

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

JRPP No	2016/SYE031
DA Number	LDA 2015/0654
Local Government Area	City of Ryde
Proposed Development	Demolition of existing buildings, amalgamation of the lots and construction of a mixed use development containing a total of 105 residential units & 269m ² of commercial floor space.
Street Address	723-731 Victoria Road, 10 Little Church Street and 3-7 St. Anne's Street Ryde
Applicant	CDArchitects
Number of Submissions	To the original proposal: 13 submissions received To the amended proposal: 3 submissions received
Regional Development Criteria (Schedule 4A of the Act)	General Development over \$20 Million Cost of Works:\$34,144,723
List of All Relevant s79C(1)(a) Matters	<ul style="list-style-type: none"> • Environmental Planning and Assessment Regulation 2000; • Environmental Planning and Assessment Act 1979; • State Environmental Planning Policy (State and Regional Development) 2011; • State Environmental Planning Policy (Infrastructure) 2007; • 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 Apartment Development; • Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005; • Ryde Local Environmental Plan 2014; and • City of Ryde Development Control Plan 2014.
List all documents submitted with this report for the panel's consideration	Attachment 1: Recommended conditions of consent Attachment 2: Legal Advice from applicant – Pikes & Verekers. Legal Advice on behalf of Council – Planning Law Solutions. Attachment 3: Clause 4.6 variation request: height. Attachment 4: UDRP comments.
Recommendation	Approval
Report by	Planning Ingenuity Pty Ltd
Report date	22 September 2016

Summary of s79C matters	
Have all recommendations in relation to relevant s79C matters been summarised in the Executive Summary of the assessment	Yes

report?	
Legislative clauses requiring consent authority satisfaction	Yes
Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report?	
Clause 4.6 Exceptions to development standards	Yes – Attachment 2
If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?	
Special Infrastructure Contributions	No
Does the DA require Special Infrastructure Contributions conditions (S94EF)?	
Conditions	Yes
Have draft conditions been provided to the applicant for comment?	

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 at 723-731 Victoria Road, 10 Little Church Street and 3-7 St Anne's Street, Ryde.

The proposed development (as amended) includes demolition of existing buildings and construction of a mixed use development containing a total of 105 residential units and 269m² of commercial floor space.

The application was placed on public notification on two occasions. During the first notification period from 27 January 2016 to 17 February 2016, Council received thirteen (13) submissions. The submissions raised various concerns including stormwater, overshadowing, excavation, dust, privacy, hours of construction, parking, height, traffic, heritage, acoustics and views.

The application was placed on public notification a second time following the submission of amended plans on 16 May 2016. During the second notification period from 7 June 2016 to 5 July 2016, Council received three (3) submissions raising issues regarding traffic and parking. All issues have been addressed in this report.

The proposal generally complies with the more substantial control of Ryde Local Environment Plan 2014 except for a minor variation to the building height of Building B. The applicant has submitted a Clause 4.6 variation to this control which is considered to be acceptable in the circumstances of the case. In terms of SEPP 65, there are minor variations to the solar access and building separation requirements.

Clause 7 of SEPP 55 states that the consent authority must not consent to carrying out of any development unless it has considered if the land is

contaminated and if so whether it is suitable or can be suitable (after remediation) for the proposed use. The site was previously used as a petrol station and a detailed site investigation report was prepared by Environmental Investigations. The report identifies a variety of issues with land contamination and it recommends that remediation takes place. The application has been conditioned to ensure the remediation occurs after which the site will be suitable for the proposed development. See **Conditions 43 to 45**.

Clause 101 (2) of State Environmental Planning Policy (Infrastructure) 2007 states that the consent authority must not consent to development on land that has a frontage to a classified road (Victoria Road) unless it is satisfied that vehicular access is provided by a road other than the classified road and that the safe and efficient operation of the classified road is not impacted on. The proposal will have their vehicular access from St Anne Street, which is not a classified road. No vehicular access from Victoria Road is proposed. Council raises no objections to the proposed access and the access will not have any adverse impacts on the safe and efficient operation of Victoria Road. The proposal was referred to Roads and Maritime Service who raised no objections to the proposal subject to conditions.

After consideration of the development against section 79C of the Environmental Planning and Assessment Act 1979 and the relevant statutory and policy provisions, the proposal is considered suitable for the site and is in the public interest. Assessment of the application against the relevant planning framework and consideration of various design matters by Council's technical departments has not identified any fundamental issues of concern.

The proposal provides an opportunity to redevelop the site with a mixed use building that is considered responsive to the strategic intentions of the Ryde area and associated planning controls that have been adopted for the locality by the Council.

Consequently this report concludes that this development proposal is sound in terms of design, function and relationship with its neighbours. This report recommends that consent be granted to this application in accordance with conditions provided in **Attachment 1**.

2. APPLICATION DETAILS

Applicant: CDArchitects.

Owner: Corner Gas Pty Ltd and Auxtra Ryde Pty Ltd.

Estimated value of works: \$34,144,723.

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

3. SITE DESCRIPTION

The subject site is located on the north eastern side of Victoria Road and is legally described as Lots A, B, C, D, E and F in DP26272 and Lot 78 in

DP9692. The site has a total area of approximately 3,436m² and comprises 7 separate land parcels.

The current buildings on the site consist of the following:

- Commercial premises (Spring Free Trampolines) fronting Victoria Road;
- Single storey detached dwelling houses with ancillary structures on St Anne's Street

The site has three street frontages; Victoria Road, Little Church Street and St. Anne's Street. The adjoining sites to the south east are residential flat buildings. St Anne's Church and cemetery are located on the north-western side of Little Church Street and located on the north-eastern side of St Anne's Street are residential flat buildings.

Figures 1 below provides an aerial view of the site (outlined in red) and its context whilst photographs of the site and surrounds are provided at **Figures 2 to 6**.



Figure 1: Aerial photo of the site.



Figure 2: No. 10 Little Church Street – single storey dwelling house on the corner of Little Church Street and St Annes Street, to be demolish.



Figure 3: Nos. 3 and 5 St Anne's Street – single storey dwelling houses, to be demolish.



Figure 4: No. 5 St Anne's Street – single storey dwelling house to be demolish.



Figure 5: No. 7 St Anne's Street - single storey dwelling house to be demolish.



Figure 6: No. 723 - 731 Victoria Road – commercial premises to be demolish.

4. SITE CONTEXT

The site is located at the southern edge of the Ryde Town Centre under the City of Ryde DCP 2014, to the east of part of the Heritage Precinct. St Anne's Church and cemetery are located on the western side of Little Church Street opposite the site and 42 Church Street, former court house are listed under Schedule 5 of the Ryde LEP 2012 as a locally significant heritage item (Item 30 and 29, respectively). See **Figure 7** below illustrating the heritage items in relation to the site.

Residential development located to the north of the site consists of predominantly three storey residential flat buildings. The sites to the south east are occupied by residential flat buildings between 3 and 5 storeys in height. All surrounding land is zoned B4 Mixed Use. **Figures 8 to 13** below illustrates the surrounding area.



Figure 7: Aerial view of subject site and heritage item located opposite.



Figure 8: 6-8 Little Church Street – 3 storey residential flat building located at the corner of Little Church Street and St Annes Street, located opposite subject site.



Figure 9: 9-11 St Anne's Street – a 3 storey residential flat building.



Figure 10: 6 St Anne's Street – 4 storey residential flat building, located opposite.



Figure 11: 721 Victoria Road – 5 storey residential flat building located at the corner of St Annes Street and Victoria Road, adjacent to the southern eastern boundary of the subject site.



Figure 12: St Anne's Cemetery – taken from Little Church Street.



Figure13: St Anne's Church – taken from the internal road.

5. PROPOSAL

The scope of works for which consent is sought comprises:

- Demolition of existing structures, amalgamation of the 7 lots and construction of a mixed use residential and commercial building containing a total of 105 residential apartments as follows:
 - 49 x 1 bedroom
 - 52 x 2 bedroom
 - 4 x 3 bedroom
 - 269m² of commercial floor space and
 - 144 car parking spaces.
- The development comprise of:
 - Basement Levels (Lower and Upper) – car parking for 119 cars;
 - Lower Ground Floor – 269m² commercial floor area, residential storage area, residential and commercial waste rooms, a car wash bay, 19 visitor parking spaces and 6 commercial parking spaces;
 - Lower Ground – 4 units
 - Ground floor – 17 units;
 - Levels 1 and 2 – 21 units;
 - Level 3 – 16 units and common open space on the roof top of Building A;
 - Level 4 – 15 units;
 - Level 5 – 11 units and common open space on the roof top of Building C;
 - Level 6 – common open space on the roof top of Building B;
 - Vehicular access is provided from a single driveway off St Annes Street;
 - Waste collection is proposed on site from the ground floor waste loading bay; and

- Landscaping is provided in a central communal open space area, along the frontages to Victoria Road, Little Church Street and St Annes Street, and on the roof top communal open space terraces.

The development comprises of four attached building pods in a U shaped configuration with a central common open space area between Buildings A & D, as shown in **Figure 14** below. Building A is a three storey building, located on the north western corner of the site with frontages to St Annes and Little Church Street. Building B is 6 storeys, located on the south western corner with frontages to Victoria Road and Little Church Street. Building C is located on the south eastern section of the site facing Victoria Road and is 5 storeys. Building D is located on the north east corner facing St Annes Street and is 6 storeys in height.



Figure 14: Location of the proposed buildings and number of storeys of each building.

The proposal seeks to vary the maximum height limit for Building B, the solar access for the site and the building separation requirements of the Apartment Design Guide. These variations are discussed in the assessment section of this report.

Photomontages of the proposed development are provided in **Figures 15 to 17**.



Figure 15: Proposed development viewed from Victoria Road looking north east.



Figure 16: Proposed development viewed from St Annes Street.



Figure 17: Proposed development viewed from corner of Little Church Street and St Annes Street

6. BACKGROUND

- The subject development application was lodged with Council on 18 December 2015.
- The application was notified from 27 January 2016 to 17 February 2016.
- An UDRP meeting took place on 1 March 2015. The Panel concluded that a substantial redesign would be required to achieve a scheme that the Panel would support.
- A letter dated 18 April 2016 was sent to the applicant (incorporating Panel's concerns and assessment issues) seeking additional information. Significant concerns were raised with the proposal and request for further information was made in respect of the following:
 - Building height/FSR incentive: The proposal does not meet the requirement to qualify for the bonus height and floor space provided under Clause 4.3A & 4.4A of the RLEP 2014 in that a laneway is not provided. Council dispute the applicant's argument that the proposed driveway is a "laneway" and Council sought legal advice with regard to this matter. This is further discussed below.
 - Building Separation: The proposal does not comply with the building separation distance required along the eastern boundary with respect to 9-11 St Annes Street and 721 Victoria Road. The proposed 5m setback to the windows and balconies from the side boundary (Levels 1-3) and 7m (Levels 4-7) is unsatisfactory. A clear setback is required to the balconies and windows of habitable rooms on Levels 1-3 and a minimum 9m setback is required from Levels 4-7.
 - Building height: The maximum height allowed is 14m. The proposed building is 20m and is relying on the height/FSR bonus. If the height/FSR bonus is not taken up through the provision of the RLEP 2014, the height exceeds the maximum allowed by 6m, which is a 42% variation and cannot be supported.

- Floor Space Ratio: The maximum FSR for the site is 1.5:1. The proposal floor space of 2.49:1 which is a 66% variation. As above, the proposal is relying on the bonus height/FSR incentives and if the FSR bonus is not taken up through the provision of the RLEP 2014, the FSR exceeds the maximum by a variation of 66% which cannot be supported. In addition, clarification as to what have been included in the floor space calculations is required.
 - The Design Review Panel comments were attached.
 - Amenity - Non compliances with Apartment Design Guide with regard to unit size, mix, storage and solar access. Applicant is required to amend design to comply with the ADG and improve solar access.
 - Street setbacks: Encroachments into the setback to Little Church Street and St Annes Street are not supported. The design must comply with the setback requirements.
 - Additional information required with respect to waste management & traffic, public art and drainage.
- The applicant lodged the proposal relying on the use of Clause 4.3(A) & 4.4A of the Ryde LEP 2014 which permits additional height and floor space if a site has:
 - an area greater than 900m²,
 - the proposed development is a mixed use and
 - provides laneway access.

The applicant contends that the proposed driveway adjacent to the north eastern boundary provide a "laneway" access and that the use of the ground floor units for home offices constitute as a "mixed use". The applicant provided legal advice from Pikes & Verekers Lawyers to Council in relation to the laneway access. Pikes and Verekers advised that *"the words "provide laneway access" should be given their ordinary meaning, such that the requirement is that the development is accessible from and provides access to a laneway, being a narrow or well defined passage, track, channel or course.*

The words "provide laneway access" are not defined in the LEP and as a matter of statutory construction and interpretation, they are to be given their ordinary meaning in a town planning context. As a matter of ordinary construction, regard should only be had to other instruments or documents if there is some ambiguity about the words of their intended effect.

There is no art or mystery to the words used in the LEP and they mean nothing more than they say. In order to take advantage of the additional floor space and height afforded by clauses 4.3A and 4.4A, the proposed development must provide access to a laneway, being, according to the Macquarie Dictionary (5th Ed):

1. *A narrow way or passage between fences, walls or houses.*
2. *Any narrow or well defined passage, track, channel, or course.*

It may be accepted that in town planning terms a laneway would ordinarily refer to a road, albeit a narrow one. Such a road may be a

public or private road. It may be inferred given the link between the provision of the laneway and the additional development potential, and also that that additional development potential is increased for larger sites that the purpose of the provision is to ensure that high density development has appropriate access arrangements that do not deleteriously impact upon the surrounding road network.

Thus provided the laneway access for the proposed development achieves that purpose it matters not, in the terms of the LEP, exactly where that laneway is located.

Council also sought its own legal advice on whether the site and proposal met the requirements of Clause 4.3(A) & 4.4A in relation to laneway access and mixed use development. Council's legal advice from Planning Law Solutions advised:

*"I consider that the word laneway in Clauses 4.3 A & 4.4A of RLEP 2014 has its ordinary English meaning as set out in the Pikes and Verekers advice. I consider the ordinary meaning includes an alley behind buildings. The proposed driveway shown on the architectural plans accompanying the application is a narrow way or passage between buildings that provides access behind the buildings fronting all three surrounding roads. There are no further specifications applying to the laneway required by clause 4.3A & 4.4A. I do not consider that the proposed development constitutes mixed use development for the purposes of clauses 2.3, 4.3A & 4.4A of RLEP 2014. Legal Advice from Pikes & Verekers and Planning Law Solutions are attached as **Attachment 2**.*

Legal advice provided by the applicant and sought by Council has concluded that the proposed development provides a "laneway access" however the proposal fails in terms of providing a mixed use development. The original submission with the application proposed ground floor "home offices" with residential units above. Council's legal advice concluded the proposal was not in fact mixed use development. The applicant amended the plans to provide a commercial tenancy on the ground floor to take up the additional height and density provisions of the LEP.

- Amended plans and additional information was provided by the applicant on 16 May 2016 and was found sufficient to enable assessment of the application. The amendments included:
 - Vertical recess between Building B and C continued;
 - Updated landscape plan;
 - Public art proposal provided;
 - Roof terrace proposed on Building C;
 - Opaque glass awning provided to ground floor commercial area;
 - Planter provided to SE side of Unit CLG04;
 - Units CG04 reconfigured;
 - Independent access provided to each ground floor unit except CLG04;

- Amendments to address the Apartment Design Guide ;
- Amendments to ensure compliance with street setbacks;
- Updated materials schedule; and
- Amendments to parapet and building edges.

The amended plans were placed on public notification a second time from 7 June 2016 to 5 July 2016. Three (3) submissions were received following close of the second notification round.

- The amended plans were reviewed by the UDRP on 5 July 2016. Comments from the Panel included suggested changes to the design of the façade and improvements for unit amenity. These comments were forwarded to the applicant following the meeting and amended plans received 3 August 2016. Further plans were received on 9 August 2016 incorporating the following changes:
 - Bicycle parking provided in the upper basement;
 - Waste room internal layout changes;
 - Bulk waste room added;
 - Commercial waste room added;
 - Waste loading bay design revised;
 - Residential recycle bins added to each common circulation area; and
 - Units DG03 and DG 04 (ground level) layouts amended; DG04 was 3 bedroom unit now a 2 bedroom unit
- Further amendments were sought to the basement level to allow Council's 11m waste collection truck to enter and manoeuvre on the site. The amended plans received on 13 September 2016 addressed this issue. The amended plans were not required to be reviewed by URDP as they addressed the issues raised by Council and URDP.

7. APPLICABLE PLANNING CONTROLS

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

- Environmental Planning and Assessment Regulation 2000;
- Environmental Planning and Assessment Act 1979;
- State Environmental Planning Policy No. 55 – Remediation of Land;
- State Environmental Planning Policy (Building Sustainability Index: BASIX);
- State Environmental Planning Policy (Infrastructure) 2007;
- Statement Environmental Planning Policy (State & Regional Development) 2011;
- State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development;
- Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005;
- Ryde Local Environmental Plan 2014; and
- City of Ryde Development Control Plan 2014.

8. PLANNING ASSESSMENT

Section 79C Evaluation

All relevant matters for consideration under Section 79C have been addressed in the assessment of this application.

8.1 Environmental Planning and Assessment Act 1979

Section - 5A Threatened species, populations or ecological communities, or habitats

This section of this Act requires a range of matters to be taken into account in deciding whether there is likely to be a significant effect on threatened species, populations or ecological communities, or their habitats.

Noting the review undertaken for this development application, it is apparent the site does not have any ecological attributes which, if lost, would impact upon any threatened species, population, ecological community or habitat.

8.2 Environmental Planning and Assessment Regulation

This application satisfies Clause 50(1)(a) of the Regulation as it is accompanied by the nominated documentation for development seeking consent for a mixed use development, including:

- A design verification statement from a qualified designer;
- An explanation of the design in terms of the design quality principles set out in Part 2 of State Environmental Planning Policy No 65 - Design Quality of Residential Apartment Development; and
- Relevant drawings and montage.

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

This proposal has a Capital Investment Value of more than \$20 million, and consequently the Joint Regional Planning Panel is the consent authority for this application.

8.4 State Environmental Planning Policy No 55 – Remediation of Land

The requirements of State Planning Policy No. 55 – Remediation of Land apply to the subject site. In accordance with Clause 7 of SEPP 55, the consent authority must consider if the land is contaminated and, if so, whether it is suitable, or can be made suitable, for the proposed use. Historically, the part of the site fronting Victoria Road has been used as a service station and associated workshop, prior to its current commercial use. The application was accompanied by a Detailed Site Investigation Assessment Report. The report prepared by Environmental Investigations Australia concludes that the site can be made suitable for the proposed

1. Prepare a Remediation Action Plan (RAP) to outline remedial measures for the site;
2. Further groundwater investigation across the site;
3. Specific soil vapour risk assessment; and
4. Undertake a Hazardous Materials Assessment (HMS) for the existing buildings.

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

8.6 State Environmental Planning Policy (Infrastructure) 2007

Infrastructure SEPP	Comments	Comply?
<p>Clause 101 Development with frontage to a classified road</p> <p>(1) The objectives of this clause are: To ensure that new development does not compromise the effective and ongoing operation and function of classified roads; and To prevent or reduce the potential impact of traffic noise and vehicle emission on development adjacent to classified roads.</p>	<p>The DA was referred to Roads and Maritime Services (RMS) for comments. RMS has raised no objection to the proposal subject to conditions of consent. See Conditions 14 to 19.</p> <p>The acoustic report submitted by the applicant provides a number of recommendations to ensure the impact of noise from Victoria Road is managed and minimised. The recommendations form part of the conditions of consent. See Conditions 52 & 53.</p>	<p>Yes</p> <p>Yes</p>
<p>(2) The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that: Where practicable, vehicular access to</p>	<p>Access to the site is provided from St Anne's Street with no</p>	<p>Yes</p>

Infrastructure SEPP	Comments	Comply?
<p>the land is provided by a road, other than a classified road; and</p> <p>The safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of:</p> <p>The design of vehicular access to the land, or</p> <p>The emission of smoke or dust from the development, or</p> <p>The nature, volume or frequency of vehicles using the classified road to gain access to the land.</p> <p>The development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.</p>	<p>provision for vehicular access off Victoria Road.</p> <p>No adverse impact on the safety, efficiency or operation of Victoria Road.</p> <p>The acoustic report submitted with the application provides a number of recommendations to minimise adverse impacts of Victoria Road on future occupants.</p> <p>The RMS has raised no objection to the proposal, subject to condition of consent. See Conditions 52 & 53.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>
<p>Clause 102 Impact of road noise or vibration on non-road development</p> <p>Before determining a development application for development to which this clause applies, the consent authority must take into consideration any guidelines that are issued by the Director-General for the purposes of this clause and published in the Gazette.</p> <p>If the development is for the purposes of a building for residential use, the consent authority must not grant consent to the development unless it is satisfied that appropriate measures will be taken to ensure that the following LAeq measures are not exceeded:</p> <p>In any bedroom in the building – 35 dB(A) at any time between 10pm and 7am</p> <p>Anywhere else in the building (other than a garage, kitchen, bathroom or hallway) – 40dB(A) at any time.</p>	<p>Victoria Road is a State Classified Road. As noted above, an acoustic report has been submitted and this includes a number of recommendations to ensure compliance with the appropriate noise levels for residential development. The recommendations are covered by conditions of consent. See Condition 52 & 53.</p>	<p>Yes</p>
<p>Clause 104 Traffic generating development</p> <p>The proposed development, being a residential development with more than 75 dwellings, and with access to a classified road is considered traffic generating development.</p> <p>Before determining a DA for which this</p>	<p>The proposed development is considered 'traffic generating development' and was referred to RMS who has raised no objections to the proposal subject to conditions. See</p>	<p>Yes</p>

Infrastructure SEPP	Comments	Comply?
clause applies the consent authority must: Take into consideration any submission that the RTA provides in response to that notice within 21 days after the notice was given (unless before the 21 days have passes, the RTA advises that it will not be making a submission), The accessibility of the site concerned, and Take into consideration any potential traffic safety, road congestion or parking implications of the development.	Conditions 14 to 19. RMS has raised no objection to the proposal. The site is accessed from St Anne's Street, not Victoria Road. Required parking is provided and no traffic safety or congestion issues anticipated.	 Yes Yes Yes

8.7 **State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development**

This Policy aims to improve the design quality of residential flat development. This proposal has been assessed against the following matters relevant to SEPP 65 for consideration:

- Urban Design Review Panel;
- The 9 SEPP 65 Design Quality Principles; and
- Apartment Design Guide.

