



ASSESSMENT REPORT

Section 4.55 Application No. MOD2022/0128

Assessment Officer: Holly Charalambous
Report to Manager Assessment: 29 September 2022
Consent Authority functions exercised by: Delegate

EXECUTIVE SUMMARY

Application details

Subject land: 6 & 10 Clermont Avenue, Ryde
Lot and DP Number: Lots X and Y DP 418160
Site Area and dimensions: 2,781.7m² with frontage to Jennifer Street and Clermont Avenue.
Original Proposal: LDA2021/0363 New dual occupancy (attached), swimming pools and Torrens title subdivision of proposed Lot 2 under LDA2021/0148.
Modification: S4.55(2) modification application for minor changes to the dual occupancy (attached) building comprising a new basement level, modifications to adopt Council's amendments in red and minor changes to conditions to correct errors and misdescriptions.
Applicant: Clermont Holdings Pty Limited
Owner: Clermont Holdings Pty Limited
Date lodged: 14 July 2022
Date clock stopped: N/A
Date clock started again: N/A
No. of days on STC: N/A
Value of Works: N/A
Submissions: Two (2). Trim Checked: 28 September 2022
Zoning: R2 Low Density Residential under RLEP 2014
DCP Non-Compliances: Nil.
Clause 4.6 RLEP 2014 objection required: Not applicable
Report Recommendation: Approval

REPORT

THE SITE

The site is legally described as Lots X and Y within Deposited Plan 418160 and is known as 6 and 10 Clermont Avenue, Ryde. The site features street frontages to Jennifer Street and Clermont Avenue. The south-western boundary adjoins residential property 9 Jennifer Street, Ryde. The consolidated site is generally rectangular in shape with an area of 2,781.7m². The site falls slightly from the southern corner RL85.35 to RL84 along the Jennifer Street frontage to the north-west.

As shown in **Figure 1** below, the site has recently been cleared of the existing structures and some trees, as approved in recent development consents, as discussed below.



Figure 1: Aerial photo of the site and surrounds.
No. 6 is outlined in orange and No. 10 is outlined in blue.

Parts of the site are mapped as containing Urban Bushland. The areas are marked as Non Conservation as shown in **Figure 2** below.

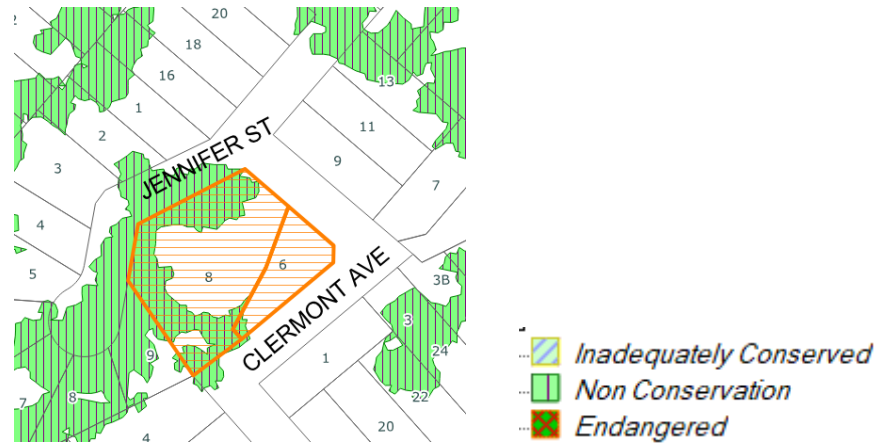


Figure 2: Extract from Ryde Maps indicating areas mapped as Urban Bushland (Non Conservation) 2018.

The surrounding area consists of single and 2 storey dwelling houses and some dual occupancy developments.

THE PROPOSAL

Application for a Modification under Section 4.55(2) of the EP&A Act 1979 of Local Development Application No. LDA2021/0363 (Section 4.55 Application No. MOD2022/0128)

The proposal involves the modification of Local Development Application No. 2021/0363 issued as a deferred commencement consent on 8 June 2022 for a new dual occupancy (attached), swimming pools and Torrens title subdivision of proposed Lot 2 under LDA2021/0148.

The applicant proposes amendments to the dual occupancy (attached) building comprising a new basement level, modifications to adopt Council's amendments in red and minor changes to conditions to correct errors and misdescriptions.

The applicant seeks to amend the following conditions:

- Condition 1 Approved Plans/Documents
- Condition 4 BASIX
- Condition 62 BASIX

In detail, the proposed amendments comprise:

Proposed Amendment	Comment / Condition
(a) New basement level accommodating storage, plant/equipment and laundry/WC. Floor to ceiling height is 2.1m.	Agreed. See discussion about GFA below. Condition 1 & New Condition 78 required re non-habitable space.
(b) Extension of lift to the new basement level to promote aging in place.	Agreed. Condition 1.

(c) Changes to the Ground and First Floor Plan including: (ii) Vertical riser for services. (iii) 500mm Ground floor slab.	Agreed. Condition 1.
(d) Adoption of Council's changes in red (including deleting the footpath.	Agreed. Reference to the footpath is deleted from the plans. Condition 1.
(e) Modification of the landscape plan to align with the modified architectural plans including adoption of Council's changes in red.	Agreed. Condition 1.
(f) Modification of the references to the stormwater plans.	Agreed. Condition 1.
(g) Modification of the stormwater management plan to align with the modified architectural plans including adoption of Council's changes in red.	Agreed. Condition 1. Also refer to comments from Council's Development Engineer regarding amending Conditions 36, 37, 38, 57 & 70 and the addition of Conditions 41A, 41B, 41C, 61A & 61B.

HISTORY OF APPROVALS ON THIS SITE

21 June 2021: LDA2021/0148 approved for demolition of existing structures, removal of trees, stormwater works including retaining walls and Torrens title subdivision of the existing 2 lots to create 3 lots at 6 and 10 Clermont Avenue, Ryde.

The approval permitted the removal of 6 trees (Trees 1, 14, 15, 16, 24 & 28) located on the subject site and 2 (Trees 17 & 18) within the public street verge.

Ancillary works associated with the proposed subdivision include stormwater drainage works. This includes minor retaining structures along the perimeter of Proposed Lot 3 with a height up to 205mm according to the Stormwater Management Plan submitted with the DA.

The subdivision created 3 lots as detailed in the following table.

