
Level 02	27/06/15	DA-110-020 Rev S3
Level 03 (Podium)	18/6/15	DA-110-030 Rev S3
Level 04-08	18/6/15	DA-110-040 Rev S2
Level 9	18/6/15	DA-110-090 Rev S2
Level 10-12	18/6/15	DA-110-110 Rev S2
Level 13	18/6/15	DA-110-130 Rev S2
Level 14 – Plant Level	18/6/15	DA-110-140 Rev S2
Roof Plan	18/6/15	DA-110-150 Rev S2
Delhi Road Elevation (North)	18/6/15	DA-250-001 Rev S2
East Elevation – East Portion	18/6/15	DA 250-101 Rev S2
East Elevation – West Portion	18/6/15	DA 250-102 Rev S2
Station Street Elevation (South)	18/6/15	DA-250-201 Rev S2
West Elevation – East Portion	18/6/15	DA 250-301 Rev S2
West Elevation – West Portion	18/6/15	DA 250-302 Rev S2
Section AA	18/6/15	DA-350-001 Rev S2
Section BB	18/6/15	DA-350-101 Rev S2
Section CC	18/6/15	DA-350-201 Rev S2
Section DD	18/6/15	DA-350-301 Rev S2
Section EE	18/6/15	DA-350-401 Rev S2
Materials and Finishes Board	14/11/14	DA-1000-001 Rev S1
Drawing List and Design Statement	17/6/15	14_023 L01 Rev S2
Landscape Masterplan	17/6/15	14_023 L02 Rev S2
Public Domain Landscape Plan	17/6/15	14_023 L03 Rev S2
Sections	17/6/15	14_023 L04 Rev S2
Publicly Accessible Plaza Landscape Perspectives	17/6/15	14_023 L05 Rev S2
Delhi Road Landscape Perspective	17/6/15	14_023 L06 Rev S2
Communal Courtyard –	17/6/15	14_23 L07 Rev S2

Landscape Perspectives		
General Arrangement and Surfaces Plan	17/6/15	14_023 L08 Rev S2
Indicative Planting Plan	17/6/15	14_023 L09 Rev S2
Indicative Plant Species and Images	17/6/15	14_023 L10 Rev S2
Staging Plan	11/9/15	Ref FPA-101 Rev 0

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

(a) The battered planting as indicated as number 21 on the landscaping masterplan prepared by habit8 dated 17/6/15 is to be deleted. A similar arrangement as indicated as number 20 on the above plan which proposes a stair concourse and landscaping is to be provided. The architectural plans are also to be amended to reflect the stair concourse and landscaping configuration.

(b) The bulky waste storage room must be accessible for residents and the collection contractor separate to the bin storage area. The bulky goods room is to have direct access to the frontage of the building.

The Development must be carried out in accordance with the amended plans approved under this condition.

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 583858M dated 14 November 2014 and 585382M dated 11 November 2014.
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) Any hoarding, fence or awning erected pursuant this consent is to be removed when the work has been completed.
7. **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.
8. **Public space.** The public way must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances, without prior approval from Council.
9. **Public Utilities.** Compliance with the requirements (including financial costs) of any relevant utility provider (e.g. Energy Australia, Sydney Water, Telstra, RMS, Council etc.) in relation to any connections, works, repairs, relocation, replacements and/or adjustments to public infrastructure or services affected by the development.
10. **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.
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 inside the property shall be carried out in accordance with the requirements of the relevant Australian Standard. All Public Domain works or modification to Council infrastructure which may be located inside the property boundary, must be undertaken in accordance with Council's 2014 DCP Part 8.5 (Public Domain Works), 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. **DELETED**

16. **DELETED**
17. **DELETED**
18. **RMS Requirement.** Access is denied across the boundary of the property to the M2 Motorway.
19. **DELETED**
20. **Sydney Trains.** No works (including excavation or structural works) are to occur within the drainage easement and easement for access registered on the subject development site or within 25m of easements (D) and (G) marked and defined in DP1187161 Plan until such time the following has occurred:
- A new drainage system to replace the existing drainage system within the current drainage easement marked (D) in DP1187161 plan has been constructed and made operational to the satisfaction of Sydney Trains.
 - The associated easement(s) for the new drainage system have been registered on title and the current drainage easement burdening the site have been removed from title to the satisfaction of Sydney Trains.
 - A new access way to replace the existing easement for access marked (G) in DP1187161 has been constructed and made operational to the satisfaction of Sydney Trains.
 - The associated easement for access for the new access way has been registered on title and the current easement for access burdening the site have been removed from title to the satisfaction of Sydney Trains.
- Notwithstanding the above, works (including excavation or structural works) within the above mentioned easements or within 25m of these easements may be permitted subject to the written authority of Sydney Trains.
21. **Sydney Trains.** Copies of any certificates, drawings, approvals/certification or documents endorsed by, given to or issued by Sydney Trains must be submitted to Council for its records prior to the issuing of a Construction Certificate or Occupation Certificate.
22. **Sydney Trains.** Any conditions issued by Sydney Trains as part of the endorsement/certification by Sydney Trains of any of the submitted documentation required under the above conditions will also form part of the consent conditions that the Applicant is required to comply with.
23. **Sydney Trains.** The Applicant acknowledges that the proposed stair and lift access as shown in the development application are not items that will be delivered by Sydney Trains or Transport for NSW.
24. **Work Zones and Permits.** The applicant is to pay to Council for the assessment of all applications of road use permits, work zone permits, crane

permits and/or concrete pump permits, in accordance with Council's Schedule of Fees & Charges, prior to any approval being granted by Council.

25. **Engineering plans assessment and works inspection fees.** – The applicant is to pay to Council fees for assessment of all engineering and public domain plans and inspection of the completed works in the public domain, in accordance with Council's Schedule of Fees & Charges at the time of the assessment, prior to any approval being granted by 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.

26. **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	\$960,864.38
Open Space & Recreation Facilities	\$3,826,954.49
Civic & Urban Improvements	\$499,021.46
Roads & Traffic Management Facilities	\$542,507.08
Cycleways	\$68,992.41
Stormwater Management Facilities	\$61,900.88
Plan Administration	\$18,600.94

The total contribution is \$5,978,841.64

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>.

27. **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**.
28. **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).
29. **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
30. **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**.
31. **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.

32. **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**.
33. **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 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).
34. **Adaptable Units:** A total of 38 adaptable units are to be provided within the development. These apartments are to comply with all of the spatial requirements as outlined in 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 AS4299.
35. **Design verification:** Prior to a Construction Certificate being issued with respect to this development, the Principal 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* as were in effect at the time of the lodgement of the development application. This condition is imposed in accordance with Clause 143A of the *Environmental Planning and Assessment Regulation 2000*.
36. **Service infrastructure/utilities:** All service infrastructure/utilities including electrical substations, fire hydrants, gas meters and the like shall be located within the building envelope. Where this is not possible and subject to Council approval such infrastructure shall be located on the subject site and appropriately screened from view. Details of all service infrastructure/utilities are to be approved prior to the issue of the **Construction Certificate**.

37. **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.
38. **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.
39. **Environmental Performance.** Prior to the issue of the relevant Construction Certificate, the following details are to be submitted to the PCA (and Council if Council is not the PCA):
- A copy of the registration certificate from the Green Building Council of Australia for a 4 star Green Star – Residential v1 design rating.
 - Details confirming the location of a smart water metering system.
 - Plans confirming the location of electro-voltaic charging infrastructure.
- Prior to the issue of any Occupation Certificate, the PCA is to be provided with evidence that the above requirements have been implemented in the buildings.
40. **Bicycle Parking.** A total of 161 bicycle parking spaces are to be provided. 127 spaces are to be provided for residents. These spaces are to be located within the storage areas or car parking areas of the development. 34 spaces are to be provided within the vicinity of the retail spaces. These spaces are to be available for visitors and retail users. Details confirming the location, number and that the spaces comply with AS2890.3 is to be submitted from a suitably qualified person on the relevant Construction Certificate plans.
41. **Parking Spaces.** 367 car parking spaces are to be provided within the basement of the development. These spaces are to be allocated as follows:
- 313 spaces for residents
 - 36 spaces for residential visitors
 - 4 spaces for retail
 - 12 spaces for car share scheme
 - 2 car wash bays.
- The car parking spaces are to be clearly line marked with the visitor spaces, retail spaces and car share scheme spaces clearly marked. Details demonstrating compliance are to be shown on the Construction Certificate plans.
42. **Acoustic Requirements.** The recommendations contained in Section 4.3 and 5.3 of the Acoustic Report prepared by Acoustic Logic dated 29 July 2014 are to be

demonstrated on the Construction Certificate plans. Details indicating compliance with these requirements are to be submitted to the PCA prior to the Construction Certificate being issued. Prior to the occupation of the development, a suitably qualified acoustic consultant is to verify that the development complies with these recommendations in the above report.