Urban Design Review Panel

As detailed in Section 6.1, the original scheme and amended scheme were considered by the UDRP on 1 March 2016 and 5 July 2016. See **Attachment 4** with comments from the UDRP meeting of 5 July 2016.

The UDRP supported the amended scheme, with some further design suggestions (plans dated 20 May 2016) and the applicant submitted amended plans on 8 August 2016 incorporating the suggested changes to the façades and unit amenity.

Design Quality Principles

Part 2 of the Policy introduces 9 design quality principles. These principles do not generate design solutions, but provide a guide to achieving good design and the means of evaluating the merits of proposed solutions.

As required by the Environmental Planning and Assessment Regulation, this application is accompanied by a response to the design principles, as prepared by the project architect.

The table below provides an assessment of the proposal against the 9 design principles of the SEPP:

Planning Principle	Comment
Context and Neighbourhood Character	

Planning Principle	Comment
<p>Good design responds and contributes to its context. Context is the key natural and built features of an area, their relationship and the character they create when combined. It also includes social, economic and environmental conditions. Responding to context involves identifying the desirable elements of an area's existing or future character. Well designed buildings respond to and enhance the qualities and identity of the area including the adjacent sites, streetscape and neighbourhood.</p> <p>Consideration of local context is important for all sites, including sites in established areas, those undergoing change or identified for change.</p>	<p>The redevelopment of this site will be consistent with the desired future character for the precinct as identified in Part 4.4 of DCP 2014 – Ryde Town Centre. The desired future character for this precinct is to incorporate mixed higher density residential and commercial/retail development. The proposal offers an improved presentation to Victoria Road.</p>
<p>Built Form and Scale</p> <p>Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the street and surrounding buildings.</p> <p>Good design also achieves an appropriate built form for a site and the building's purpose in terms of building alignments, proportions, building type, articulation and the manipulation of building elements. Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.</p>	<p>The scale is consistent with the planned development within this precinct.</p> <p>The proposal complies with the FSR controls and will not adversely impact on the streetscape or the amenity of the surrounding buildings. The applicant's request to vary the height limit is supported as the bulk of the development is considered acceptable given that the development would appear to be compliant when viewed at street level or from an adjoining property.</p> <p>The proposal has been modulated and articulated to provide interest in the design and assist in providing the development with acceptable bulk. The public domain along the street frontages of the site will be upgraded.</p>
<p>Density</p> <p>Good design has a density appropriate for a site and its context, in terms of the number of units or residents.</p> <p>Appropriate densities are consistent with the area's existing or projected population. Appropriate densities can be sustained by existing or proposed infrastructure, public transport, access to jobs, community facilities and the environment.</p>	<p>The proposal complies with the FSR for the site with the overall bulk and scale of the buildings appropriate with relation to the future density for the area. The site's density is also considered appropriate given its location on Victoria Road and Council's adopted strategic planning vision for the locality.</p>
<p>Sustainability</p> <p>Good design involves design features that provide positive environmental and social outcomes.</p> <p>Good sustainable design includes use of natural cross breezes and sunlight for the amenity and liveability of residents and passive thermal design for ventilation, heating and cooling reducing reliance on technology and operation costs. Other elements include recycling and reuse of</p>	<p>The applicant has provided BASIX Certificate No 688210M_02 which indicates that the residential component of the buildings will meet the energy and water use targets set by the BASIX SEPP.</p> <p>A Waste Management Plan for the demolition of the existing buildings has been submitted and is considered acceptable by Council's Environmental Health Officer.</p> <p>The design has also ensured the development</p>

Planning Principle	Comment
materials and waste, use of sustainable materials and deep soil zones for groundwater recharge and vegetation.	will comply with the 70% requirement for solar access, soil depth and cross ventilation as provided in the Apartment Design Guide.
<p>Landscape</p> <p>Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in attractive developments with good amenity. A positive image and contextual fit of well designed developments is achieved by contributing to the landscape character of the streetscape and neighbourhood. Good landscape design enhances the development's environmental performance by retaining positive natural features which contribute to the local context, co-ordinating water and soil management, solar access, micro-climate, tree canopy, habitat values and preserving green networks. Good landscape design optimises useability, privacy and opportunities for social interaction, equitable access, respect for neighbours' amenity and provides for practical establishment and long term management.</p>	<p>The development makes provision for deep soil planting in the setback to Little Church Street and St Anne's Place. Council's Consultant Landscape Architect has raised no objections to the proposed landscaping for the site.</p> <p>The landscaping of the communal open spaces as well as other design features such as seating and rooftop gardens will ensure that these spaces provide useable areas for the residents.</p> <p>Each unit is also provided with a private balcony area sufficient for recreational use and amenity benefit.</p>
<p>Amenity</p> <p>Good design positively influences internal amenity for residents and external amenity for neighbours. Achieving good amenity contributes to positive living environments and resident well being. Good amenity combines appropriate room dimensions and shapes, access to sunlight, natural ventilation, outlook, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas, and ease of access for all age groups and degrees of mobility.</p>	<p>The design of the units allows for sufficient level of amenity for occupants of the buildings and residents of surrounding properties.</p> <p>The development complies with the controls and/or objectives contained in the Apartment Design Guide in respect to apartment sizes, building depth, access to sunlight, ventilation, visual and acoustic privacy, storage layout and access requirements.</p> <p>Some site specific variations form part of the proposal and are considered to be justified in the circumstances – See full discussion under below under ADG table.</p>
<p>Safety</p> <p>Good design optimises safety and security, within the development and the public domain. It provides for quality public and private spaces that are clearly defined and fit for purpose. Opportunities to maximise passive surveillance of public and communal areas promote safety. A positive relationship between public and private spaces is achieved through clearly defined secure access points and well lit</p>	<p>The development is consistent with the CPTED principles as follows:</p> <p>The entrance to each apartment building will be clearly legible and well lit. Appropriate signage to be provided to the buildings' entrance with appropriate lighting. Lighting, both internal and external, will be provided in accordance with Australian Standards.</p> <p>The proposal was referred to NSW Police who has reviewed the proposal and subject to conditions have no objections to the proposal.</p>

Planning Principle	Comment
and visible areas that are easily maintained and appropriate to the location and purpose.	See Conditions 145 to 152.
Housing Diversity and Social Interaction Good design achieves a mix of apartment sizes, providing housing choice for different demographics, living needs and household budgets. Well designed developments respond to social context by providing housing and facilities to suit the existing and future social mix. Good design involves practical and flexible features, including different types of communal spaces for a broad range of people, providing opportunities for social interaction amongst residents.	It is proposed to provide 49 x 1 bedroom, 52 x 2 bedroom and 4 x 3 bedrooms. The proposed unit mix will result in the provision of an affordable range of housing in the area which is highly accessible to public transport and nearby shops. As a guide the Housing NSW Centre for Affordable Housing suggests 1 and 2 bedroom apartments contribute towards achieving housing affordability. 1 & 2 bedroom apartments are well represented in this proposal.
Architectural Expression Good design achieves a built form that has good proportions and a balanced composition of elements, reflecting the internal layout and structure. Good design uses a variety of materials, colours and textures. The visual appearance of well designed apartment buildings responds to the existing or future local context, particularly desirable elements and rhythms of the streetscape.	The development has incorporated a variety of materials and finishes to assist in the massing of the buildings as well as providing differentiation between the uses and various elements within the development.

Apartment Design Guide

The SEPP requires consideration of the "Apartment Design Guide" (ADG) which supports the 9 design quality principles by giving greater detail as to how those principles might be achieved. The table below provides an assessment of the proposal against the matters in the ADG:

SEPP NO. 65 APARTMENT DESIGN GUIDE (DESIGN CRITERIA) - COMPLIANCE TABLE		
DESIGN CRITERIA	PROPOSAL	COMPLIES
Part 3 Siting the development Design criteria/guidance		
<u>Communal and Public Open Space</u> Communal open space has a minimum area equal to 25% of the site. Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9 am and 3 pm on 21 June (mid-	The proposal provides a total of 32% of the site area as common open space. The principle area of open space receives >2hours sunlight.	Yes Yes

winter)		
<u>Deep Soil Zones</u> Deep soil zones are to meet the following minimum requirements: Site area greater than 1,500m ² = 7%	14.7% deep soil area	Yes
<u>Visual Privacy</u> Separation between windows and balconies is provided to ensure visual privacy is achieved. Minimum required separation distances from buildings to the side and rear boundaries are as follows: Up to 12m (4 storeys) 6m (habitable) / 3m (non-habitable) Up to 25m (5-8 storeys) 9m (Habitable) / 4.5m (non-habitable) Apartment buildings should have an increased separation distance of 3m when adjacent to a different zone that permits lower density residential development to provide for a transition in scale and increased landscaping.	<u>To east:</u> <u>Levels 1 - 3</u> 7m (to 7-11 St Anne's Street) 4.2m – 6m (to 721 Victoria Road) <u>Levels 4 and 5:</u> 9m (to 7-11 St Anne's Street) <u>Level 4:</u> 4.2m – 6m (to 721 Victoria Road)	Yes No ^{*1} (see below) Yes No ^{*1} (see below)
<u>Car parking</u>	Refer to DCP compliance table	NA
Solar Access and Daylight Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid-winter in the Sydney Metropolitan Area and in the Newcastle and Wollongong local government areas No more than 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid- winter.	71.4% (70 units) receive in excess of 2 hours of sunlight to living room windows and/or private open space areas during mid-winter. 23% (25 units)	Yes No ^{*2} (see below)
Natural Ventilation At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building. Apartments at ten storeys or greater are deemed to be cross	61.9% are naturally cross ventilated	Yes

ventilated only if any enclosure of the balconies at these levels allows adequate natural ventilation and cannot be fully enclosed		
<p>Ceiling Height Measured from finished floor level to finished ceiling level, minimum ceiling heights are: Habitable Rooms – 2.7m</p> <p>Non-habitable rooms – 2.4m</p> <p>If located in a mixed use area - 3.3m for ground and first floor to promote future flexibility</p>	<p>All habitable rooms have minimum 2.7m ceiling heights.</p> <p>Non-habitable rooms contain ceiling heights that are at least 2.4m</p> <p>Ground floor building height is 3.7m</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>
<p>Apartment Layout Apartments are required to have the following minimum internal areas: Studio - 35m² 1 Bedroom - 50m² 2 Bedroom - 70m² 3 Bedroom - 90m²</p> <p>The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5m² each</p> <p>Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room. Daylight and air may not be borrowed from other rooms</p> <p>Master bedrooms have a minimum area of 10m² and other bedrooms 9m² (excluding wardrobe space) Bedrooms have a minimum dimension of 3m (excluding wardrobe space) Living rooms or combined living/dining rooms have a minimum width of: 3.6m for studio and 1 bedroom apartments 4m for 2 and 3 bedroom apartments</p>	<p>Studio – min. 35m² 1B – min. 50sqm 2B – min. 70sqm 3B – min 90sqm</p> <p>Units with 2 bathrooms have the required additional 5sqm</p> <p>Every habitable room has as a window</p> <p>Complies</p> <p>Complies</p> <p>Complies</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>

Private Open Space All apartments are required to have primary balconies as follows: Studio - 4m ² 1 Bedroom - 8m ² (Minimum depth of 2m) 2 Bedroom - 10m ² (Minimum depth of 2m) 3 Bedroom - 12m ² (Minimum depth of 2.4m)	Complies Complies Complies Complies	Yes Yes Yes Yes
Common Circulation Space The maximum number of apartments off a circulation core on a single level is 8.	Maximum of 7 units.	Yes
Storage In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided: Studio - 4m ² 1 Bedroom - 6m ² 2 Bedroom - 8m ² 3 Bedroom - 10m ² At least 50% of the required storage is to be located within the apartment	Complies Storage is provided within each unit and the basement levels.	Yes Yes

As indicated by the above ADG table, the proposed development does not meet the design criteria relating to building separation to No. 721 Victoria Road and the number of units that do not receive solar access. Each of these issues is discussed further below.

^{*1} Building Separation/visual privacy

The proposal does not comply with the minimum separation distance of 6m (Ground – Level 3) or 9m (Levels 4 and 5) to the eastern and southern side boundary shared with No. 721 Victoria Road, see **Figure 18** below. Despite the numerical non-compliance, the reduced setback is acceptable as there are a limited number of windows on the elevation, any proposed windows relate to low activity areas of the unit such as studies or bedrooms and the windows are treated with opaque glass or privacy screening to orient the view to Victoria Road. In addition, the western elevation of the building at No. 721 Victoria Road does not have living room windows or private open space areas oriented to the side of the proposed development. The variation in the building separation was also supported by the UDRP. The variation to the separation requirement is acceptable in this case.

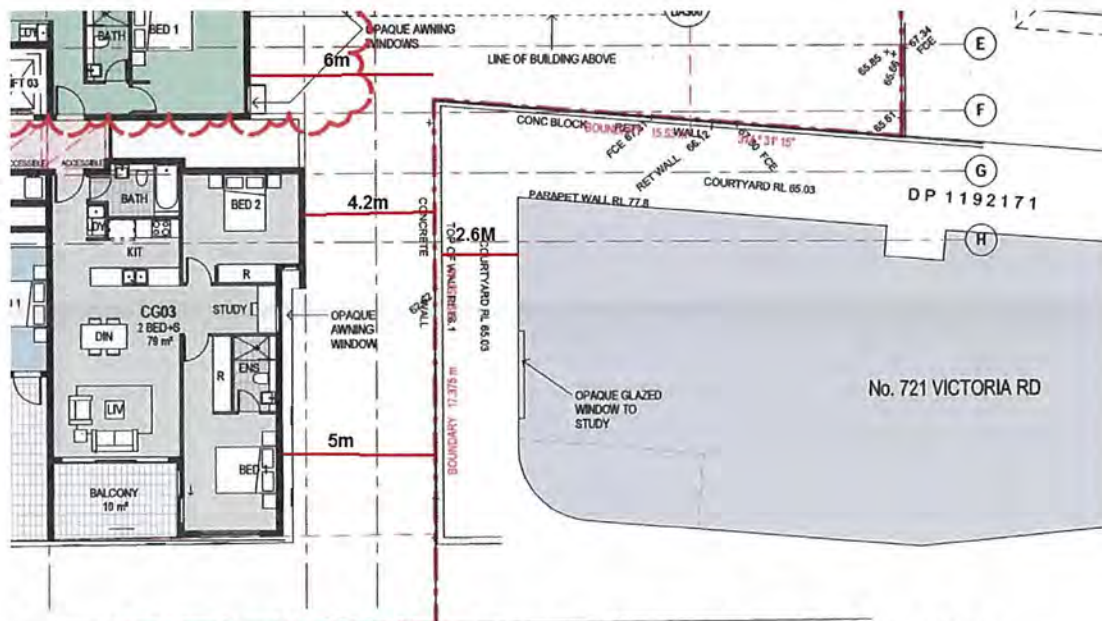


Figure 18 – separation between adjoining site at 721 Victoria Road. One window facing 721 Victoria Road which is off a study area and has opaque glass.

*² Solar Access

The ADG states that no more than 15% of apartments in a building to receive no direct sunlight between 9 am and 3 pm at mid- winter. The proposal exceeds the number of apartment not receiving any solar access by 7 units or 23%.

The non-compliance is due to the topography of the site and the south facing slope constraining the design of the development. The design of the development has prioritized views to south over solar access as recognized by the ADG as a reason for non-compliance on such sites. The views to the south include views of Parramatta River and Homebush and surrounding suburbs.

Nevertheless, the proposal satisfies the objectives of optimising the number of apartments receiving sunlight to habitable rooms, primary windows and private open space. 71.4% of the apartments will receive 2 hours of solar access. In addition, to further improve amenity to five units, **Condition 1(a)** has been included to provide a north facing window to Bed 2 of units CG03, C103, C203, C303 and C403. See **Figure 19** below.

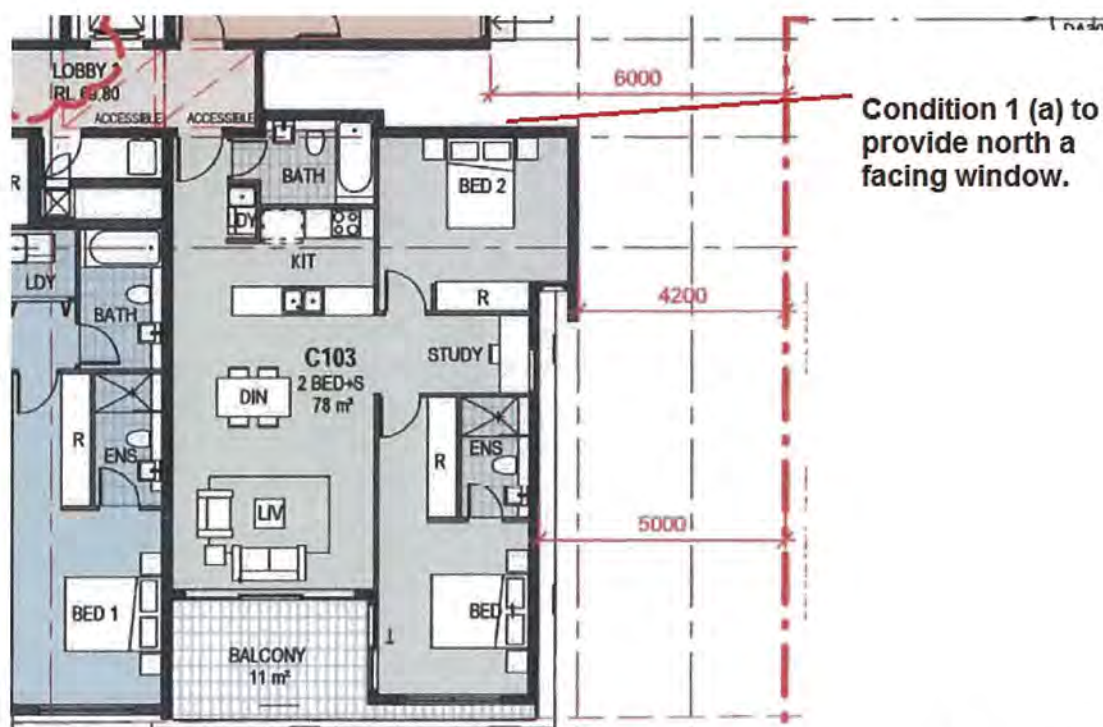


Figure 19: Typical layout of apartment C03. Condition 1(a) imposed to provide north facing window to bedroom 2 to improve solar access to the room.

The development is considered to be satisfactory in terms of the ADG.

8.7 Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

This Plan, now a deemed State Environmental Planning Policy, applies to the whole of the Ryde local government area. The aims of the Plan are to establish a balance between promoting a prosperous working harbour, maintaining a healthy and sustainable waterway environment and promoting recreational access to the foreshore and waterways by establishing planning principles and controls for the catchment as a whole.

The site is approximately 1 kilometre from the nearest point of Sydney Harbour. As such, it is not considered the proposed development will have a significant visual impact on Sydney Harbour and there are no specific controls that directly apply to this proposal.

8.9 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 land is zoned B4 Mixed Use under Ryde LEP 2014.

The amended proposal constitutes a mixed use development comprising residential and commercial uses. The proposed development is permissible

as “commercial premises” are permissible in the zone and “residential flat building” is not listed as a prohibited form of development in the B4 zone.

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

- *To provide a mixture of compatible land uses.*
- *To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.*
- *To ensure employment and educational activities within the Macquarie University campus are integrated with other businesses and activities.*
- *To promote strong links between Macquarie University and research institutions and businesses within the Macquarie Park corridor.*

The subject site forms part of the Ryde Town Centre precinct under the Ryde DCP 2014. The proposal meets the objectives of the B4 zone by providing a suitable mix of retail floor space and residential units on a site that is located within close proximity to public transport, public open space and community services.

Clause 4.3 Height of Buildings

Clause 4.3(2) states that the height of a building on this site is not to exceed the maximum height shown on the Height of Buildings Map. The map specifies the maximum height for any building on the site as 14m. Building height is defined in this planning instrument as meaning the vertical distance between ground level (existing) at any point to the highest point of the building, including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like.

Clause 4.3(A) permits an additional 6m height if:

“The lot on which the building is sited has an area of at least 900 square metres and the proposed development is a mixed use development and provides laneway access.”