Proposed Lot	Street frontage	Site Area
Lot 1	Jennifer Street	927m ²
Lot 2	Jennifer Street and Clermont Avenue	933m ²
Lot 3	Clermont Avenue	935m ²

The approved subdivision plan is shown in **Figure 3** below.

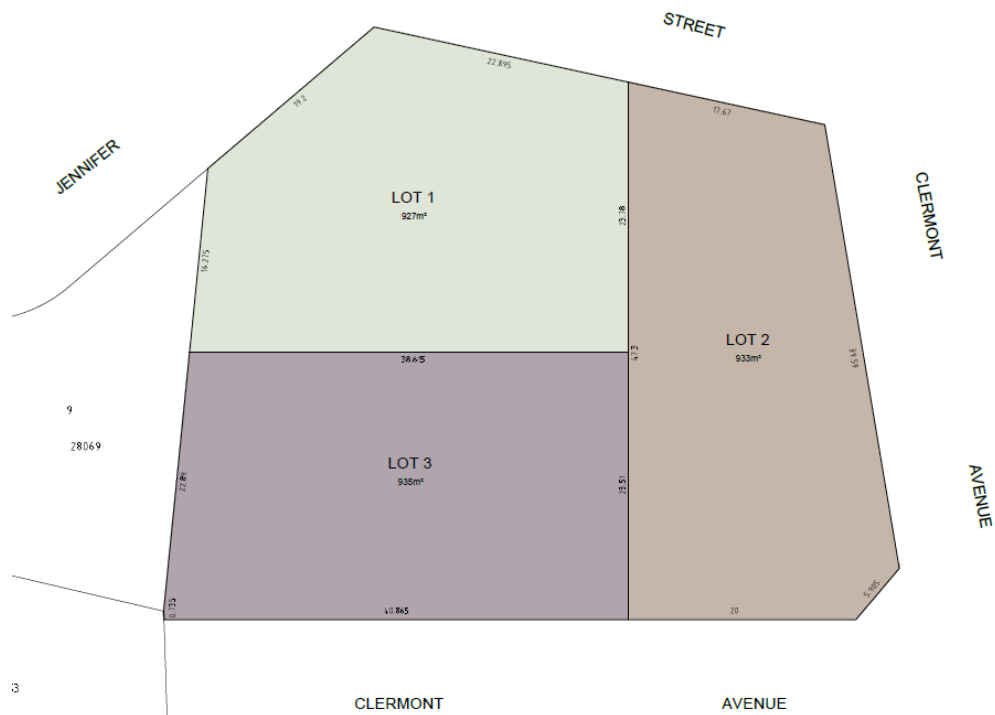


Figure 3: Subdivision Plan approved in LDA2021/0148.

The applicant has undertaken demolition of the structures, removal of trees and subdivision works have been undertaken.

15 February 2022: Tree Management Approval (TMA2022/11) approved to remove 2 trees on the adjoining site at No. 9 Jennifer Street, being Trees 25 and 27.

12 May 2022: Tree Management Approval (TMA2022/98) approved to remove Trees 19, 20, 21, 34 and 35. The applicant sought removal of these trees to enable sewer works to be installed to service the subdivision of the site.

2 June 2022: LDA2021/0362 approved by Council for a new dual occupancy (attached), swimming pools and Torrens title subdivision of proposed Lot 1 under LDA2021/0148. This approval included a deferred commencement condition requiring the lot to be registered.

8 June 2022: LDA2021/0363 approved by Council for a new dual occupancy (attached), swimming pools and Torrens title subdivision of proposed Lot 2 under LDA2021/0148. This approval included a deferred commencement condition requiring the lot to be registered.

15 June 2022: LDA2021/0364 approved by Council for a new dual occupancy (attached), swimming pools and Torrens title subdivision of proposed Lot 3 under LDA2021/0148. This approval included a deferred commencement condition requiring the lot to be registered.

14 July 2022: Modification applications lodged for the dual occupancy developments seeking changes to the dual occupancy as per Council amendments including a new basement level:

- Lot 1: MOD2022/129 to LDA/2021/0362 (subject application)
Lot 2: MOD2022/128 to LDA/2021/0363
Lot 3: MOD2022/127 to LDA/2021/0364

10 August 2022: Modification application MOD2022/119 to Subdivision LDA2021/0148 approved to amend Conditions of consent to align with the trees approved for removal in subsequent Tree Management Applications and trees of Low Retention Value.

12 September 2022: Subdivision Certificate Application SUB2022/0073 lodged for the subdivision of 6 & 10 Clermont Avenue into 3 lots as approved in LDA2021/0148.

HISTORY OF THIS MODIFICATION APPLICATION

14 July 2022: Subject modification application lodged seeking changes to the dual occupancy as per Council amendments including a new basement level.

22 August 2022: Email sent to the applicant seeking amendments to the proposed Gross Floor Area (GFA) plan to reflect the definition of GFA and direction from case law, specify on the plans any basement rooms which are non-habitable, and ensure the architectural and stormwater plans agree.

The applicant was advised that the basement rooms and resulting excavation and removal of earth are excessive in size for each single dwelling. The applicant was requested to:

- Justify why the size/areas of the basement rooms is necessary.
- Justify why excavation of 3m for the basement level is needed for rooms that are non-habitable.
- Advise why the Lot A lift control room is so large. If a lift control room is needed this should be reduced similar to Lot B for the above reason.
- Confirm what the 'COMMS' room is for. If this is to be used as a media room/cinema or any form of habitable use, it is to be included as GFA.

2 September 2022: Amended SEE and plans submitted by the applicant. This includes an updated area schedule showing the areas included and excluded from gross floor area and notating on the plans that the basement rooms are not habitable.

The stormwater plans have been amended to accord with the location of the basement pump out on the architectural plans.

The accompanying Basement Services Engineering Advice prepared by HHH Consulting Engineers provides justification for the uses of the basement rooms and confirms that the separate basement rooms are needed to ensure compliance with the BCA and AS and safety compliance.

The accompanying Structural Design Advice prepared by IHS Consulting Engineers confirms that the slab thickness of the ground floor suspended slab is to be 400mm - 450mm reinforced concrete to achieve the deflection limits with the relevant AS. No services are permitted to run within the slab.