43. **Arts and Cultural Plan.** Prior to the issue of any Stage 2 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:
- Details of the nature of the work and its approximate location and size;
 - Details of how the proposed public art meets the following Design Selection Criteria:
 - Standards of excellence and innovation
 - Relevance and appropriateness of the work in relation to the site
 - Its contribution to creating sense of place, and integration into the built form
 - Where possible, participation of local artists, local groups, youth or indigenous groups
 - Consideration for public safety and the public's use of and access to the public space
 - Consideration of maintenance and durability requirements of materials, including potential for vandalism and graffiti
 - Evidence of appropriate Public Liability Insurance to cover construction and installation of work.
44. **RMS Requirement.** The developer is to submit design drawings and documents relating to the excavation of the site and support structures to Roads and Maritime for assessment, in accordance with Technical Direction GTD2012/001.

The developer is to submit all documentation at least six (6) weeks prior to commencement of any construction works on site and issue of a Construction Certificate and is to meet the full cost of the assessment by Roads and Maritime. The report and any enquiries should be forwarded to:

Project Engineer
Sydney Asset Management
Roads and Maritime Services
PO Box 973 Parramatta CBD 2124
Telephone: 88492114 – Fax: 8849 2766

If it is necessary to excavate below the level of the base of the footings of the adjoining roadways, the person acting on the consent shall ensure that the owners of the roadway is/are given at least seven (7) days' notice of the intention to excavate below the base of the footings. The notice is to include complete details of the work.

45. **RMS Requirement.** Prior to the commencement of excavation, a Construction Management Plan is to be prepared and submitted to Roads and Maritime for review. The Construction Management Plan shall include procedures for the discovery of a rock anchor during construction.
46. **RMS Requirement.** Prior to the commencement of bulk excavations, further test pit investigations are to be undertaken along the western boundary of the site to confirm subsurface conditions and design assumptions. The results from the further test pit investigations along the western boundary are to be forwarded to Roads and Maritime and the Hills M2 for review.
47. **RMS Requirement.** Roads and Maritime are to review detailed design plans and hydraulic calculations of stormwater plans to ensure no additional discharge will occur on Roads and Maritime infrastructure. Roads and Maritime require the detailed design plans and hydraulic calculations prior to the commencement of any works on site and issue of a Construction Certificate.
48. **RMS Requirement.** Should additional stormwater discharge occur from the subject site into Roads and Maritime drainage system, Roads and Maritime require detailed design plans and hydraulic calculations of any changes to the stormwater drainage system are to be submitted to Roads and Maritime for approval, prior to the commencement of any works on site and issue of a Construction Certificate.

Details should be forwarded to:

The Sydney Asset Management
Roads and Maritime Services
PO Box 973 Parramatta CBD 2124

A plan checking fee will be payable and a performance bond may be required before Roads and Maritime approval is issued. With regard to the Civil Works requirement please contact Roads and Maritime Project Engineer, External Works Ph: 8849 2114 or Fax: 8849 2766.

49. **Construction Traffic Management Plan.** As a result of the site constraints, limited vehicle access and parking, a Construction Traffic Management Plan (CTMP) and report shall be prepared by an RMS accredited person and submitted to and approved by Council prior to issue of any Construction Certificate. This condition is to ensure public safety and minimise any impacts to the adjoining pedestrian and vehicular traffic systems. The CTMP is intended to minimise impact of construction activities on the surrounding community, in terms of vehicle traffic (including traffic flow and parking) and pedestrian amenity adjacent the site.

The CTMP must:-

- Make provision for all construction materials to be stored on site, at all times.
- Specify construction truck routes and truck rates. Nominated truck routes are to be distributed over the surrounding road network where possible.

- Provide for the movement of trucks to and from the site, and deliveries to the site. Temporary truck standing/ queuing locations in a public roadway/ domain in the vicinity of the site are not permitted unless approved by Council's Public Works.
- Include a Traffic Control Plan prepared by an RMS accredited traffic controller for any activities involving the management of vehicle and pedestrian traffic.
- Specify that a minimum two (2) days notification must be provided to adjoining property owners prior to the implementation of any temporary traffic control measures.
- Include a site plan showing the location of any site sheds, location of requested Work Zones, anticipated use of cranes and concrete pumps, structures proposed on the footpath areas (hoardings, scaffolding or shoring) and any tree protection zones around Council street tree's.
- Take into consideration the combined construction activities of other development in the surrounding area. To this end, the consultant preparing the CTMP must engage and consult with developers undertaking major development works within a 250m radius of the subject site to ensure that appropriate measures are in place to prevent the combined impact of construction activities, such as (but not limited to) concrete pours, crane lifts and dump truck routes. These communications must be documented and supplied to Council.
- Specify any potential impacts to regular bus services operating on roads within the vicinity of the site and impacts of pedestrian access to public transport infrastructure including bus stops.
- Should any impacts be identified, the duration of the impacts and measures proposed to mitigate these must be clearly explained and committed to being enforced.

The CTMP shall be prepared in accordance with relevant sections of Australian Standard 1742 – “Manual of Uniform Traffic Control Devices”, RMS's Manual – “Traffic Control at Work Sites” and Councils DCP 2014 Part 8.1 (Construction Activities).

All fees and charges associated with the review of this plan is to be in accordance with Council's Schedule of Fees and Charges and is to be paid at the time that the Traffic Management Plan is submitted.

50. **Vehicle Access & Parking.** All internal driveways, vehicle turning areas, garages and vehicle parking space/ loading bay dimensions must be designed and constructed to comply with the relevant section of AS 2890 (Off-street Parking standards).

With respect to this, the following revision(s) must be undertaken;

- a) To facilitate access to the parallel parking spaces 28 & 29 on Basement Level 2 under buildings A+B, the bike storage bays opposite the access aisle are to be setback further under the driveway ramp so as to allow additional manoeuvring area in this region. The degree of setback is to be determined by the minimum headroom clearance of 2.2m under the access ramp for parking areas.

51. **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 from the development shall be collected and piped by gravity flow directly to the public inground drainage infrastructure located in Station Street, generally in accordance with the plans by Robert Bird Group (Structural, Civil and Construction Consultants) (Refer to Job No. 14428C Dwgs C-0-0-0, C-0-3-01 to C-0-6-52 Rev. 4 dated 17 June 2015) subject to the following variation(s);

- The approved plans do not detail the discharge control method, which could either be a dual orifice (based on the nominated orifice diameter and head) or combined orifice with overflow weir. Tank details and calculations are to be provided demonstrating that the PSD rates are achieved. These being 110L/s (OSD 1 – Eastern tower) and 186 L/s (OSD 2 – Western tower).
- Both OSD storages must have provision for a failure mode/ overflow mechanism than can divert runoff away from habitable areas in the event of blockage in the system. This could be addressed by either an overflow weir to the external area or piped internally.

The detailed plans, documentation and certification of the system must be prepared by a chartered civil engineer and 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 Council's DCP 2014 Part 8.2 (Stormwater and Floodplain Management) and associated annexures.
- The submitted design is consistent with the approved architectural and landscape plan and any revisions to these plans required by conditions of this consent.
- Onsite detention must be incorporated in the stormwater management system having a minimum SSR of 120m³ (OSD 1) / 160m³ (OSD 2) and a maximum PSD of 110L/s (OSD 1) / 186 L/s (OSD 2). Any variations to these values attributed to changes required by conditions of this consent, must be in accordance with Council's DCP requirements for onsite detention and must be validated in the certification of the design required by this condition.
- The subsurface drainage system must be designed to preserve the pre-developed groundwater table so as to prevent constant, ongoing discharge of groundwater to the public drainage network, as well as avoid long term impacts related to the support of structures on neighbouring properties.