The site has an area greater than 900m² and proposes a mixed use development. As discussed in the background of the report the driveway is legally defined as a laneway. The site satisfies the provisions for the additional height which results in a maximum height of 20m rather than 14m. The proposed development provides a height of up to 22.3m which represents a 11.5% variation (based on the 20m height limit).

The applicant has provided a Clause 4.6 Variation Statement which, in summary, states:

- The building respects its surroundings and reduces its impact on nearby residential properties; and
- The increased height derives from the provision of access to the roof top communal open space, the fall of the land and the reallocation of permissible floor area away from the nearby heritage item.

Figure 20 below illustrates the location and extent of the proposed height breach beyond the maximum LEP permitted height. As demonstrated in this diagram the height non-compliance occurs for Building B which is located on the south western corner of the site with a frontage to Victoria Road and Little Church Street.



Figure 20: Extent of height breach

The assessment against the applicant's request to vary the LEP height control is provided under Clause 4.6 (Exceptions to Development Standards) below.

Clause 4.6 Exceptions to Development Standards

Clause 4.6 of LEP 2014 allows exceptions to development standards. Consent must not be granted for 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 and 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 revised written request seeking to justify the variation to the development standard based on the amended plans. A copy of the request is attached to this report as Attachment 2.

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

The applicant has addressed this point as follows:

In the case of the subject proposal, the matter of rooftop open space facilities breaching building height limits has been considered by Council in relation to a number of recent DA's (including recent proposals before the Sydney East Joint Regional Planning Panel) and accepted on the basis of the improved amenity these facilities provide for future residents.

The particular circumstance of this site that distinguishes it from others is the nearby Heritage Item being St Annes Church and grounds. The location of this site diagonally opposite the subject land requires a site specific response to ensure an appropriate curtilage. The proposal provides a transition in scale from the corner of Little Church and St Annes Streets up to taller structures further to the east reducing any domination or overbearing impact on the heritage item. The overall FSR is below that permissible, with Building A reduced to three levels rather than the permissible six. Overall compliance with the height controls would result in an inferior heritage outcome.

In view of all of the above, compliance with the numerical LEP standard for building height is considered to be unreasonable and unnecessary in the circumstances, while the variation to the height results in a better planning outcome for the site and the adjoining Heritage Item. If approved, the proposal (when built) will not be out of place with, nor detrimental to the amenity of its surroundings."

The proposed variation occurs in relation to part of the upper habitable level and the roof top open space on Building B including its associated access facilities. The habitable portion that is above the height limit is due to the variation in the ground levels across the site, resulting in an uneven RL's per building pod. Furthermore, Building A has been maximised at three storeys to remove any impact on the nearby Heritage Item - St Anne's, resulting in the need to replace some of the permissible floor space elsewhere across the site. The amended proposal has relocated the bulk of the buildings near the corner of Little Church Street and Victoria Road away from the heritage item and adjoining residential properties.

In addition, the roof top common open spaces facilities provide greater amenity and recreational opportunities for residents. The required lift overrun and fire stairs to that communal open space exceed the maximum building height. These roof top structures are located in the centre of the building,

take up a small section of the roof area and at the worse (the lift overrun) exceed the building height limit by 2.3m. They are unlikely to be seen from the public domain. The submitted Clause 4.6 Variation Statement provides satisfactory arguments to depart from the maximum building height control and sufficient justification is provided by the applicant to demonstrate that strict compliance with the development standard would be unreasonable and unnecessary in the circumstances of the case.

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

The applicant has addressed the environmental grounds to justify the non-compliance as follows:

The relevant zone objectives and the proposal's conformity with them was discussed in the Statement of Environmental Effects submitted with the DA and found to be acceptable. Rather than repeating the reasons why the proposal meets those environmental planning grounds, it may be appropriate (for the purposes of this question) to consider the variation to the height standard in terms of the environmental amenity and aesthetic character of the area.

In considering the environmental amenity one looks at impacts such as overshadowing, privacy, overlooking, view loss, visual domination etc. These provide an indication of a proposal's suitability and reflect the matters for consideration under Section 79C of the Act.

The proposed additional structures on the roof will not generate any additional overshadowing to adjoining lands, as they are located in the centre of the building well back from the parapet. Similarly, the minor increase in the parapet height of Building B will increase the shadow cast over Victoria Road by a minimal amount with no detrimental impacts to properties to the south beyond that anticipated by the LEP controls.

The potential for privacy loss and overlooking derive from a building's orientation and the internal layout. The roof - top communal open space is set back from the building facades, is well screened and its use will not diminish the privacy of occupants of nearby buildings (present and future). The building separation afforded to sites across Victoria Road will exceed that required by SEPP 65 and the Apartment Design Guide (ADG) and ensure no privacy impacts from the upper level to Building B.

The building when completed will provide view opportunities from its upper levels to the same degree as those on adjoining and nearby sites as envisaged within the controls. The size and nature of the rooftop structures and the minimal component that breach the height limit are such that they will not unreasonably impinge on views that may be enjoyed from existing or any future buildings on surrounding properties.

Visual domination is an issue more generally associated with perceptions from the public domain and from multi storey buildings. In this case, the proposed building up to its upper level eaves and parapet is generally compliant with the relevant height standards. The minor habitable floor component of the variation will not be perceptible from the public domain and the proposed building will retain its "fit" within its locality as envisaged by those controls. In that context the minor height overrun and the proposed relationship in bulk and scale terms is considered to be reasonable.

In determining the aesthetic character of the area it is reasonable to review the type and form of development existing in the near vicinity of the site and likely to occur in consideration of the future character of the area. Ryde LEP 2014 and the associated DCP provides for development uplift within the Ryde Town Centre, including this and surrounding lands. The controls permit buildings of a similar height and density to that proposed on the subject site.

The majority of the overall building envelope, complies with those controls, with the variant structures in the main being set well back. They facilitate access and useability of the roof top space and or simply complete the upper residential floor, in a manner that will not impact on surrounding properties. The availability of the roof top recreational facilities will enhance the amenity within the area, which due to the permissible densities, will become much more urban than suburban.

An area's desired future character is generally evident from reviewing any proposed changes to the relevant planning framework affecting a site. In this case the relevant LEP and DCP have only recently been adopted. As mentioned above these plans facilitate a much greater level of development within the precinct. The expected built form outcome is similar to that proposed for the subject land, whilst the land use intention is one of mixed use.

In this context the proposal will sit well within the expected development outcomes and be commensurate with the desired future character of the area.

In light of this detailed assessment it would appear that neither the environmental amenity nor the aesthetic character of the area, are detrimentally impacted by the proposal and the minor non compliance of the roof top structures with the LEP height standard. Is reasonable. In this sense it is fair to say that the underlying purpose of the standard has been met."

The above justification is considered to provide sufficient environmental planning grounds to justify contravening the development standard to the degree proposed. The proposed variation would not result in unreasonable adverse amenity impacts for adjoining development and the specific site

attributes (topography) preclude achieving closer compliance to the prescribed height for the site.

4. The development will be 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 zone objectives have already been identified in an earlier section of the report. As previously concluded, the development proposes a compatible building scale relative to adjoining residential flat development and the heritage church and therefore meets the zoning objectives.

The objectives of the height clause in LEP 2014 are as follows:

(a) to ensure that street frontages of development are in proportion with and in keeping with the character of nearby development,

Comment: The proposed building height of Building B, in relation to the Victoria Road street frontage and the slope of the site, provides a suitable transition to the compliant heights of the other buildings on the site that directly adjoin existing residential developments.

The extent of the height breach is contained to Building B which occupies just over half the frontage to Victoria Road. The adjoining proposed Building C on Victoria Road complies with the height limit and is consistent with the height of the building on No. 721 Victoria Road.

The overall built form is consistent with the desired future character for the area and is supported by Council's UDRP.

(b) to minimise overshadowing and to ensure that development is generally compatible with or improves the appearance of the area,

Comment: The applicant has provided shadow diagrams for 9.00am, 12:00noon and 3.00pm in midwinter. The submitted diagrams demonstrate that acceptable overshadowing will occur in midwinter to the adjoining properties and the remaining shadows will occur over Victoria Road which is located to the south of the site.

The presentation of the development from Victoria Road is a suitable mix of residential and commercial uses and is supported by the UDRP. The redevelopment of the site for mixed use development of the nature proposed will improve the appearance of the site on Victoria Road.

(c) to encourage a consolidation pattern and sustainable integrated land use and transport development around key public transport infrastructure,

Comment: The proposal includes consolidation of allotments and will provide a mix of commercial and residential uses at the site which is located adjacent to a major road corridor with a high level of bus services to the City and other

key areas. No issues arise in relation to consistency with this objective being achieved.

(d) to minimise the impact of development on the amenity of surrounding properties,

Comment: The adjoining residential properties will not be adversely affected by the height breach. The breach occurs atop Building B on the corner of Victoria Road and Little Church Street and is not located adjacent to any existing residential development.

(e) to emphasise road frontages along road corridors.

Comment: The site fronts Victoria Road which is a Classified Road carrying high levels of traffic. The site also has frontages to Little Church Street and St Annes Street. The proposed development is considered to result in a built form that suitably emphasises the road frontages and achieves an appropriate and sympathetic bulk and scale and is consistent with neighbouring redevelopments in this respect.

In accordance with the above, the development recognises and adequately address each of the objectives of Clause 4.3. Accordingly, the proposal meets the objectives of the height control and is in the public interest.

5. Concurrence of the Director General.

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

Conclusion

It is accepted that topographical characteristics of the site create some challenges and that some flexibility can be afforded to development at the site. The proposed height breach will not have an adverse impact on surrounding residential development and can be supported. The applicant has provided sufficient argument and environmental planning grounds in this instance to justify contravening the development standard.

Clause 4.4 Floor Space Ratio

Clause 4.4(2) states the floor space ratio (FSR) of a building is not to exceed the maximum specified on the FSR Map. The FSR Map specifies a maximum FSR of 1.5:1 for the site.

Clause 4.4(A) permits an additional 1:1 FSR if:

“The lot on which the building is sited has an area of at least 900 square metres and the proposed development is a mixed use development and provides laneway access.”

The site has an area greater than 900m² and proposes a mixed use development. As discussed in the background of the report the driveway is legally defined as a laneway. The site satisfies the provisions for the additional floor space which results in a maximum floor space ratio of 2.5:1 rather than 1.5:1. The proposed development provides an FSR of 2.36:1, which complies with the maximum FSR for the site under Clause 4.4(A) (2.5:1).

Other provisions

The table below considers other provisions relevant to the evaluation of this proposal:

Provision	Comment
Clause 5.1 Relevant acquisition authority	No part of the site is mapped as being reserved for acquisition for public purposes.
Clause 5.9 Preservation of trees and vegetation	The application indicates removal of 11 trees within the site. Independent review by Consultant Landscape Architect (CPS) has indicated support for removal of the trees.
Clause 5.10 Heritage conservation	The subject site is located in proximity to the following items: St Anne's Ryde Anglican Church and Cemetery 46 Church Street, Ryde (Item No.I30) A Heritage Impact Assessment has been submitted with the application and is considered acceptable by Council's Heritage Officer. See referral under Heritage for full heritage consideration.
Clause 6.2 Earthworks	The proposed development includes excavation for a basement car park. A sediment and erosion control plan has been submitted.
Clause 6.4 Stormwater management	Sufficient information has been provided to determine suitability of the proposed stormwater management for the site in relation to Clause 6.4.
Clause 6.6 Environmental sustainability	This clause applies as the site area exceeds 1500m ² and is located in a business zone. Sufficient information has been provided to determine suitability of the proposed stormwater management for the site in relation to Clause 6.6.

8.10 City of Ryde DCP 2014

The following sections of DCP 2014 are of relevance, being:

- Part 4.4 – Ryde Town Centre
- Part 7.1 - Energy Smart, Water Wise
- Part 7.2 - Waste Minimisation and Management
- Part 8.1 - Construction Activities
- Part 8.2 - Stormwater Management

- Part 8.3 - Driveways
- Part 9.2 - Access for People with Disabilities
- Part 9.3 - Car Parking

With regard to Parts 7.1 to 9.2, noting the advice received from the various technical departments within Council and the consideration of issues previously in this report, sufficient information has been provided to carry out a thorough assessment of these matters and suitable conditions have been included in the consent where required. Parts 4.4 and 9.3 are considered below.

Part 4.4 – Ryde Town Centre

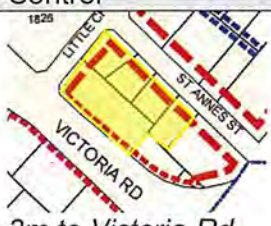
Part 4.4 of DCP 2014 is the primary DCP applicable to development within the Ryde Town Centre. The relevant provisions of the DCP are outlined in the table below:

Control	Comment	Compliance
3.0 Public Domain		
3.1 Pedestrian Access and Through-site links a. Provide pedestrian through-site routes and public domain areas in accordance with the Public Domain Control Drawing opposite.	Site is not within area identified to provide a through-site link	NA
3.2– Environmental Management and the Public Domain a. Provide solar access to no less than 80% of the ground plane for at least 2 hours between 10 am and 2 pm on June 21 (exclusive of shadows cast by trees) to the following public domain areas: i. School playgrounds. ii. Landscaped grounds of heritage items. iii. Ryde Park including bowling greens. iv. Public Open Spaces in the area identified in the Public Domain Control Drawing. (Figure 4.4.02) b. Building design is to minimise adverse wind effects on public open spaces. The orientation, height and form of development are to be designed to promote public safety and comfort at ground level. Awnings and galleria are to be provided, if necessary, for pedestrian comfort. Council may require an assessment of wind impacts and a statement of commitment regarding proposed	Site not located within close proximity to public domain areas as noted in the DCP.	NA

Control	Comment	Compliance
wind mitigation measures. c. Building design should ensure that summer breezes are not blocked to private open space, such as courtyards and balconies, as well as to the public domain.		
3.3 Active Frontage a. Provide ground level active uses where indicated on the Active Frontage and Awnings Control Drawing.	Site is not indicated as requiring an active frontage.	NA
3.5 Access and public domain a. If required by Council, footpath improvements in accordance with the Ryde Town Centre Public Domain Plan are to be implemented by the developer. b. All development must comply with Australian Standard 1428 and Part 9.2 Access for People with Disability under this DCP. c. Barrier free access must be provided to the common areas of all buildings and public domain areas. d. Adequate parking and safe convenient access to buildings for people with disabilities must be provided. e. To provide active frontage and quality building design, vehicular access ramps must be screened from view, contained wholly within buildings and may not ramp along street boundary alignments except in Devlin Street and by approval of Council and the RMS. f. Minimise the size, quantity and visual intrusion of vehicle access points. The preferred width of vehicle access points is 3 m however, up to 6m may be permitted. Greater widths for car parking access may be approved, if it can be demonstrated that the greater width is necessary and that pedestrian safety is not compromised. g. Vehicular traffic must be separated from pedestrians and vehicular access points clearly identified with paving, signage and the like. h. Loading docks must be located so that vehicles do not stand on	<p>Capable of compliance. See Conditions 79 & 80.</p> <p>An Access report has been submitted with the application. Condition 54 has been imposed requiring compliance with the recommendations contained in the report. See Condition 54.</p> <p>Achieved.</p> <p>Achieved.</p> <p>No access from Victoria Road. Vehicular access is from St Anne's Street.</p> <p>One vehicle access point from St Anne's Street.</p> <p>Separate pedestrian and vehicular access provided from St Anne's Street.</p> <p>The waste loading bay is located on the site and the truck can enter</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>

Control	Comment	Compliance
any public road, footway, laneway or service road and vehicles entering and leaving the site move in a forward direction.	and exit in a forward direction.	Yes
i. Parking should be well lit, easily accessible and screened from view to maintain the attractiveness of the streetscape.	Basement parking provided.	Yes
3.8 Landscaping and Street Trees a. Street trees and other planting shall be provided in accordance with the Ryde Town Centre Public Domain Plan and their health guaranteed for a minimum of 2 years.	As confirmed by the independent landscape review, species selection is generally considered to be satisfactory and incorporates a range of trees, shrubs, grasses and groundcovers.	Yes
3.9 Public Art a. Public art must be included in all new developments of \$5 million dollars or greater. b. A site specific Arts and Cultural Plan is to be submitted together with the development application. The Arts and Cultural Plan should be prepared by an arts and cultural planner and should address the following: i. Identify opportunities for the integration of public art in the development; ii. Identify themes for public art that are informed by the site history and local community issues including environmental sustainability; iii. Be inclusive of communities catering for the elderly, youth, children, mothers and minority groups; iv. Durability, robustness and longevity; and v. Demonstrate how public art is incorporated in the site and built form design. c. Public art shall be located in publicly accessible areas of new development such as foyers, building exteriors, rooftops, adjoining footpaths and the like. d. To the greatest extent possible public art should have a dual purpose. For example public art may include lighting that contributes to luminance levels in the public domain and hence public safety. Public art may also	A preliminary concept of the public art to be provided in the garden/forecourt area of the development has been provided with the application. It is proposed to provide a group of laser cut steel "magpies" fixed on poles. The proposed art work is considered fitting given the local context of graveyard, church and big trees. Conditions 59 & 125 have been imposed with regard to public art.	Yes

Control	Comment	Compliance
include paving and street furniture such as seating, safety barriers and water features. e. Public art may be required as part of an Interpretation Plan for heritage and archaeological resources		
3.10 Hoardings a. For any development in Ryde Town Centre hoardings must include the following (unless duration of construction is to be less than 12 weeks): i. Coordinated graphics that may form part of the public art program for the site; ii. Project consultant information in one location; iii. Required safety signage; and iv. Solid panels in preference to open mesh and fencing. b. Traffic and Pedestrian Plan of Management is required for the hoarding, construction or demolition phase.	Compliance can be achieved. See Condition 9 .	Yes
4.0 Architecture and Urban Form		
4.1 Building Height a. Buildings must comply with the maximum heights described in Ryde LEP 2014 - Height of Buildings Map. b. Height Planes A, B, C and D apply where indicated on the Building Height Control Drawing in this plan (Figure 4.4.05). c. NA d. Floor to ceiling height must be a minimum of 2.7 m for residential uses. e. To ensure that ground floor levels are adaptable over time for a wide range of uses, the floor to ceiling height shall be a minimum of 3.5 m clear for the ground floor and street levels in all development, regardless of uses, in the B4 Mixed Use – land-use zone except for Precinct 4.	Max. 22.3m (Building B). Refer to Section 8.9 of this report. NA Min. 2.7m floor to ceiling heights provided. Ground floor commercial level provided with 3.7m floor to floor.	No – Clause 4.6 variation submitted. NA Yes Yes
4.2 Setbacks and Build-to Lines a. Building setbacks at the ground level must comply with the Setbacks Control Drawings Figure 4.4.07 and Figure 4.4.17.	Victoria Rd setback: 3m Other streets: 7m	Yes Yes

Control	Comment	Compliance
 <p>3m to Victoria Rd 7m to others</p>		
<p>4.3 Building Depth</p> <p>a. All occupied points on a commercial floor shall be no more than 15 m from a source of daylight. The preferred maximum depth of office buildings with openings on one side is 15 m. The preferred maximum depth of office buildings with openings on two or more sides is 30 m.</p> <p>b. Maximise daylight to public spaces in retail uses, including particularly arcades, circulation spaces, food courts and the like. Design devices such as atria and light wells are to be provided.</p> <p>c. Maximise natural ventilation in retail and commercial uses by incorporating where possible stack ventilation, openable windows, open air circulation spaces and courtyards.</p> <p>d. Achieve natural ventilation in residential buildings by having window openings in opposite directions and walls where possible.</p> <p>e. The maximum overall depth of residential buildings is 18 m unless design excellence can be demonstrated and natural ventilation is achieved.</p>	<p>Commercial depth of 19m to back of C01 tenancy. The proposed variation is considered acceptable as glazed sliding doors are provided to the commercial area along the south and south west elevation which will enable sufficient solar access and daylight.</p> <p>No public spaces within the commercial area.</p> <p>Acceptable level of ventilation available.</p> <p>Acceptable level of ventilation available.</p> <p>Max. 15m. Refer to ADG table.</p>	<p>Acceptable on merit</p> <p>NA</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
<p>4.4 Architectural and Design Quality</p> <p>a. Development on corners must address all street frontages. Entries, windows and other architectural elements should be placed to reinforce the corner.</p> <p>b. Provide building articulation elements including awnings, verandahs, decks, loggias, pergolas, bay windows and recessed doors.</p> <p>c. Windows and entries shall be placed to overlook public spaces and streets to provide surveillance</p>	<p>Suitable design response to secondary frontages is proposed.</p> <p>Provided.</p> <p>Provided.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>

