

ATTACHMENT 1

Proposed Modified Consent conditions.

LDA2015/654 – Mod2017/85

723-731 Victoria Road, 10 Little Church Street & 3-7 3-7 St Annes Street, Ryde.

That the Section 96 application No. MOD2017/85 to modify Local Development Application No.LDA2015/0654 at 723-731 Victoria Road, 10 Little Church Street & 3-7 St Annes Street, Ryde being Lots A, B, C, D, E and F in DP26272 and Lot 78 in DP9692 be approved subject to the following:

A. The description of the development be amended to read as follows:

Development: ~~**Construction of a part 3 / part 7 storey mixed use development containing 5 home office apartments and 105 residential apartments. The development will also provide 134 car parking spaces in two & a half basement levels. Vehicular access to the development is from St Anne's Street.**~~

Construction of a part 3/part 7 storey mixed use development comprising of 355m² of commercial spaces, 100 residential apartments and car parking over two and a half basement levels. Vehicular access to the development is from St Anne's Street.

B. The following conditions are to be amended as outlined below with ***bold italics*** identifying additional wording and ~~strikethrough~~ identifying words to be deleted.

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 March 2017 | DA000 E DA000 F |
| Site Plan | Dec 2015 | DA006 B |
| Lower Basement | Dec 2015 March 2017 | DA100 D DA100 E |
| Upper Basement | Dec 2015 March 2017 | DA101 D DA101 E |
| Lower Ground Floor Plan (Commercial) | Dec 2015 March 2017 | DA102 E DA102 F |
| Lower Ground Floor Plan (Residential) | Dec 2015 March 2017 | DA102A D DA102A E |
| Ground Floor Plan | Dec 2015 March 2017 | DA103 D DA103 E |
| Level 1 Floor Plan | Dec 2015 March 2017 | DA104 D DA104 E |

| | | |
|------------------------------------|--|--------------------------------------|
| Level 2 Floor Plan | Dec 2015 March 2017 | DA105 D DA105 E |
| Level 3 Floor Plan | Dec 2015 March 2017 | DA106 D DA106 E |
| Level 4 Floor Plan | Dec 2015 March 2017 | DA107 E DA107 F |
| Level 5 Floor Plan | Dec 2015 March 2017 | DA108 E DA108 F |
| Roof Terrace Plan (Level 6) | Dec 2015 | DA109 D |
| Roof Plan | Dec 2015 | DA110 C |
| North and South Elevations | Dec 2015 March 2017 | DA200 C DA200 D |
| East and West Elevations | Dec 2015 March 2017 | DA201 D DA201 E |
| Section A | Dec 2015 March 2017 | DA300 E DA300 F |
| Pre and Post Adaptable Unit Layout | Dec 2015 March 2017 | DA500 C DA500 D |
| Finishes Schedule | Dec 2015 | DA720 D |
| 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 Constriction 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 Constriction Certificate.

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

(g) **Private rooftop courtyards.** The private rooftop courtyards, perimeter fencing around the courtyards and the “Gorker” skylights with retractable stairs to the roof areas of Buildings B, C & D are to be deleted. Details of compliance are to be submitted with the plans for amended Constriction Certificate.

3. **BASIX.** Compliance with all commitments listed in BASIX Certificate numbered ~~688210M_02 dated 1 June 2016.~~ **688219M_03 dated 20 April 2017.** 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.

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 |
| | \$265,249.60 |
| Open Space & Recreation | \$612,181.99 |
| Facilities | \$617,725.95 |
| Civic & Urban Improvements | \$225,162.05 |
| | \$232,877.16 |
| Roads & Traffic Management | \$30,790.52 |
| Facilities | \$31,868.35 |
| Cycleways | \$19,185.50 |
| | \$19,843.55 |
| Stormwater Management Facilities | \$59,690.96 |
| | \$61,338.19 |
| Plan Administration | \$5,172.67 |
| | \$5,351.82 |
| The total contribution is | \$1,211,517.37 |
| | \$1,234,254.62 |

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>.

57. **Adaptable Units.** ~~Eleven~~ **Ten** 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.
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~~ **commercial space 7** 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~~) **151168 Dwgs D00-D10 Rev. D Dated 5 April 2017**) 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.~~ **Additionally the access grates above the water filter cartridges would result in the terrace area flooding in the event the detention tank were to surcharge. To address this, the onsite detention system storage must be relocated east along the Victoria Road frontage such that the access grates are out of the recessed terrace area. Alternatively all access grates can be relocated to adjoin the boundary alignment and configured such that any surcharge flow be directed to the kerb in Victoria Road.**
- 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.

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~~ **Project no. 151168 Dwgs D00 – D10 Rev. D dated 5 April 2017**) submitted in compliance to the condition labelled "Stormwater Management." and the requirements of Council in relation to the connection to the public drainage system.

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 148~~ **117** residential spaces
- ~~Minimum 24~~ **20** visitor spaces
- ~~7~~ **11** commercial parking spaces*¹
- 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.~~

C. The following additional conditions hereby added

172. **Construction and fit-out of food premises.** All proposed food premises (other than retail meat premises) must be constructed and fitted-out in accordance with the requirements of:

- (a) Food Safety Standard 3.2.3: Food Premises and Equipment; and
- (b) Australian Standard AS 4674-2004: Design, construction and fit-out of food premises.
- (c) Adequate provision must be made for the installation of kitchen exhaust systems to the proposed food premises.

Note: - The walls of all proposed food premises must be constructed of brick, concrete blocks, preformed panels filled with suitable material or other solid materials.

173. **Standards for hairdressers, beauty salons and skin penetration shops** - All proposed hairdressers shops must comply with the standards for hairdressers shops set out in Schedule 2 of the Local Government (General) Regulation 2005.
- All proposed beauty salons must comply with the standards for beauty salons set out in Schedule 2 of the Local Government (General) Regulation 2005 and with the requirements of the Public Health Regulation 2012.
 - Any premises where skin penetration procedures are carried out must comply with the requirements of the Public Health Regulation 2012.

Note: A dishwashing machine or a double-bowl sink supplied with adequate hot and cold running water must be provided on the premises if hot drinks are to be served.

174. **Kitchen exhaust vent** - The kitchen exhaust vent must be located above roof level:
- (a) at least 6m from any fresh air intake vent or natural ventilation opening;
 - (b) at least 6m or, where the dimensions of the allotment make this impossible, the greatest possible distance from any neighbouring property boundary; and
 - (c) at least 8m from any cooling tower.

175. **Installation of grease trap**. A grease trap must be installed if required by Sydney Water Corporation. The grease trap must be located outside the building or in a dedicated grease trap room and be readily accessible for servicing. Access through areas where exposed food is handled or stored or food contact equipment or packaging materials are handled or stored is not permitted.