52. **Geotechnical Design, Certification and Monitoring Program.** The proposed development involves the construction of subsurface structures and excavation that has potential to adversely impact neighbouring property if undertaken in an inappropriate manner. To ensure there are no adverse impacts arising from such

works, the applicant must engage a suitably qualified and practicing Engineer having experience in the geotechnical and hydrogeological fields, to design, certify and oversee the construction of all subsurface structures associated with the development.

This engineer is to prepare the following documentation;

- a) Certification that the civil and structural details of all subsurface structures are designed to;
 - provide appropriate support and retention to neighbouring property,
 - ensure there will be no ground settlement or movement during excavation or after construction (whether by the act of excavation or dewatering of the excavation) sufficient to cause an adverse impact to adjoining property or public infrastructure, and,
 - ensure that the treatment and drainage of groundwater will be undertaken in a manner which maintains the pre-developed groundwater regime, so as to avoid constant or ongoing seepage to the public drainage network and structural impacts that may arise from alteration of the pre-developed groundwater table.
- b) A Geotechnical Monitoring Program (GMP) to be implemented during construction that;
 - is based on a geotechnical investigation of the site and subsurface conditions, including groundwater,
 - 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.
 - Is consistent with the recommendations of geotechnical requirement approved under this consent.

The certification and the GMP are to be submitted for the approval of the Accredited Certifier prior to the issue of the Construction Certificate.

53. **Site Dewatering Plan.** To ensure that stormwater runoff and the disposal of groundwater from the excavation is drained in an appropriate manner and without detrimental impacts to neighbouring properties and downstream water systems, a Site Dewatering Plan (SDP) must be prepared and submitted with the application for a Construction Certificate.

The SDP is to comprise of detailed plans, documentation and certification of the system, must be prepared by a chartered civil engineer and must, as a minimum, comply with the following;

- All pumps used for onsite dewatering operations are to be installed on the site in a location that will minimise any noise disturbance to neighbouring or adjacent premises and be acoustically shielded so as to prevent the emission of offensive noise as a result of their operation.
- Pumps used for dewatering operations are not to be fuel based so as to minimise noise disturbance and are to be electrically operated.
- Discharge lines are to be recessed across footways so as to not present as a trip hazard and are to directly connect to the public inground drainage infrastructure where ever possible.
- The consultant is to liaise with Council's Public Works - Stormwater Asset Management section concerning the determination of an appropriate rate of discharge to the public inground drainage system. Consideration will be given to the capacity of the downstream system and the ability of the site to detain stormwater during the construction period. Should there be no public inground drainage infrastructure in which to drain to, the maximum rate of discharge is to be limited to 30L/s to the kerb.
- Certification must state that the submitted design is in accordance with the requirements of this condition and any relevant sections of Council's DCP 2014 Part 8.2 (Stormwater and Floodplain Management) and associated annexures.
- Be in accordance with the recommendations of approved documents which concern the treatment and monitoring of groundwater.
- Any details, approval or conditions concerning dewatering (eg Dewatering License) as required by the Water Act 1912 and any other relevant NSW legislation.
- Approval and conditions as required for connection of the dewatering system to the public drainage infrastructure as per Section 138 of the Roads Act.

54. **Dilapidation Survey – Public Infrastructure.** To clarify any claims of damage to public infrastructure that may 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 department prior to the issue of the construction certificate. Another similar report is to be submitted at completion and prior to issue of any Occupation Certificate. The reports shall be used by council to assess whether restoration works will be required prior to the issue of the Occupation Certificate.

All fees and charges associated with the review of this report is to be in accordance with Council's Schedule of Fees and Charges and is to be paid at the time that the Dilapidation Report is submitted.

55. **Driveway Access and boundary alignment Levels** - The developer is to apply to Council for site specific driveway access and boundary alignment levels prior to the issue of the Construction Certificate. The Council issued levels shall be incorporated into the design of the internal driveway, car parking areas, landscaping and stormwater drainage plans. Fees are payable in accordance with Council's Schedule of Fees & Charges at the time of the application.
56. **Vehicle Footpath Crossings** – The footpath crossings shall be constructed where vehicles cross the footpath, to protect it from damage resulting from the vehicular traffic. The crossing is to be constructed to match the paving style along the frontages of the development site and conform to the boundary alignment levels issued by Council's Public Works Group. The location, design and construction shall comply with the City of Ryde Development Control Plan 2014 Part 8.3 Driveways and Part 8.5 - Public Civil Works, and all relevant Australian Codes and Standards.

In order to avoid the access driveway looking like a public road, kerbs shall not be returned to the boundary alignment line.

The applicant shall provide Council with certification from a Chartered Civil Engineer (with NPER registration with Engineers Australia) confirming that the vehicle crossing design meets Council requirements and the relevant standards, prior to the issue of the Construction Certificate.

57. **Road Activity Permits** - To carry out work in, on or over a public road, the Consent of Council is required as per the *Roads Act 1993*. Prior to issue of a Construction Certificate and commencement of any work, permits for the following activities, as required and as specified in the form "*Road Activity Permits Checklist*" (available from Council's website) are to be obtained and copies submitted to Council with the *Notice of Intention to Commence Work*.
- a) **Road Use Permit** - The applicant shall obtain a Road Use Permit where any area of the public road or footpath is to be occupied as construction workspace, other than activities covered by a Road Opening Permit or if a Work Zone Permit is not obtained. The permit does not grant exemption from parking regulations.
 - b) **Work Zone Permit** - The applicant shall obtain a Work Zone Permit where it is proposed to reserve an area of road pavement for the parking of vehicles associated with a construction site. Separate application is required with a Traffic Management Plan for standing of construction vehicles in a trafficable lane. A Roads and Maritime Services Work Zone Permit shall be obtained for State Roads.

- c) Road Opening Permit - The applicant shall apply for a road-opening permit and pay the required fee where a new pipeline is to be constructed within or across the road pavement or footpath. Additional road opening permits and fees are required where there are connections to public utility services (e.g. telephone, telecommunications, electricity, sewer, water or gas) within the road reserve. No opening of the road or footpath surface shall be carried out without this permit being obtained and a copy kept on the site.
- d) Elevated Tower, Crane or Concrete Pump Permit - The applicant shall obtain an Elevated Tower, Crane or Concrete Pump Permit where any of these items of plant are placed on Council's roads or footpaths. This permit is in addition to either a Road Use Permit or a Work Zone Permit.
- e) Crane Airspace Permit - The applicant shall obtain a Crane Over Airspace Permit where a crane on private land is operating in the air space of a Council road or footpath. Approval from the Roads and Maritime Services for works on or near State Roads is required prior to lodgement of an application with Council. A separate application for a Work Zone Permit is required for any construction vehicles or plant on the adjoining road or footpath associated with use of the crane.
- f) Hoarding Permit - The applicant shall obtain a Hoarding Permit and pay the required fee where erection of protective hoarding along the street frontage of the property is required. The fee payable is for a minimum period of 6 months and should the period is extended an adjustment of the fee will be made on completion of the works. The site must be fenced to a minimum height of 1.8 metres prior to the commencement of construction and throughout demolition and/or excavation and must comply with WorkCover (New South Wales) requirements.
- g) Skip Bin on Nature Strip - The applicant shall obtain approval and pay the required fee to place a Skip Bin on the nature strip where it is not practical to locate the bin on private property. No permit will be issued to place skips.

58. **Public Domain Works – Maintenance Bond.** To ensure satisfactory performance of the required public domain works, a maintenance period of six (6) months shall apply to the works in which Council will take ownership of, on completion of the development. The performance period shall commence from the date of issue by Council, of the Compliance Certificate. 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 **\$10,000** shall be lodged with the City of Ryde prior to the issue of a 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.