Control	Comment	Compliance
opportunities. d. Balconies may not be continuous along the whole length of building façades. e. Provide solar protection, including awnings, recessed windows, roof overhangs, external shutters and screens to the western and northern elevations of buildings. f. Development should protect the existing level of amenity of adjacent development as well as for all users of the site.	Balconies do not extend building length. Suitable solar screening provided. Suitable level of amenity retained to neighbours and future residents.	Yes Yes Yes
5.0 Heritage		
5.3 The Setting a. New development in the vicinity of a heritage item is to be compatible with the visual character of the heritage item and its significant context or setting. b. If the site of a heritage item is amalgamated, the original lot structure shall be discernible in all new development and the visual curtilage retained. c. The natural topography and landscaped setting of the site of a heritage item is to be retained. d. Significant views and other visual links to and from a heritage item are to be preserved and enhanced.	The subject site is located in proximity to the following item: St Anne's Ryde Anglican Church and Cemetery, 46 Church Street, Ryde (Item No.130) A Heritage Impact Assessment has been submitted with the application and is considered acceptable by Council's Heritage Officer.	Yes
6.0 Sustainable Development		
6.3 Waste Management a. All applications for demolition and development must be accompanied by a Waste Management Plan that specifies the type of waste to be produced and the proposed arrangements for ongoing waste management, collection and disposal. b. All Waste Management Plans shall be prepared in accordance with the relevant requirements of the Waste Recycling and Processing Service Act 1970, and the Waste Minimisation and Management Act 1995, and the Protection of the Environment Operations Act 1997 and Part 7.2 Waste Minimisation and Management.	A Waste Management Plan was submitted with the application. This plan complies with Council's requirements.	Yes
6.5 Alternatives to Private Vehicle		

Control	Comment	Compliance
<p>Transport</p> <p>a. Refer to 2.7 Bicycle Parking within Part 9.3 Parking Controls of this DCP.</p> <p>b. Workplace Travel arrangements are made in every commercial building to encourage greater use of available public transport services by staff. Target 40% of staff to use public transport in each commercial or office premises.</p>	<p>15 bicycle parking spaces provided within the upper basement level.</p> <p>Not considered necessary for proposed size of commercial tenancy.</p>	<p>Yes</p> <p>NA</p>
7.0 Residential Amenity		
<p>7.1 Residential Private Open Space</p> <p>Front gardens</p> <p>a. Provide front gardens to residential developments where buildings are required to be setback from the street. Refer Setbacks Control Drawing.</p> <p>b. Design front gardens to provide a positive setting for the building.</p> <p>c. Tree species shall be selected from a palette in accordance with the relevant recommendations of the Ryde Town Centre Public Domain Plan 2006. Native plant species are generally encouraged.</p> <p>d. Minimise the impact of driveways in front gardens by design, materials selection and appropriate screen planting.</p> <p>e. All driveways are to be separated from pedestrian pathways and entryways.</p> <p>f. Driveways, kerb crossings, parking, paved areas and external structures must be sited to safeguard the root zone of existing street trees.</p> <p>g. Gardens less than 3 m wide shall have adequate continuous access to allow maintenance.</p> <p>h. Design front gardens for security by providing adequate lighting to pedestrian and vehicle entrances. Avoid planting which may obscure buildings entries.</p> <p>Private Gardens</p> <p>j. Landscape spaces shall retain existing significant mature trees and contribute to the character and environmental quality of the</p>	<p>Front gardens are provided to all street facing units.</p> <p>Complies.</p> <p>Complies.</p> <p>One driveway proposed with landscaping on both sides provided.</p> <p>Driveway is separated from pedestrian pathways.</p> <p>Complies</p> <p>Complies.</p> <p>Complies</p> <p>Condition 147 imposed for lighting</p> <p>No significant trees on the site.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>NA</p>

Control	Comment	Compliance
<p>landscape of Ryde Town Centre.</p> <p>k. Where possible provide 20% minimum deep soil landscape space.</p> <p>l. Deep soil landscape areas shall provide some capacity for storage and infiltration of stormwater falling within the total development.</p> <p>m. Provide one large tree, with a spreading canopy, and mature height of 12 metres minimum, planted in deep soil, for every 100 m² of landscaped open space. Indigenous species are preferred and should be selected from the palette detailed in the Ryde Town Centre Public Domain Plan 2006.</p> <p>n. To the greatest extent possible, locate car parking under the building footprint to maximise deep soil.</p> <p>o. Gardens less than 3 m wide shall have adequate continuous access to allow maintenance.</p> <p>p. All air conditioning and other plant shall be screened from view and integrated in the architectural design.</p> <p>q. The design of podium landscapes above car parking shall create optimum conditions for the establishment and long term viability of soft garden areas, including:</p> <p>i. A minimum of 600 mm of soil to allow sustainable planting.</p> <p>ii. Provide drainage and irrigation to all planters over structure.</p> <p>iii. Ensure that all planters are accessible for maintenance.</p> <p>r. All communal garden, swimming pool and outdoor spaces should be designed to enhance the safety and security of residents:</p> <p>Above ground open space</p> <p>s. Provide at least one balcony, terrace or deck for each dwelling where direct access to ground level private open space is not available.</p> <p>t. Primary above ground open space is to be accessible from a family room, lounge, dining room or kitchen, and be north, east or west facing, in the form of</p>	<p>The proposal does not comply with the 20% requirement, providing 14.7% or 507sqm for deep soil landscape. Given that the proposed DS is significantly more than what is required under the ADG (7%) and Council's Landscape Architect has raised no objections to the landscape plans, the proposed variation is considered acceptable.</p> <p>Complies - Three gum trees proposed for 340m² of ground floor landscaped area.</p> <p>Basement parking proposed.</p> <p>Complies</p> <p>Located in basement.</p> <p>Council's Consultant Landscape Architect has reviewed the proposed landscaping and the design is acceptable. Conditions 62 & 64 have been imposed for minimum soil depth for planters and irrigation.</p> <p>Complies</p> <p>One balcony per unit.</p> <p>Adjoins living areas.</p>	<p>No – variation acceptable.</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>

Control	Comment	Compliance
<p>balconies, courtyards, terraces, roof gardens and the like.</p> <p>u. The depth of the primary above ground open space is to be in the range of 2 – 4.0 m. The optimal depth is 2.4 – 3.0 m.</p> <p>v. Smaller secondary open spaces such as balconies off bedrooms are also encouraged. The depth of the secondary open space should be in the range of 0.9 – 1.5 m.</p> <p>Fences</p> <p>x. Front fencing may only occur in the Precincts 4 and 6 where front setbacks are required.</p>	<p>Minimum 2m.</p> <p>Non proposed.</p> <p>NA</p>	<p>Yes</p> <p>NA</p> <p>NA</p>
<p>7.2 Solar Access and Sun Shading</p> <p>a. Optimise solar access to principal living rooms and private open spaces of all dwellings. Mid winter solar access diagrams may be required as part of the energy efficiency Performance Report required by Part 7.1 Energy Smart, Water Wise.</p> <p>b. Provide appropriate sun protection to glazing depending on orientation:</p> <p>i. On north facing facades provide external horizontal shading devices, eaves, awnings, colonnades, balconies, pergolas, planting and the like, to maximise solar access in winter and minimise solar access in summer; and</p> <p>ii. On east and west facing facades provide external vertical shading, sliding screens, adjustable louvres and the like. These may be used in conjunction with awnings, colonnades, balconies, pergolas, and planting.</p> <p>c. Extensive areas of glazing unprotected from sunlight during summer will NOT be permitted.</p> <p>d. Reliance on high performance glazing as the primary element of sun control is NOT permitted.</p>	<p>The proposed development provides solar access to majority of units between 9am and 3pm. Condition 1(a) imposed to provide north facing window to Bedroom 2 to some of the units in Building C. The proposal meets the energy, water and thermal targets under BASIX and is considered acceptable in respect of the ADG.</p> <p>Provided.</p> <p>Complies.</p> <p>Complies.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
<p>7.3 Visual Privacy</p> <p>a. Ground floor residential development may be permitted</p>	<p>Commercial and residential uses are proposed at ground level.</p>	<p>Yes</p>

Control	Comment	Compliance
<p>subject to Land Use Controls.</p> <p>b. Ground floor residential development is encouraged to be more than one storey in height with split-levels, mezzanines and the like so that bedrooms and other spaces may be located above the street level.</p> <p>c. Direct overlooking of rooms and private outdoor space of on-site or neighbouring housing, including housing within the same development is to be minimised through:</p> <p>i. Building layout.</p> <p>ii. Location and design of windows and balconies.</p> <p>d. The use of tinted glazing that does not prevent overlooking is not acceptable as the primary means of achieving privacy.</p> <p>e. This provision gives detailed guidance to the principles of SEPP 65 and promotes appropriate building separation. The preferred minimum distances between opposite windows of neighbouring buildings and dwellings where direct view is not restricted by screening or planting are:</p> <p>i. 6 m between windows of service rooms and/or edges of secondary balconies.</p> <p>ii. 9 m between windows of service rooms and/or edges of secondary balconies to edges of primary balconies.</p> <p>iii. 9 m between windows of service rooms and/or edges of secondary balconies to windows of commercial uses.</p> <p>iv. 12 m between windows of "living" rooms and/or edges of primary balconies. 12 m between windows of "living" rooms to windows of commercial uses.</p>	<p>Ground floor residential units located above street level.</p> <p>Refer to ADG table. Development results in building separation shortfall however window placement and orientation to No. 721 Victoria Road is suitable.</p> <p>Not proposed.</p> <p>Noted. Refer to ADG table and Section 8.7 of this report.</p>	<p>Yes</p> <p>Yes</p> <p>NA</p> <p>No – variation acceptable. See full discussion under Section 8.7.</p>
<p>7.4 Acoustic Privacy</p> <p>a. Development is to meet or exceed the sound insulation requirements between separating walls and floors of adjoining dwellings of the Building Code of Australia.</p> <p>b. New development is to meet or exceed the recommendations of</p>	<p>With regard to the proposed residential units, the development would be required to meet the recommendations within the Acoustic Report prepared by</p>	<p>Yes – Conditions 52 & 53.</p>

Control	Comment	Compliance
<p>Australian Standard 3671- 1987: Acoustics – Recommended Design Sound Levels and Reverberation Times for Building Interiors.</p> <p>c. Site buildings and design the internal layout of rooms, courtyards, terraces and balconies, the use of openings, screens and blade walls, and choice of materials, to minimise the transmission of noise externally.</p> <p>d. Design to achieve primary acoustic privacy between adjacent dwellings with appropriate building materials. This may be enhanced using service areas such as circulation, and storage areas, and back-to-back kitchens, laundries, storage and bathrooms to create a noise buffer.</p> <p>e. Balconies and other external building elements are to be located, designed and treated to minimise noise in the building and reflection of noise from the façade.</p> <p>f. The use of a premises, and any plant, equipment and building services associated with a premises must not:</p> <p>i. Create an offensive noise as defined by the Protection of the Environment Operations Act 1997; and</p> <p>ii. Add significantly to the background noise experienced in a locality. Council may require a statement of compliance from a qualified acoustical consultant.</p> <p>g. Machinery and activities, including construction work, that are likely to generate offensive noise must be adequately sound-proofed in accordance with the Protection of the Environment Operations Act 1997 prior to occupation of the premises.</p> <p>h. Where retail and commercial development adjoins residential development, the use of mechanical plant equipment and building services will be restricted and must have acoustic insulation.</p> <p>i. Loading and unloading facilities must not be located immediately adjacent to residential</p>	<p>Acoustic Logic and the relevant provisions of AS2107:2000 <i>Recommended design sound levels and reverberation times for building interiors.</i></p> <p>Similar room types adjoin each other in adjacent units.</p> <p>Balconies are oriented to provide acoustic and visual privacy.</p> <p>Condition 169 included in consent.</p> <p>See Noise Management Condition 104 included in consent.</p> <p>Condition 66 included in consent</p> <p>No commercial loading bay proposed.</p>	<p>Yes</p> <p>Yes</p> <p>Yes - Condition 165.</p> <p>Yes - Condition 104.</p> <p>Yes – Condition 66</p> <p>NA</p>

Control	Comment	Compliance
development. j. Design restaurants and cafes to diminish the impact of noise associated with late night operation on nearby residents.	Condition 157 has been imposed to restrict the hours of operation of the commercial tenancy so as to ensure amenity to the residents are maintained.	Yes - Condition 157
7.6 Housing Choice a. This provision gives detailed guidance to the principles of SEPP 65. Development is to provide a diverse mix of dwelling sizes generally within the following ranges: 3 bedroom: 5 – 35% 2 bedroom: 40 – 80% 1 bedroom + studio: 5 – 35%	3 bedroom – 3.9% 2 bedroom – 49.5% 1 bedroom + studies – 46.6% The proposed does not complies with the numeric requirement in that it is outside of the range for 1 & 3 bedroom types, providing more 1 bedroom plus studies and less 3 bedroom units. Despite the proposed unit mix falling outside the nominated range, the development still provide for some unit mix and will comprise ' <i>an appropriate mix to accommodate a diversity of housing</i> '. The proposed studies in the one bedroom have built in joinery (desk) and are insufficient in size to be used as another bedroom. The proposed housing spilt is supported.	No – variation acceptable.

Part 9.3 – Parking Controls

Part 9.3 specifies that car parking is to be provided at the following rates:

Residential Development - High Density (Residential Flat Buildings)

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

The development will contain a total of 105 apartments comprising of:

- 49 x One Bedroom
- 52 x Two Bedroom

- 4 x Three Bedroom.
- 269m² of commercial floor area.

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

Dwelling Type	No. of Units	Parking Req'd	
		Min.	Max.
1B	49	29.4	49
2B	53	47.7	63.6
3B	3	4.2	4.8
Total	105	81.3 (82)	117.4 (118)
Visitor	105/5	21	
Commercial	269m ²	6.7 (7)	
Residential	118	Range 110 (min) to 146 (max)	
Visitor	21		
Commercial	7		
Total			

The proposal provides a total of 144 parking spaces including 21 visitor spaces and therefore complies with this requirement.

269m² GFA of commercial floor space is proposed and would warrant 6.7 (7) parking spaces based on the DCP rate for office/business premises (1 space per 40m² of GFA). 6 commercial parking spaces have been provided on the lower ground floor which is short of the required by 1 space. However this can be accommodated by the allocation of 1 of the residential spaces. See **Condition 155**.

The proposal therefore complies with the parking provisions contained in DCP 2014.

City of Ryde Section 94 Development Contribution Plan 2007

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 development will require Section 94 contributions in accordance with Council's current Section 94 Contributions Plan on the basis of construction of a development comprising:

- 49 x 1 bedroom units;
- 52 x 2 bedroom units;
- 4 x 3 bedroom units and
- 269m² of commercial floorspace.

Concession of 4 dwellings has been given for each of the dwelling house currently located on each of the individual lots.

The required contributions have been calculated as follows:

A – Contribution Type	B – Contribution Amount
Community & Cultural Facilities	\$259,333.68
Open Space & Recreation Facilities	\$612,181.99
Civic & Urban Improvements	\$225,162.05
Roads & Traffic Management Facilities	\$30,790.52
Cycleways	\$19,185.50
Stormwater Management Facilities	\$59,690.96
Plan Administration	\$5,172.67
The total contribution is	\$1,211,517.37

Condition 42 requiring the payment of the above Section 94 contribution prior to the issue of any Construction Certificate has been included in the recommendation of this report and which will further be indexed at the time of payment if not paid in the same quarter.

9. LIKELY IMPACTS OF THE DEVELOPMENT

Most of the impacts associated with the proposed development have already been addressed in the report. The additional impacts associated with the development or those issues requiring further consideration are discussed below.

Traffic

The DA was referred to Roads and Maritime Services (RMS) for comment. RMS has raised no objection to the proposal subject to conditions of consent. Council's Traffic Engineer has advised that the traffic generation for the proposed development (i.e. 105 apartments with 269m² of commercial area) is expected to be moderate. The net increase in traffic is expected to be about 25 additional vehicle trips per hour, which equates to 1 vehicle every 2 minutes. In addition, intersection assessment of Victoria Road/Church Street/Little Church Street, Little Church Street/St Annes Street and Victoria Road/Blaxland Road indicate that the additional trips will have minimal impact on the operations of the intersections. No objections were raised by Council Officers with regard to traffic impact.

Overshadowing

The DCP requires the built form of new development to be designed to minimise shadow impacts on surrounding properties. The submitted diagrams demonstrate that shadow casted by the proposed development will impact the north facing corner units on the adjoining property at No. 721 Victoria Road. The remaining shadows will be cast over Victoria Road which is located to the south of the site. Given the orientation of the site any redevelopment at St Annes Street will overshadow the adjoining southern site, in this case, 721 Victoria Road. It should also be noted that 721 Victoria Road is a remnant site with reduced setbacks. The proposed development predominantly complies with the required setback and complies with the

height where the site adjoins 721 Victoria Road. It is considered the shadow impact of the proposal is acceptable given that the overshadowing is only for a small section of 721 Victoria Road, and the height and setback of the buildings are generally in accordance with council's LEP and DCP controls.

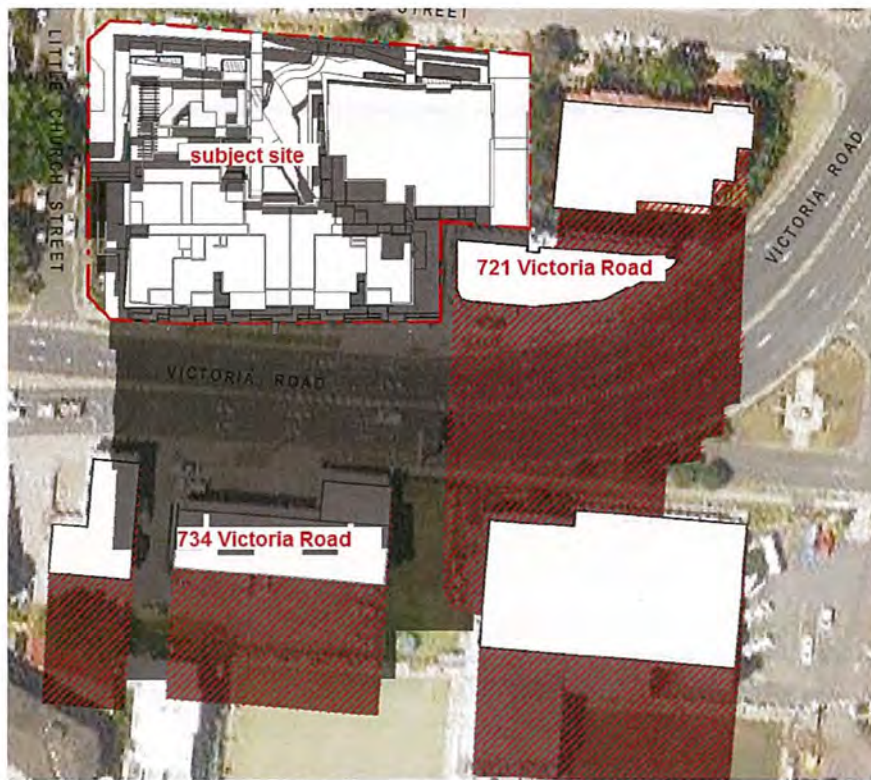


Figure 21 – Overshadowing at 9am – some overshadowing to the north west corner of 721 Victoria Road.

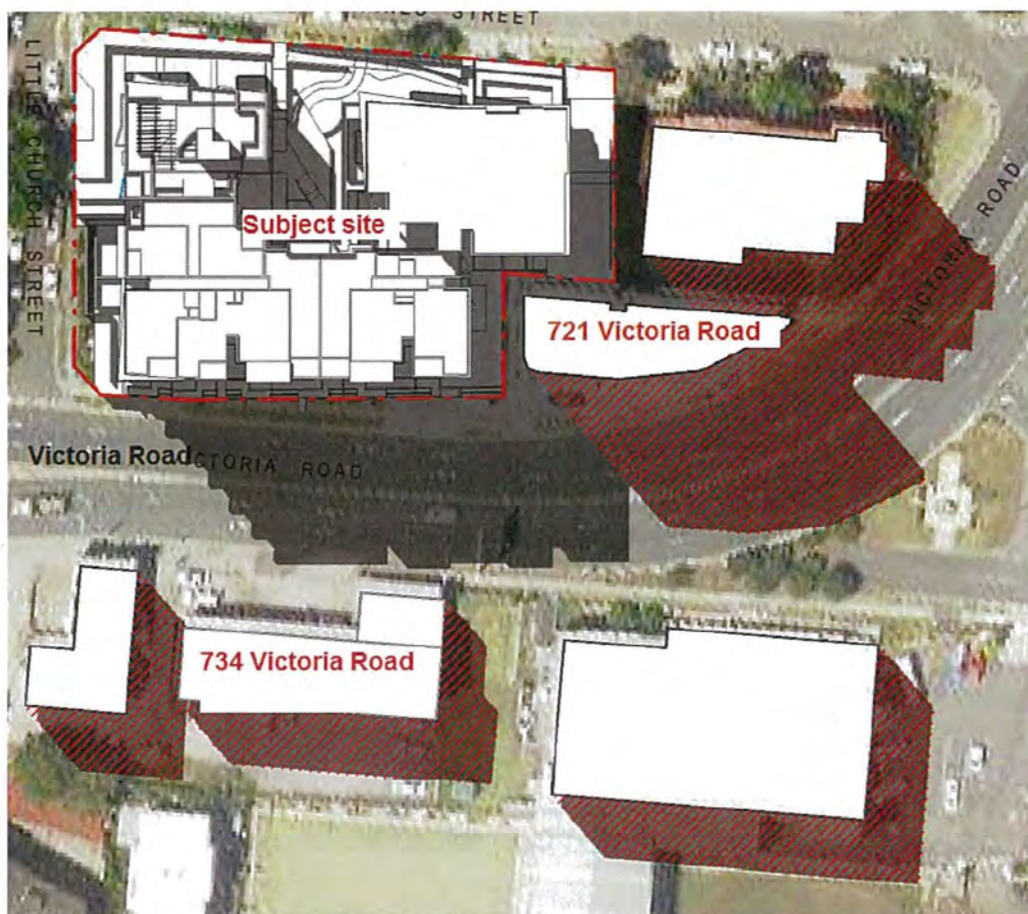


Figure 22 – Overshadowing at 12 noon– some overshadowing to the north west corner of 721 Victoria Road.