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

Section 4.55 – Modification of Consents

The provisions of Section 4.55(2) of the *Environmental Planning and Assessment Act 1979* allow a consent authority to modify the consent where the application meets the following criteria:

- (a) *it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all), and*
- (b) *it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 4.8) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent, and*
- (c) *it has notified the application in accordance with—*
 - (i) *the regulations, if the regulations so require, or*
 - (ii) *a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and*
- (d) *it has considered any submissions made concerning the proposed modification within the period prescribed by the regulations or provided by the development control plan, as the case may be.*

- (a) Substantially the same development

It is considered that this Section 4.55 Application is substantially the same development as that approved under LDA2021/0363. The proposal is qualitatively and quantitatively the same development as approved as it relates to the removal of some trees and construction of an attached dual occupancy development. There is no change to the appearance and scale of the development as viewed from the street. The overall use as a residential development is maintained.

- (b) Consultation with concurrence authority

Not applicable. Consultation was not required with the relevant Minister, public authority or approval body.

- (c) & (d) Notification and Submissions

In accordance with the Ryde Community Participation Plan, the modification application was notified to surrounding property owners and occupants including submitters to the parent DA, from 1 to 15 August 2022. In response, 2 submissions were received, which are discussed below. The issues raised in the submission are not considered to warrant the refusal of this application.

The modifications sought are considered against the relevant environmental planning instruments, proposed instruments and relevant DCP below in accordance with Section 4.15(1)(a)(i), (ii) and (iii). The development consent is not subject to a planning

agreement (iia). The proposal has been considered in accordance with the relevant regulations (iv).

The modifications sought do not alter the permissibility of the approved development within the R2 Low Density Residential zone. The proposal continues to satisfy the objectives of the zone for residential dwellings. The Objectives of the zone are as follows:

1. *To provide for the housing needs of the community within a low density residential environment.*
2. *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
3. *To provide for a variety of housing types.*

The modification is discussed in detail in the report. Accordingly, the proposal satisfies the requirements of the above provisions.

REFERRALS:

Development Engineer: Council's Development Engineer has reviewed the proposal and no objection is raised. The following comments are provided:

The modification proposed a basement level. A revised stormwater management plan shows a pump out system which the proposed storage volume (3m³) is found to be adequate. The stormwater management plan has also incorporated the items marked in red on the approved stormwater management plan of LDA2021/363. Therefore raised no objection.

Recommendation: There are no objections to the proposed modification application 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.

Council's Development Engineer agrees to amend the following conditions:

- 1: Approved Plans
- 36: Vehicle Access and Parking
- 37: Vehicle Footpath and Gutter Cross over Approval
- 38: Stormwater Management
- 57: Stormwater Management – Construction
- 60: Stormwater Management – Positive Covenant

New conditions are also proposed to address the introduced pump out system as follows:

- Stormwater Management – Pump system
- Geotechnical Design, Certification and Monitoring Program
- Site Dewatering Plan
- Geotechnical Monitoring Program - Implementation
- Site Dewatering Plan - Implementation

These conditions are referenced below.

STATUTORY PROVISIONS

SECTION 4.15(1) HEADS OF CONSIDERATION TO BE TAKEN INTO ACCOUNT UNDER S4.55(3)

a. The provisions of

- Any environmental planning instrument:

State Environmental Planning Policy (Resilience and Hazards) 2021 – Chapter 4 Remediation of Land

SEPP (Resilience and Hazards) 2021 (formerly SEPP No. 55 – Remediation of Land) aims to 'provide a State-wide planning approach to the remediation of contaminated land'. Clause 7 of SEPP No. 55 – Remediation of Land requires Council to consider whether the site is contaminated, and if so whether it is suitable for the proposed development purpose.

The subject site has historically been used for residential purposes.

This application does not include any demolition.

The site is unlikely to contain any contamination and further investigation is not warranted in this case. It is considered that the site still satisfies the requirements of the SEPP with regard to the proposed development.

Biodiversity and Conservation State Environmental Planning Policy 2021 – Chapter 2 Vegetation in non-rural areas and Chapter 6 Bushland in urban areas

The general objectives of this Policy (formerly SEPP No. 19 Bushland in Urban Areas and SEPP (Vegetation in Non-Rural Areas) 2017) are to:

- Protect and preserve bushland within the urban areas. To preserve its value to the community as part of natural heritage, aesthetic value, and value as a recreational, educational and scientific resource.
- Protect the biodiversity values of trees and other vegetation and to preserve the amenity of the area through the preservation of trees and other vegetation.

As shown in **Figure 4** below, the site is mapped as containing 'Urban Bushland – Inadequately Conserved' along the Jennifer Street frontage. The parent DA considered the removal of all of the existing trees in these mapped locations, with the exception of Street Tree 20, which is a Jacaranda Tree (identified in the Arborist Impact Assessment report as unimportant with a poor form, failures and cavity). This modification application does not alter the outcome of this assessment and approval for tree removal and replacement planting.

Overall, the removal of trees and provision of new plantings is not considered to unduly impact upon any existing biodiversity or trees or vegetation on the site and does not unduly impact upon any existing bushland. It is noted tree removal has already been approved by separate applications.

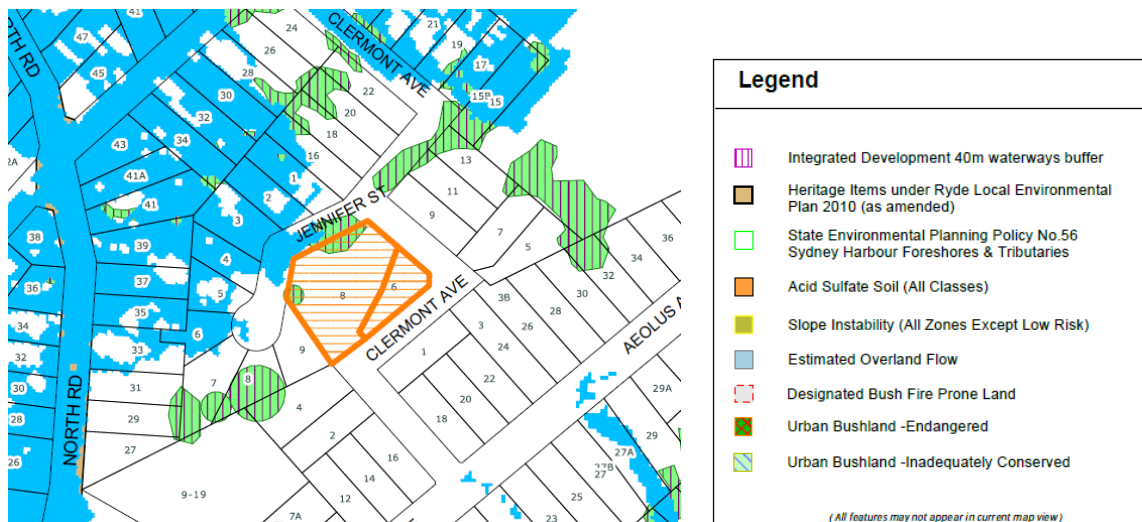


Figure 4: Extract from Ryde Maps indicating the parts of the site are mapped as 'Urban Bushland – Inadequately Conserved.'