59. **Landscaped Plan.** A revised landscaping plan is to be submitted to Council for approval prior to the issue of any Construction Certificate. This landscaping plan is to incorporate the following amendments:

- The street tree selection along Delhi Road is to be *Corymbia maculata* (Spotted Gum). Tree pits are to be installed as per Section 7 – Street Trees and Plantings of the Public Domain Technical Manual. The location of underground services is not to conflict with the location of the tree vaults.
- *Syagrus romanzoffiana* (Cocos Palms) have been nominated along part of the Delhi Road frontage. This species is an undesirable species in the City of Ryde and is to be substituted with another suitable alternative.
- Canopy tree planting internally across the site is to be installed at a minimum semi advanced pot size (ie minimum of 75 litre pot size). All proposed trees are to be located a minimum of 3m from the side boundary and installed clear of underground services.
- *Robinia psuedoacacia* (Golden robinia) has been nominated as part of the communal courtyards. This species can cause issues with sucking. It is advised that this species is to be substituted with another suitable alternative.

60. **Construction and fit-out standards for food premises.** All proposed food premises must comply with Food Safety Standard 3.2.3: *Food Premises and Equipment* and Australian Standard AS 4674 - 2004 *Design, construction and fit-out of food premises*.

Plans showing full compliance must be submitted on the Construction Certificate plans. These plans are to include:

- The proposed floor layout and use of each room or area;
- The proposed floor, wall and ceiling finishes;
- Details of all proposed fixtures fittings and equipment (including the proposed method of installation); and
- Lighting, ventilation and drainage details.

Any toilets intended to be used by customers must not be accessed through food preparation and storage areas. All sanitary facilities must be provided in accordance with the requirements of the Building Code of Australia.

61. **Mechanical ventilation of car parks.** The basement car park must be provided with a system of natural or mechanical ventilation complying with Australian Standard AS1668.2-2012: *The use of mechanical ventilation and air-conditioning in buildings – Mechanical ventilation in buildings*.

- All fresh air intakes vents must be located in a position that is free from contamination and at least 6 metres from any exhaust air discharge vent or cooling tower discharge.
- All exhaust air discharge vents must be designed and located so that no nuisance or danger to health will be created.

The carpark exhaust vent must be located at least 3 metres above ground level or any pedestrian thoroughfare and:

- a) At least 6 metres from any fresh air intake vent or natural ventilation opening; and
- b) At least 6 metres or, where the dimensions of the allotment make this impossible, the greatest distance possible from any neighbouring property boundary.

Details of all proposed mechanical ventilation systems must be submitted for approval with the Construction Certificate. Such details must include plans and specifications of the mechanical ventilation systems; and a design certificate from a professional mechanical services engineer certifying that the mechanical ventilation systems will comply with the Building Code of Australia and the conditions of consent.

62. **Food premises – Kitchen exhaust vent.** Adequate provision must be made for the installation of kitchen exhaust systems to the proposed retail spaces. The kitchen exhaust vent for food premises must be located above roof level:

- a) At least 6 metres from any fresh air intake vent or natural ventilation opening;
- b) At least 6 metres or, where the dimensions of the allotment make this impossible, the greatest possible distance from any neighbouring property boundary; and
- c) At least 8 metres from any cooling tower.

Details are to be submitted on the Construction Certificate plans.

63. **Commercial Garbage rooms.** The commercial wastes cannot be stored in the residential waste rooms. It will be necessary to provide a separate garbage room in a convenient location within the building for the storage of commercial wastes. Details of the location of the garbage room are to be shown on the Construction Certificate plans. All commercial waste must be collected from inside the building.

64. **Waste disposal.** The construction of the garbage chute shall comply with Council's Development Control Plan 2014 Part 7.2. Details demonstrating compliance are to be submitted on the construction certificate plans.

65. **Construction of waste storage rooms** - All waste storage rooms must be constructed in accordance with the following requirements:
- (a) The room must be of adequate dimensions to accommodate all waste containers, and any compaction equipment installed, and allow easy access to the containers and equipment for users and servicing purposes;
 - (b) The floor must be constructed of concrete finished to a smooth even surface, coved to a 25mm radius at the intersections with the walls and any exposed plinths, and graded to a floor waste connected to the sewerage system;
 - (c) The floor waste must be provided with a fixed screen in accordance with the requirements of Sydney Water Corporation;

- (d) The walls must be constructed of brick, concrete blocks or similar solid material cement rendered to a smooth even surface and painted with a light coloured washable paint;
- (e) The ceiling must be constructed of a rigid, smooth-faced, non-absorbent material and painted with a light coloured washable paint;
- (f) The doors must be of adequate dimensions to allow easy access for servicing purposes and must be finished on the internal face with a smooth-faced impervious material;
- (g) Any fixed equipment must be located clear of the walls and supported on a concrete plinth at least 75mm high or non-corrosive metal legs at least 150mm high;
- (h) The room must be provided with adequate natural ventilation direct to the outside air or an approved system of mechanical ventilation;
- (i) The room must be provided with adequate artificial lighting; and
- (j) a hose with a trigger nozzle must be provided in or adjacent to the room to facilitate cleaning.
- (k) A lockable roller door or similar is to be placed on the proposed waste storage room to prevent access by the public. The door is to have the universal Council key installed for access by the contractor to access the room during the designated clean up week or to access bins for servicing.

Full details of the proposed waste storage and handling facilities must be submitted with the Construction Certificate. Such detail must include:

- (a) The design and construction of the waste storage rooms;
- (b) The type of container equipment proposed and the proposed storage layout. (Note. The bin storage rooms are to accommodate 10x1100L waste bins and 34x660L recycle bins);
- (c) The access from the waste storage rooms to the loading dock; and
- (d) The access for the collection vehicles, including turning circles and swept paths and overhead and side clearances where appropriate.

66. **Sydney Trains.** Unless amendments are required in order to obtain approval/certification/compliance from Sydney Trains in relation to any of the Sydney Trains related conditions of consent, all excavation and construction works are to be undertaken in accordance with the details, methodology, advice, undertakings and recommendations detailed in the following documents:

- Rail Interface Report – Issue B prepared by Robert Bird Group dated 19 June 2015 (Doc No: 14428-AUL RPT-S-150619).
- Geotechnical assessment of potential impacts on ECRL structures Report – Revision 1 prepared by Coffey Geotechnics Pty Ltd dated 12/05/2015 (Ref: GEOLCOV25192AA-AK)

The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming which of the documentation listed in this condition are to now apply or are superseded as a result of the compliance with the Sydney Trains related conditions of consent. The measures detailed in the documents approved/certified by Sydney Trains under this Condition are to be incorporated into the construction drawings and specifications prior to the issuing of the Construction Certificate. Prior to the commencement of works the Principal Certifying Authority is to provide verification to Sydney Trains that this condition has been complied with.

67. **Sydney Trains.** Prior to the issuing of a Construction Certificate, the Applicant shall undertake a condition and dilapidation survey of the rail tunnels. A detailed report of this survey shall be submitted to Sydney Trains for endorsement. The length of tunnel to be surveyed shall be as determined by Sydney Trains. The report shall include, but not limited to:
- Details of defects (eg locations on the tunnel wall)
 - Size of cracks (eg length, orientation, pattern and width)
 - Photos of the defects with labels showing locations on the tunnel wall lining and station cavern wall.
 - Any signs of wetness, staining and seepage occurring on the defects.
68. **Sydney Trains.** Prior to the issuing of a Construction Certificate, the Applicant shall submit for Sydney Trains endorsement a Final Vibration and Movement Monitoring Plan (based on the condition and dilapidation survey). This Plan is to detail, but not limited to:
- proposed monitoring method
 - proposed monitoring locations (plotted on a drawing)
 - proposed monitoring frequencies
 - proposed trigger levels and action plans should trigger levels be exceeded
 - adherence with the Asset Standards Authority Standard T HR CI 12070 ST "Miscellaneous Structures" Version 1. maximum peak particle velocity in the tunnel lining
69. **Sydney Trains.** Prior to the issuing of a Construction Certificate, the Applicant shall submit for Sydney Trains endorsement the following documentation:
- Risk Assessment Report (SFAIRP) carried out in accordance with the Asset Standards Authority standard T HR CI 12080 ST
 - Safe Work Method/Demolition & Construction management plan and methodology
 - Machinery to be used during excavation/construction
 - Final Construction Methodology
 - Final Shoring and Foundation structural drawings consistent with the Rail Interface Report – Issue B prepared by Robert Bird Group dated 19 June 2015 , including (but not limited to):
 - RL levels
 - Geotechnical reduction factor (fg) nominated for foundation design

- Correct labelling of buildings
- Exclusion of rock anchors within Sydney Trains land, strata and easements (this does not apply to easements (D), (G), (L) and (M) as marked and defined in DP1187161 plan).
- Pier types, shoring pile diameter, spacing, socket depth and end bearing requirements
- Demonstration that the proposed temporary batter will induce negligible impact on the Existing West Service Box, and details of the proposed permanent solution.