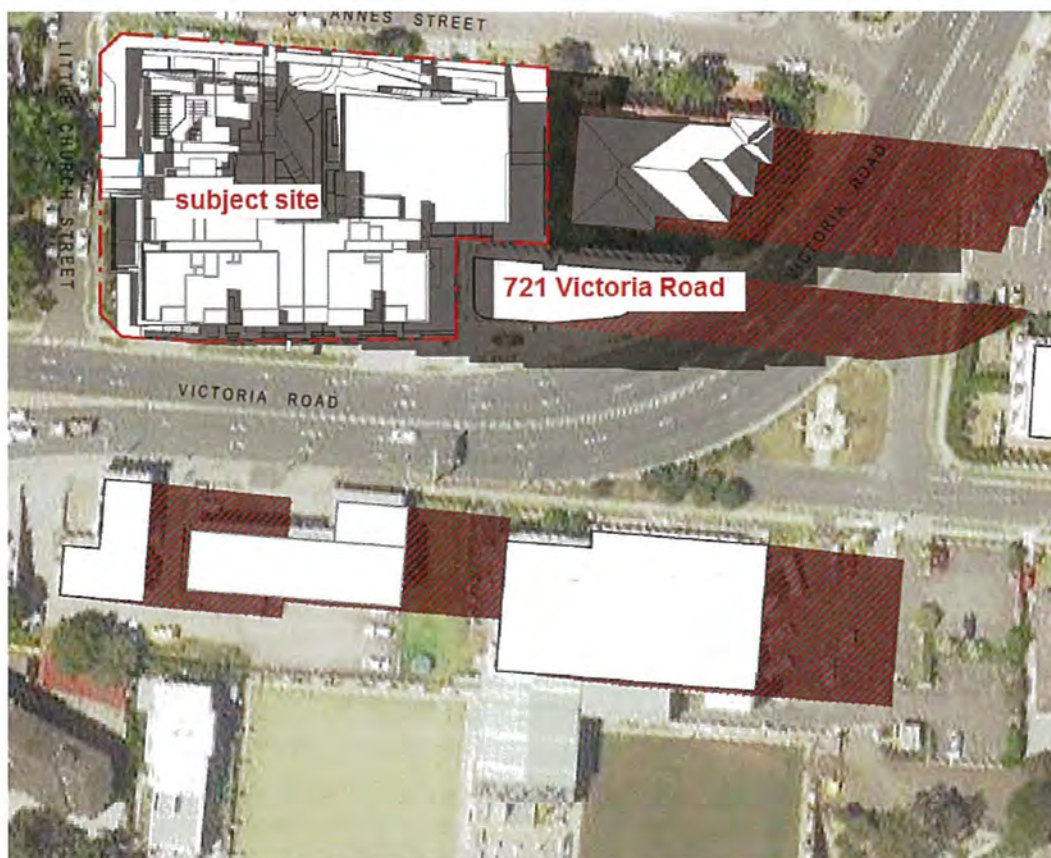


Figure 23: Overshadowing at 3pm.

10. SUITABILITY OF THE SITE FOR THE DEVELOPMENT

The proposed development is considered suitable for the subject site with respect to the B4 – Mixed Use zoning under RLEP 2014 and the associated planning controls.

11 THE PUBLIC INTEREST

The development is considered to be in the public interest as it is reasonably consistent with the relevant planning controls and allows the redevelopment of the site anticipated by the site specific controls relating to the site. Assessment of this application has not identified any significant compliance issues, unresolved matters or amenity impacts for adjoining development which would warrant further design amendments or refusal of the application.

12. REFERRALS

Internal Referrals:

Environmental Health Officer: 17 February 2016: Council's Environmental Health Officer has reviewed the proposal has raised no objections to the proposal subject to conditions. See **Conditions 43 to 45**.

Heritage Officer: 21 June 2016: The subject site is opposite St Anne Church which is a heritage item. The application was initially referred to Council's Heritage Officer who has advised:

The development proposal has been referred for heritage consideration as the subject site is within the vicinity of the following items of heritage significance listed under Schedule 5 of Ryde LEP 2014:

- 'Former Court House' 42 Church Street, Ryde (Item No.129)*
- 'St Anne's Ryde Anglican Church' 46 Church Street, Ryde (Item No.130)*
- 'Great North Road' Victoria Road, Gladesville (Item No.154)*
- 'Northern Suburbs Ocean Outfall Sewer' (State Heritage Register listed).*

Consideration of the heritage impacts:

This proposal has been the subject of previous heritage advice at preliminary design stage. It is also noted that there have been multiple and varied proposals for the subject site, all of which have proposed the demolition of the existing buildings and construction of a multi-storey residential flat building.

At the outset, Council has consistently advocated that any redevelopment of the subject site needs to reflect the scale of St Anne's Church, must be modulated in that any development in the northwestern corner of the site is regressive in its scale to St Anne's and to ensure that the silhouette of any new built form does not adversely obscure significant view corridors and vistas both to and from the church site and cemetery.

The proposal is accompanied by a Heritage Impact Statement (HIS) (NBRIS, December 2015). In summary, the HIS concludes that the proposed development is satisfactory and supports the proposed built form.

The proposal involves the demolition of the existing buildings on the site. Council has consistently requested that a robust heritage assessment be undertaken for the single-storey detached dwelling at 10 Little Church Street, particularly because this dwelling is attributed to the late 19th Century and has previously been recommended for heritage listing in the c2009 Heritage Review.

In 2011, Council resolved not to list 10 Little Church Street as an item of heritage significance, not on reasons of heritage merit but on the grounds that the then owners objected to the listing. Subsequently, a further detailed heritage assessment is justified to consider the suitability of the proposed demolition.

The HIS submitted with this DA provides a comprehensive historical analysis of the subject site and places 10 Little Church Street in historical context. The assessment confirms that the dwelling was erected in c1888 as the Constable's Residence, associated with the construction and operation of the Ryde Hill Water Reservoir, which was formerly situated behind the dwelling.

It is evident from reviewing the historical source material in the HIS and a contemporary examination of the dwelling that 10 Little Church Street has been substantially modified and the architectural integrity has subsequently been compromised and obscured.

In particular, a wing addition has been constructed which projects off the front elevation, and while this incorporates the arched window, presumably removed from the original façade, the additions have resulted in the reconfiguration of the verandah and the cast iron detailing. A small gablet has also been inserted on the front roof plan. Overall, the silhouette of the dwelling has been substantially compromised. The HIS provides a significance assessment for the dwelling, concluding that 10 Little Church Street does not demonstrate sufficient values that warrant its heritage listing. I concur with this assessment and therefore support the demolition of the dwelling, on the basis that a comprehensive photographic archival recording is commissioned of the interior and exterior of the dwelling prior to any demolition works commencing. Further, it is recommended that a condition be imposed requiring the salvaging of architectural fabric and elements.

With respect to the remaining dwellings and built structures, the other dwelling houses to be demolished display architectural characteristics which are attributed to the Post-War period and have an estimated construction date of c1960s. These dwellings are considered non-descript examples of the architectural style and their demolition can be supported. Similarly, the demolition of the former vehicle service station structure fronting Victoria Road is supported as it is a utilitarian structure with no architectural interest or value.

The site has been partially excavated in conjunction with previous uses. In this regard, it is unlikely that the site has the potential to yield significant archaeological resources.

It is noted that the Northern Suburbs Ocean Outfall Sewer transects the site. This is below-ground sewage infrastructure which is listed on the State Heritage Register as having state significance. The HIS suggests that this infrastructure is located at a depth of approximately 30m below ground, however there is inconclusive evidence to support this. The proposal involves excavation of the site to an approximate depth of 9.7m. It is highly probable that the proposed excavation will not impact on the Northern Suburbs Ocean Outfall Sewer, however this should be further investigated with evidence provided by Sydney Water confirming the depth of the infrastructure. Council could consider conditions of consent to ensure the protection of this heritage listed infrastructure.

In considering the proposed built form, the multi-storey residential flat building incorporates a highly modulated form which incorporates a variety of architectural features and elements which enhance the horizontality of the structure and proposes a palette of materials and finishes.

A higher degree of sensitivity surrounds the design treatment of any built form in the north western corner of the subject site, particularly given the close proximity and visual relationship with St Anne's Church. In this location, the proposed building adopts a maximum building height of three storeys, and has an acceptable built form relationship to St Anne's, being of a scale and height that will not visually dominate nor detract from the significance and prominence of St Anne's.

In fact, this component of the building almost reads as a separate building in the sense that it is differentiated from the remainder of the building through a palette of materials that provides for a harmonious relationship with St Anne's through the use of sandstone cladding.

The proposed built form increases in height and the overall number of storeys as it moves away from St Anne's in both an easterly and southerly direction. The silhouette of the easternmost portion of the building is considered acceptable. With respect to the built form fronting Little Church Street, the photomontages depict that this portion of the proposed building will be highly visible from many vantage points and angles when viewed from Church Street over and through the St Anne's site.

It is important to not only consider the views from Victoria Road to St Anne's but also views and vistas which are achieved through the site from Church Street towards the subject site and how the proposed development sits as a backdrop to the heritage item. St Anne's Church is also one of the most iconic buildings in Ryde and demands a highly sensitive approach to development within the visual curtilage and setting so that any new built form provides a backdrop that has a regressive scale and form and does not visually detract from the significance and prominence of St Anne's.

In this regard, it is necessary that the new development allows for the silhouette and form of St Anne's to still be the prominent built element in the immediate surrounding landscape, whereby there must be a transition in scale and form. When viewed from Church Street, the proposed six storey component of the building will be visible and reads as a de-facto addition to the rear of St Anne's, picking up a similar building plane to the finished height of the Church building.

Were there to be greater modulation of the top three storeys to the western elevation, such as the 'stepping' of the built form, this would reduce the extent of the building visible and allow for the retention of the silhouette of St Anne's with the open skyline as its backdrop – which is considered of high importance.

Subsequently, it is recommended that the western elevation be modified to provide for greater transition in the height.

It is accepted that the proposed street tree planting, together with the existing mature vegetation canopy on the St Anne's Church site, will provide for a softening of the proposed built form and whereby partially concealing the new building from view.

In considering the impact on views, the HIS has provided an analysis of the view corridors and vistas available to St Anne's from various vantage points within Victoria Road. It is accepted that the existing vegetation conceals much of St Anne's from view and that on this basis alone, there exists limited significant views from Victoria Road facing in a northwestern direction.

A significant axial view is achieved from Victoria Road and various vantage points along St Annes Street facing due west. The proposed building adopts a front building setback to St Annes Street which is largely consistent with the existing built form and established pattern of development, whereby maintaining this significant view corridor. The three storey component of the building in the northwestern corner will further ensure the retention of views through the site.

Subject to the above comments, some design changes are considered necessary, though the overall quantum of the proposal is supported. It is believed that the design changes to the western elevation of levels 4, 5 and 6 of the building fronting Little Church Street, will lessen the heritage impact by providing an improved backdrop.

However, should Council not consider further design changes, then the following conditions of consent are recommended:

- Salvage of materials and building elements – 10 Little Church Street**

Traditional building materials and architectural elements (such as windows, doors, internal and external joinery, masonry, tiles etc) are to be dismantled, salvaged and sold to an established dealer in second-hand heritage building materials.

Documentation of the salvage methodology must be submitted for the approval of Council prior to the commencement of demolition.

- ***Photographic Archival Recording – 10 Little Church Street***
Prior to the commencement of any works, including the dismantling of fabric or demolition, a Photographic Archival Recording shall be undertaken and submitted to Council.

The Photographic Archival Recording shall be prepared in accordance with the guidelines "Archival Recording of Heritage Items Using Film or Digital Capture" published by the Heritage Division of the Office of Environment and Heritage.

Two complete copies of the Photographic Archival Recording shall be submitted to Council. Each copy should contain (for digital projects):

- *A brief report or introduction which explains the purposes of the Photographic Archival Recording and gives a brief description of the subject site, as well as details of the sequence in which images were taken. The report may also address the limitations of the photographic record and may make recommendations for future work;*
- *Plans of the building marked up to indicate where the photographs were taken and the direction of the photograph;*
- *The report should include all technical details including camera and lenses, image file size and format, technical metadata associated with the images, and colour information;*
- *Catalogue sheets, photographic plan, supplementary maps;*
- *Colour thumbnail image sheets (e.g. A4 page with six images by six images) showing images and reference numbers. The thumbnail sheets should be processed with archivally stable inks on archivally acceptable photographic paper and cross referenced to catalogue sheets;*
- *One full set of 10.5x14.8cm (A6) colour prints OR, if a large project, a representative set of selected images processed with archivally stable inks on archivally acceptable photographic paper.*
- *A CD or DVD containing electronic image files saved as RAW files with associated metadata, and cross-referenced to catalogue sheets.*

The report should be presented on archival quality paper in a suitable archival binder and slipcase, and all storage of individual components must be in archival quality packaging suitable for long term storage.

- *Conditions of consent should also be imposed to ensure the protection of trees, including their canopy in Little Church Street and situated on the St Anne's Church site.*
- *A condition of consent shall also be imposed requiring a detailed sample board of materials and colour finishes to be submitted to the*

satisfaction of Council's Heritage Advisor prior to the issue of any Construction Certificate.

See **Conditions 38, 55, 88 & 112.**

Further to the above comments, the proposal was amended and the amended plans were referred to Council's Heritage Officer who advised:

Revised plans have been received which document various modifications to the proposal, although the overall scheme remains largely the same as originally proposed.

The revised plans are supported by an addendum to the Heritage Impact Statement, which supports the revised scheme.

In considering the revised plans, no objections are raised to the proposal, subject to the conditions as previously recommended and the following additional conditions:

– **Protection of trees and cemetery**

No construction vehicles, equipment, access or materials shall be permitted to stand, be stored or stockpiled or otherwise, on the western kerb side of Little Church Street.

No access for construction vehicles or the like shall be permitted over or through the St Anne's Church and cemetery site.

– **Pre-commencement dilapidation report**

The applicant must prepare and submit a pre-commencement dilapidation report providing an accurate record of the existing condition of the St Annes Church building and ancillary structures.

The dilapidation report shall be undertaken by a qualified Structural Engineer.

A copy of the report must be provided to the satisfaction of Council, any other owners of public infrastructure and the owners of adjoining and affected private properties.

– **Excavation works**

All excavation works shall employ such techniques and equipment which minimises the amount of ground vibration.

In this regard, excavation of the site by use of pneumatic drill for the breaking of rock shall not be permitted.

See **Conditions 41, 78, 92 & 98.**

Senior Development Engineer: 9 September 2016: Council's Senior Development Engineer has reviewed the amended proposal and has advised:

The applicant is seeking planning benefits by proposing the driveway access as a "laneway", capable of providing vehicle access to the adjoining properties. Considering the driveway slopes away from the street frontage and access only a few properties, a dedication of the land to Council as "public roadway" is not supported. The drainage matter alone would require a public drainage easement to be created over the property to Victoria Road. As such, the laneway should be registered as a public Right of Carriageway on the title of the property, effectively providing the same function as a laneway.

Whilst the access lacks a dedicated pedestrian path, this could potentially be addressed in future development of the adjoining lot to the east, who would likely seek access through this way. Additionally, the potential for future traffic access from 9 to 11 St Annes Street at the base of the driveway, opposite the proposed basement garage entry does not pose any concerns due to the available sight distance and anticipated traffic generation levels.

Vehicle Access and Parking

A review of the proposal with respect to vehicle access and parking notes that all aspects of the parking area are compliant with AS 2890.1.

In regard to parking capacity, the revised plans are noted to have reduced the number of units. The following parking requirements as per the DCP Part 9.3 (Parking) for high density residential parking is as follows;

Unit Type	Quantity	Min.	Max.	Visitors
1 Bedroom	50	30	50	
2 Bedroom	51	45.9	61.2	
3 Bedroom	4	5.6	6.4	
TOTALS	105	81.5	117.6	21
		(82)	(118)	(21)

Note: The unit schedule on the revised Level 2 plans incorrectly specify two x D202 units.

The development has provided 117 resident spaces (inc. 10 disabled spaces) and 21 visitor spaces thereby complying with this aspect.

In regards to the proposed commercial area of 269m², the applicant has provided 6 parking spaces, claiming compliance with the Council DCP Part 9.3 (Parking) utilising the parking rate for "Office and Business Premises" (1 space per 40m²).

A review of the parking area with respect to AS 2890 notes;

- The proposed driveway entry grades have not complied with the previous request for the provision of a 5% grade in the first 6m of the property. It is noted the presented plans provide a grade of 6.25% for 6.3m. Due to the difficulties presented in accommodating the commercial vehicle grades and height clearances (see point below) and that the difference in driveway level between the two grades, at a maximum, is 70mm (.07m) and that the driveway entry at the

boundary provides clear sight distance from the driveway along the footpath region – the situation is accepted.

- The ramp will accommodate service vehicles from the vehicle entry to the loading bay and therefore the driveway ramp grades must comply with AS 2890.2. For the HRV design vehicle, the Standard stipulates maximum grades of 15.4% and transition grades of 6.25% @ 7m lengths are required. Accordingly the proposed ramp, with a direct transition from 6.25% to 15.4% does not comply with the maximum transition grades. With this in mind and noting the ramp length, the maximum ramp grade that can be achieved is no greater than 12.5%. A review of the resulting grades in relation to the suspected ceiling height under the loading bay (RL 69.50m), notes there is scope to provide this. A condition of consent requiring a driveway profile to be submitted, complying with these requirements is advised. Further to this, the required height clearances must be maintained in this location and therefore the conditioned driveway profiles will be required to depict overhead structures and services.
- Access and egress to visitor space 12 will require vehicles to partly traverse / reverse into a shared zone adjoining visitor space 11. This technically requires a bollard in the centre of the area in accordance with AS 2890.6, preventing vehicle access. It is unlikely that a vehicle would attempt to park in this location given it is clearly a pedestrian area fronting the lift access and a doorway through to the storage area on the western side. In lieu of a bollard, a condition requiring the area to be clearly demarcated and marked "No Parking" is recommended.

There are no objections to the proposed development with respect to the engineering components, subject to the application of the following conditions being applied to any development consent being issued for the proposed development.

A condition has been drafted in regards to the new public access way to be created on the eastern side of the property. See **Condition 132** for creation of a Right of Carriageway.

City Works and Infrastructure – Public Works: 12 September 2016:

Traffic and Development Engineer: Council's Traffic and Development Engineer has advised:

The traffic report prepared by Motion Traffic Engineers dated December 2015 and subsequent responses have been reviewed by the Traffic Section.

Traffic generation for the proposed development (i.e. 105 apartments with 255m² of commercial area) is expected to be moderate. The net increase in traffic is expected to be about 25 additional vehicle trips per hour, which equates to 1 vehicle every 2 minutes.

Intersection assessments of the following intersections were undertaken for the AM and PM peak hours:

- Victoria Road/Church Street
- Victoria Road/Little Church Street

- *Little Church Street/St Annes Street*
- *Victoria Road/Blaxland Road.*

Intersection assessment results indicate that the additional trips generated by the proposed development have minimal impact on the operation of the above nearby intersections.

*The proposed car parking spaces are 144 parking spaces. Based on the proposed uses, the development is permitted to provide 110 to 146 car parking spaces in total, consisting of 103 to 139 residential tenant spaces, 21 residential visitor spaces and 7 commercial spaces. **Condition 155** has been imposed requiring the required allocation of the car spaces.*

Drainage Engineer: Council's Drainage Engineer has advised that the public drainage infrastructure in Victoria Road is to be extended to front the property so as to ensure that a direct and perpendicular connection to this infrastructure can be made. This will require the construction of a new extended kerb inlet pit in Victoria Road (location to be confirmed in consultation with Councils City Works & Infrastructure) and the extension of 375mm RFC drainage line from the existing kerb inlet pit. All works must comply with Council (and RMS where applicable) technical specifications. This has been imposed as part of **Condition 69.**

Waste: *The waste truck will access the site from St Anne's St. There are 4 waste chutes with ability to hold a recycling bin in each chute room on each floor. The waste will be dispensed into 7 x 660L bins which will be serviced three times per week. The recycling bins located in each chute room (approx. 20) will be transferred into 7 x 660L recycle bins which will be emptied twice weekly.*

The bins from each chute room on the lower ground floor will be taken to a waste holding room located on the lower ground floor (residential) for collection.

*A bulky waste storage room is located within the bin storage room located at the far eastern side of Building D. There needs to be a separate room so residents do not access the chute room. No objections subject to condition. **See Condition 87.***

Public Domain: From a Public Domain perspective there are no objections to approval of this application subject to conditions. See **Conditions 79 & 80.**

Council's Consultant Landscape Architect: 28 September 2016: Council's Consultant Landscape Architect has reviewed the proposal and has advised:

Based on a review of the revised Landscape Plans submitted, a number of modifications and amendments have been carried out to the landscape design and open space arrangements on site as a result of changes to the built form. It is noted for reference that the revised Landscape Plans have been prepared by Site Design Studios. The primary modifications have been discussed below with commentary regarding suitability and conditions recommended to be imposed as part of any approval granted.