State Environmental Planning Policy (Biodiversity and Conservation) 2021 – Chapter 10 Sydney Harbour Catchment

This SEPP (formerly Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005) 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.

Given the nature of the project and the location of the site, there are no specific controls that directly apply to this proposal. The objective of improved water quality is satisfied as the Stormwater Plans that accompany the DA demonstrate compliance with Part 8.2 Stormwater Management of Ryde Development Control Plan 2014. The amended proposal has been assessed by Council's Development Engineer, and no objection is raised.

SEPP (Building Sustainability Index: BASIX) 2004

The proposed development includes BASIX affected buildings and therefore requires assessment against the provisions of this SEPP, including BASIX certification.

The updated BASIX Certificate which accompanies this DA demonstrates that the proposal complies with the relevant sustainability targets and will implement those measures required by the certificate.

Ryde Local Environmental Plan (LEP) 2014

The proposed modifications generally maintain consistency the objectives, permissibility, development controls and relevant clauses in the Ryde LEP 2014. There is no change to the height of buildings. However, the addition of the basement level increases the gross floor area which results in exceeding the maximum permitted floor space ratio on the site as discussed below. Detailed

consideration of Clause 6.2 Earthworks is also undertaken below with regard to the addition of a basement level in this modification application.

Clause 4.4 Floor Space Ratio:

The proposal seeks the addition of a basement level which alters the gross floor area in line with the definition of Gross floor area (below) as shown below:

“**Gross floor area** means the sum of the floor area of each floor of a building measured from the internal face of external walls, or from the internal face of walls separating the building from any other building, measured at a height of 1.4 metres above the floor, and includes—

- (a) the area of a mezzanine, and
- (b) **habitable rooms in a basement** or an attic, and
- (c) any shop, auditorium, cinema, and the like, in a basement or attic,

but excludes—

- (d) any area for common vertical circulation, such as lifts and stairs, and
- (e) **any basement—**
 - (i) **storage**, and
 - (ii) vehicular access, loading areas, garbage and **services**, and
- (f) **plant rooms**, lift towers and **other areas used exclusively for mechanical services** or ducting, and
- (g) car parking to meet any requirements of the consent authority (including access to that car parking), and
- (h) any space used for the loading or unloading of goods (including access to it), and
- (i) terraces and balconies with outer walls less than 1.4 metres high, and
- (j) voids above a floor at the level of a storey or storey above.”

*Emphasis added in **bold**.*

The total proposed Gross floor area is 471.3m², which exceeds the maximum permitted GFA/FSR by 4.8m²:

	Lot A	Lot B
Basement	18.2	23.7
Ground	104.2 + 18	93.7 + 18
First	96.5	99
Sub total	236.9	234.4
Total	471.3	
FSR	0.505:1	
Lot 2 Site Area	933	



Figure 5: Plans of each level showing the gross floor area.

Notwithstanding, the additional basement area proposed in this modification application does not alter the scale of the development and streetscape as viewed from the public domain. In this respect, no objection is raised to the proposed additional basement area.

It is noted that a Section 4.55(2) modification application is not a development application and does not need to be accompanied by a clause 4.6 written request to contravene a development standard. Notwithstanding, the applicant has provided the following reasons for why the additional area is reasonable in this circumstance:

- *'The additional area is located in below ground basements. Above ground level (existing), there would be no change to the approved external appearance of the development.*
- *The proposed basements will provide much-needed storage for bulky goods, heating and cooling equipment that can be associated with noise and visual impacts to neighbours. Accommodating all Heating, Ventilation and Air Conditioning (HVAC) and pool equipment in the proposed basements (potential sources of noise emissions for neighbours) to the new basements will improve amenity for adjoining residents.*
- *The proposed basements will have an indirect positive urban design outcome as noted in the Urban Design Addendum Report by Audax Urban which states:*
'Introducing basement storage ensures an aesthetically pleasing elevation whether the garage doors are closed or open. During the brief moments when the garage doors are open, these areas often disclose the natural accumulation of bulky goods and other accoutrements that accumulate due to the complexity of family life. It is not uncommon that this burdensome accumulation usually takes over garages as the default family storage pushing vehicle parking onto the streets. The provision of basement storage reduces any opportunity for vehicles to be relegated to on-street parking, which assists in alleviating the endemic lack of on-street parking in our communities.'
- *The proposed basements will not alter the natural ground levels or landform around the approved dual occupancy.*
- *There would be no change to the approved deep soil area and the provision of adequate basement storage would reduce the potential need for residents to install external prefabricated garden sheds that would reduce deep soil, landscaping and usable open space on the site.*
- *There is no change to the driveway or car parking arrangement (importantly, there is no excavated driveway or garage that can detract from the streetscape).*
- *The proposed basements will not alter the streetscape along Jennifer Street or Clermont Avenue.*
- *Excavation is proposed beneath the footprint of the approved dual occupancy building/paved areas.*
- *The proposed basements do not result in any loss of privacy or security for neighbours.*
- *The design allows for uniform bearing of the basement and structure above. Douglas Partners has provided a Geotechnical Report that assesses the subsurface conditions at the site and likely opportunities and constraints in relation to geotechnical issues on the site, including preliminary advice on design and construction.'*

With regard to the basement Services / Plant Room, the applicant has also justified the basement levels by explaining that, as detailed in the accompanying Services Advice prepared by HHH Consulting Engineers that this room comprises:

- Electrical Sub Boards
- CCTV Hardware and Screen
- C4 Home Automation Panel
- 3 x Tesla Battery

In addition, the above items are high-end equipment to be installed and properly spaced in accordance with AS3000-2018 and NSW Installation and Wiring Rules. Mechanical Services ventilation and fans to accommodate the basement and other ventilation required as part of AS1668.1

With regard to the Comms / Electrical Rooms, the applicant has demonstrated in the accompanying Services Advice prepared by HHH Consulting Engineers that this room comprises:

- Solar inverter
- Solar switch board
- Ducted vacuum motor
- 2 x hot water units
- 2 x air conditioning units

The Comms room is for housing electrical and communications equipment, mechanical services ventilation and fans to accommodate the basement and other ventilation required as part of AS1668.1.

