

Meeting Date: Tuesday 15 May 2012
Location: Committee Room 2, Level 5, Civic Centre, 1 Devlin Street, Ryde
Time: 4.00pm

NOTICE OF BUSINESS

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3	40 SHEPHERD STREET, RYDE. LOT 79 DP 5887. Local Development Application for demolition and construction of six dwellings under State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004. LDA2011/0625. <i>INSPECTION 4.35PM / INTERVIEW 5.00PM</i>	38

1 CONFIRMATION OF MINUTES - Meeting held on 1 May 2012

Report prepared by: Meeting Support Coordinator**Report dated:** 2 May 2012**File No.:** CLM/12/1/3/2 - BP12/512

REPORT SUMMARY

In accordance with Council's Code of Meeting Practice, a motion or discussion with respect to such minutes shall not be in order except with regard to their accuracy as a true record of the proceedings.

RECOMMENDATION:

That the Minutes of the Planning and Environment Committee 5/12, held on Tuesday 1 May 2012, be confirmed.

ATTACHMENTS

- 1 Minutes - Planning and Environment Committee - 1 May 2012

ITEM 1 (continued)

ATTACHMENT 1

Planning and Environment Committee
MINUTES OF MEETING NO. 5/12

Meeting Date: Tuesday 1 May 2012
Location: Committee Room 2, Level 5, Civic Centre, 1 Devlin Street, Ryde
Time: 4.02pm

Councillors Present: Councillors Pickering (Chairperson), Butterworth, O'Donnell and Yedelian OAM.

Apologies: Councillor Salvestro-Martin.

Staff Present: Group Manager – Environment & Planning, Service Unit Manager – Assessment, Service Unit Manager – Environmental Health & Building, Business Support Coordinator – Environment & Planning, Team Leader – Assessment, Team Leader – Major Development Team, Team Leader – Development Engineers and Meeting Support Coordinator.

DISCLOSURES OF INTEREST

There were no disclosures of interest.

1 CONFIRMATION OF MINUTES - Meeting held on 3 April 2012

RESOLUTION: (Moved by Councillors O'Donnell and Yedelian OAM)

That the Minutes of the Planning and Environment Committee 4/12, held on Tuesday 3 April 2012, be confirmed.

Record of Voting:

For the Motion: Unanimous

Note: This is now a resolution of Council in accordance with the Committee's delegated powers.

2 52 FARNELL STREET, WEST RYDE. LOT 15 DP 30562. Local Development Application for demolition, construction of multi dwelling housing containing 3 villas and strata subdivision. LDA2011/0462.

Report: The Committee inspected the property at 52 Farnell Street, West Ryde.

Note: A Memorandum from the Group Manager – Environment and Planning dated 26 April 2012 regarding Condition 20 – Section 94 Contribution was tabled in relation to this Item and a copy is ON FILE.

ITEM 1 (continued)

ATTACHMENT 1

Note: Mr Silvestro Lauria (objector), Mr Anthony Scotti (applicant) and Mr Sinisa Lazarevic (applicant's architect) addressed the Committee in relation to this Item.

RESOLUTION: (Moved by Councillors Yedelian OAM and O'Donnell)

(a) That Local Development Application No. 2011/0462 at 52 Farnell Street, West Ryde, being LOT 15, DP 30562 be approved subject to the **ATTACHED** conditions (Attachment 1), with an amendment to Conditions 20 and 26 to read as follows:-

20. **Section 94 Contribution** – A contribution for the services in Column A and for the amount in Column B shall be made to Council prior to the issue of the **Construction Certificate**.

A	B
Community and cultural Facilities	\$5,643.00
Open Space and Recreation Facilities	\$13,891.89
Civic and Urban Improvements	\$4,724.91
Roads and Traffic Management Facilities	\$644.52
Cycleways	\$402.58
Stormwater Management Facilities	\$1,279.62
Plan Administration	\$108.55
The total contribution is	\$26,695.07

This contribution is a contribution under the provisions of Section 94 of the Environmental Planning and Assessment Act, 1979 as specified in the Section 94 Development Contributions Plan 2007 (2010 Amendment) adopted by City of Ryde on 11/12/2007.

The above amount, if not paid within the quarter that the consent is granted, shall be adjusted for inflation by reference to the Consumer Price Index published by the Australian Bureau of Statistics (Catalogue No 5206.0) on the basis of contribution rates that are applicable at the time of payment.

26. **Fencing.** Fencing is to be in accordance with Council's Development Control Plan and details of compliance are to be provided in the plans for the Construction Certificate. In this regard the distance between the slats on the upper part of the fence is to provide spacing to ensure that this part of the fence is 50% transparent. In addition, the fencing between 52 and 54 Farnell Street to be colourbond fencing at a height of 1.5 metres from the front of the adjoining property up until 3 metres from the street frontage when it is to be a maximum of 1 metre.

(b) That the persons who made submissions be advised of Council's decision.

ITEM 1 (continued)

ATTACHMENT 1

Record of Voting:

For the Motion: Unanimous

Note: This is now a resolution of Council in accordance with the Committee's delegated powers.

3 7 DAYMAN PLACE, MARSFIELD. LOT 3 DP623320. Local Development Application for demolition of existing dwelling and erection of a new 3 storey boarding house containing 77 boarding rooms, 1 manager's residence and communal facilities. LDA2011/375.

Note: A Memorandum from the Group Manager – Environment and Planning dated 26 April 2012 regarding Condition 29 – Section 94 Contribution was tabled in relation to this Item and a copy is ON FILE.

Note: Ms Kerry Gordon (objector), Ms Lyndall Macris (objector) and Mr James Phillips (applicant) addressed the Committee in relation to this Item.

RESOLUTION: (Moved by Councillors O'Donnell and Yedelian OAM)

- (a) That Local Development Application No. 2011/375 at 7 Dayman Place Marsfield being LOT 3 DP623320 be approved via a "Deferred Commencement" consent subject to the conditions provided in **ATTACHMENT 1**, with amendments as follows:-

PART 1 – DEFERRED COMMENCEMENT

3. **Plan of Management.** The submission of an amended Plan of Management which incorporates the following amendments:-
- (g) The "Noise Policy" section shall include a requirement that no social gatherings (ie. BBQs, parties or the like) can occur in the external courtyard between the hours of 10pm and 9am on any day. This is for a trial period of 12 months from issue of Occupation Certificate.
 - (i) The "Noise Policy" section shall include a requirement that internal common areas are not to be used for social gatherings between the hours of 10pm and 9am on any day. This is for a trial period of 12 months from issue of Occupation Certificate.
 - (j) The Plan of Management shall include a section entitled "Responsibilities of Manager". This Section shall require the manager to control the behaviour of residents such that it does not impact upon the amenity of neighbours; address complaints of neighbours in a timely manner, log all complaints; respond to all complaints and provide follow up information to neighbours of action taken; ensure bins are placed appropriately out for collection no earlier than the day they are to be collected and placed back in the storage area as soon as practicable after collection; ensure furniture

ITEM 1 (continued)

ATTACHMENT 1

or other rubbish (including shopping trolleys) is not dumped by residents in the street and if it is then arrange its removal; enforce hours of use of external and internal common areas and monitor noise from such areas; ensure grounds are regularly and appropriately maintained; be available 24 hours a day, seven day a week by phone to ensure compliance with their responsibilities (with rotating shifts if necessary) and to respond to neighbours complaints in relation to the use of the site.

- (k) Any Macquarie University policies referred to in the Plan of Management are to be incorporated in the Plan of Management and not referenced so requirements are consistent.