70. **Sydney Trains.** Prior to the issuing of a Construction Certificate, the Applicant is to submit to Sydney Trains (and if required, to Sydney Metro-North West) for endorsement a revised acoustic assessment report. The Applicant must incorporate in the development all the measures recommended in the report and by Sydney Trains and Sydney Metro-North West. This revised report shall address the following:

- the impact on the rail tunnel wall linings by the induced vibration from the excavation and construction work.
- any change in noise and vibration impacts to the development as a result of the conversion of the rail corridor to Sydney Metro.
- additional noise impacts as a result of the location of new chiller units as part of the conversion of the rail corridor to Sydney Metro/

71. **Sydney Trains.** Prior to the issuing of a Construction Certificate or the commencement of works (whichever occurs first) the Applicant shall obtain advice from Sydney Trains and Sydney Metro-North West regarding the need to enter an Agreement with Sydney Trains, RailCorp and/or Sydney Metro, on terms to the satisfaction of Sydney Trains, RailCorp and/or Sydney Metro, for the purpose of ensuring the protection of rail infrastructure facilities and the rail corridor or in connection with the carrying out of any rail functions or operations within the adjoining rail corridor and rail easements and to ensure rail safety. In the event that Sydney Trains advises that such an Agreement is required, the Applicant shall enter into this Agreement at the nominated timing by Sydney Trains and/or Sydney Metro. The Applicant is to bear all Sydney Trains and RailCorp and Sydney Metro costs of entry into any Agreement required by these conditions. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains and Sydney Metro confirming that this condition has been satisfied.

72. **Sydney Trains.** Prior to the issuing of a Construction Certificate, the applicant shall submit for Sydney Trains endorsement, a revised version of the "The Geotechnical assessment of potential impacts on ECRL structures Report – Revision 1" prepare by Coffey Geotechnics Pty Ltd dated 12/05/2015 (Ref: GEOLCOV25192AA-AK) addressing the following items:

- Details regarding the assumed or actual concrete strength of the tunnel lining
- Confirmation that the proposed shoring was included in the modelling, and if not included, how the excavation was stabilised in the modelling
- Revised modelling to be based on the existing condition of the tunnel lining as

determined following compliance with Condition A1.

- Correct reference to the station, being “North Ryde Station”.
- Confirmation that the displacement plots in Figure 16 & 17 and the stress plots in Figures 18 & 19 all refer to that of the tunnel lining and not that of the tunnel rock mass. If not tunnel lining then the figures need to be updated.
- Details regarding the bending moments, shear and axial forces for serviceability and ultimate limit states.
- Details as to how much the lining will crack (widths and extents)
- Details as to how much wider the existing cracks will become (this requires details of the existing condition)
- Details as to whether the existing waterproofing system will be adversely affected (This requires confirmation of the construction methodology and design/as built details)\
- Details as to whether groundwater will enter the tunnel and lead to deterioration of the lining (ie loss of durability)
- Details regarding the strength capacity of the existing tunnel lining
- Details as to how much additional “stress” (movement) can the tunnel lining tolerate without exceeding the ultimate strength capacity

73. **Sydney Trains.** Prior to the issuing of a Construction Certificate, the Applicant must hold current public liability insurance cover for a sum to be determined by Sydney Trains. This insurance is to cover these specific works. This insurance shall not contain any exclusion in relation to works on or near the rail corridor, rail infrastructure and must be in place for the duration of these specific works. The Applicant is to contact Sydney Trains Rail Corridor Management Group to obtain the level of insurance required for this particular proposal. Prior to the issuing of the Construction Certificate the Principal Certifying Authority must witness written proof of this insurance in conjunction with Sydney Trains written advice to the Applicant on the level of insurance required.

74. **Sydney Trains.** Prior to the issuing of a Construction Certificate, the Applicant is to contact Sydney Trains Rail Corridor Management Group to determine the need for the lodgement of a Bond or Bank Guarantee for the duration of the entire works. The Bond/Bank Guarantee shall be for the sum determined by Sydney Trains. Prior to the issuing of the Construction Certificate the Principal Certifying Authority must witness written advice from Sydney Trains confirming the lodgement of this Bond/Bank Guarantee.

75. **Sydney Trains.** No rock anchors/bolts are to be installed into RailCorp’s property (this includes strata and easements. This does not apply to easements (D), (G), (L) and (M) as marked and defined in DP1187161 plan). Prior to any Construction Certificate being issued, the Applicant shall submit to Sydney Trains structural plans verifying compliance with this condition.

76. **Sydney Trains.** Prior to any Construction Certificate being issued, the Applicant is to submit to Sydney Trains (and if required, to Sydney Metro-North West) for endorsement an Electrolysis Report. The Applicant must incorporate in the development all the measures recommended in the report to control that risk. This revised report shall also address any increase in electrolysis risk to the

development as a result of the conversion of the rail corridor to Sydney Metro.

77. **Sydney Trains.** Prior to any Construction Certificate, the Applicant is to submit to Sydney Trains a plan showing all mobile craneage and other aerial operations to be used during the works that may be located above or in close proximity of the rail tunnels during the entire works period. If required by Sydney Trains, the Applicant must amend the plan showing all craneage and other aerial operations to comply with all Sydney Trains requirements. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from the Sydney Trains confirming that this condition has been satisfied.
78. **Site Audit Summary.** Prior to the issue of any Construction Certificate, a site audit summary report prepared by the accredited site auditor under the *Contamination Land Management Act, 1997*, is to be submitted to Council.

PRIOR TO COMMENCEMENT OF CONSTRUCTION

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

79. **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.
80. **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.

81. **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.
82. **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.
83. **Property above/below Footpath Level.** Where the ground level adjacent the property alignment is above/below the ultimate footpath level, as set by Council, adequate measures are to be taken (either by means of constructing approved retaining structures or batters entirely on the subject property) to support the subject land/footpath. An approved fence shall be erected along the boundary for public safety.
84. **Ground Anchors.** The installation of permanent ground anchors into public roadway is not permitted. The installation of temporary ground anchors may be considered subject to application for approval from Council's Public Works department, as per the provisions of Section 138 of the Roads Act. The application for consent must include detailed structural plans prepared by a chartered structural engineer, clearly nominating the number of proposed anchors, depth below existing ground level at the boundary alignment and the angle of installation. Approval is subject to the applicant paying all applicable fees in accordance with Council's Management Plan.
85. **Provision of Arborist details.** Council is to be notified, in writing, of the name, contact details and qualifications of the Project Arborist appointed to the site. Should these details change during the course of works, or the appointed Project Arborist alter them, Council is to be notified, in writing, within seven days.

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.

86. **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*.
87. **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.

88. **Sediment/dust control.** No sediment, dust, soil or similar material shall leave the site during construction work.
89. **Use of fill/excavated material.** Excavated material must not be reused on the property except as follows:
- Fill is allowed under this consent;
 - The material constitutes Excavated Natural Material as defined in the *Protection of the Environment Operations Act 1997*;
 - The material is reused only to the extent that fill is allowed by the consent.
90. **Construction materials.** All materials associated with construction must be retained within the site.
91. **Site Facilities**
The following facilities must be provided on the site:
- toilet facilities in accordance with WorkCover NSW requirements, at a ratio of one toilet per every 20 employees, and
 - a garbage receptacle for food scraps and papers, with a tight fitting lid.
92. **Site maintenance**
The applicant must ensure that:
- approved sediment and erosion control measures are installed and maintained during the construction period;
 - building materials and equipment are stored wholly within the work site unless an approval to store them elsewhere is held;
 - the site is clear of waste and debris at the completion of the works.
93. **Archaeological Finds.** If any unexpected archaeological finds (relics/foundations associated with early European occupation) or Aboriginal relics are encountered during excavation, works in the vicinity of the finds should cease and a suitable archaeologist should be engaged to assess the significance of the material. If relics are encountered, the Heritage Division of the Office of Environment and Heritage as well as Council are to be notified and further archaeological work may be required before works could re-commence. Approvals from the Heritage Branch may also be required to disturb relics.
94. **RMS Requirement.** During the excavation phase, all excavations are to be regularly inspected by a geotechnical engineer to assess the stability of the excavated faces.