With regard to the Pool Pump, Filter & Equipment room, the applicant has demonstrated in the accompanying Services Advice prepared by HHH Consulting Engineers that the hydraulic pumps are for the pool as well hot water plant.

The accompanying Services Advice prepared by HHH Consulting Engineers also states that the above separate rooms are required to be segregated to ensure compliance with the BCA and Australian Standards and safety compliance (advice included in **Condition 1**).

Overall, the proposal (as amended) is considered to continue to satisfy the objectives of the R2 Low Residential zone and clause 4.4 Floor space ratio and no objection is raised, subject to a condition requiring the basement areas to be approved for the use and purpose of this authorised area only, as non-habitable rooms/areas (**Condition 78A**).

Part 6 Additional local provisions

Clause 6.2 Earthworks

Consideration of the new basement level and associated excavation and earthworks is considered in the table below.

Objective:	Comment
The objective of this clause is to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.	Satisfactory. The proposed earthworks are proposed to support the proposed dwellings to provide for a basement level and construct the swimming pools. No fill is proposed outside of the building footprint.
Clause	
(2) Development consent is required for earthworks unless—	

(a) the earthworks are exempt development under this Plan or another applicable environmental planning instrument, or	Yes. Consent is sought in this application.
(b) the earthworks are ancillary to development that is permitted without consent under this Plan or to development for which development consent has been given.	Yes. The earthworks are associated with the proposed basement level and pool of the dwellings.
(3) Before granting development consent for earthworks (or for development involving ancillary earthworks), the consent authority must consider the following matters—	
(a) the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development,	Satisfied. The proposal is supported suitable stormwater management measures and sediment control plan to protect the drainage pattern and soil stability in the locality.
(b) the effect of the development on the likely future use or redevelopment of the land,	The proposed earthworks and excavation are directly related to the approved dual occupancy development.
(c) the quality of the fill or the soil to be excavated, or both,	The subject site has historically been used for residential purposes and there is no concern regarding the quality of the soil to be excavated.
(d) the effect of the development on the existing and likely amenity of adjoining properties,	The excavation and dual occupancy development is not considered to adversely affect the amenity of adjoining properties.
(e) the source of any fill material and the destination of any excavated material,	The excavated material will be appropriately managed (already addressed in Condition 52).
(f) the likelihood of disturbing relics,	There is no indication of relics in this location.
(g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,	The site is not in the vicinity of sensitive areas.
(h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.	These matters are addressed in Conditions in the Parent consent (for example Conditions 52, 54 and 55).

- **Any proposed instrument (Draft LEP, Planning Proposal)**

Draft Instrument	Proposal	Compliance
Draft Remediation of Land State Environmental Planning Policy		
The Draft SEPP is a relevant matter for consideration as it is an Environmental Planning Instrument that has been placed on exhibition. The explanation of Intended	The draft SEPP does not seek to change the requirement for consent authorities to consider land contamination in the assessment of development	Yes

Effects accompanying the draft SEPP advises: <i>As part of the review of SEPP 55, preliminary stakeholder consultation was undertaken with Councils and industry. A key finding of this preliminary consultation was that although the provisions of SEPP 55 are generally effective, greater clarity is required on the circumstances when development consent is required for remediation work.</i>	applications. The subject site has been historically used for residential purposes, including as an aged care facility. As such, it is unlikely to contain any contamination and further investigation is not warranted in this case.	
Draft Environment SEPP		
The draft Environment SEPP was exhibited from 31 October 2017 to 31 January 2018. The consolidated SEPP proposes to simplify the planning rules for a number of water catchments, waterways and urban bushland areas. Changes proposed include consolidating a number of SEPPs, which include: - State Environmental Planning Policy No. 19 - Bushland in Urban Areas - Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005.	The proposal is not inconsistent with the provisions of the draft SEPP.	Yes

- **Any development control plan**

Ryde DCP 2014:

There proposed modification remains consistent with the relevant parts of the Ryde DCP 2014 as considered in the parent DA or subdivision, including:

- Part 3.3 Dwelling houses and dual occupancy (attached)
- Part 7.1 Energy Smart, Water Wise
- Part 7.2 Waste Minimisation and Management
- Part 8.2 Engineering – Stormwater Management
- Part 9.5 Tree Preservation and Tree Management Technical Manual

The subdivision of the site, as sought to be modified in this application, continues to be consistent with the objectives and controls of the Ryde DCP 2014, with the exception of excavation as discussed below.

RYDE DCP 2014	PROPOSED	COMPLIES
Part 3.3 – Dwelling Houses and Dual Occupancy (attached)		
2.6 Site Configuration		
Topography & Excavation a. Building form and siting are to relate to the original topography of the land and of the streetscape.	The siting of the building is maintained as previously approved. The proposed excavation for the basement level is within the building	Yes

RYDE DCP 2014	PROPOSED	COMPLIES
	footprint and is suitable in light of the topography of the land and streetscape. The excavation will not be visible and therefore will not have an adverse impact on the streetscape.	
b. The area under the dwelling footprint may be excavated or filled so long as: i. the topography of the site requires cut and/or fill in order to reasonably accommodate a dwelling. ii. the depth of excavation is limited to 1.2 m maximum; and iii. the maximum height of fill is 900 mm.	The extent of excavation accommodates the addition of a basement level and maintains the cut/fill at the perimeter of the dwelling footprint which is consistent with the existing topography of the site. Excavation is for 3m. As discussed in detail below, the accompanying structural design advice prepared by IHS Consulting Engineers supports the extent of 3m of excavation for the purpose of providing services at the basement level. No fill is proposed.	Yes No. This advice verifies that the overall extent of excavation of 3m and the proposed basement floor to ceiling height of 2.1m is appropriate to cater for the services and equipment proposed and to allow access clear of services mounted to the underside of the ceiling. (Advice included in Condition 1). Yes

b. The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality

All relevant issues regarding environmental impacts of the development are discussed elsewhere in this report (see DCP 2014 section). The amended development is considered satisfactory in terms of environmental impacts.