PART 2 – GENERAL CONDITIONS

29. **Section 94.** A monetary contribution for the services in Column A and for the amount in Column B shall be made to Council prior to the issue of any **Construction Certificate:**

A – Contribution Type	B – Contribution Amount
Community & Cultural Facilities	\$103,363.25
Open Space & Recreation Facilities	\$254,458.75
Civic & Urban Improvements	\$86,546.66
Roads & Traffic Management Facilities	\$11,805.78
Cycleways	\$7,373.87
Stormwater Management Facilities	\$23,439.27
Plan Administration	\$1,988.28
The total contribution is	\$488,975.85

These are contributions under the provisions of Section 94 of the Environmental Planning and Assessment Act, 1979 as specified in Section 94 Development Contributions Plan 2007 (2010 Amendment) adopted by City of Ryde on 16 March 2011.

The above amounts are current at the date of this consent, and are subject to **quarterly** adjustment for inflation on the basis of the contribution rates that are applicable at time of payment. Such adjustment for inflation is by reference to the Consumer Price Index published by the Australian Bureau of Statistics (Catalogue No 5206.0) – and may result in contribution amounts that differ from those shown above.

A copy of the Section 94 Development Contributions Plan may be inspected at the Ryde Planning and Business Centre, 1 Pope Street Ryde (corner Pope and Devlin Streets, within Top Ryde City Shopping Centre) or on Council's website <http://www.ryde.nsw.gov.au>.

79. The development must be operated in accordance with the Plan of Management approved subject to Part 1 Condition 3 of this consent for the purpose of providing accommodation for educational related purposes. The

ITEM 1 (continued)

ATTACHMENT 1

Plan of Management can only be amended with the agreement of Council in writing.

81. Internal communal areas and external courtyards (including the external courtyard) must not be used for social gatherings (BBQs, parties or the like) outside the hours of 10pm to 9am – and shall accord with the required amendments of the Plan of Management (Part 1 Condition 3).

This is to be for a trial period of 12 months from issue of Occupation Certificate. At the end of 12 months, the applicant is to submit a Section 96 application to Council to vary this condition which is to be notified to all adjoining owners consistent with the original Development Application.

- (b) That the objectors be notified of Council's decision in this matter.

Record of Voting:

For the Motion: Unanimous

Note: This is now a resolution of Council in accordance with the Committee's delegated powers.

The meeting closed at 5.50pm.

CONFIRMED THIS 15TH DAY OF MAY 2012.

Chairperson

- 2 62 HIGGINBOTHAM ROAD, GLADESVILLE. LOT 4 DP 814502. Local Development Application to erect a front and side boundary fence 1.2m & 1.8m high. LDA2011/0665.**

INSPECTION: 4.20pm

INTERVIEW: 4.50pm

Report prepared by: Assessment Officer ; Team Leader - Fast Track Team

Report approved by: Manager Assessment; Group Manager - Environment & Planning

Report dated: 1/05/2012

File Number: grp/12/5/5/3 - BP12/504

1. Report Summary

Applicant: J & G Saunders.

Owner: J & G Saunders.

Date lodged: 23 December 2011.

This report considers a development application (DA) for a front fence and side boundary fence 1.2m & 1.8m in height.

The DA has been lodged following a long-running dispute between the affected property owners about the correct position of the boundary in relation to the shared right of carriageway (servicing No. 62, No. 62A and No. 60A Higginbotham Road), approved and constructed in the early 1990's. As it currently exists, the physical location of the driveway is encroaching on No. 62 Higginbotham Road, and has not been constructed in the correct location as shown on the Deposited Plan (DP 814502).

There is one non-compliance with the planning controls. The return fence is an open paling fence, 1.2m high. The non-compliance is supported as it meets the fencing control that materials are compatible with the existing boundary fences and streetscape.

The DA was notified to neighbouring properties in accordance with DCP 2010 (Part 2.1 – Notification of Development Applications). Two submissions were received.

The issues raised were concerns regarding the narrowing of the driveway access which is a shared right of carriageway by No. 62, No. 62A and No. 60A Higginbotham Road.

The objectors have requested that Council re-construct their private access carriageway to ensure it is in the correct location in accordance with DP 814502. In this regard, Council's General Counsel has advised the construction of the carriageway is a private matter, between the beneficiaries of the carriageway. Council is accountable to all residents in the City of Ryde and in this instance can not

ITEM 2 (continued)

justify constructing the private access carriageway for the benefit of No 62, No. 62A and No. 60A Higginbotham Road.

It is noted that if approval is granted for the proposed fence in the correct location on the property boundary (in accordance with DP 814502), the width of the driveway would decrease unless re-construction work is undertaken – including removal of the paling fence to No. 60 which encroaches into the carriageway, and re-construction of the driveway to restore the present width of the driveway. This would be undesirable as it could involve possible damage to the dwelling at No. 60, as well as the relocation of electrical meter boxes and associated electrical cables, and the removal of a large tree at the front of the site.

In order to avoid this situation, it is recommended that the fence be set back some 500mm from the boundary in order to ensure that a minimum 3m width (as required by the Australian Standard AS2890.1) is achieved for the driveway.

The owner of No. 62 Higginbotham Road wishes to erect a boundary fence that does not encroach on the shared right of carriageway. All three properties will still have access to their properties via the carriage way, the access will comply with Australian Standard AS2890.1 and is considered satisfactory.

The application is recommended for approval.

Reason for Referral to Planning and Environment Committee: At the request of Councillor Petch.

Public Submissions: Two submissions were received objecting to the development.

Clause 4.6 RLEP 2010 objection not required.

Value of works \$2,500

A full set of the plans is **CIRCULATED UNDER SEPARATE COVER** as additional information provided to Councillors - subject to copyright provisions.

RECOMMENDATION:

- (a) That Local Development Application No. 62 Higginbotham Rd Gladesville. LOT 4 DP 814502 be approved subject to the **ATTACHED** conditions (Attachment 1).
- (b) That the persons who made submissions be advised of Council's decision.

ITEM 2 (continued)

ATTACHMENTS

- 1 Draft Conditions
- 2 Map
- 3 A4 Plans
- 4 Diagram showing right of carriageway.
- 5 Submissions
- 6 A3 Plans - subject to copyright provisions - CIRCULATED UNDER SEPARATE COVER

Report Prepared By:

Jane Tompsett
Assessment Officer

Colin Murphy
Team Leader - Fast Track Team

Report Approved By:

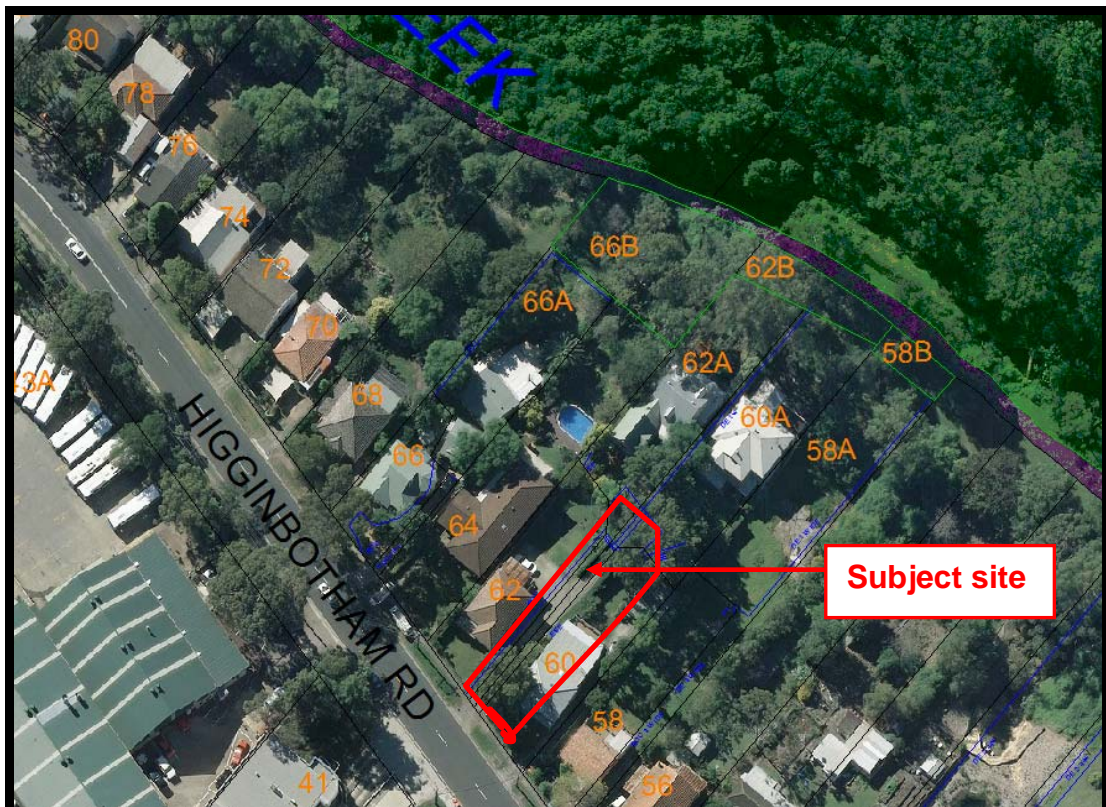
Liz Coad
Manager Assessment

Dominic Johnson
Group Manager - Environment & Planning

ITEM 2 (continued)

2. Site (Refer to attached map.)

Address	:	62 Higginbotham Road, Gladesville
Site Area	:	580m ² Frontage 13.695 metres Depth 40.255 metres – 44.255 metres
Topography and Vegetation	:	The site has a significant slope of 8m falling away from Higginbotham Road to the rear boundary. The site shares a carriageway on the north east boundary with No. 62A and No. 60A Higginbotham Road. The front and rear yard are landscaped with shrubs.
Existing Buildings	:	Dwelling House
Planning Controls	:	Ryde LEP 2010
Zoning	:	R2 Low Density Residential
Other	:	DCP 2010



SITE PLAN

ITEM 2 (continued)

3. Councillor Representations

Name of Councillor: Councillor Petch

Nature of the representation: Call-up to Planning & Environment Committee

Date: 24 January 2012

Form of the representation: Email via the Help Desk

On behalf of objector

Any other persons (e.g. consultants) involved in or part of the representation: No

4. Political Donations or Gifts

Any political donations or gifts disclosed? No.

5. Proposal

Erect a side front fence and side boundary fence 1.2m & 1.8m high.

The applicant proposes to erect a fence on the boundary of the subject property of the subject property (No. 62) where it adjoins a right of carriageway (driveway access) servicing No. 60A and No. 62A to the north.

6. Background

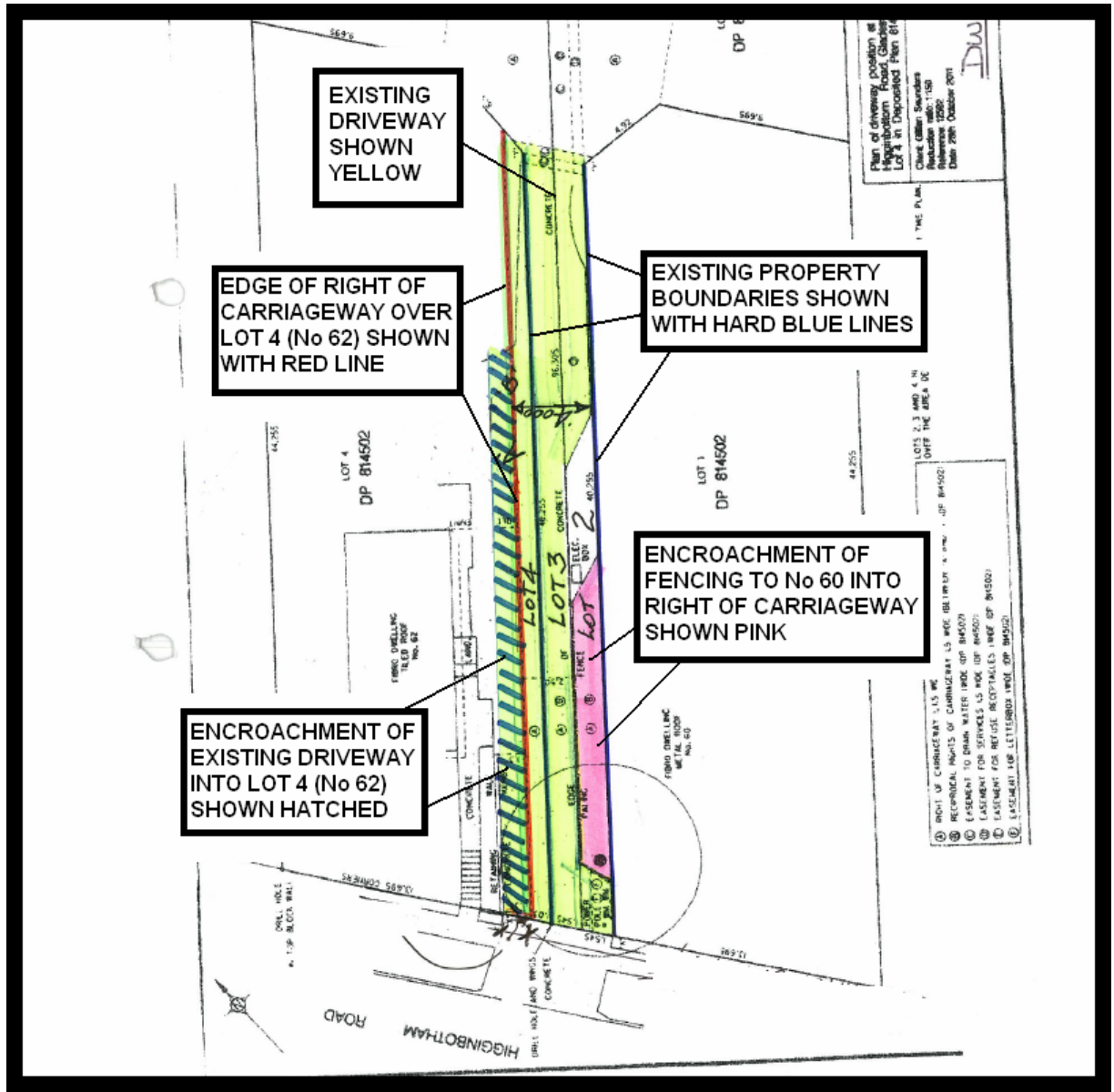
Site History

The subject property was created via the registration of DP 814502 in 1991, which was a four lot subdivision creating two properties with direct frontage to Higginbotham Road (No. 60 & 62), and 2 properties that have frontage via a reciprocal right of carriageway (No. 60A and No. 62A).

As part of that subdivision, the existing driveway was created to service the two rear allotments. However, there has been some dispute between the affected property owners as to the correct location of the driveway relative to the property boundaries. It is apparent that the driveway has not been correctly constructed and partly encroaches into No. 62 Higginbotham Road. Also, the existing paling fence for No. 60 Higginbotham Road (to the east) partly encroaches into the right of carriageway (see sketch on following page).

ITEM 2 (continued)

The applicant met with Council officers (including Council's Health and Building (Enforcement) officer, General Counsel, and Survey Manager) prior to lodgement in December 2011 to discuss how to resolve this issue. It is also apparent that this has been the source of considerable dispute between the other property owners within this subdivision. It was agreed that a DA would be lodged to address this issue.