95. **RMS Requirement.** During the excavation phase, the Hills M2 representatives are to be given reasonable access to the site to carry out regular visual inspections of excavations in or around the M2 shoring wall.
96. **RMS Requirement.** During the excavation and construction, vibrations are to be limited to a maximum of 50mm/s within the anchor easement.
97. **RMS Requirement.** At the commencement of rock excavation, a vibration monitoring trial is to be undertaken to assess the vibration levels associated with the different types of excavation equipment proposed for use. The results of the vibration trial and any subsequent vibration monitoring deemed appropriate by the geotechnical consultant must be provided to Hills M2 for review.
98. **RMS Requirement.** During excavation and construction, appropriate vibration monitoring is to be undertaken by the geotechnical consultant to confirm that vibrations remain within the 50mm/s limit. The results of the vibration monitoring must be routinely provided to Hills M2 for review.
99. **DELETED.**
100. **RMS Requirement.** The proposed development should be designed such that road traffic noise from Epping Road, M2 Motorway and Delhi Road is mitigated by durable materials in order to satisfy the requirements for habitable rooms under Clause 102(3) of State Environmental Planning Policy (Infrastructure) 2007.
101. **Traffic Management.** Any traffic management procedures and systems must be in accordance with AS 1742.3 1996 and City of Ryde, Development Control Plan 2014: - Part 8.1; Construction Activities. This condition is to ensure public safety and minimise any impacts to the adjoining pedestrian and vehicular traffic systems.
- Accordingly, a detailed plan of traffic management prepared by a traffic engineer including certification indicating compliance are to be submitted with the Construction Certificate application.
102. **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.
103. **Erosion and Sediment Control.** The applicant shall install erosion and sediment control measures in accordance with the approved plan by Robert Bird Group (Structural, Civil and Construction Consultants) (Refer to Job No. 14428C Dwg's C-0-0-0, C-0-1-01 & C-0-1-10 Rev. 4 dated 17 June 2015) at the commencement of works on the site. Suitable 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. Where construction works deviate from the plan, soil erosion and sediment control measures are to be implemented in accordance with the above referenced document.

104. **Geotechnical Monitoring Program – Implementation.** 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.
105. **Site Dewatering Plan – Implementation.** The Site Dewatering Plan (SDP) on the site must be constructed in accordance with the Construction Certificate version of the SDP submitted in compliance to the condition labelled "Site Dewatering Plan.", the requirements of Council in regards to disposal of water to the public drainage infrastructure and the requirements of any Dewatering License issued under NSW Water Act 1912 in association with the works. A copy of the SDP is to be kept on site at all times whilst dewatering operations are carried out.
106. **Construction Traffic Management Plan – Implementation.** All works and construction activities are to be undertaken in accordance with the approved Construction Traffic Management Plan (CTMP). All controls in the CTMP must be maintained at all times and all traffic management control must be undertaken by personnel having appropriate RMS accreditation. Should the implementation or effectiveness of the CTMP be impacted by surrounding major development not encompassed in the approved CTMP, the CTMP measures and controls are to be revised accordingly and submitted to Council for approval. A copy of the approved CTMP is to be kept onsite at all times and made available to the accredited certifier or Council on request.
107. **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 Robert Bird Group (Structural, Civil and Construction Consultants) (Refer to Job No. 14428C Dwgs C-0-0-0, C-0-3-01 to C-0-6-52 Rev. 4 dated 17 June 2015) submitted in compliance to the condition labelled "Stormwater Management.". Any modification to the drainage system located outside the boundary of the property which is to be dedicated to Council will require the review and approval of Council's Public Works.
108. **CCTV Cameras:**
- a) The applicant shall install and maintain surveillance cameras and recorders to monitor and record all entrance and exit points to the buildings. The cameras should include the foyer area to the buildings including the area around the mail boxes as mail theft in unit complexes in the Sydney Metropolitan area is an emerging crime. The cameras should also monitor the 50 metre vicinity outside the building including, but not limited to, the footpath area in front of the premises. CCTV cameras should also cover any communal areas, lifts, public spaces and the basement car parks. Recordings should be made twenty four (24) hours a day seven (7) days a week.

b) As a minimum, CCTV cameras at entry and exit points to the premises MUST record footage of a nature and quality in which it can be used to identify a person recorded by the camera. All other cameras MUST record footage of a nature and quality in which it can be used to recognise a person recorded by the camera.

c) The time and date must automatically be recorded on all recordings made whilst it is recording. All recordings are to be kept for a minimum period of thirty (30) days before they can be reused or destroyed.

d) If requested by police, the applicant is to archive any recording until such time as they are no longer required.

e) Recordings are to be made in a common media format such as Windows Media Player or similar, or should be accompanied by applicable viewing software to enable viewing on any windows computer.

f) The CCTV control system should be located within a secured area of the premise and only accessible by authorised personnel.

g) If the CCTV system is not operational, immediate steps are to be taken by the applicant to ensure that it is returned to a fully operational condition as soon as possible.

h) CCTV should be installed throughout the basement car park area and should include the entry and exit points to the car park.

109. **Lighting:** Lighting is to be provided around the site and all lighting is to comply with the following requirements:

- Lighting is to be designed and installed in accordance with the relevant Australian and New Zealand Lighting Standards.
- A Lighting Maintenance Policy is required to outline the maintenance, monitoring and operation of lighting.
- To reduce power consumption and comply with the relevant Australian and New Zealand Standards for Lighting, car park lighting is to be interfaced with motion detectors.
- Lighting is to be provided to all common areas including all car parking levels, stairs and access corridors and communal gardens.
- Lighting is to be automatically controlled by time clocks and where appropriate, sensors for energy efficiency and a controlled environment for residents.

110. **Access control:** The following measures shall be addressed in the fit out of the building:

- a) All areas should be fitted with doors that comply with Australian Design Standards.

- b) The locks fitted to the doors should be of a high quality and meet the Australian design standards.
- c) Any glass within these doors should be laminated to enhance the physical security of the doors.
- d) Access control should be set in place to exclude unauthorized access to restricted areas.
- e) Access should be restricted to residents only to the lifts and stairs leading to the apartments.
- f) Fire exit doors to the development should be fitted with single cylinder locksets (Australia and New Zealand Standard – Lock Sets) to restrict unauthorized access to the development.
- g) The main entry/exit doors to individual units should also be fitted with single cylinder locksets (Australia and New Zealand Standard – Lock Sets) to restrict unauthorized access to the unit.
- h) The balcony doors to individual units should also be fitted with single cylinder locksets (Australia and New Zealand Standard – Lock Sets) to restrict unauthorized access to the unit.
- i) The windows to individual units should also be fitted with key operated locksets (Australia and New Zealand Standard – Lock Sets) to restrict unauthorized access to the unit
- j) Intercom facilities should be incorporated into entry/exit points to enable residents to communicate and identify with people prior to admitting them to the development.
- j) Letterboxes shall have good quality locks on them. Mail theft is an emerging crime in the Sydney Metropolitan area and as such is important that steps be taken to ensure that letterboxes are as secure as possible. CCTV shall be installed around the area where letterboxes are installed

111. **Car parking security.** Vehicular entry to the 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.

112. **Prevention of graffiti.** To assist in the prevention of graffiti, consideration should be given to the use of graffiti resistant materials to assist in the quick removal of any graffiti.