Suitability of the extent excavation and height of the basement

The accompanying structural design advice prepared by IHS Consulting Engineers supports the extent of 3m of excavation for the purpose of providing services at the basement level and states that *“the slab thickness of the ground floor suspended slab is to be approximately 400mm-450mm thick reinforced concrete. This calculation is based on a combination of various design factors in order to achieve the deflection limits within the Australian Standards (AS3600 Concrete Structures). Several of these design factors include spaces within the basement floor, lack of load bearing elements within the basement floor and the combination of dead and live loads from the full masonry floors above. We note that the reinforced concrete slab is not to be compromised with any services. Any required services such as air conditioning ducting, plumbing pipes and electrical conduits are to be mounted on the underside of the concrete slab and not run within it.”*

This advice verifies that the overall extent of excavation of 3m and the proposed basement floor to ceiling height of 2.1m is appropriate to cater for the services and equipment proposed and to allow access clear of services mounted to the underside of the ceiling. (Advice included in **Condition 1**).

As detailed in the ‘History of this DA’ section above, concern was raised that the area of the basement is excessive. The applicant provided an explanation that the pump room caters for the hydraulic pumps for the pool and hot water plant for the dwelling; the Comms room houses electrical and communications equipment and associated mechanical ventilation services; the electrical room houses solar equipment, vacuum motor, hot water units and air conditioning units; the plant room houses the electrical sub boards, CCTV, home automation and car charge batteries; and the separate basement rooms are needed to ensure compliance with the BCA and AS and safety compliance.

This is a significant number and range of services along with the laundry and storage areas which are usually located within the garage, shed in the back yard, rooftop and around the perimeter of the dwelling. In this case, all of these items are located underground and drive the need to have several basement rooms. Given the proposal enhances the streetscape presentation of the building and landscaping, no objection is raised in this instance.

c. The suitability of the site for the development

The proposed modification as discussed above is considered minor and is in keeping with previous approvals on this site for tree removal applications, subdivision and dual occupancy developments. The continued residential use and associated non-habitable basement storage/services areas are considered to be suitable for the site.

d. Any submissions made in accordance with this Act or the regulations

In accordance with the Ryde Community Participation Plan, owners and occupants of the surrounding properties were given notice of the application. One submission was received in support of the development. One submission was received objecting to the proposal for the following reasons:

The north point indicated on the Stormwater Plans is incorrect

Comment: This is a clerical error on the Stormwater Plan and has no impact on the design depicted on the plan.

The issues raised in the submissions are not considered to warrant the refusal of this application.

e. The public interest

Having regard to the assessment contained in this report, it is considered that approval of the development is not contrary to the public interest.

f. Additional consideration – Reasons consent to be modified was originally granted – S4.55(3)

Section 4.55(3): Reasons consent to be modified was originally granted

The original approved development was approved subject to deferred commencement conditions for the following reasons:

- The proposal is permissible with consent and is consistent with the objectives of the zone and development standards in Ryde LEP 2014.
- The proposal is generally consistent with the objectives and development controls of the DCP 2014, with minimal environmental impacts.
- The proposal will not result in any unacceptable impact on adjoining properties.
- The proposal is suitable for the site and is not contrary to the public interest.
- The submissions received in response to the application has been adequately addressed in the Assessment report.

The reasons for the original approval are not affected by the proposed modification with the exception of an increase to the development standard for floor space ratio under clause 4.4 of the Ryde LEP 2014. As discussed in detail above, no objection is raised to the addition of the basement level and associated gross floor area as the basement does not alter the scale of the development and streetscape as viewed from the public domain.

The proposal also exceeds the maximum permitted excavation of 1.2m in accordance with Clause 2.6.2 of Part 3.3 of the Ryde DCP. No objection is raised to the proposed 3m depth of excavation as it caters for the necessary clearance and services associated with the basement storage and service areas.

Objects of EP&A Act

Section 1.3 of the EP & A Act contains the following relevant objects:

- (b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,
- (c) to promote the orderly and economic use and development of land,
- (g) to promote good design and amenity of the built environment,
- (h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,

The proposal does achieve the objectives.

CONCLUSION

After consideration of the development against section 4.15 of the *Environmental Planning and Assessment Act 1979* and the relevant statutory and policy provisions, the proposal is suitable for the site and is consistent with the public interest.

Therefore, it is recommended that the application be approved for the following reasons:

1. The proposal meets the requirements of Section 4.55(2) of the *Environmental Planning and Assessment Act 1979*.
2. The proposal is permissible with consent and is consistent with the objectives of the zone and development standards in Ryde LEP 2014.
3. The proposal increases the floor space ratio under clause 4.4 of the Ryde LEP 2014 and no objection is raised to the addition of the basement level and associated gross floor area as the basement does not alter the scale of the development and streetscape as viewed from the public domain.
4. The proposal is generally consistent with the objectives and development controls of the DCP 2014, with minimal environmental impacts.
5. The proposal will not result in any unacceptable impact on adjoining properties.
6. The proposal is suitable for the site and is not contrary to the public interest.
7. The submissions received in response to the application have been adequately addressed in the assessment report.