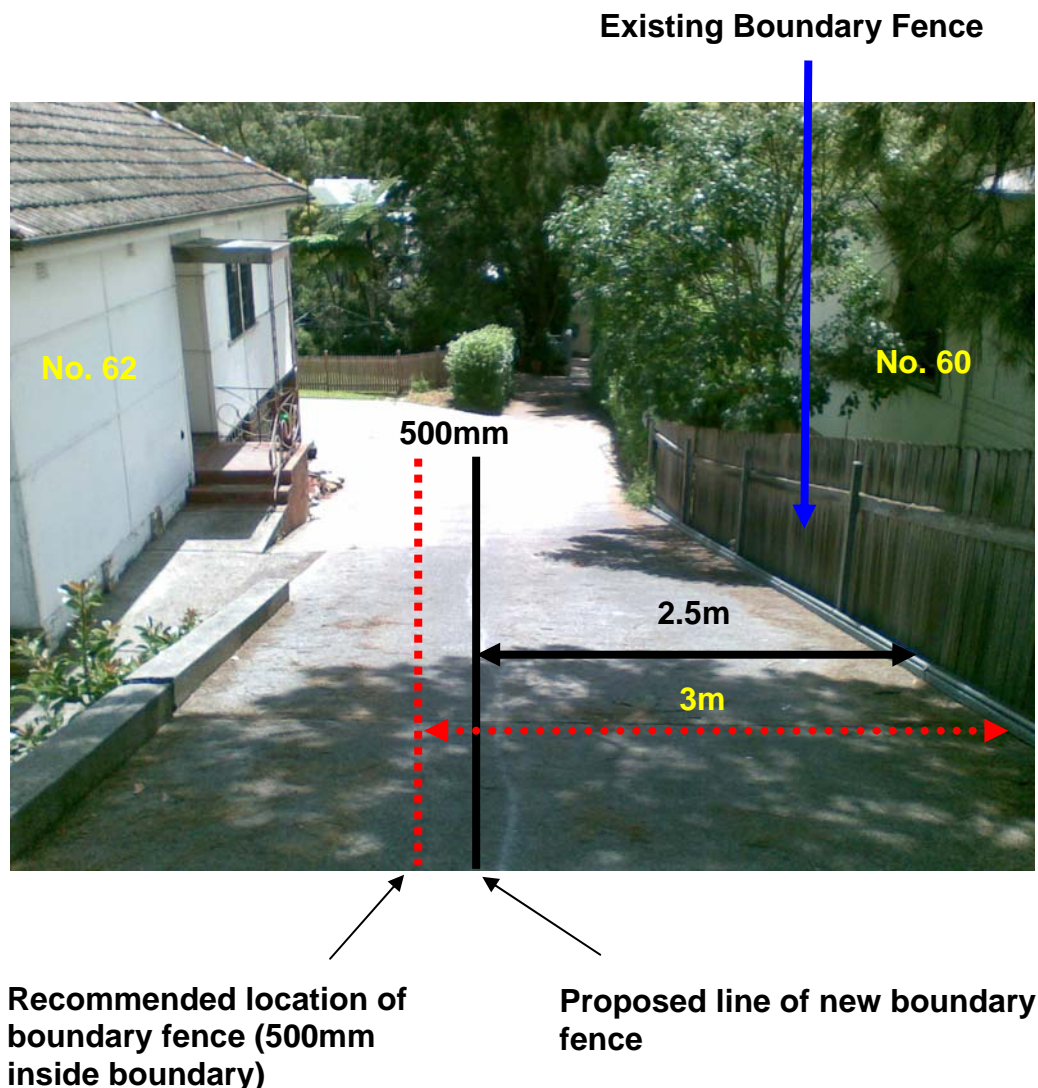
RIGHT OF CARRIAGEWAY

ITEM 2 (continued)

Subject DA

The DA was lodged on 23 December 2011, and shortly thereafter was notified to adjoining owners. Two submissions were received.

The submissions received have raised concerns regarding the correct position of the driveway, as well as concerns regarding safety (in terms of access for fire trucks) because the site is within a bushfire prone area. In order to address these concerns, the application was referred to Council's General Counsel and Survey Manager, as well as the NSW Fire Brigade and Council's Bushfire Consultant to address the concerns raised in the submissions. These are discussed in the Submissions and Referrals sections of this report (below).



ITEM 2 (continued)

The applicant at 62 Higginbotham Road is seeking approval for a 1.2m open paling fence to the front point of dwelling and then a 1.8m timber paling fence for the remainder of his property for privacy and security including securing pets.

Council Officers are recommending this be approved subject to the fence being set back 500mm from his boundary to the right of carriageway as a compromise solution to not require any works to any other neighbouring properties or amendments to the right of carriageway arrangements.

7. Submissions

The proposal was notified in accordance with Development Control Plan 2010 - Part 2.1, Notification of Development Applications. Notification of the proposal was from 17 January 2012 until 1 February 2012. Adrian F Guido & Co. Lawyers on behalf of the owners of No. 62A Higginbotham Road Gladesville requested an extension of time to make a submission. An additional 14 days was granted to 15 February 2012. No further submissions were received in the extension of time.

Two submissions were received and are **ATTACHED**.

The issues raised in the submissions being;

1. Reduced Driveway Width:

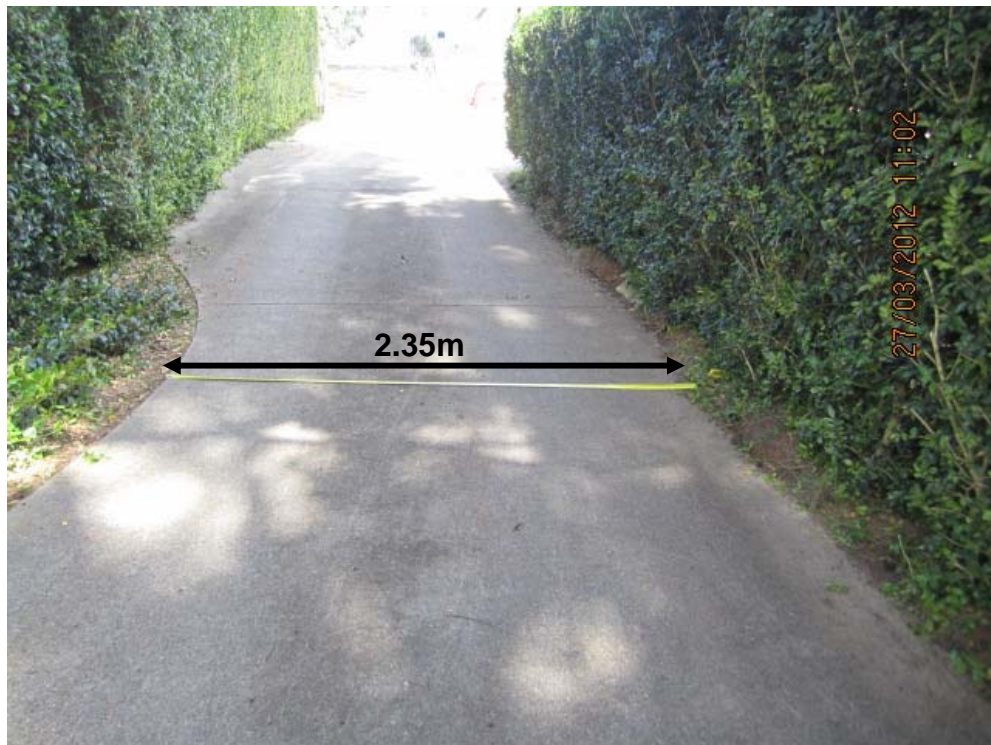
“As the owners of 60A Higginbotham Road, we strongly object to the above development of reducing the existing carriageway for Lot 2, 3 & 4 to 2.5 metres.

The approval of this fence has the capacity to land lock lots 2 & 3. No fire trucks, utility vehicles or removalist trucks (all approximately 2.5 meters wide) would be able to negotiate a driveway this narrow.

Comment:

‘Landlocked’ is defined as: a parcel of real property which has no access or egress (entry or exit) to a public street and cannot be reached except by crossing another's property. The legal access driveway to No. 60A Higginbotham Road is via the shared right of carriageway as shown on the Deposited Plan which has not changed. The existing driveway is less than 2.5m wide. The driveway narrows to a minimum of 2.35m towards the bottom of the driveway, which is partly caused by landscaped hedges (see photo below).