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

114. **On-Site Stormwater Detention System – Marker Plate.** To ensure the constructed On-site detention will not be modified, a marker plate is to be fixed to each on-site detention system constructed on the site. The plate construction, wordings and installation shall be in accordance with Council's DCP 2014 Part 8.2 (Stormwater and Floodplain Management) and associated annexures. The plate may be purchased from Council's Customer Service Centre at Ryde Civic Centre (Devlin Street, Ryde).

115. **Tree Removal.** This consent authorizes the removal of the following trees:

- Tree 1 – Melaleuca quinquenervia (Broad-leaved Paperbark)
- Tree 2 – Melaleuca quinquenervia (Broad-leaved Paperbark)
- Tree 3 – Melaleuca quinquenervia (Broad-leaved Paperbark)
- Tree 4 – Melaleuca quinquenervia (Broad-leaved Paperbark)
- Tree 5 – Melaleuca quinquenervia (Broad-leaved Paperbark)
- Tree 6 – Melaleuca quinquenervia (Broad-leaved Paperbark)
- Tree 7 – Melaleuca quinquenervia (Broad-leaved Paperbark)
- Tree 8 – Melaleuca quinquenervia (Broad-leaved Paperbark)
- Tree 9 – Eucalyptus scoparia (Wallangarra White Gum)
- Tree 27 – Eucalyptus microcorys (Tallowwood)
- Tree 28 – Eucalyptus microcorys (Tallowwood)
- Tree 29 – Eucalyptus microcorys (Tallowwood)
- Tree 30 – Casuarina glauca (She-oak)
- Tree 31 – Casuarina glauca (She-oak)
- Tree 32 – Eucalyptus microcorys (Tallowwood)
- Tree 33 – Eucalyptus microcorys (Tallowwood)
- Tree 34 – Eucalyptus microcorys (Tallowwood)
- Tree 35 – Eucalyptus microcorys (Tallowwood)
- Tree 36 – Eucalyptus microcorys (Tallowwood)
- Tree 37 – Casuarina glauca (She-oak)

All tree removal work is to be carried out in accordance with NSW Workcover Code of Practice (2007) and undertaken by an Arborist with minimum AQF Level 2 qualifications.

116. **Tree protection – no unauthorized removal.** This consent does not authorize the removal of trees unless specifically authorized by a condition of this consent. Trees shown on the approved plans as being retained must be protected against damage during construction.

117. **Australian Standards.** Any works approved by this consent must be carried out in accordance with all relevant Australian Standards.

118. **Tree Works – Arborist Supervision.** An AQF Level 5 Arborist is to be engaged to ensure compliance with the tree protection measures in relation to trees

identified for retention on the site and monitor the trees throughout the development process, including demolition and construction.

The Tree Protection Schedule provides a logical sequence of hold points for the various development stages including pre construction, construction and post construction. It also provides a checklist of various hold points that are to be signed and dated by the Project Arborist. This is to be completed progressively and included as part of the final certification. A copy of the final certification is to be made available to the City of Ryde Council on completion of the project.

Tree Protection Schedule

Hold Point	Task	Responsibility	Certification	Timing of Inspection
1	Indicate clearly (with spray paint on trunks) trees approved for removal only	Principal Contractor	Project Arborist	Prior to demolition and site establishment
2	Establishment of tree protection fencing and additional root, trunk and/or branch protection	Principal Contractor	Project Arborist	Prior to demolition and site establishment
3	Supervise all excavation works proposed within the TPZ	Principal Contractor	Project Arborist	As required prior to the works proceeding adjacent to the tree
4	Inspection of trees by Project Arborist	Principal Contractor	Project Arborist	Bi-monthly during construction period
5	Final inspection of trees by Project Arborist.	Principal Contractor	Project Arborist	Prior to issue of Occupation Certificate

119. **Plumbing and drainage work.** All plumbing and drainage work must be carried out in accordance with the requirements of Sydney Water Corporation and the NSW Department of Fair Trading.
120. **Installation of a grease trap.** A grease trap must be installed if required by Sydney Water Corporation. The grease trap must be located outside the building or in a dedicated grease trap room and be readily accessible for servicing. Access through areas where exposed food is handled or stored or food contact equipment or packaging materials are handled or stored is not permitted.
121. **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.

122. **Identification and removal of hazardous material.** Any hazardous materials, including asbestos, must be identified before demolition work commences and be removed in a safe manner. An appropriately licensed contractor shall be engaged for the removal of friable asbestos or asbestos containing material greater than 10m² and Work Cover appropriately notified.
123. **Removal of underground storage tanks.** The removal of any underground storage tanks shall be notified to Council and must be conducted in accordance with:
- a) Australian Standard AS4976-2008: The removal and disposal of underground petroleum storage tanks; and
 - b) The Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2008.
124. **Storage and removal of waste.** All demolition and construction waste must be stored in an environmentally acceptable manner and be removed from the site at frequent intervals to prevent any nuisance or danger to health, safety or the environment.
125. **Contaminated soil.** All potentially contaminated soil excavated during demolition or construction work must be stockpiled in a secure area and be assessed and classified in accordance with the Waste Classification Guidelines (DECCW, 2009) before being transported from the site.
126. **Transportation of wastes.** All waste must be transported in an environmentally safe manner to a facility or place that can lawfully be used as a waste facility for those wastes. Copies of the disposal dockets must be kept by the applicant for at least 3 years and be submitted to Council on request.
127. **Disposal of asbestos waste.** All asbestos waste must be disposed of at a landfill facility licensed to receive asbestos waste.
128. **Surplus excavated material.** All surplus excavated material must be disposed of at a licensed landfill facility, unless Council approves an alternative disposal site.
129. **Sydney Trains.** Unless advised by Sydney Trains in writing, all excavation, shoring and piling works within 25m of the rail corridor are to be supervised by a geotechnical engineer experienced with such excavation projects. All foundations are to be inspected and validated against design assumptions. The investigation results are to be submitted to Sydney Trains for review. If required by Sydney Trains the Applicant shall undertake the necessary changes in order to protect the rail tunnels.
130. **Sydney Trains.** Asset Standards Authority standard T HR CI 12070 ST requires that during construction works, the maximum peak particle velocity (PPV) in the tunnel lining shall not exceed 12.5mm per second. Accordingly, the Allowable Vibration Limit is to be limited to 12.5mm per second, unless agreed to by Sydney Trains.

131. **Sydney Trains.** Should the Applicant wish to undertake additional geotechnical borehole testing, these boreholes shall not be undertaken until written approval has been obtained from Sydney Trains.
132. **Sydney Trains.** At any time during the demolition, excavation and construction period deemed necessary by Sydney Trains, and prior to the issue of the Occupation Certificate, a joint inspection of the rail tunnels is to be carried out by representatives from Sydney Trains and the Applicant. These dilapidation surveys will establish the extent of any existing damage and enable any deterioration during works to be observed. The submission of a detailed dilapidation report will be required unless otherwise notified by Sydney Trains.
133. **Sydney Trains.** Sydney Trains and Transport for NSW (TfNSW), and persons authorised by those entities for the purpose of this condition, are entitled to inspect the site of the development and all structures to enable it to consider whether those structures have been or are being constructed and maintained in accordance with the approved plans and those conditions of consent, on giving reasonable notice to the principal contractor for the development or the owner or occupier of the part of the site to which access is sought.
134. **Hold Points during construction** - Inspections shall be required by Council's Engineer, at the following hold points: -
- a) Prior to the commencement of construction and following the set-out on site of the position of the civil works to the levels shown on the approved civil drawings.
 - b) Upon excavation, trimming and compaction to the subgrade level - to the line, grade, widths and depths, shown on the approved civil engineering drawings.
 - c) Upon compaction of the applicable sub-base course.
 - d) Upon compaction of any base layers of pavement, prior to the construction of the final pavement surface (e.g. prior to laying any pavers or asphalt wearing course)
 - e) Upon installation of any formwork and reinforcement for footpath concrete works.
 - f) Final inspection - upon the practical completion of all civil works with all disturbed areas satisfactorily restored.

Fees are payable in respect to the inspections in accordance with Council's Schedule of Fees & Charges at the time of the inspections.

Alternatively, the Applicant may submit certification from a suitably qualified Engineer, at each stage of the inspection listed above, confirming that the works have been constructed in accordance with the Council approved drawings and City of Ryde standards and specifications.