RECOMMENDATION:

That the application for modification of Local Development Application No. LDA2021/0363 be modified as follows:

A. Amend Condition 1 to read as follows:

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

Document Description	Date	Plan No/Reference
Cover Sheet	20/06/22 28.01.22	783DA_A_, Drawing No. 1
Location Plan/Site Analysis	20/06/22 28.01.22	783DA_A_, Drawing No. 2, Revision E F
Subdivision Plan	28.01.22	783DA_A_, Drawing No. 8, Revision B

Basement Floor Plan	28/09/22	783DA_A_, Drawing No. 5, Revision F
Ground Floor Plan (as amended in red)	29/08/22 28.01.22	783DA_A_, Drawing No. 5, Revision F H
First Floor Plan	29/08/22 28.01.22	783DA_A_, Drawing No. 6, Revision F H
Roof Plan	20/06/22 28.01.22	783DA_A_, Drawing No. 7, Revision E F
East Elevation	20/06/22 28.01.22	783DA_A_, Drawing No. 9, Revision D E
South Elevation	20/06/22 28.01.22	783DA_A_, Drawing No. 10, Revision D E
West Elevation	20/06/22 28.01.22	783DA_A_, Drawing No. 11, Revision D E
North Elevation	20/06/22 28.01.22	783DA_A_, Drawing No. 12, Revision D E
Sections - 1	29/08/22 28.01.22	783DA_A_, Drawing No. 13, Revision C
Sections - 2	29/08/22 28.01.22	783DA_A_, Drawing No. 14, Revision G E
Sections - 3	20/06/22 28.01.22	783DA_A_, Drawing No. 15, Revision G E
Shadow Diagrams - 21 st June	20/06/22 28.01.22	783DA_A_, Drawing No. 16, Revision B C
External Finishes Schedule	28.01.22	783DA_A_, Drawing No. 17, Revision D
Area Schedule	28.01.22	782DA_A_, Drawing No. 18, Revision B
Context Plan: Landscaping (as amended in red)	28.06.22 03.02.22	21898, LP30, Issue B C
Landscape Plan (as amended in red)	28.06.22 03.02.22	21898, LP31, Issue B C
Schedule + Materials	28.06.22 03.02.22	21898, LP32, Issue B C
Section A	28.06.22 03.02.22	21898, LP33, Issue B C
Level 1 Balcony	28.06.22 03.02.22	21898, LP34, Issue B C
Calculations Diagram	28.06.22 01.02.22	21898, LP35, Issue B C
Stormwater Management Plan: Details, Notes & Legend	30.08.22 29.09.21	E210095, D1, Issue-A- C
Stormwater Management Basement Plan	30.08.22	E210095, D2, Issue C
Stormwater Management Plan (as amended in red)	30.08.22 29.09.21	E210095, D3 D2 , Issue-A- C
Stormwater Management First Floor	30.08.22 29.09.21	E210095, D4 D3 , Issue-A- C
Stormwater Management Roof Plan	30.08.22 29.09.21	E210095, D5 D4 , Issue-A- C

Stormwater Details	30.08.22 29.09.21	E210095, D6 D5 , Issue-A-C
Stormwater Details (as amended in red)	30.08.22 29.09.21	E210095, D7 D6 , Issue-A-C
Stormwater Details (as amended in red)	30.08.22 29.09.21	E210095, D8 D7 , Issue-A-C
Stormwater Details	30.08.22 29.09.21	E210095, D9, Issue C
Sediment Control Plan	30.08.22 29.09.21	E210095, D10 D8 , Issue-A-C
Sediment Control Details	30.08.22 29.09.21	E210095, D11 D9 , Issue-A-C

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

- ~~(a) Amendments to the Ground Floor Plan to provide a driveway perpendicular to the kerb and revise the levels of the garages.~~
- ~~(b) Amendments to the Ground Floor Plan and Landscape Plan demonstrating that the height of landscaping and structures in the vicinity of the driveway are below 900mm in height to ensure that appropriate sight lines are achieved.~~
- ~~(c) Amendment to the Landscape Plan to show the planting of 3 Ivory Curl Tree (*Buckinghamia celcissima*) in the road reserve. The location of these street trees is to be approved by Council's Landscape Architect prior to the issue of the Construction Certificate.~~
- ~~(d) Amendments to the Stormwater Management Plan to provide a driveway perpendicular to the kerb, revise the levels of the garages, provide 5.0m³ rainwater tanks for each dwelling as required by the BASIX Certificate, to reflect the location of the swimming pool as approved on the Architectural Plans and provide minimum 2 grated pits for each On-site Detention tank.~~
- ~~(e) The footpath in the street setback area as shown on the Ground Floor Plan and Landscape Plans is deleted.~~

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

~~(Reason: To ensure the development is carried out in accordance with the determination).~~

B. Amend Condition 4 to read as follows:

- 4. **BASIX.** Compliance with all commitments listed in BASIX Certificate(s) numbered **1319275M** ~~1244520M~~, dated **4 July 2022** ~~7 October 2021~~.

(Reason: Statutory requirement).

C. Amend Condition 36 to read as follows:

36. 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) / documentation must be provided with the plans submitted with the application for a Construction Certificate:

- a) All internal driveways and vehicle access ramps must have ramp grades, transitions and height clearances complying with AS 2890 for all types of vehicles accessing the parking area. To demonstrate compliance with this Australian Standard, the plans to be prepared for the Construction Certificate must include a driveway profile, showing ramp lengths, grades, surface RL's and overhead clearances taken along the vehicle path of travel from the crest of the ramp to the basement. The driveway profile must be taken along the steepest grade of travel or sections having significant changes in grades, where scraping or height restrictions could potentially occur and is to demonstrate compliance with AS 2890 for the respective type of vehicle.
- ~~b) The finished floor levels of the garages are to be revised to minimise the level difference between the driveway/garages. The garage of Lot A is to be raised to RL 84.925 and the garage of Lot B to RL 85.2. All plans shall be amended.~~
- c) To allow for adequate sight distance from a vehicle exiting the property to pedestrians in the footpath area, the driveway entry at the property boundary must have clear sight through a splayed region defined by Figure 3.3 of AS 2890.1 (2004) and Council's DCP. Ideally the region is to be free of all obstructions, otherwise any solid obstructions are to be no greater than 900mm above finished surfaces and horizontal fencing/ slats are to permit more than 50% visual permeability.

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

(Reason: To ensure the vehicle access and parking area is in accordance with the require standards and safe for all users.)

D. Amend Condition 37 to read as follows:

37. Vehicle Footpath and Gutter Crossover Approval. A new vehicle footpath crossing and associated gutter crossover shall be constructed at the approved vehicular access location/s. Where there is an existing vehicle footpath crossing and gutter crossover, the reconstruction of this infrastructure may be required in order that it has a service life consistent with that of the development and ensure it is compliant with current Council's standards and specifications. The location, design and construction shall be in accordance with Council's DCP 2014 Part 8.3 (*Driveways*), Part 8.5 (*Public Civil Works*) and Australian Standard AS2890.1 – 2004 (*Offstreet Parking*).

