

Environment & Planning

To:	The Panel Secretariat Joint Regional Planning Panel	Our Values
From:	Andy Nixey – Senior Town Planner City of Ryde	Professionalism Teamwork Leadership Ethics Pride Recognition
Date:	8 October 2015	
File:	LDA2015/0166	
Subject:	5 Whiteside Street and 14-16 David Avenue, North Ryde – JRPP Ref: 2015SYE066 Proposed changes to Conditions 55, 68, 81, 91, 103, 109, 124, 126 and 141	

The purpose of this memo is to seek changes to recommended condition nos 55, 68, 81, 91, 103, 109, 124, 126 and 141 as follows:

1. **Changes to Condition 55 (Landscape Plan):** Council requests to change the reference from '*Council*' in the first sentence of the condition to the '*Principal Certifying Authority*'.

It is therefore requested that condition 55 of LDA2015/0166 be amended to read as follows:

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

2. **Changes to Condition 68 (Design Verification):** Council requests an amendment to the second sentence of this condition. The change involves inserting the words '*at the time of DA lodgement*' to the end of the second sentence.



This is required due to SEPP65 having been amended since the DA was lodged. Savings provisions apply to the amended SEPP and therefore the application and any relevant conditions should relate to the version of the SEPP current at the time of lodgement.

It is therefore requested that condition 68 of LDA2015/0166 be amended to read as follows:

68. **Design verification.** Prior to the relevant Construction Certificate being issued with respect to this development, the Principle Certifying Authority is to be provided with a written Design Verification from a qualified designer. This statement must include verification from the designer that the plans and specification achieve or improve the design quality of the development to which this consent relates, having regard to the design quality principles set out in Part 2 of *State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development* at the time of DA lodgement. This condition is imposed in accordance with Clause 143 of the *Environmental Planning and Assessment Regulation 2000*.

3. **Changes to Condition 81 (Dilapidation Report):** Council requests that in order to provide clarity to the extent of the travel route to be assessed, a distance requirement of 100m from the site be added to the first sentence of the condition.

It is therefore requested that condition 81 of LDA2015/0166 be amended to read as follows:

81. **Dilapidation Report.** To ensure Council's infrastructures are adequately protected a dilapidation report on the existing public infrastructure in the vicinity of the proposed development and along 100m of the travel routes from the site of all construction vehicles is to be submitted to Council. The report shall detail, but not be limited to the location, description and photographic record of any observable defects but to the following infrastructure where applicable:

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

The report is to be submitted to Council's Traffic Development Engineer, prior to works commencing with another similar report 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.

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4. **Changes to Condition 91 (Use of Fill/excavated material):** Council requests an amendment to add part (d) to this condition to enable the reuse of suitable material on the site consistent with the provisions of condition 31.

It is therefore requested that condition 91 of LDA2015/0166 be amended to read as follows:

91. **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 Virgin 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;
 - The material is classified as being able to be reused on the site under the EP&A Act 1979 (such as VENM/ENM/GSW).

5. **Changes to Condition 103 (Internal Inspections Drainage):** Council requests an amendment to the final sentence of this condition to require approval of the CCTV report prior to approval of the *relevant* Occupation Certificate for the *final* apartment building rather than an Occupation Certificate for the first apartment building as previously required.

It is therefore requested that condition 103 of LDA2015/0166 be amended to read as follows:

103. **Internal Inspections – Drainage.** Upon completion of the drainage works, an internal inspection of the Council's pit and connecting stormwater conduits to determine their structural conditions must be carried out by Closed Circuit Television (CCTV). The inspection is to ensure that the stability of the Council's stormwater pit has not been affected during the construction. The CCTV reports must be forwarded to Council for its review and approval prior to issue of the relevant Occupation Certificate for the final apartment building.

6. **Changes to Condition 109 (Landscaping):** Council requests an amendment to this condition to require completion of the landscaping works prior to the issue of the *relevant* Occupation Certificate for the final apartment building.

It is therefore requested that condition 109 of LDA2015/0166 be amended to read as follows:

109. **Landscaping.** All landscaping works approved by condition 1 are to be completed prior to the issue of the relevant Occupation Certificate for the final apartment building.

7. **Changes to Condition 124 (Post-construction dilapidation report):** Council requests an amendment to this condition to require provision of the post-construction



dilapidation report prior to the issue of the *relevant* Occupation Certificate for the final apartment building.

It is therefore requested that condition 124 of LDA2015/0166 be amended to read as follows:

124. Post-construction dilapidation report. A post-construction dilapidation report which clearly details the final condition of all property, infrastructure, natural and man-made features that were recorded in the pre-commencement dilapidation report is to be provided to Council and any other owners of public infrastructure prior to the issue of the relevant Occupation Certificate for the final apartment building. Following a review of the report and prior to the issue of the relevant Occupation Certificate, Council is to confirm in writing that no restoration works are required.

8. **Changes to Condition 126 (Public Domain Works-as-Executed Plans):** Council requests an amendment to this condition to require submission of the works-as-executed plan prior to issue of any Occupation Certificate for the *final* apartment building.

It is therefore requested that condition 126 of LDA2015/0166 be amended to read as follows:

126. Public Domain Works-as-Executed Plans. To ensure the public infrastructure works are completed in accordance with the approved plans and specifications, Works-as-Executed Plans certified by a Registered Surveyor, shall be submitted to Council for review with any rectifications required by Council to be completed by the developer prior to issue of any Occupation Certificate for the final apartment building.

The Works-as-Executed Plans are to note all departures clearly in red, on a copy of the approved Construction Certificate drawings, and certification from a suitably qualified Civil Engineer shall be submitted to support all variations from the approved plans.

9. **Changes to Condition 141 (Indemnity):** Council requests to add additional wording to the end of the condition to exclude '*any damage arising from wilful or negligent activity*' from the required indemnity.

It is therefore requested that condition 141 of LDA2015/0166 be amended to read as follows:

141. Indemnity. Where it is necessary for waste collection vehicles to enter the property to service the waste containers, the property owner must indemnify Council and its contractor in writing against claims for damage to the driveways and manoeuvring areas excluding damage arising from wilful or negligent activity.



A full set of revised conditions, as amended above, are attached.

SIGNED

Andy Nixey
Senior Town Planner