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.

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

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

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

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

137. **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.

138. **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.
139. **Wayfinding and directional signage.** Prior to the issue of any Occupation Certificate, wayfinding and directional signage is to be provided on the site that is generally consistent with the information provided by the applicant in Attachment E to the JBA letter dated 4 May 2015.
140. **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.
141. **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 as were in effect at the time of the lodgement of the development application. This condition is imposed in accordance with Clause 154A of the *Environmental Planning and Assessment Regulations 2000*.
142. **Access to the Site.** No Occupation Certificate is to be issued for the site unless Station Street and the northern portion of Road 38 as identified in State Significant Development Application has been dedicated to Council.
143. **Public Art.** Prior to the issue of any Stage 2 Occupation Certificate, the public art as detailed in condition 43 is to be completed and erected on the site.
144. **Public domain – work as executed plan** – A works-as-executed plan for works carried out in the public domain must be provided to Council and endorsed by Council, as the Road Authority, prior to the issue of the Occupation Certificate. All public domain works are to be completed to Council's satisfaction prior to the issue of the Occupation Certificate.

All works are to be completed to Council's satisfaction prior to the issue of the Occupation Certificate.

145. **Mechanical Ventilation System.** Certification of mechanical ventilation systems. A certificate from a professional mechanical services engineer certifying that all mechanical ventilation systems installed on the premises comply with the approved plans and specifications and the *Building Code of Australia* must be submitted to the Principal Certifying Authority before the issue of an Occupation Certificate.

146. **DELETED.**

Note. Prior to issuing a compliance certificate, the PCA is advised to engage a consultant eligible to hold full membership with Environmental Health Australia (EHA) to prepare a report including premises inspections, outlining the compliance of the fitout of the subject premises with AS4674:2004 and Food Standards Code 3.2.2.. A copy of this report shall be submitted to Council.

147. **Compliance Report.** A report from a qualified acoustical consultant demonstrating compliance with the relevant noise and vibration criteria must be submitted to the PCA (and Council if council is not the PCA) before the issue of an Occupation Certificate.
148. **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.
149. **Stormwater Management – Positive Covenant(s).** A Positive Covenant must be created on the property title(s) pursuant to the relevant section of the Conveyancing Act (1919), providing for the ongoing maintenance of the onsite detention and 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(s). The terms of the instrument are to be in accordance with the Council's draft terms for these systems as specified in Council's DCP 2014 Part 8.4 (Title Encumbrances) – Section 7, and to the satisfaction of Council, and are to be registered on the title prior to the registration of the strata plan or issue of any Occupation Certificate whichever occurs first.
150. **Engineering Compliance Certificates.** 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.

- a) Confirming that all components of the parking areas contained inside the site comply with the relevant components of AS 2890 and Council's DCP 2014 Part 9.3 (Parking Controls).
- b) Confirming that the Stormwater Management system (including any constructed ancillary components such as onsite detention) servicing the development complies with Council's DCP 2014 Part 8.2 (Stormwater and Floodplain Management) and associated annexures, and has been constructed to function in accordance with all conditions of this consent relating to the discharge of stormwater from the site.
- c) Confirming that after completion of all construction work and landscaping, all areas adjacent the site, the site drainage system (including any 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.
- d) 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 Council's DCP 2014 Part 8.1 (Construction Activities).
- e) 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 providing any structural support.
- f) Certification from a suitably qualified geotechnical engineer confirming that the Geotechnical Monitoring Program (GMP) was implemented throughout the course of construction and that all structures supporting neighbouring property have been designed and constructed to provide appropriate support of the neighbouring property and with consideration to any temporary loading conditions that may occur on that site, in accordance with the relevant Australian Standard and building codes.
- g) Compliance certificate from Council confirming that all external works in the public road reserve have been completed to Council's satisfaction.

151. **Sydney Trains.** Prior to the issuing of any Occupation Certificate the Applicant is to submit as-built drawings to Sydney Trains and Council. The as-built drawings are to be endorsed by a Registered Surveyor confirming that there has been no encroachment into Sydney Trains property, easements or strata, unless agreed to by Sydney Trains. The Principal Certifying Authority is not to issue the final Occupation Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.

152. **Public Access to the Plaza Area.** Public access is to be available at all times to the plaza area as identified on the Public Domain Landscape Plan Drawing Number L03 Revision S2 prepared by Habit 8 dated 17/6/15. Prior to the issue of any Occupation Certificate, a right of way permitting access at all times to all members of the public is to be created over the plaza area. Terms regarding the creation of the ROW are to be submitted to and approved by Council prior to the

lodgement at the Lands and Property Information Office with evidence regarding effective registration being submitted to Council and the PCA prior to the registration of the strata plan or issue of any Occupation Certificate whichever occurs first.

OPERATIONAL CONDITIONS

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

153. **Hours of operation.** The hours of operation of the retail premises are to be restricted to:

- 6am to 10pm (Monday-Saturday).
- 8am to 10pm (Sundays and public holidays)

All loading and unloading in relation to the use of the premises shall take place within the above hours.

154. **Travel Information Guides.** All new owners and residents of the development are to be provided with a transport package that includes travel information guides and details of the car share scheme.

155. **Loading Bay Parking Management.** The location of the external Loading Bay on the right of way adjoining the southwestern boundary of the property must be managed to ensure that through vehicle access is maintained for car share vehicles, as well as maintaining accessibility for any NSW Transport service vehicles. To this end, a plan of management for the Loading Bay is to be prepared and implemented by the developers Strata's Management, requiring that the use of the Loading Bay be restricted to set time allotments, to ensure that access to the ROW can be co-ordinated if required. Signage in the area of the Loading Bay is to be erected to notify drivers that use of the area is by appointment only.

156. **Registration of food premises.** The operator of any food premises must register the premises with Council's Environmental Health Unit before trading commences.

157. **Storage and disposal of wastes** - All wastes generated on the premises must be stored and disposed of in an environmentally acceptable manner.

158. **Recyclable wastes** - Wastes for recycling must be stored in separate bins or containers and be transported to a facility where the wastes will be recycled or re-used.

159. **Liquid wastes** - All liquid wastes generated on the premises must be treated and discharged to the sewerage system in accordance with the requirements of Sydney Water Corporation or be transported to a liquid waste facility for recycling or disposal.

160. **Trade waste permit** - The applicant must contact Sydney Water Corporation to determine whether a Trade Waste Permit is required before discharging any trade wastewater to the sewerage system.
161. **Maintenance of waste storage facilities** - All waste storage and handling facilities must be kept as clean as practicable at all times.
162. **Emissions not to cause a nuisance or danger to health** - The use of the premises, including any plant or equipment installed on the premises, must not cause the emission of smoke, soot, dust, solid particles, gases, fumes, vapours, mists, odours or other air impurities that are a nuisance or danger to health. Any discharge to the atmosphere from the premises must comply with the requirements of the Protection of the Environment Operations (Clean Air) Regulation 2010.
163. **Offensive noise** - The use of the premises must not cause the emission of 'offensive noise' as defined in the *Protection of the Environment Operations Act 1997*.
164. **Plant and machinery noise** - The operation of any plant and 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.
165. **Clean water only to stormwater system** - Only clean unpolluted water is permitted to enter Council's stormwater drainage system.
166. **Duty to Notify** - Pollution incidents causing or threatening harm to the **environment** must be reported immediately to all relevant authorities in accordance with Section 148 of the *Protection of the Environment Operations Act 1997*.
167. **Car share spaces**. The 12 car share spaces at all times are to be retained as common property by the Owners Corporation of the site and be publicly accessible.

ADVISORY NOTES

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

Council's Management Plan and may be viewed or downloaded at
www.ryde.nsw.gov.au

2. **Saturated and trans fat.** To minimise the risk of cardiovascular disease in the community, fats and cooking oils that are high in saturated and/or trans fat should not be used in the preparation of cooking of food. Alternatively, instead of deep frying, change to healthier cooking methods such as baking, grilling, steaming or microwaving or use mono/polyunsaturated fats or oils such as canola, olive, sunflower, soybean and safflower oils and margarines.