ITEM 2 (continued)



VIEW OF CARRIAGEWAY NEAR ENTRANCE TO REAR LOTS 2 & 3

The proposed driveway width for the first 25m length will remain at 3m subject to condition No. 1 (a), which requires the proposed fencing to be constructed 500mm from the boundary to ensure compliance with the requirements for driveway width in accordance with AS 2890.1.

Currently due to the varying width of the driveway access and the topography of the site with a steep slope away from the street fire trucks will park on the street and access the dwellings on foot as they do in multi unit dwellings, shopping centres etc. Removalist companies have advised they will still be able to access the site using a smaller truck as the trucks are capable of accessing lane ways that are 2.5m wide.

Fire and Rescue NSW, Building Compliance, commented on 18 April 2012 that they have no objection subject to using FRNSW Policy No. 8 'Guidelines for minor residential developments' as a guide in determining the adequacy of the fire hydrant coverage for existing minor residential developments as described in Section 2 of the policy. The policy states that "if a street hydrant is within 20m of the site's street access point and the most distant part of the dwelling is within 90m of that access point then no additional hydrant services are required."

ITEM 2 (continued)

The footpath hydrant is less than 20m from the site's street access point and the distance to the most distant part of any dwelling is within 90m, which complies with FRNSW Policy No. 8.

2. Re-construction of the Driveway:

“To re-construct the driveway would involve the removal of a large tree, relocation of electricity cabling and the electricity box. This would mean the driveway would be too close to the house on Lot 1 (No. 60). The driveway should be left as it currently exists, or Ryde Council should be responsible for the costs of such relocation.”

Comment: It is considered unreasonable to require the driveway to be relocated so that it accords to the property boundaries as shown on the Deposited Plan (DP 814502). This would involve excessive disruption, relocation of services and the costs would need to be borne by the affected property owners because the driveway is within private property. It is recommended that the proposed fencing be approved, subject to a requirement that it be constructed 500mm from the boundary. This would enable a 3m wide driveway for the first 25m which would comply with the Australian Standard for driveway widths, and it would not involve the costs and disruption of re-constructing the driveway.

The existing right of carriageway is not constructed as shown on Deposited Plan and should be 4m wide.

Council's General Counsel has advised the construction of the carriageway is a private matter, between the beneficiaries of the carriageway. It is noted that the objectors have requested that Council construct their private access carriageway. Council is accountable to all residents in the City of Ryde and in this instance cannot justify constructing the private access carriageway for the benefit of No 62, No. 62A and No. 60A Higginbotham Road.

3. Impact on Property at No. 60

“Concerns are raised that the proposed fence may involve impacts on No. 60, in particular re-construction of the driveway which could cause removal of a large tree and possible structural damage by being so close to the house at No. 60.”

Comment: The proposed side boundary fence is to be conditioned (condition No. 1(a)) to be located 500mm from the south eastern boundary. The existing driveway access which is a shared right of carriageway is physically less than the 4m as shown on the title and in part as narrow as 2.35m. There is no proposal to change the width or location of existing carriageway. The physical location of the driveway access for No. 62, No. 62A and No. 60A Higginbotham

ITEM 2 (continued)

Road is encroaching on No. 62 Higginbotham Road. The owner of No. 62 Higginbotham Road wishes to erect a boundary fence that does not encroach on the shared right of carriageway. All three properties will still have access to their properties via the carriageway. The access will comply with Australian Standard AS2890.1 and is considered satisfactory.

The boundary fence at (No. 60) is encroaching on the carriage way and would need to be moved, if the carriageway was to be widened to match the property boundaries shown in Deposited Plan No. 814502. This has been confirmed by a survey report (which is held on Council's file if required for Councillors' perusal).

As discussed throughout this report, to avoid the need to relocate the fence and reconstruct the driveway it is recommended that the proposed erection of fencing be approved subject to such fencing being 500mm on 60 and 60A Higginbotham Road. The tree would need to be removed if the carriageway was to be widened. However, a surveyor would need to identify on which property the Casuarina belongs, ie. If the trunk is wholly within the carriageway that burdens No. 60A Higginbotham Road or the trunk is wholly on 60 Higginbotham Road or the trunk is on the boundary between the two properties.

On 14 December 2011 Council advised No. 62, No. 62A and No. 60A Higginbotham Road with regard to modifying the carriageway as follows:

“Council’s records indicate there was an approval for a right of carriageway over all three lots and this is set out in a section 88B instrument detailing the terms of the easements, restrictions on the use of the land and positive covenants intended to be created. This instrument provides for a right of carriageway for access to lots 2, 3, & 4 in DP 814502. The owners, who benefit from the right of carriageway, being the owners of lots 2, 3 and 4 must agree to the modification of the driveway in accordance with Development Consent No. 6226.”

Council holds the instrument setting out terms of easements, restrictions on the use of land and positive covenants over Deposited Plan 814502. The sole authority to have the right to release vary or modify the easements under this plan is Ryde City Council.

Please be advised if any property owner wishes to vary or modify the right of carriageway, application must be made to Council seeking development approval to modify or vary this right of carriageway. This includes the construction of any structures on or nearby the right of carriageway referred to in this plan. All proposed works will require development consent of Council.”

In this instance the applicant has the right to construct a boundary fence that does not encroach on the right of carriageway or block sight lines for safe egress from the carriageway. Council Officers are satisfied that a standard size vehicle can drive in and out with a minimum 2.5m wide driveway.

ITEM 2 (continued)**8. Clause 4.6 RLEP 2010 objection required?**

None.

9. Policy Implications**Relevant Provisions of Environmental Planning Instruments etc:****(a) Ryde Local Environment Plan 2010****Zoning**

R2 Low Density Residential.

Mandatory Requirements

Clause 4.6 objection not required.

Aims and objectives for residential zones:

- To provide for the housing needs of the community within a low density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To ensure that the general low density nature of the zone is retained and that development for the purposes of dual occupancy (attached) and multi dwelling housing (attached) do not significantly alter the character of a location or neighbourhood.
- To ensure that new development complements or enhances the local streetscape.
- To maintain on sites with varying topography the two storey pitched roof form character of dwelling houses and dual occupancy (attached) developments.
- To ensure that land uses are compatible with the character of the area and responsive to community needs.

The proposed development is considered to satisfy the objectives for residential developments.

(b) Relevant SEPPs

None relevant

(c) Any draft LEPs

None relevant

ITEM 2 (continued)
(d) The provisions of any Development Control Plan applying to the land

DCP 2010	Proposed	Compliance
<i>Part 3.3 - Dwelling Houses and Dual Occupancy (attached)</i>		
Pedestrian & Vehicle Safety		
- Car parking located to accommodate sightlines to footpath & road in accordance with relevant Australian Standard.	- Car parking is located to accommodate sightlines to footpath & road in accordance with relevant Australian Standard.	Yes
- Fencing that blocks sightlines is to be splayed.	- Fencing is 50% open and does not block sight lines	Yes
Fencing		
Front/return:		
- Front and return fences are to reflect the design of the dwelling.	<u>Front fence</u> Description: Weld mesh front fence to match existing	Yes
- Front and return fences and walls are to be constructed of materials compatible with the house and with other fences and walls within the streetscape.	<u>Return fence</u> Description: 1.2m high paling fence 50% open	Yes
- Max 900mm high for solid (picket can be 1m).	- N/A	Yes
- Max 1.8m high if 50% open (any solid base max 900mm).	- 1.2m 50% open paling return fence	Yes
- Retaining walls on front bdy max 900mm.	- No retaining walls in the proposal	Yes
- No colorbond or paling Max width of piers 350mm.	- Open paling fence	No(1)
Side/rear fencing:		
- 1.8m max o/a height.	Height: 1.8m Materials proposed: treated pine paling	Yes

ITEM 2 (continued)

DCP 2010	Proposed	Compliance
Part 7.2- Waste Minimisation & Management		
Submission of a Waste Management Plan in accordance with Part 7.2 of DCP 2010.	The applicant has submitted a Waste Management Plan in accordance with Part 7.2 of DCP 2010.	Yes

The non-compliances identified in the table are detailed below.