Impact to Neighbouring Trees: As outlined in the original Landscape Assessment submitted dated 22nd February, concerns were raised that the Arboricultural Impact Assessment submitted recommended the removal of four (4) neighbouring trees. Accordingly, confirmation was requested in terms of the removal/retention status of these trees. It was also recommended that the applicant carry out further assessment in relation to the level of impact to four (4) neighbouring trees and design modifications be undertaken if necessary to ensure the neighbouring trees are not negatively impacted. Specifically, it was anticipated that the excavation works on site necessary to construct the basement entry/driveway would result in negative health impacts to neighbouring trees located adjacent to the common boundary with No.9-11 St Annes Street.

Given the revised plans submitted indicate that the proposed basement entry and driveway arrangements are mostly unchanged, except for a new 500mm landscape strip between the driveway and boundary, the above concerns are still considered relevant.

Planner's comments:

The above concerns have been discussed with the applicant who has advised that it is possible to pull the basement further back and amend the ramp if required to protect the trees. It is considered appropriate to impose a deferred commencement condition for detailed root mapping investigations to be undertaken to determine the likelihood and level of impact the proposed development will have to neighbouring trees at 9-11 St Annes Street. Should it be determined that the proposed development activity will result in an unacceptable level of impact, design modification are to be undertaken and approved by Council which reduce the impact to a sustainable level. See deferred commencement condition **Part 1, Condition 1.**

Lower Ground Floor Open Spaces: The setback to the Victoria Road frontage has been modified to reflect the new configuration of units and commercial space to the lower ground floor. The design is now to include a series of raised planter walls adjacent to the boundary providing a buffer to the Units terrace areas as well as separate pedestrian entries to each terrace. The corner of Victoria Road and Little Church Street is to include a large paved forecourt area which adjoins the new lower ground commercial area with some minor planting within raised planters along the beginning of the Little Church Street frontage. Whilst the modified arrangements are generally considered to be acceptable, there is insufficient planting to the Victoria Road frontage that is in scale with the proposed built form. See **Condition 1(b)**

Ground Floor Open Spaces: The ground floor open space areas have been modified to reflect the comments relating to individual access to units as well as additional areas of communal open space. The proposal now includes separate pedestrian entries to all units facing Little Church St and St Annes Street which has resulted in increased sizes of the private open space and deletion of the communal landscaped setback area to St Annes Street. The arrangement of the central communal space has been modified with a more

linear access to the buildings and with central lawn, planting and seating areas. Whilst the facilities provided to this area have been reduced, given the inclusion of an additional rooftop communal space, this is generally satisfactory. Accordingly, overall the modifications are generally considered to be satisfactory and are considered to improve access, open space arrangements and planting on site.

It is recommended however that a condition be imposed to delete the narrow strips of turf/lawn provided which are considered to be a maintenance issue and unsustainable. See **Condition 1(c)**.

Level 3 Communal Open Space: The level 3 communal open space area is to be maintained in terms of overall layout, however minor design changes have been made as a result of the size and layout of the adjoining Unit B302 being modified. As a result, pergola areas have been relocated, BBQ facilities removed and paved slightly reduced. Whilst the above is considered to be acceptable, given the exposed nature of the terrace, it is considered that part of the decking area should provide protection from the sun to ensure amenity and a high level of usability during the summer months. See **Condition 1(d)**.

Level 6 Communal Open Space: A new communal open space area is proposed to the rooftop Level 6 of the development to provide additional recreation space for residents of the development. The arrangement consists of a large paved terrace area with perimeter raised planters and scattered benches and tables. Whilst the additional space is considered to be appropriate, it is considered that additional facilities and amenity should be provided to ensure a high level of use. This includes BBQ facilities, lighting as well as the provision of shade given the open/exposed nature of the terrace. Accordingly, it is recommended that the following conditions be imposed as part of any consent granted for the development. See **Condition 1(e)**.

Shade Structure – Level 6. The communal open space at Level 6 is to include overhead shade structures or sun shading devices to provide appropriate sun protection and ensure a high level of amenity and useability. Details of compliance are to be submitted with the plans for Construction Certificate. See **Condition 1(f)**.

External:

Roads & Maritime Services: 4 February 2016: No objections subject to conditions. See **Conditions 14 to 19**.

NSW Police: 27 January 2016: No objections subject to conditions. See **Conditions 145 to 152**.

12. PUBLIC NOTIFICATION AND SUBMISSIONS

The proposal was notified and advertised in accordance with Part 2.1 (Notification of Development Applications) of DCP2014. The exhibition period was from 27 January 2016 to 17 February 2016. Thirteen (13) submissions

were received objecting to, or commenting on, the proposal. As a result of a second notification period from 7 June 2016 to 5 July 2016 (required as amended plans were submitted by the applicant), Council received 3 submissions. The majority of the issues raised have been addressed in the above assessment report. Comments are however provided in relation to the following matters:

- *The 5-7 storeys is still too big for this area, most buildings in this area are 3-4 storeys. Destroying the ambience of the area.*

Comment:

The design and scale of the development has been amended as recommended by the UDRP. The development complies with the height, albeit a minor variation to height of Building B, and floor space controls for the site. The Ryde Town Centre DCP does not stipulate the maximum number of stores, only maximum height which is 20m. The proposal generally complies with the height control.

Furthermore, the development is suitably located within the B4 Mixed Use zone and the development has been designed to respond to the opportunity to provide a high quality development at the site and is in keeping with the future desired character of the area.

- *Increase traffic - roads around the area are already congested. Difficulties of parking, no street parking and location of the driveway in St Anne Street will add to congestion/traffic problems. Will there be visitor parking?*

Comment:

A Traffic and Parking Assessment Report has been submitted with the application. Council's Traffic Development Engineer has reviewed the submitted documents and has advised: *"Traffic generation for the proposed development (i.e. 105 apartments with 255m² of commercial area) is expected to be moderate. The net increase in traffic is expected to be about 25 additional vehicle trips per hour, which equates to 1 vehicle every 2 minutes.*

Intersection assessments of the following intersections were undertaken for the AM and PM peak hours:

- *Victoria Road/Church Street*
- *Victoria Road/Little Church Street*
- *Little Church Street/St Annes Street*
- *Victoria Road/Blaxland Road.*

Intersection assessment results indicate that the additional trips generated by the proposed development have minimal impact on the operation of the above nearby intersections.

The proposed car parking spaces are 144 parking spaces. Based on the proposed uses, the development is permitted to provide 110 to 146 car parking spaces in total, consisting of 103 to 139 residential tenant spaces, 21 residential visitor spaces and 7 commercial spaces.

The proposal is not considered to have an adverse or onerous impact on local traffic or parking and is consistent with the future character of the area. In addition, the proposal complies with the maximum number of car parking spaces to be provided on site. In addition Council's Senior Development Engineer and Council's Development Traffic Engineer has advised that vehicle access and parking are compliant with AS 2890.1. No objections are raised with regard to the location of the driveway.

13. CONCLUSION

This report considers an application for demolition and construction of a mixed use residential and commercial building containing a total of 105 residential units and 269m² of commercial floor space at 723-731 Victoria Road, 10 Little Church Street and 3-7 St Anne's Street, Ryde.

The development complies with the design criteria in respect to the Apartment Design Guide with the exception of the building separation of Building C to No. 721 Victoria Road and the solar access requirements. In this instance the design of the development has satisfied the objectives of the requirements by optimizing the number of units achieving 2 hours direct sunlight during mid-winter and maximizing views from the site to the south. Appropriate privacy measures have been included to reduce overlooking to the neighbouring property.

The application has demonstrated that the level of amenity in terms of solar access, communal open space, privacy and energy efficiency can be met. Overall, the proposal can be supported subject to conditions.

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

14. 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 LDA2015/0654 at 723-731 Victoria Road, 10 Little Church Street and 3-7 St Anne's Street, Ryde, subject to the recommended Conditions of Consent in **Attachment 1** of this report.
- b. That those persons making a submission be advised of the decision.
- c. That RMS be advised of the decision.

Report prepared by:

Planning Ingenuity Pty Ltd
Independent Planning Consultant

Report approved by:

Sandra McCarry
Acting Senior Coordinator Major Development Team

Sandra Bailey
Acting Manager Assessment

Liz Coad
Acting Director – City Strategy and Planning

Attachment 1

DEFERRED COMMENCEMENT

The following are the Deferred Commencement condition(s) imposed pursuant to Section 80(3) of the Environmental Planning & Assessment Act 1979.

- 1. Root Mapping Investigations.** Detailed root mapping investigations are to be undertaken to determine the likelihood and level of impact the proposed development will have to neighbouring trees at 9-11 St Annes Street. Specifically, the root mapping is to relate to four (4) existing trees located on the neighbouring allotment at 9-11 St Annes Street identified as Trees 1-4 within the Arboricultural Assessment Report prepared by Tree and Landscape Consultants 1st December 2015. Should it be determined that the proposed development activity will result in an unacceptable level of impact, design modifications are to be undertaken and approved by Council which reduce the impact to a sustainable level. Alternatively, owners consent is to be obtained from the neighbouring land owners for the removal of these trees and a tree removal application submitted to Council.

The information required in Part 1 shall be submitted to Council within six months from the date of this notice or the Consent will have lapsed, in accordance with the requirements of Section 95(6) of the Environmental Planning & Assessment Act.

PART 2 - The conditions in the following sections of this consent shall apply upon satisfactory compliance with the above requirements and receipt of appropriate written confirmation from Council.

GENERAL CONDITIONS

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

Document Description	Date	Plan No/Reference
Demolition Plan	Dec 2015	DA005 B
Cover Sheet	Dec 2015	DA000 E
Site Plan	Dec 2015	DA006 B
Lower Basement	Dec 2015	DA100 D
Upper Basement	Dec 2015	DA101 D
Lower Ground Floor Plan (Commercial)	Dec 2015	DA102 E
Lower Ground Floor Plan (Residential)	Dec 2015	DA102A D
Ground Floor Plan	Dec 2015	DA103 D
Level 1 Floor Plan	Dec 2015	DA104 D

Level 2 Floor Plan	Dec 2015	DA105 D
Level 3 Floor Plan	Dec 2015	DA106 D
Level 4 Floor Plan	Dec 2015	DA107 E
Level 5 Floor Plan	Dec 2015	DA108 E
Roof Terrace Plan (Level 6)	Dec 2015	DA109 D
Roof Plan	Dec 2015	DA110 C
North and South Elevations	Dec 2015	DA200 C
East and West Elevations	Dec 2015	DA201 D
Section A	Dec 2015	DA300 E
Pre and Post Adaptable Unit Layout	Dec 2015	DA500 C
Finishes Schedule	Dec 2015	DA720 C
Lower Ground Floor Landscape Plan	03.08.16	L01
Ground Floor Landscape Plan	03.08.16	L02
Level 3 Landscape Plan	03.08.16	L03
Level 5 Landscape Plan	03.08.16	L04
Roof Terrace Landscape Plan	03.08.16	L05

Prior to the issue of a **Construction Certificate**, the following amendments shall be made (as marked in red on the approved plans):

- (a)**Additional window.** To improve solar access to the second bedroom of units CG03, C103, C203, C303 and C403 a window is to be provided on the northern elevation of Bed 2 in the abovementioned units, as marked in red on the approved architectural plans.
- (b)**Victoria Road Tree Planting.** The proposed raised planters along the Victoria Road frontage are to include an additional three (3) medium sized canopy trees that provide increased screening to the built form. The trees are to be capable of reaching a minimum twelve (12) metres in height and planted at a minimum 75 litre pot size. If necessary the volumes of the planters are to be increased to ensure an appropriately sized trees can be accommodated and their long term health and viability maintained. The trees shall be planted in accordance with the specifications as prescribed in Section 6 of the City of Ryde Urban Forest Technical Manual.
- (c)**Turf Areas.** The narrow turf strips provided to the terrace areas of Units DG01 & DG02 are to be deleted and replaced with low maintenance shrub/groundcover planting.
- (d)**Shade Structure – Level 3.** Part of the timber decking area on the Level 3 communal open space is to include an overhead shade structure to provide adequate protection from the sun. Details of compliance are to be submitted with the plans for Construction Certificate.

(e) **BBQ Facilities.** BBQ facilities are to be provided to the Level 6 communal open space area with connections to hot water and sink facilities also provided. Details of compliance are to be submitted with the plans for Construction Certificate.

(f) **Shade Structure – Level 6.** The communal open space at Level 6 is to include overhead shade structures or sun shading devices to provide appropriate sun protection and ensure a high level of amenity and useability. Details of compliance are to be submitted with the plans for Construction Certificate.

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 numbered 688210M_02 dated 1 June 2016.. **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.
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. **Signage – not approved unless shown on plans.** This consent does not authorise the erection of any signs or advertising structures. Separate approval must be obtained from Council for any additional signs, unless such signage is "exempt development".
6. **Security Grilles.** This consent does not authorise the erection of any security grilles, barriers or roller shutter doors along the front boundary of the commercial tenancy facing Victoria Road and Little Church Street.
7. **Studies.** All studies within the development are to be provided with the internal joinery for the construction of a desk. Details demonstrating compliance is to be submitted on the relevant Construction Certificate plans.
8. **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.

9. Hoardings.

- (a) A hoarding or fence must be erected between the work site and any adjoining public place.
- (b) Coordinated graphics that may form part of the public art program for the site;
- (c) Project consultant information in one location;
- (d) Required safety signage; and
- (e) Solid panels in preference to open mesh and fencing.

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. 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.

12. 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.

13. 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.

14. Roads & Maritime Service (RMS) 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. 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 the Roads and Maritime Project Engineer, External Works Ph: 8849 2114 or Fax: 8849 2766.

15. RMS. 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 construction 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, External Works
Sydney Asset Management
Roads and Maritime Services
PO Box 973 Parramatta CBD 2124.
Telephone 8849 2114
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 owner/s 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.

16. **RMS.** The redundant driveway on Victoria Road shall be removed and replaced with kerb and gutter to match existing. The design and construction of the kerb and gutter on Victoria Road shall be in accordance with Roads and Maritime requirements. Details of these requirements should be obtained from Roads and Maritime Services, Manager Developer Works, Statewide Delivery, Parramatta (telephone 8849 2138).

Detailed design plans of the proposed kerb and gutter are to be submitted to Roads and Maritime for approval prior to the issue of a Construction Certificate and commencement of any road works.

A plan checking fee (amount to be advised) and lodgement of a performance bond may be required from the applicant prior to the release of the approved road design plans by Roads and Maritime.

17. **RMS.** A Road Occupancy Licence should be obtained from Transport Management Centre for any works that may impact on traffic flows on Victoria Road during construction activities.
18. **RMS.** Off-street parking shall be designed and constructed in accordance with AS 2890.1 — 2004 and AS 2890.2 for heavy vehicles.
19. **RMS** All costs associated with the proposed development shall be at no cost to Roads and Maritime.
20. **Pedestrian Sight Lines.** Minimum sight lines for pedestrian safety shall be provided within the property boundary in accordance with Figure 3.3 of AS2890.1-2004.
21. **Carpark exhaust vent -** The carpark exhaust vent must be located at least 3m 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 possible distance from any neighbouring property boundary.

22. **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.
23. **Service Alterations.** All mains, services, poles, etc., which require alteration shall be altered at the applicant's expense.
24. **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.
25. **Certification.** A Tree Protection Schedule, as indicated below, which provides a logical sequence of hold points for the various development stages including pre construction, construction and post construction and 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 prior to the issue of any Occupation Certificate.

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	Principal Contractor	Project Arborist	Prior to demolitions and site establishment.
3	Supervise all excavation works proposed within the TPZ	Principal Contractor	Project Arborist	As required prior to 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	Principal	Project	Prior to issue

	trees by project Arborist.	Contractor	Arborist	of Occupation Certificate.
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DEMOLITION CONDITIONS

The following conditions are imposed to ensure compliance with relevant legislation and Australian Standards, and to ensure that the amenity of the neighbourhood is protected.

A Construction Certificate is not required for Demolition.

26. Provision of contact details/neighbour notification. At least 7 days before any demolition work commences:

- (a) Council must be notified of the following particulars:
 - (i) The name, address, telephone contact details and licence number of the person responsible for carrying out the work; and
 - (ii) The date the work is due to commence and the expected completion date
- (b) A written notice must be placed in the letter box of each property identified in the attached locality plan advising of the date the work is due to commence.

27. Compliance with Australian Standards. All demolition work is to be carried out in accordance with the requirements of the relevant Australian Standard(s).

28. Excavation

- (a) All excavations and backfilling associated with the development must be executed safely, properly guarded and protected to prevent the activities from being dangerous to life or property and, in accordance with the design of a structural engineer.
- (b) A Demolition Work Method Statement must be prepared by a licensed demolisher who is registered with the Work Cover Authority, in accordance with AS 2601-2001: *The Demolition of Structures*, or its latest version. The applicant must provide a copy of the Statement to Council prior to commencement of demolition work.

29. Reason: Asbestos. Where asbestos is present during demolition work, the work must be carried out in accordance with the guidelines for asbestos work published by WorkCover New South Wales.

30. Asbestos – disposal. All asbestos wastes must be disposed of at a landfill facility licensed by the New South Wales Environmental Protection Authority to receive that waste. Copies of the disposal dockets must be retained by the person performing the work for at least 3 years and be submitted to Council on request.

31. **Waste management plan.** Demolition material must be managed in accordance with the approved waste management plan.
32. **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.
33. **Identification and removal of hazardous materials.** Any hazardous materials, including asbestos, must be identified before demolition work commences and be removed in a safe manner.
34. **Removal of underground petroleum storage systems** - The removal of the underground petroleum storage systems must be carried out in accordance with:
(a) Australian Standard AS 4976-2008: *The removal and disposal of underground petroleum storage tanks*; and
(b) the *Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2008*.
35. **Storage and removal of wastes** - All demolition and construction wastes 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. All wastes intended for recycling must be transported to a facility where the wastes will be recycled or re-used.
36. **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 Part 1: Classifying Waste* (EPA, 2014) before being transported from the site.
37. **Transportation of wastes** - All wastes 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. Tip dockets identifying the type and quantity of waste disposed/recycled during demolition are to be kept in accordance with the Site Waste Minimisation & Management Plan for spot inspections. Copies of the disposal dockets must be kept by the applicant for at least 3 years and be submitted to Council on request.
38. **Salvage of materials and building elements - 10 Little Church Street.**
Traditional building materials and architectural elements (such as windows, doors, internal and external joinery, masonry, tiles etc) are to be dismantled, salvaged and sold to an established dealer in second-hand heritage building materials.
Documentation of the salvage methodology must be submitted for the approval of Council's Heritage Planner prior to the commencement of demolition.

39. **Surplus excavated material** - All surplus excavated material must be disposed of at a licensed landfill facility, unless Council approves an alternative disposal site.
40. **Imported fill** - All imported fill must be validated in accordance with the *Contaminated Sites Sampling Design Guidelines* (EPA, 1995) by an experienced environmental consultant, and a copy of the validation report must be submitted to the Principal Certifying Authority (and Council, if Council is not the RCA) before the fill is used.
41. **Demolition Traffic Management Plan.** As a result of the site constraints, limited vehicle access and parking, a Demolition Traffic Management Plan (DTMP) and report shall be prepared by an RMS accredited person and submitted to and approved by Council prior to commencing any demolition work.

The DTMP must:-

- i. Make provision for all construction materials to be stored on site, at all times.
- ii. Specify construction truck routes and truck rates. Nominated truck routes are to be distributed over the surrounding road network where possible.
- iii. 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 is not permitted unless approved by City Works & Infrastructure Directorate
- iv. Include a Traffic Control Plan prepared by an RMS accredited traffic controller for any activities involving the management of vehicle and pedestrian traffic.
- v. Specify that a minimum fourteen (14) days notification must be provided to adjoining property owners prior to the implementation of any temporary traffic control measures.
- vi. Include a site plan showing the location of any site sheds, location of requested Work Zones, anticipated use of cranes, structures proposed on the footpath areas (hoardings, scaffolding or temporary shoring) and extent of tree protection zones around Council street trees.
- vii. Take into consideration the combined construction activities of other development in the surrounding area. To this end, the consultant preparing the DTMP 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. These communications must be documented and submitted to Council prior to work commencing on site.

- viii. The DTMP 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).
- ix. 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 are to be paid at the time that the Demolition Traffic Management Plan is submitted.
- x. Protection of trees and cemetery. - No construction vehicles, equipment, access or materials shall be permitted to stand, be stored or stockpiled or otherwise, on the western kerb side of Little Church Street. No access for construction vehicles or the like shall be permitted over or through the St Anne’s Church and cemetery site.

NOTE: This condition is to ensure public safety and minimise any impacts to the adjoining pedestrian and vehicular traffic systems. The DTMP 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.

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.

42. **Section 94.** A monetary contribution for the services in Column A and for the amount in Column B shall be made to Council as follows:

A – Contribution Type	B – Contribution Amount
Community & Cultural Facilities	\$259,333.68
Open Space & Recreation Facilities	\$612,181.99
Civic & Urban Improvements	\$225,162.05
Roads & Traffic Management	\$30,790.52

Facilities	
Cycleways	\$19,185.50
Stormwater Management Facilities	\$59,690.96
Plan Administration	\$5,172.67
The total contribution is	\$1,211,517.37

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 Interim Update (2014), effective from 10 December 2014.

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.