Prior to the issue of the Construction Certificate, an application shall be made to Council for approval under Section 138 of the Roads Act, 1993, for the construction of the vehicle footpath and gutter crossover. The application shall

include engineering design drawings of the proposed vehicle footpath crossing and gutter crossover. The drawings shall be prepared by a suitably qualified Civil Engineer using the standard B85 vehicle profile. The drawings shall show the proposed vehicle footpath crossing width, alignment, and any elements impacting design such as service pits, underground utilities, power poles, signage and/or trees. In addition, a benchmark (to Australian Height Datum) that will not be impacted by the development works shall be included. All grades and transitions shall comply with Australian Standard AS 2890.1-2004 Offstreet Parking and Council's specifications. The new crossing shall be **6.0m** ~~4.0m~~ wide, without the splays, and shall be constructed at right angle to the alignment of the kerb and gutter and located no closer than 1m from any power pole and 3m from any street tree unless otherwise approved by Council.

Fees are payable at the time of the application, in accordance with Council's Schedule of Fees and Charges.

The Council approved design details shall be incorporated into the plans submitted for the application of the Construction Certificate.

(Reason: The design and levels of the new driveway crossover(s) will require approval from Council under Section 138 of the Roads Act)

E. Amend Condition 38 to read as follows:

38. Stormwater Management. Stormwater runoff from the development shall be collected and piped by gravity flow to Clermont Avenue, generally in accordance with the plans by NY Civil Engineering Project No E210095 Sheet D1 to **D9 D7** dated **30/08/22** ~~29/9/21~~ ~~subject to any variations marked in red on the approved plans or noted as follows:~~

- ~~— Amend levels of the OSD tanks to match amended garage floor levels and adjust the OSD/BASIX volumes as required.~~
- Relocate the swimming pools as shown on the architectural plans Revision F and adjust ground levels.
- Provide correct BASIX volume as required in the BASIX report which is **7.0m³** ~~5.0m³~~ for each unit. This will be in addition to the OSD volume.
- ~~— All OSD tanks are to be provided with two inlet grates.~~
- The proposed pump riser for dwelling 1 is to be relocated to the location of the proposed pump out system.

The detailed plans, documentation and certification of the drainage system must be submitted with the application for a Construction Certificate and prepared by a suitably qualified 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.

(Reason: To ensure that the developments stormwater management system is aligned with the controls and objectives of the City of Ryde DCP 2014 Part 8.2)

F. Amend Condition 57 to read as follows:

57. 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 NY Civil Engineering Project No E210095 Sheet D1 to **D9 D7 dated 30.08.22** submitted in compliance to the condition labelled “Stormwater Management.” and the requirements of Council in relation to the connection to the public drainage system.

(Reason: To ensure the stormwater works are properly implemented).

G. Amend Condition 62 to read as follows:

62. **BASIX.** The submission of documentary evidence of compliance with all commitments listed in BASIX Certificate(s) numbered **1319275M 1244520M**, dated **4 July 2022** ~~7 October 2021~~.

(Reason: Statutory requirement).

H. Amend Condition 70 to read as follows:

70. Stormwater Management – Positive Covenant(s). A Positive Covenant must be created on the property title(s) pursuant to the relevant section of the Conveyancing Act (1919), providing for the ongoing maintenance of the onsite detention **and pump/sump** components incorporated in the approved Stormwater Management system. This is to ensure that the drainage system will be maintained and operate as approved throughout the life of the development, by the owner of the site(s). The terms of the instrument are to be in accordance with the Council's standard terms for such systems 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.

(Reason: Statutory requirement).

PRIOR TO CONSTRUCTION CERTIFICATE

I. The ADDITION of Condition 41A as follows:

41A. Stormwater Management - Pump System. The basement pump system must be dual submersible and shall be sized and constructed in accordance with Section 9.3 of AS 3500.3 (*Stormwater drainage*).

The wet well must be designed and constructed in accordance with section 9.3 of AS 3500.3 (*Stormwater drainage*), except that the sump volume is to be designed to accommodate storage of runoff accumulating from the 100yr ARI 3 hour storm

event, in the event of pump failure as per the requirements of Council's DCP - Part 8.2 (*Stormwater and Floodplain Management*).

Direct connection of the pumps rising main to the kerb will not be permitted. The rising main must discharge to the sites drainage system, upstream of the onsite detention system (if one is provided) or any rainwater tank which is utilised for irrigation only.

Pump details and documentation demonstrating compliance with this condition are to be submitted in conjunction with the Stormwater Management Plan for the approval of the Certifying Authority, prior to the release of any Construction Certificate for construction of the basement level.

(Reason: To ensure that the design of the pump system is compliant with the requirements of the City of Ryde DCP 2014 Part 8.2 and relevant Australian Standards.)

J. The ADDITION of Condition 41B as follows:

41B. Geotechnical Design, Certification and Monitoring Program. 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;
 - details action plan and contingency for the principal building contractor in the event these trigger levels are exceeded; and

- Is in accordance with the recommendations of the Geotechnical Report by Douglas Partners, Project No.:200861.00, Document No.: R.002 Rev2, Dated July 2022.

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

(Reason: To ensure there are no adverse impacts arising from excavation works.)

K. The ADDITION of Condition 41C as follows:

41C. Site Dewatering Plan. 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.
- Incorporate water treatment measures to prevent the discharge of sediment laden water to the public drainage system. These must 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.

(Reason: 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.)

DURING CONSTRUCTION

L. The ADDITION of Condition 61A as follows:

61A. 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.

(Reason: To ensure that the excavation works are undertaken appropriately throughout the period of construction.)

M. The ADDITION of Condition 61B as follows:

61B. 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.

(Reason: To ensure that site dewatering is undertaken appropriately throughout the period of construction.)

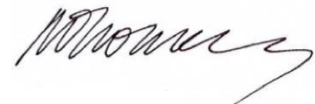
OPERATIONAL CONDITIONS

N. The ADDITION of Condition 78A as follows:

78A. Use of the Basement Level. The entirety of the basement is to comprise non-habitable areas. At no time is the basement to be occupied as a ‘habitable room’ as defined in the National Construction Code.



Holly Charalambous
Senior Town Planner



Madeline Thomas
Senior Coordinator
Development Assessment

Agreed. Application approved.



Sandra Bailey
Manager – Development Assessment

Date of Consent: 29 September 2022.