Non-compliances:

1. FENCE

Council's DCP 2010 Part 3.3 Dwelling Houses and Dual Occupancy (attached) states: *Front and return fences are not to be Colorbond or timber paling.*

The DA plans for the proposed fence shows that the section behind the building line will be 1.8m high 'closed' paling which complies with the DCP, however, the fence in front of the building line will be 1.2m high 'open' palings which does not comply. Council's Development Engineer has commented on this issue in terms of sight line distances and pedestrian/vehicle safety and advised that the fence in front of the building line should be 50% open. This will ensure that the development is satisfactory in terms of the DCP and provides adequate sight distance and pedestrian safety. The property at No.60 has a paling return fence and from a streetscape point of view it is considered reasonable to allow this proposal.



Existing paling fence adjoining 60 Higginbotham Road

ITEM 2 (continued)**10. Likely impacts of the Development****(a) Built Environment**

The proposed development involving the front and side boundary fence will not have any adverse impacts on the existing built environment or the amenity of the surrounding area. The development is consistent with other developments of a similar nature.

(b) Natural Environment

The proposed development will have no significant impacts on the natural environment. The proposed use is permitted in the zoning and is compatible with the other surrounding uses; therefore the development is considered satisfactory in terms of environmental impacts.

11. Suitability of the site for the development

A review of Council's map of Environmentally Sensitive Areas (held on file) identifies the following constraints affecting the subject property:

Bushfire: The site is located approximately 65m from the vegetation. The fence is 3.5m from the dwelling and considered satisfactory with regard to Planning for Bushfire Protection 2006 and the Building Code of Australia.

Heritage Items: The site is located within 100m of the Heritage Item No. 158 Field of Mars Wildlife Reserve, Wellington Road. The proposed fence at Higginbotham Road is not within the visual curtilage of the Field of Mars Wildlife Reserve and is considered satisfactory.

Acid Sulphate Soil: The subject site is identified within class 5 of Acid Sulphate Soils and within 500m buffer zone of a higher class Acid Sulphate Soil environment. Department of Land and Water conservation in its "*Guidelines for the Use of Acid Sulphate Soil Risk Maps*", states that: "...in general, landforms above 10m AHD were classed as having No Known Occurrence of Acid Sulphate Soil". The proposed fence is located between 18m to 23m of Australian Height Datum (AHD), ie, above the 10m AHD. The development does not propose any major excavation, only small footings for the proposed fence posts. It is considered that the proposed development will have no potential environmental impacts, such as lowering the water tables of the adjoining lands, and may be supported.

12. The Public Interest

Having regard to the assessment contained in this report, it is considered that approval of the development is in the public interest.

ITEM 2 (continued)**13. Consultation – Internal and External**Internal Referrals

Development Engineer, 19 April 2012: Council's Development Engineer has raised no objection to the application subject to 4 conditions of consent. [Conditions Nos. 1 (a) – (d)]

Bushfire Consultant, 12 April 2012: Council's Bushfire Consultant has raised no objection to the application subject to 1 condition of consent. [Condition No. 1 (e)]

Manager Surveying, 5 March 2012: Council's Manager Surveying has raised no objection to the application subject to 1 condition of consent. [Condition No. 16]

External Referrals

Fire and Rescue NSW, Building Compliance, 18 April 2012. Fire and Rescue NSW have raised no objection subject to using FRNSW Policy NO. 8 'Guidelines for minor residential developments' as a guide in determining the adequacy of the fire hydrant coverage for existing minor residential developments as described in Section 2. of the policy.

14. Critical Dates

There are no critical dates or deadlines to be met.

15. Financial Impact

Adoption of the option outlined in this report will have no financial impact.

16. Other Options

Approval of the proposed fence in the manner described in the recommendation is considered to be the best way of resolving this long-running dispute over the position of the fence relative to the true position of the property boundaries. As discussed previously, the existing driveway has not been correctly constructed relative to the property boundaries – ie the driveway partly encroaches into No 62, and the boundary fencing for No 60 (to the east) partly encroaches into the driveway.

To correct this situation fully (from a legal perspective and to ensure that the driveway matches the location as shown on the deposited plan DP814502) would involve re-construction of the driveway, as well as re-location of electricity cables and meter boxes as well as removal of a large tree. This would be extremely costly and such costs would need to be met by all four affected owners in this subdivision.

ITEM 2 (continued)

Council's General Counsel has confirmed that this is not Council's responsibility as the situation has existed since the early 1990's when the creation of the subdivision took place, and all owners have bought into the property under the current circumstances.

17. Conclusion

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 suitable for the site and is in the public interest. Therefore, it is recommended that the application be approved.

ITEM 2 (continued)

ATTACHMENT 1

CONDITIONS OF CONSENT

GENERAL

The following conditions of consent included in this Part identify the requirements, terms and limitations imposed on this development.

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

Document Description	Date	Plan No/Reference
Architectural Plans	Received dated 23 December 2011	Dwg No.1 as amended by Council & Dwg No. 2

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

- (a) The fence be relocated 500mm away from the south-eastern boundary.
- (b) Provide a low kerb along the south-eastern boundary of the property.
- (c) The return boundary fence shall be 50% open in accordance with Council's Development Control Plan and details of compliance are to be provided in the plans for the Construction Certificate.
- (d) The fence near the location of the proposed gate shall be angled to provide a clear area of 2m x 2.5m for pedestrian sight lines.
- (e) In accordance with NSW Rural Bush Fire the proposed fence is to be constructed from hardwood or non-combustible material.

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. **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.
4. **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.
5. **Public Utilities.** Compliance with the requirements (including financial costs) of any relevant utility provider (e.g. Energy Australia, Sydney Water, Telstra, RTA, Council etc) in relation to any connections, works, repairs, relocation, replacements and/or adjustments to public infrastructure or services affected by the development.

ITEM 2 (continued)

ATTACHMENT 1

6. **Roads Act.** Any works performed in, on or over a public road pursuant to this consent must be carried out in accordance with this consent and with the Road Opening Permit issued by Council as required under section 139 of the Roads Act 1993.
7. **Service Alterations.** All mains, services, poles, etc., which require alteration shall be altered at the applicant's expense.

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.

8. **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.
9. **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. (dwelling houses with no delivery of bricks or concrete or machine excavation)
10. **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.
11. **Sydney Water – quick check.** The approved plans must be submitted to a Sydney Water Quick Check agent or Customer Centre, prior to the release of the Construction Certificate, to determine whether the development will affect any Sydney Water assets, sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. Plans will be appropriately stamped.

ITEM 2 (continued)

ATTACHMENT 1

Please refer to the website www.sydneywater.com.au for:

- Quick Check agents details - see Building, Developing and Plumbing then Quick Check; and
- Guidelines for Building Over/Adjacent to Sydney Water assets - see Building, Development and Plumbing then Building and Renovating.

Or telephone 13 20 92.

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.

12. 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.

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.

13. **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*.
14. **Construction noise.** The L₁₀ noise level measured for a period of not less than 15 minutes while construction work is in progress must not exceed the background noise level by more than 20 dB(A) at the nearest affected residential premises.
15. **Construction materials.** All materials associated with construction must be retained within the site.

ITEM 2 (continued)

ATTACHMENT 1

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.