The contribution must be paid **prior to the issue of any Construction Certificate**. Payment may be by EFTPOS (debit card only), CASH or a BANK CHEQUE made payable to the **City of Ryde**. Personal or company cheques will not be accepted.

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>.

43. **Remediation of land.** The land must be remediated to the extent necessary for the proposed use and a copy of the site validation report must be submitted to Council for consideration. The site validation report must comply with the *Guidelines for Consultants Reporting on Contaminated Sites* (EPA, 1997) and demonstrate that the site is suitable for the proposed use.

No Construction Certificate is to be issued for any building work on the land until Council has confirmed in writing that it is satisfied that the land is suitable for the proposed use, without the need for further remediation.

44. **Notice of remediation work** - Before commencing remediation work written notice must be submitted to Council in accordance with clause 16 of *State Environmental Planning Policy No. 55- Remediation of Land*.
45. **Remediation work** - All remediation work must be carried out in accordance with the requirements of:
- (a) *State Environmental Planning Policy No. 55- Remediation of Land*;
 - (b) any relevant guidelines published by the NSW Environment Protection Authority; and

(c) any council policy or development control plan relating to the remediation of land.

46. **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**

47. **Structural Certification.** The applicant must engage a qualified practising structural engineer to provide structural certification in accordance with relevant BCA requirements prior to the release of the **Construction Certificate**.

48. **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**. (delivery of bricks or concrete or machine excavation OR other building with no other buildings with delivery of bricks or concrete or machine excavation

49. **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

50. **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**.

51. **Sydney Water Tap in™.** The approved plans must be submitted to the Sydney Water Tap in™ on-line service to determine whether the development will affect any Sydney Water sewer or water main, stormwater drains and/or easement, and if further requirements need to be met.

The Sydney Water Sydney Water Tap in™ service provides 24/7 access to a range of services, including:

- building plan approvals
- connection and disconnection approvals
- diagrams
- trade waste approvals
- pressure information
- water meter installations
- pressure boosting and pump approvals

- changes to an existing service or asset, eg relocating or moving an asset.

Sydney Water's Tap in™ online service is available at:
<https://www.sydneywater.com.au/SW/plumbing-building-developing/building/sydney-water-tap-in/index.htm>

52. **Acoustic.** The development must be acoustically designed and constructed to meet the relevant provisions of Australian Standard AS 2107:2000 *Recommended design sound levels and reverberation times for building interiors*. Written endorsement of compliance with these requirements must be obtained from a suitably qualified person.
53. **Compliance with Acoustic Report.** The development is to comply with the recommendations contained in the Acoustic Report prepared by Acoustic Logic dated 3/12/2015 and all other relevant BCA acoustic requirements. Details demonstrating compliance are to be submitted on the Construction Certificate (for above ground works) plans.
54. **Compliance with Access Report.** The development is to comply with the recommendations contained in the Accessible Building Solution Report dated 4/12/2015 and all other relevant BCA acoustic requirements. Details demonstrating compliance are to be submitted on the Construction Certificate (for above ground works) plans.
55. **Sample materials.** A detailed sample board of materials and colour finishes to be submitted to the satisfaction of Council's Heritage Advisor prior to the issue of any Construction Certificate. Roofing and other external materials must be of low glare and reflectivity.
56. **Design verification.** Prior to a Construction Certificate being issued with respect to this development, the Principle Certifying Authority is to be provided with a written Design Verification from a qualified designer. This statement must include verification from the designer that the plans and specification achieve or improve the design quality of the development to which this consent relates, having regard to the design quality principles set out in Part 2 of *State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development*. This condition is imposed in accordance with Clause 143 of the *Environmental Planning and Assessment Regulation 2000*.
57. **Adaptable Units.** Eleven adaptable apartments, each with an allocated disabled parking space, are to be provided within the development. These apartments are to comply with all of the 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 (for above ground works), a suitably qualified access consultant is to certify that the development achieves the requirements of AS4299.

58. **Service infrastructure/utilities.** Unless specifically shown on the approved architectural plans, 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. Electrical substations specifically shown on the approved architectural plans should also include appropriate screening where possible.

Details of all service infrastructure/utilities are to be approved prior to the issue of the **Construction Certificate**.

59. **Public Arts Plan.** A public art is to be provided as part of the proposed development in accordance with Council's Public Art Policy. A Public Arts Plan is to be submitted for approval by Council prior to the issue of **Construction Certificate** (for above ground works). The public art is to be prepared by an arts and cultural planner and will be required to address the following:

- Identify opportunities for the integration of public art in the proposed development;
- Submission of the detailed proposal demonstrating that the scale of the public art is appropriate and proportionate to the development and thoughtfully sited & integrated with the building to create a point of interest and define the location of area;
- The proposal should provide a program for installation and integration with the construction program for the development. Construction must be completed prior to the issue of Occupation Certificate;
- The proposal should provide engineer's drawings and demonstrate:
 - Australian building standards requirements and codes for the structural design;
 - Sound practices for fabrication and construction, and materials appropriate for application;
 - Materials and all components have appropriate durability, and a functional life in excess of the designated life span of the work.

60. **Vehicular entry.** The vehicular entries are to have high quality finishes and detailing to the walls and ceiling. No service ducts or pipes are to be provided within the vehicular entry. Details demonstrating compliance is to be submitted on the Construction Certificate plans.

61. **Storage.** Each residential unit is to be provided with the minimum internal storage area as required by the Apartment Design Guide. Details of the location of the storage and dimensions of the storage areas are to be provided on the Construction Certificate plans. The architect is to verify in writing that the development complies prior to the issue of the **Construction Certificate**.

62. **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 Apartment Design

Guide. Information verifying that the development complies with these requirements to be provided on the Construction Certificate plans.

63. **Retaining Walls.** Retaining walls should be a maximum of 900mm high. Where necessary retaining walls should be tiered to suit level changes to reduce potential fall risks and ensure that additional barrier fencing is not required. All fencing or balustrades on top of retaining walls which are higher than 1m is to be a minimum of 1m high in accordance with the Building Code of Australia. Details of the retaining walls are to be provided prior to issue of the Construction Certificate.
64. **Irrigation.** An automatic watering system is to be supplied to all landscape areas including common areas, private open spaces as well as to the rooftop gardens to ensure adequate water is available to lawns and vegetation. Irrigation systems shall be fully automated and capable of seasonal adjustments. Details are to be submitted prior to the issue of **Construction Certificate**.
65. **Mechanical ventilation of rooms** - If the airborne noise level with windows and doors open exceeds the above noise criteria by more than 10dBA, an approved system of mechanical ventilation must be provided so that the building -occupants can leave the windows and doors closed.
66. **Mechanical ventilation details.** Details of all proposed mechanical ventilation systems, and alterations to any existing systems, must be submitted for approval with the application for the **Construction Certificate**. Such details must include:
- (a) Plans (coloured to distinguish between new and existing work) and specifications of the mechanical ventilation systems; and
 - (b) 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 this Consent.
 - (c) Where retail and commercial development adjoins residential development, the use of mechanical plant equipment and building services will be restricted and must have acoustic insulation.
67. **Fencing.** Fencing is to be in accordance with Council's DCP 2014: Part 3.3 – Dwelling Houses and Dual Occupancy (attached) – Section 2.16 - Fences. Details of compliance are to be provided in the plans for the **Construction Certificate**.
68. **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 (Offstreet Parking standards).

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

- a) The vehicle entry ramp from the boundary frontage to the waste loading bay must have ramp grades compliant with AS 2890.2 (Commercial

Vehicles) for the HRV design vehicle. In this respect, due to the length of the ramp and the requirement for transition grades to be no greater than 6.25% over 7m, the maximum grade that could be achieved from the boundary to the southern side of the loading bay area is 12.5%. A revised driveway profile must be submitted to ensure compliance with AS 2890.2. The revised driveway profile must be taken along the shortest path of vehicle travel (inside radius) with transitions having a maximum change in grade no greater than 6.25% for minimum 7m lengths. All overhead structures and services are to be incorporated in the plan, demonstrating that a 4.5m overhead clearance is achieved.

To allow for adequate sight distance from a vehicle exiting the basement garage area to the access lane, both sides of the driveway entry must not have any structures to impede drivers vision along the access lane, 2.4m back from the crest of the ramp.

- b) The shared area adjoining the visitor space 11 must be clear to allow a vehicle reversing from visitor space 12 to partially reverse into and exit in a forward manner. In lieu of a bollard (as required by AS 2890.6) the space must be clearly demarcated and linemarked, clearly indicating to motorists that it is a "No Parking" area.

These amendment(s) must be clearly marked on the plans submitted to the Accredited Certifier prior to the issue of a Construction Certificate.

69. **Stormwater Management.** Stormwater runoff from the development shall be collected and piped by gravity flow to the inground public drainage infrastructure in Victoria Road, generally in accordance with the plans by Australian Consulting Engineers (Refer to Project no. 151168 Dwgs D00 - D06 Rev. A dated 8 December 2016) subject to the following variation(s);

- Plans are to be updated so to be consistent with the approved architectural plan and landscape plan.
- The reconfiguration of the OSD must have a defined failure mode to Victoria Road/ Little Church Street in the event of blockage of the system. Any pit access lids located in the terrace level area (surrounding commercial floor area) must be sealed.
- The proposed angle of connection to the public drainage infrastructure in Victoria Road is not supported. The public drainage infrastructure in Victoria Road must be extended to front the property so as to ensure that a direct and perpendicular connection to this infrastructure can be made. This will require the construction of a new extended kerb inlet pit in Victoria Road (location to be confirmed in consultation with Councils City Works & Infrastructure) and the extension of 375mm RFC drainage line from the existing kerb inlet pit. All works must comply with Council (and RMS where applicable) technical specifications.
- Connection to the public drainage infrastructure will require a road opening permit. Plans detailing these works are to be provided with the permit application and Council's City Works & Infrastructure is to inspect the connection prior to backfill. This is to be noted on the detailed plans.

- In accordance with Council's DCP Part 8.2 (Stormwater and Floodplain Management), the development warrants WSUD measures to be implemented in the system. A WSUD management plan complying with the controls in the aforementioned DCP part must be prepared and detailed on the Stormwater Management plans.

The detailed plans, documentation and certification of the drainage system must be submitted with the application for a Construction Certificate and 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 WSUD measures, 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.

70. Stormwater Management – Connection to Public Drainage System. The connection to the public inground stormwater drainage infrastructure located in Victoria Road will require the assessment, approval and inspection by Council's City Works & Infrastructure section to ensure the integrity of this asset is maintained. Engineering plans detailing the method of connection complying with Council's DCP and Technical Standards and an inspection fee in accordance with Council's current fees and charges must be paid to Council prior to the issue of the Construction Certificate. Council must be notified when the connection has been made to the pit / pipe and an inspection must be made by a Council officer prior to restoration/ backfill at the point of connection for approval.

Where the point of connection is in neighbouring property, the applicant must provide written notification to the affected property owner no less than a week prior to the works and all structures/ surface areas affected by the drainage connection works must be reinstated at the completion of this activity, at no cost to the affected property owner.

71. 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.

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

72. 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 maximum rate of discharge is to be limited to the sites determined PSD rate or 30L/s if discharging 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.

73. Dilapidation Survey. A dilapidation survey is to be undertaken that addresses all properties that may be affected by the construction work, namely 9 to 11 Saint Annes Street and 721 Victoria Road. A copy of the dilapidation survey is to be submitted to the Accredited Certifier *and Council* prior to the release of the Construction Certificate.

74. Waste and Service Vehicle Access/facilities. The access to the on-site loading bay area including ramp grades, transitions and height clearance shall be designed for safe forward in and forward out access of 11m Council's waste vehicle, as a minimum requirement. The height clearance required is 4m. Plans showing the ramp grades, transitions and height clearance and swept path diagrams of 11m Council's waste vehicle shall be submitted to and approved by the Council's Traffic Engineer prior to the issue of the Construction Certificate. On-site loading docks must cater for the size of the City of Ryde Waste Vehicles. Minimum height 4m, minimum length 11m and maximum weight 24 tonne.

Safe easy access must be provided for waste collection vehicles to service the waste containers. A waste collection loading dock must be provided adjacent to the bin storage room and bulky waste collection area ensuring that WHS guidelines are adhered to. Details demonstrating how safe access will be achieved must be approved by the City of Ryde Council prior to the issue of any Construction Certificate.

75. No Parking Restriction. "NO PARKING" signs shall be installed on St Annes Street to enable unimpeded access for Council's 11m waste vehicle to enter and exit the site on waste collection day(s) only. A swept path diagram plan identifying the extent of parking required to be removed shall be submitted to and approved by the Council's Traffic Engineer prior to the issue of the Construction Certificate.

76. Kerb Splay. A plan showing the modified kerb splay to enable Council's 11m waste vehicle to enter and exit the site without encroaching on to the

proposed kerb shall be submitted to and approved by the Council's City Works and Infrastructure prior to the issue of the Construction Certificate.

- 77. Removal of Redundant Driveways.** Roads and Maritime Services requested the redundant driveway on Victoria Road be removed and replaced with kerb and gutter to match existing. See Condition 16 above. The design and construction of the kerb and gutter on Victoria Road shall be in accordance with Roads and Maritime requirements. Details of these requirements should be obtained from Roads and Maritime Services, Manager Developer Works, Statewide Delivery, Parramatta (telephone 8849 2138).

Detailed design plans of the proposed kerb and gutter are to be submitted to Council and Roads and Maritime for approval prior to the issue of a Construction Certificate and commencement of any road works.

A plan checking fee (amount to be advised) and lodgement of a performance bond may be required from the applicant prior to the release of the approved road design plans by Roads and Maritime.

- 78. 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.

The CTMP must:-

- i. Make provision for all construction materials to be stored on site, at all times.
- ii. Specify construction truck routes and truck rates. Nominated truck routes are to be distributed over the surrounding road network where possible.
- iii. 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.
- iv. 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 Fourteen (14) days notification must be provided to adjoining property owners prior to the implementation of any temporary traffic control measure
- v. 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 trees.

- vi. 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 submitted to Council prior to work commencing on site.
- vii. 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).
- viii. 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 are to be paid at the time that the Construction Traffic Management Plan is submitted.
- ix. Protection of trees and cemetery. - No construction vehicles, equipment, access or materials shall be permitted to stand, be stored or stockpiled or otherwise, on the western kerb side of Little Church Street. No access for construction vehicles or the like shall be permitted over or through the St Anne’s Church and cemetery site.

Note: 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.

79. Public domain improvements - The public domain is to be upgraded along all three frontages of the development site – Victoria Road, Little Church Street and St Anne’s Street, in accordance with the City of Ryde *Public Domain Technical Manual, Section 7 – Ryde Town Centre*. The work is to include but not be limited to paving, lighting upgrade, street furniture and plantings.

A public domain plan for the following works shall be submitted to Council for approval by Council, prior to the issue of the Construction Certificate.

- (a) Footpath paving as specified in the condition of consent for public infrastructure works.
- (b) Street trees to be provided in accordance with the Ryde Town Centre Street Tree Master Plan. The designated species are “*Lophostemon confertus*” (Brush Box) for Victoria Road frontage of the development.

Note: In designing the street tree layout, the consultant shall check and ensure that all new street trees are positioned such that there are no conflicts with the proposed street lights, utilities and

driveway accesses. The proposed street lights will have priority over the street trees. All costs associated with the removal of existing street trees, where required, will be borne by the Developer.

- (c) All telecommunication and utility services are to be placed underground along the Victoria Road, Little Church Street and Saint Anne's Street frontages. Plans are to be prepared and certified by a suitably qualified Electrical Design Consultant for decommissioning the existing network and constructing the new network; and are to be submitted to Council and relevant utility authorities for approval prior to commencement of work.
- (d) The street lighting along the Victoria Road, Little Church Street and Saint Anne's Street frontages is to be upgraded in accordance with Australian Standard AS1158:2010 *Lighting for Roads and Public Spaces*, with vehicular luminance category V5 and pedestrian luminance category P3 along Little Church Street, and Saint Anne's Street, and vehicular luminance category V3 and pedestrian luminance category P2 along Victoria Road. RMS's concurrence for the Victoria Road lighting shall be required. The street lighting shall remain on the Ausgrid network, and LED luminaires shall be used where possible. Plans are to be prepared and certified by a suitably qualified Electrical Design Consultant for the upgrade to the network, and are to be submitted to Council and Ausgrid for approval prior to commencement of work.

80. Public Infrastructure Works – Public infrastructure works shall be constructed as outlined in this condition of consent. All works must be completed to Council's satisfaction at no cost to Council, prior to the issue of any Occupation Certificate.

Engineering drawings prepared by a Chartered Civil Engineer (registered on the NER of Engineers Australia) are to be submitted to Council for approval prior to the issue of a Construction Certificate. The works shall be in accordance with City of Ryde DCP 2014 Part 8.5 - *Public Civil Works*, and DCP 2014 Part 8.2 - *Stormwater Management*, and the *Public Domain Technical Manual, Section 7 – Ryde Town Centre*, where applicable.

The drawings shall include plans, sections, existing and finished surface levels, drainage pit configurations, kerb returns and other relevant details for the new works and also demonstrate the smooth connection of all proposed public domain works into the remaining street scape.

- (a) Full width coloured concrete footpath with pink granite banding along Little Church Street and Saint Anne's Street in accordance with the secondary street paving treatment for the Ryde Town Centre.
- (b) New 2.0m wide (measured from the back of kerb) coloured concrete footpath with pink granite banding along Victoria Road. Refer to the secondary street paving treatment for the Ryde Town

Centre. The verge between the edge of the new footpath and the boundary alignment shall be turfed and landscaped. Please consult with Council's Open Space Planning and Development for the finish/material at this location.

- (c) The removal of all redundant vehicular crossings and replacement with new kerb and gutter.
- (d) The construction of new kerb and gutter along the Victoria Road, Little Church Street and St Anne's frontages of the development site, where required in order to achieve the correct levels for the public domain. Smooth connections with the existing infrastructure shall be provided.
- (e) The relocation/adjustment of all public utility services affected by the proposed works. Written approval from the applicable Public Authority shall be submitted to Council and their requirements being fully complied with.

Notes:

1. The Applicant is advised to consider the finished levels of the public domain, including new or existing footpaths, prior to setting the floor levels for the proposed building.
2. Prior to submission to Council, the Applicant is advised to ensure that the drawings are prepared in accordance with the standards listed in the City of Ryde DCP 2014 Part 8.5 - *Public Civil Works*, Section 5 "*Standards Enforcement*".

81. Driveway Access and boundary alignment Levels - The applicant is to apply to Council for site specific driveway access and boundary alignment levels prior to the issue of the Construction Certificate. The application shall be accompanied by engineering plans of civil works along the frontage of the development site. 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.

82. Vehicle Footpath Crossings – The footpath crossings shall be designed and constructed to protect the footpath from damage resulting from the vehicular traffic. The crossing shall match the paving style along the frontages of the development site. 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 (registered on the NER of Engineers Australia) confirming that the vehicle footpath crossing and driveway design meet Council requirements and the relevant standards, prior to the issue of the Construction Certificate.

83. **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 City Works & Infrastructure Directorate, as per the provisions of Section 138 of the Roads Act, 1993. The application for consent must include detailed structural plans prepared by a Chartered Structural Engineer (registered on the NER of Engineers Australia), clearly nominating the number of proposed anchors, depth below existing ground level at the boundary alignment and the angle of installation. The approval will be subject to the applicant paying all applicable fees in accordance with Council's Schedule of Fees & Charges at the time of the application.

84. **Public Domain Works – Maintenance Bond.** To ensure satisfactory performance of the public domain works, a maintenance period of six (6) months shall apply to the works for which Council will take ownership of, following completion of the development. The maintenance 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 \$50,000 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.

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85. **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.

86. **Garbage & Recycling room.** All garbage and recycling rooms must be constructed in accordance with the following requirements and provided prior to Construction Certificate. Details of which is to be submitted and approved by Council's Waste Officer prior to release of Construction Certificate.

- (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) All waste storage areas which have a doorway must be wide enough to allow the bins allocated to the property (660L Bins – width 1.3m, depth 0.8m, height 1.3m & 240L Bins – width 0.6m, depth 0.8m, height 1.1m) to fit through the opening including the door.

87. Waste Storage. Final details of the proposed waste storage and handling facilities must be approved by City of Ryde Council in writing before the issue of a Construction Certificate. Council does not support the use of a Private Contractor for the removal of waste & recycling. A separate room or caged area must be provided in the basement carpark of the residential flat building for the storage of bulky discarded items such as furniture and white goods. Access to the bulky waste area must be provided for collection contractors. Suitable details must be clearly shown on the approved plan before the issue of any Construction Certificate. The waste & recycling loading dock must be located adjacent to the bin & bulky waste collection area to ensure that WHS guidelines are met.

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.

88. Photographic Archival Recording – 10 Little Church Street

Prior to the commencement of any works, including the dismantling of fabric or demolition, a Photographic Archival Recording shall be undertaken and submitted to Council.

The Photographic Archival Recording shall be prepared in accordance with the guidelines "*Archival Recording of Heritage Items Using Film or Digital Capture*" published by the Heritage Division of the Office of Environment and Heritage.