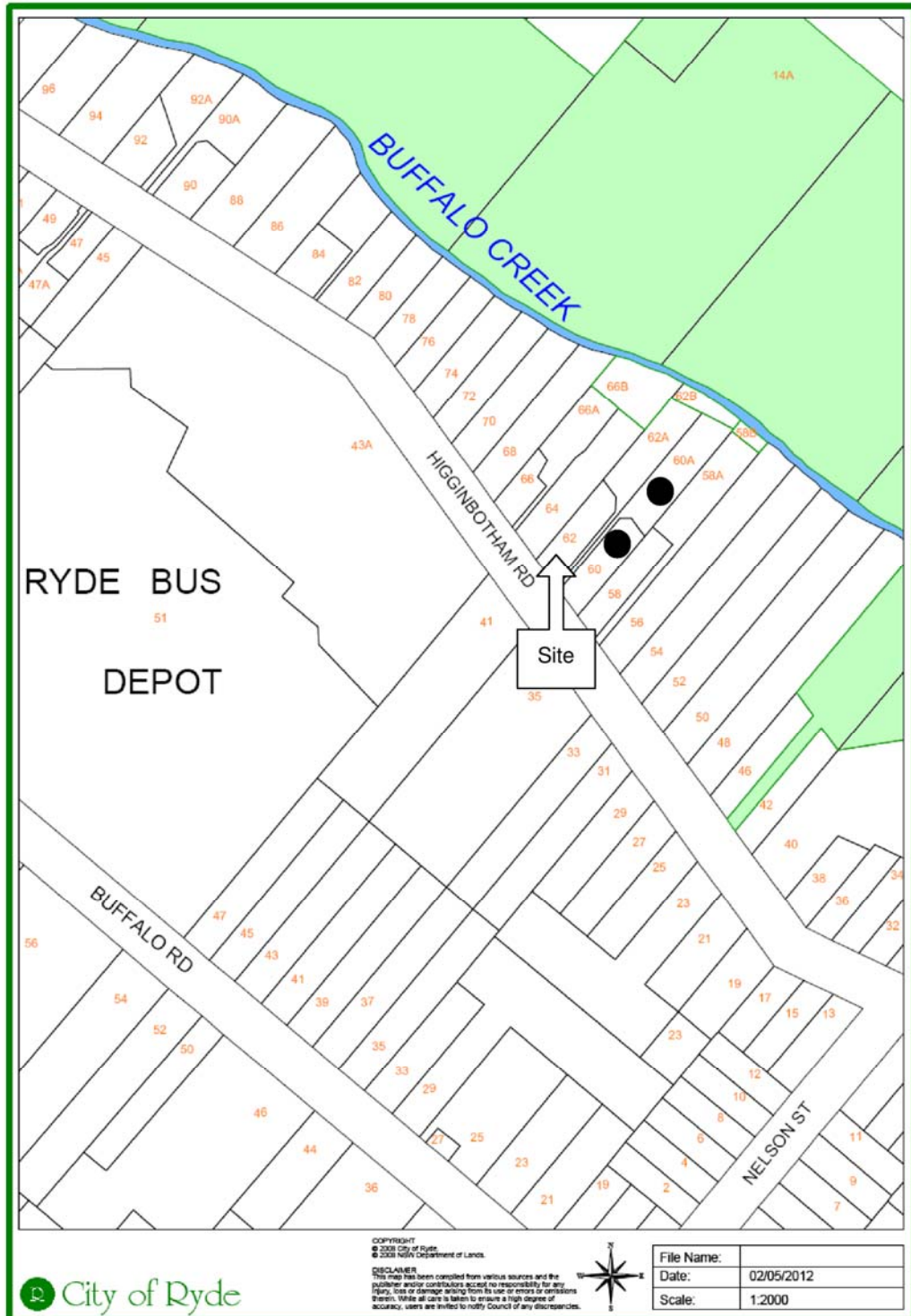
16. Council's registered surveyor is to undertake an as built survey to verify that no encroachment is occurring upon the space of the Right of Carriageway prior to the issue of the Occupation Certificate.

End of consent

ITEM 2 (continued)

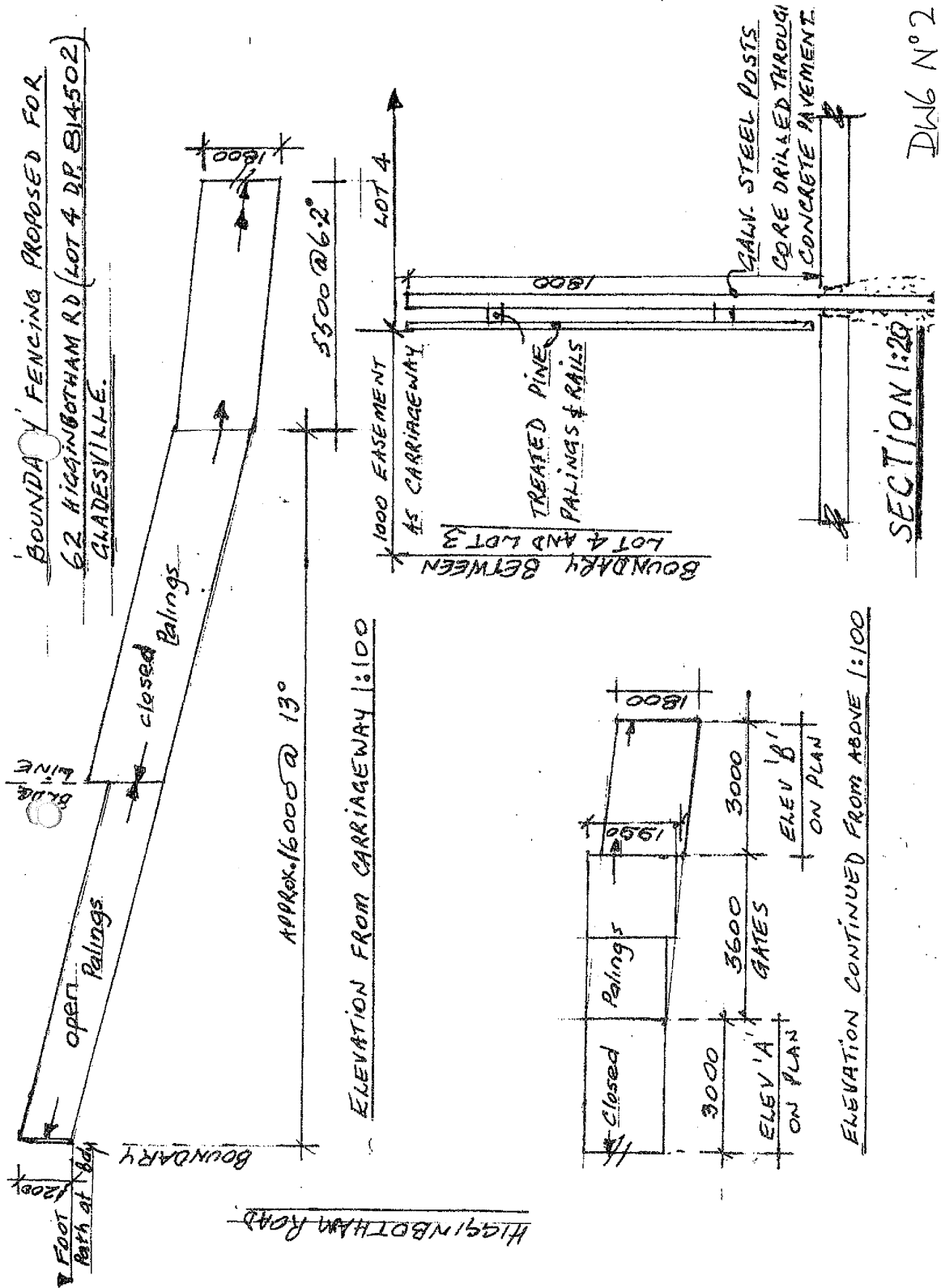
ATTACHMENT 2

 Indicates submissions received



ITEM 2 (continued)

ATTACHMENT 3



ITEM 2 (continued)

ATTACHMENT 5

The General Manager
Ryde Council
Locked Bag 2069
NORTH RYDE NSW 1670

30th January 2012

Dear Madam/Sir

**Re: 62 Higginbotham Road, Gladesville
Local DA No. LDA2011/0665
Applicant: J & G Saunders**

As the owners of 60A Higginbotham Road, we strongly object to the above development of reducing the existing carriageway for Lot 2, 3 & 4 to 2.5 Meters.