Two complete copies of the Photographic Archival Recording shall be submitted to Council. Each copy should contain (for digital projects):

- A brief report or introduction which explains the purposes of the Photographic Archival Recording and gives a brief description of the subject site, as well as details of the sequence in which images were taken. The report may also address the limitations of the photographic record and may make recommendations for future work;

- Plans of the building marked up to indicate where the photographs were taken and the direction of the photograph;
- The report should include all technical details including camera and lenses, image file size and format, technical metadata associated with the images, and colour information;
- Catalogue sheets, photographic plan, supplementary maps;
- Colour thumbnail image sheets (e.g. A4 page with six images by six images) showing images and reference numbers. The thumbnail sheets should be processed with archivally stable inks on archivally acceptable photographic paper and cross referenced to catalogue sheets;
- One full set of 10.5x14.8cm (A6) colour prints OR, if a large project, a representative set of selected images processed with archivally stable inks on archivally acceptable photographic paper.
- A CD or DVD containing electronic image files saved as RAW files with associated metadata, and cross-referenced to catalogue sheets.

The report should be presented on archival quality paper in a suitable archival binder and slipcase, and all storage of individual components must be in archival quality packaging suitable for long term storage.

89. 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.

90. Residential building work – provision of information. Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the PCA has given the Council written notice of the following information:

- (a) in the case of work for which a principal contractor is required to be appointed:
 - the name and licence number of the principal contractor; and
 - the name of the insurer by which the work is insured under Part 6 of that Act.
- (b) in the case of work to be done by an owner-builder:
 - the name of the owner-builder; and
 - if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

If any of the above arrangements are changed while the work is in progress so that the information notified under this condition becomes out of date, further work must not be carried out unless the PCA for the development to which the work relates has given the Council written notice of the updated information (if Council is not the PCA).

91. 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.

92. Excavation works. To minimise vibration and risk to the structural stability and integrity of the adjoining heritage item, all excavation works shall employ such techniques and equipment which minimises the amount of ground vibration.

In this regard, excavation of the site by use of pneumatic drill for the breaking of rock shall not be permitted.

93. 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.

94. 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.

95. Work Zones and Permits. 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.

96. **Notice of Intention to Commence Work** – Prior to commencement of the public domain works, a *Notice of Intention to Commence Work* shall be submitted to Council's City Works and Infrastructure Directorate. This Notice shall include the name of the Supervising Engineer, who will also be responsible for providing the certifications required at the hold points during construction, and copies of all Road Activity Permits issued for the works.

97. **Pre-Construction Dilapidation Report.** To ensure Council's infrastructure is adequately protected a dilapidation report on the existing public infrastructure in the vicinity of the proposed development and along the travel routes 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 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, and approved by Council's City Works & Infrastructure Directorate, prior to any work commencing.

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.

98. **Pre-commencement dilapidation report** - The applicant must prepare and submit a pre-commencement dilapidation report providing an accurate record of the existing condition of the St Annes Church building and ancillary structures.

The dilapidation report shall be undertaken by a qualified Structural Engineer.

A copy of the report must be provided to the satisfaction of Council, any other owners of public infrastructure and the owners of adjoining and affected private properties.

99. **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*.

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- 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.

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.

100. **Utility Services** - The applicant shall undertake and bear all costs associated with the liaison, approval and relocation of any utility services. All correspondence and approvals between the Applicant and utility authorities shall be provided to the Council in conjunction with engineering documentation for the stormwater drainage works.

101. **Hold Points during construction – Drainage Works** - Construction inspections shall be required by Council's Stormwater Engineer for the Council stormwater drainage works at the following hold points: -

- Upon excavation of trenches shown on the approved drainage drawings.
- Upon installation of pipes and other drainage structures.
- Upon backfilling of excavated areas and prior to the construction of the final pavement surface.

An inspection fee is applicable for each visit, and at least 24 hours' notice will be required for the inspections.

102. **Hold Points during construction - Public Domain** - Inspections are required to be undertaken by a Chartered Civil Engineer (registered on the NER of Engineers Australia), for the public domain, at the hold points shown below.

The Applicant shall submit to Council's City Works and Infrastructure, certification from the Engineer, at each stage of the inspection listed below. The certificates shall contain photographs of the works in progress and a commentary of the inspected works, including any deficiencies and rectifications that were undertaken.

Council shall confirm receipt of the certificates and approval at each stage during the construction, before works are to proceed to the subsequent stage.

- 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.

The Engineer's certificate for the final inspection shall confirm that the works have been constructed in accordance with the Council approved drawings and City of Ryde standards and specifications.

103. **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*.
104. **Noise management plan** - Where demolition or construction activities are likely to cause significant noise or vibration (eg. jackhammering, rock breaking or impact piling) a noise management plan must be prepared by a suitably qualified acoustical consultant and be submitted to the Principal Certifying Authority before the work commences. The plan must be prepared in accordance with the Interim Construction Noise Guideline (DECC, 2009) and include:
- (a) Identification of nearby affected residences or other sensitive receivers.
 - (b) An assessment of the expected noise impacts.
 - (c) Details of the work practices required to minimise noise impacts.
 - (d) Noise monitoring procedures.
 - (e) Procedures for notifying nearby affected residents.
 - (f) Complaints management procedures.
105. **Survey of footings/walls.** All footings and walls within 1 metre of a boundary must be set out by a registered surveyor. On commencement of brickwork or wall construction a survey and report must be prepared indicating the position of external walls in relation to the boundaries of the allotment.
106. **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.
107. **Construction materials.** All materials associated with construction must be retained within the site.
108. **Site Facilities**
The following facilities must be provided on the site:
- (a) toilet facilities in accordance with WorkCover NSW requirements, at a ratio of one toilet per every 20 employees, and
 - (b) a garbage receptacle for food scraps and papers, with a tight fitting lid.
109. **Site maintenance**
The applicant must ensure that:
- a. approved sediment and erosion control measures are installed and maintained during the construction period;
 - b. building materials and equipment are stored wholly within the work site unless an approval to store them elsewhere is held;
 - c. the site is clear of waste and debris at the completion of the works.

110. **Work within public road.** At all times work is being undertaken within a public road, adequate precautions shall be taken to warn, instruct and guide road users safely around the work site. Traffic control devices shall satisfy the minimum standards outlined in Australian Standard No. AS1742.3-1996 "Traffic Control Devices for Work on Roads".
111. **Project Arborist.** A Project Arborist with minimum AQF level 5 qualifications is to be engaged to ensure adequate tree protection measures are put in place for all trees to be retained on neighbouring allotments in accordance with AS4970-2009 Protection of trees on development sites. All trees are to be monitored to ensure adequate health throughout the construction period is maintained. Additionally, all work within the Tree Protection Zones is to be supervised by the Project Arborist throughout construction. Details of the Project Arborist are to be submitted to Council prior to the commencement of construction. Should these details change during the course of works, or the appointed Consultant Arborist alter, Council is to be notified, in writing, within seven working days.
112. **Tree Protection – St Annes Church.** The existing trees located to the north-west of the subject site within the grounds of St Annes Church are to be protected from any damage, including damage to the canopies overhanging Little Church Street. The Project Arborist is responsible for ensuring adequate safeguards are in place to minimise risk of damage. Where necessary, branches are to be strapped or tied back to allow vehicular and machinery access.
113. **Tree removal.** Removal of Trees 5 & 11 are supported. That these trees be removed in accordance with NSW Workcover Code of Practice (2007) and undertaken by an Arborist with minimum AQF Level 3 qualifications
114. **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.
115. **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.
116. **Erosion and Sediment Control.** The applicant shall install erosion and sediment control measures in accordance with the approved plan by Australian Consulting Engineers (Refer to Project no. 151168 Dwgs D07 Rev. A dated 8 December 2016) 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. No sediment, dust, soil or similar material shall leave the site during construction work.

117. **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.
118. **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.
119. **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 Australian Consulting Engineers (Refer to Project no. 151168 Dwgs D00 - D06 Rev. A dated 8 December 2016) submitted in compliance to the condition labelled “Stormwater Management.” and the requirements of Council in relation to the connection to the public drainage system.
120. **Public Domain Works – Construction Inspections.** Any works in the Public Domain or alterations to public infrastructure that will come under the care and control of Council upon completion of the development, will require inspection by Council’s City Works & Infrastructure section (the relevant officer) at the following hold points: -
- a) Prior to the commencement of construction and following the set-out on site of the position of the drainage works to the levels shown on the approved drainage drawings.
 - b) Upon excavation of trenches and for other drainage structures to the line, grade, widths and depths shown on the approved drainage drawings.
 - c) Upon installation of any pipe and other drainage structures.
 - d) Upon backfilling of excavated areas and prior to the construction of the final pavement surface.
 - e) Upon the completion of all drainage works and prior to practical completion.
121. **Implementation of Construction Traffic Management Plan.** 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.

122. **Tip Dockets.** Tip dockets identifying the type and quantity of waste disposed/recycled during construction are to be kept in accordance with the Site Waste Minimisation & Management Plan for spot inspection.

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.

123. **BASIX.** The submission of documentary evidence of compliance with all commitments listed in BASIX Certificate(s) numbered 68821_020M dated 1 June 2016.
124. **Landscape Maintenance Plan.** A Landscape Maintenance Plan is required prior to the issue of an Occupation Certificate. The Landscape Maintenance Plan should include the following requirements:
- a. Regular maintenance and trimming of shrubs and plantings.
 - b. Shrubs and plantings being appropriately maintained to allow for clear lines of sight over the shrubs from pathways and pedestrians areas, and to avoid any plantings being used as a natural ladder to gain access to any higher parts of the building.
 - c. All other trees on the site are to be appropriately pruned, trimmed and maintained so that passive surveillance is not compromised and there is no opportunity for climbing of trees to gain access to balconies or units.
125. **Public Art and Cultural Plan.** Prior to the issue of the any Occupation Certificate, the approved works contained in the Art and Cultural Plan approved by Condition no 36 shall be implemented.

126. **Acoustics.** A report from a qualified acoustical consultant demonstrating compliance with the relevant noise criteria including compliance with the recommendations contained in the Acoustic Report prepared by Acoustics Logic must be submitted to the Principal Certifying Authority before the issue of an Occupation Certificate.
127. **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.
128. **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, pump/ sump and WSUD 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 standard terms for such systems, as specified in City of Ryde DCP 2014 - Part 8.4 (Title Encumbrances) - Section 7 and to the satisfaction of Council. The positive covenant must be registered on the title prior to the release of any Occupation Certificate for development works for which the system(s) serve.
129. **Drainage System Maintenance Plan.** To ensure the approved onsite detention system and WSUD measures function as designed for the ongoing life of the development, a drainage system maintenance plan (DSMP) must be prepared for implementation for the ongoing life of the development. The DSMP must contain the following;
- (a) All matters listed in Section 1.4.9 of the DCP Part 8.2 (Stormwater and Floodplain Management – Technical Manual).
 - (b) The DSMP is to incorporate a master schedule and plan identifying the location of all stormwater components crucial to the efficient operation of the trunk drainage system on the development lot. This is to include (but not be limited to) pump/sump systems, WSUD components and all onsite detention systems. The master plan is also to contain the maintenance schedule for each component.
 - (c) The DSMP is also to include safe work method statements relating to access and maintenance of each component in the maintenance schedule.
 - (d) Signage is to be placed in vicinity of each component, identifying the component to as it is referred in the DSMP (eg. OSD – 1), the reference to the maintenance work method statement and maintenance routine schedule.

- (e) Designate areas inside the property in which the maintenance operation is to be undertaken for each component. Maintenance from the road reserve or public domain is not accepted. Areas are to be demarcated if required.
- (f) Locate a storage area for maintenance components / tools to be stored on site. The location is to be recorded in the DSMP.

The DSMP is to be prepared by a suitably qualified and practising drainage engineer in co-operation with a workplace safety officer (or similar qualified person) and all signage / linemarkings are to be implemented prior to the issue of any Occupation Certificate.

130. **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 the connection of the site drainage system to the trunk drainage system complies with Section 4.7 of AS 3500.3 - 2003 (National Plumbing and Drainage Code), the relevant sections of the Council's DCP 2014 Part 8.2 (Stormwater and Floodplain Management) and associated annexures and any requirements of Council pending on site conditions.
- (e) 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).
- (f) 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.

- (g) 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.
- (h) Compliance certificate from Council confirming that all external works in the public road reserve have been completed to Council's satisfaction.

131. **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).

132. **Right of Carriageway (New Access Lane).** The proposed public access way requires the creation and registration of a public right of carriageway (ROC) in favour of Council on the title of the property, prior to the issue of any Occupation Certificate for the development.

The ROC must be defined in stratum with sufficient clearance to accommodate the access requirements of a HRV vehicle (4.5m) and be 7m wide.

The terms of the ROC shall be to Council's satisfaction and must include provisions to ensure;

- The surface and condition of the ROC is to be maintained at all times, to provide safe, unobstructed access to the public.
- Comply with any request from Council, to correct deficiencies within reasonable timeframe,
- All costs related to maintenance of the ROC to be borne by the registered proprietor of the land,
- Council is to be indemnified from any public liability claims arising from use of the ROC and such matters are to be borne by the registered proprietor of the land.

Additional terms may be considered warranted following Council's review and following completion of the development.

The survey alignment and terms of the ROW shall be submitted to Council for assessment and approval. All costs associated with the review and registration of the ROC must be borne by the applicant it must be registered at the Lands and Property Information Office, prior to the issue of any Occupation Certificate.

133. **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 Occupation Certificate.

134. **Compliance Certificate – External Landscaping Works** – Prior to the issue of any Occupation Certificate, the Applicant shall submit to Council, certification from a qualified Landscape Architect confirming that the public domain landscaping works have been constructed in accordance with the Council approved drawings and City of Ryde standards and specifications.
135. **Electricity accounts for new street lighting.** Prior to the issue of any Occupation Certificate, the Applicant shall liaise with Council's Asset Networks Section regarding the setting up of the electricity account/s in order to energise the newly constructed street lighting.
136. **Compliance Certificate – Street Lighting.** Prior to the issue of any Occupation Certificate, the Applicant shall submit to Council, certification from a qualified Electrical Engineering consultant confirming that the street lighting in the public domain has been constructed in accordance with the Council approved drawings and City of Ryde standards and specifications.
137. **Public Domain Works-as-Executed Plans** – Public Domain Works-as-Executed Plans – To ensure the public infrastructure works are completed in accordance with the approved plans and specifications, and that the assets to be handed over to Council are accounted for inclusion in Council's Assets Register, Works-as-Executed Plans (in both hard and soft copies – AutoCAD, Civil CAD, Civil 3D, 12D or any other commercially used program), certified by a Registered Surveyor shall be submitted to, and approved by Council, with any rectifications required by Council to be completed by the Developer prior to the issue of any Occupation Certificate.

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.

138. **Post Construction Dilapidation Report.** To ensure Council's infrastructure is adequately protected a post construction dilapidation report on the existing public infrastructure in the vicinity of the completed development and along the travel

routes of all construction vehicles is to be submitted to Council. The report shall include details of the location, description and photographic record of any observable defects of 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, and approved by Council's City Works and Infrastructure Directorate, prior to issue of Occupation Certificate. The report shall be used by Council to compare with the pre-construction dilapidation report, 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 the report will be payable in accordance with Council's Schedule of Fees and Charges, and shall be paid at the time that the Dilapidation Report is submitted.

139. **Decommissioning of Ground Anchors** – Prior to the issue of any Occupation Certificate, the Applicant shall provide Council a certificate from a suitably qualified Structural or Geotechnical Engineer confirming that all temporary soil/ground anchors installed into the public road reserve, have been decommissioned and are not transferring any structural loads into the road reserve stratum.
140. **Final Inspection – Assets Handover** - A final inspection for the purpose of the handover to Council, of the public infrastructure assets, shall be conducted in conjunction with Council's Engineer following the completion of the external works. Additional inspections, if required, shall be subject to additional fees payable in accordance with Council's Schedule of Fees & Charges at the time.
141. **Compliance Certificate – External Works** – Prior to the issue of any Occupation Certificate, a compliance certificate shall be obtained from Council's City Works and Infrastructure confirming that all works in the road reserve including all public domain improvement works have been completed to Council's satisfaction and in accordance with the Council approved drawings. The applicant shall be liable for the payment of the fee associated with the issuing of this certificate.
142. **Road Opening permit – compliance document.** The submission of documentary evidence to Council of compliance with all matters that are required by the Road Opening Permit issued by Council under Section 139 of the Roads Act 1993 in relation to works approved by this consent prior to the issue of any Occupation Certificate.
143. **Signage and Linemarking – External.** "NO PARKING" signs shall be installed on St Annes Street to enable unimpeded access for Council's 11m waste

vehicle to enter and exit the site on waste collection day(s) only. A plan demonstrating the proposed signage and line marking within Council's Public Domain shall be prepared by a suitably qualified person and submitted to and approved by the Ryde Traffic Committee prior to the issue of an Occupation Certificate.

Note: The applicant is advised that the plan will require approval by the Ryde Traffic Committee and adequate time should be allowed for this process.

144. **Signage and Linemarking – Implementation.** The applicant is to install all signage and linemarking, as per the plan approved by the Ryde Traffic Committee. These works are to be undertaken prior to the issue of an Occupation Certificate.

145. **CCTV Cameras.** CCTV cameras will be required to be installed in the following locations:

- The residents carpark;
- The ground floor lobby and lifts
- The car park entry/exit points.

The cameras should include the foyer area to the buildings including the area around the mail boxes. 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.

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. 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.

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

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

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

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

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

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

148. **Graffiti.** All surfaces on the street level that are not glass should use graffiti resistant paints and/or other surfaces that discourage graffiti. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of an Occupation Certificate.

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

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

150. **Intercom System.** Intercom facilities should be incorporated into these entry/exit points to enable residents to communicate and identify with people prior to admitting them to the development. An auxiliary lock set should also be incorporated into the design of each of the entry/exit points to enable emergency services to access the development particularly in emergency situations. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of an Occupation Certificate.

151. **Balcony doors to units.** Balcony doors to units are to be fitted with single cylinder locksets (Australian and New Zealand Standard – Lock Sets) to restrict unauthorised access to units. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of an Occupation Certificate.

152. **Lift access and security.** Electronic access controls are to be installed on the lift. The equipment should include card readers to restrict access to the level a resident resides on, to the car parking levels and to the Ground Floor. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of an Occupation Certificate.
153. **Indemnity.** Prior to the waste collection vehicles entering 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 maneuvering areas. This indemnity must be submitted to the City of Ryde Council prior to the issue of any Occupation Certificate
154. **Certification of fit-out work.** If the use of the commercial premise is for a food premises and where Council is not the Principal Certifying Authority, the PCA must inspect the completed fit-out and issue a compliance certificate certifying that the fit-out complies 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*, and a copy of the compliance certificate must be submitted to Council, before the issue of an **Occupation Certificate**.

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.

155. **Parking Allocation.** Both the owner and occupier of the development must provide and maintain the parking allocations as follows;
- A minimum 82 and maximum 118 residential spaces
 - Minimum 21 visitor spaces
 - 7 commercial parking spaces
 - 15 bicycle parking spaces within the upper basement level
- To comply with the commercial car parking, one (1) residential parking space is to be reconfigured as commercial parking. This is to ensure the allocation of parking on the site is in accordance with Council's parking requirements.
156. **Stormwater Management – Implementation of maintenance program.** The stormwater management system components are to be maintained for the ongoing life of the development by the strata management/ owners corporation, as per the details in the approved drainage system maintenance plan (DSMP).
157. **Residential Amenity - Noise Limits.** Noise from the commercial premises shall not be audible in any habitable room in any residential premises between the hours of 10pm and 7.00am. Noise mitigation measure should be investigated where ever it is anticipated that activities or the use of plant and equipment may generate a noise disturbance to surrounding premises.

Within the communal open space area, the playing of amplified music or messages, any spruiking and the likes are not to disturb the amenity of other public and private places.

158. **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.
159. **Drainage of carwash bay.** The floor of the carwash bay must be graded and drained to a grated drain or collection sump located within the wash bay and drained to the sewerage system in accordance with the requirements of Sydney Water Corporation.
160. **Fresh air intake vents** - All fresh air intake 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.
161. **Storage and disposal of wastes.** All wastes generated on the premises must be stored and disposed of in an environmentally acceptable manner. An adequate number of suitable waste containers must be kept on the premises for the storage of garbage and trade waste. 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.
162. **Commercial Waste.** A separate garbage room must be provided in a convenient location on the premises for the storage of commercial wastes.
163. **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.
164. **Accessibility – Lock requirements.** Where there is a lockable door to access a bin room or hardwaste storage room, the universal Council key shall be installed so the contractor can access the room for servicing bins or collect the household cleanup items.
165. **Waste room signage.** Signs will be required to be placed within the bin area to encourage correct recycling and reduce contamination. City of Ryde will provide the required signage.
166. **Waste Collection Services.** Arrangements must be made with Council for the provision of waste collection services **before occupation commences**.
167. **Plant Establishment Period/ Maintenance Period.** The trees within the public domain will incur a 24 month maintenance period to ensure the successful establishment of the plant material. If any trees within this period die, they are to be replaced immediately.

168. **Registration of premises.** The operator of the business (retail premises) must register the premises with Council's Environmental Health Unit before trading commences.
169. **Noise and vibration from plant or equipment** - Unless otherwise provided in this Consent, the operation of any plant or equipment installed on the premises must not cause:
- (a) The emission of noise that exceeds the background noise level by more than 5dBA when measured at, or computed for, the most affected point, on or within the boundary of the most affected receiver. 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.
170. **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.
171. **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. The applicant should liaise with Australia Post and develop strategies in relation to security of mail boxes.

ADVISORY CONDITIONS

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

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

2. **Inspections 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*.