The approval of this fence has the capacity to land lock lots 2 & 3. No fire trucks, utility vehicles or removalist trucks (all approximately 2.5 meters wide) would be able to negotiate a driveway this narrow.

It is clear from discussions with Ryde Council from September to December 2011, that Council was totally and completely unaware of the inconsistencies between the original drawings, the construction of the existing drive way (constructed by Ryde Council), the approval of the existing sub division and what was incorrectly submitted to the Land Titles Office by the Surveyors.

The Saunders purchased their property with the full knowledge of the current conditions of the carriageway and have not made any attempt or request to Ryde Council to alter the driveway for 21 years (except for the letter related to the building of lot 2 in 1995).

To construct the unsealed portion of the driveway for Lot 2, it would mean the following-

- Removal of a tree, that 22 years ago, council felt needed to be preserved.
- The construction of the unsealed portion of 60A carriage way would mean the newly constructed driveway (the Saunders expects to be constructed) would be within inches of the existing home on Lot 1.
- The previously approved electricity box for Lot 3 would need to be dismantled and relocated.
- The various numbers of cables for Lots 2 & 3 houses (running along the fence of Lot1, would need to be relocated.

If Ryde Council needs to rectify their mistake, then the owners of Lots 1, 2 & 3 feel that Ryde council has the following options -

- Leave the driveway as it currently exists, as the Saunders purchased Lot 4 as it currently is designed, hence accepting the pre-existing status of the 4 Lots.
- Leave the driveway as it currently exists, and Ryde Council purchase a number of metres of the carriageway (down to their wire fence half way down the existing carriage way) from the Saunders to compensate them for the incorrectly submitted land title drawings.
- Council removes the tree, relocates Lot 3's electricity box, relocates the cables for lot 2 & 3 and constructs the unsealed portion of the carriageway (ensuring Lot 1 house isn't compromised by the driveway being established so close to the foundations) at Ryde Council's own cost.

Ryde Council's own approved DA (registered No. 4364), Schedule B, conditions of approval No. 6 states - **The shared access corridors and the right of way over Lot 4 being subject to reciprocal rights of way and easements for services to be prepared by Council's Solicitors which provide that such rights may not be revoked or modified without the prior approval of Council and the owners benefitting..... etc.**

Council needs to honour this approved DA.

ITEM 2 (continued)

ATTACHMENT 5

The history of this Sub division is listed below, compiled from the views of local residents, previous owners, Ryde Council's archived documents related to the subdivision and the knowledge of residents from Lots 1, 2, 3.

Subdivision of 60-62 Higginbotham Road.

1989	Tenant moves into 62 Higginbotham Road
1990	Owners of 60 & 62 submit a development plan to subdivide both blocks into Lots 1,2,3 & 4
1990	Ryde Council approves development with the condition that 2 large trees remain – one at the top of the driveway (to remain on 60 Higginbotham Road property) and one ¾ down the carriage way. Also, as the steep driveway would be inches from the house of 60, the driveway is approved with a deviation around the tree at the top of the driveway, the edge of the house on Lot 1 and the tree halfway down the driveway.
1990	Drawings are constructed by Council with the easement for refuse receptacles drawn outside of the carriage way, and on the property of 60. This also enables the tree at the top of the driveway to remain and the driveway is then constructed around the tree. The drawing of the carriageway is then used by Ryde Council to construct the existing carriageway.
1990	Ryde Council constructs driveway /carriageway. Due to the steepness of the driveway, 3 attempts are made before the driveway is considered correct.
1990	Mr B.E. Miller, Acting Town Clerk of Ryde Council formerly approves the subdivision, with the proviso that any changes to the carriageway may not be revoked or modified without the prior approval of the Council and agreement of all owners.
1990	Mr Roger Beeston (Surveyor), submits the plans to the Land Titles Office. However, he includes the easement for refuse receptacles within the carriage way, not outside the carriage way as per the original drawings of the subdivision and how the driveway was constructed by Ryde Council. This discrepancy is not picked up by Council.
1991	Owner of 62 sells Lot 4 to Jim and Gillian Saunders. As the driveway is already constructed, the Saunders purchase the property with the current carriageway conditions. The property remains as a rental and the existing tenant remains.
Between 1991- 93	Lot 3 is sold. Ryde Council approves the construction of a house on lot 3 which includes the approval of the electricity box being erected half way down the driveway where the driveway expands out again towards the property of 60 Higginbotham Road.
1995	Lot 2 is sold. Solicitor reviews the subdivision at the Land Titles Office, and does not see any discrepancies with the subdivision. Ryde Council approves the construction of a house on lot 2. New Owners of Lot 2 are not informed there is a problem with the carriageway, nor told that part of the 1.5 Metres of the driveway owned by them, hasn't been developed. The new owners are also not told that the Saunders from Lot 4 (62) request the approval of the new house be rejected because of the unsealed portion of right of carriageway. Council approves the construction of the house on Lot 2 and informs the Saunders that this is a private matter to be resolved by the parties concerned. The letter does not state that council and all owners (of Lots 1, 2, 3 & 4) approval is required to alter the existing driveway.
1995-2011	The Saunders make no formal request to change the existing carriageway.
May 2011	The Saunders separate and the tenant of 22 years is told to leave 62 Higginbotham Road, so that Mrs Saunders can move in.
Sept 2011	Whilst walking down the driveway, Mrs Saunders' dog attacks one of the owners of Lot 2 (but at this stage, doesn't bite her). Mrs Saunders then informed her she was going to construct a fence down the existing driveway. Mrs Saunders is told she would need to go through council for any changes to the existing driveway. She

ITEM 2 (continued)

ATTACHMENT 5

	stated it wasn't necessary, as it was a private matter (referring to the letter sent by Council in 1995).
Sept 2011	Alarmed, the owners of both Lot 2 and 3 contact Ryde Council regarding ownership of the carriageway and after the development consent is retrieved from Council archives, both parties are reassured by Council that the Saunders are incorrect and they don't own more than a metre of the width of the carriageway and have no rights to construct a fence down the carriageway.
Oct 2011	Mr Saunders arrives at 62 Higginbotham road, drunk, and begins spraying white paint all over the driveway - - "KEP OFF" - "PRIVATE" - Other words that are not understood - Boundary lines are painted up and down the driveway - Marks existing tree with white paint The police are called.
Oct 2011	Mr Saunders begins abusing both owners of lot 2 & 3 and appears drunk at the door of Lot 3, to restate that they are going to erect a fence down the driveway.
Nov 2011	Mrs Saunders' dog bites the owner of Lot 2 as she walks down the driveway and Mrs Saunders begins abusing her for not letting her put a fence down the driveway. The Saunders engage a Surveyor.
Nov 2011	The owners of both Lot 2 and 3 again contact Ryde Council on a number of occasions over this time period, regarding ownership of the carriageway, and again both parties are reassured by Council that the Saunders are incorrect and they don't own more than a metre of the width of the carriageway (this metre allows them to use the carriage way) and have no rights to construct a fence down the carriageway. Owner of Lot 2 is shown the original drawings of the driveway. It is clear the carriageway has been constructed according to this drawing.
Dec 2011	Council finally sends a letter stating that no changes can be made to the driveway, without all parties approving the driveway, with Council having over riding approval to any changes to the existing carriageway.
Dec 2011	Mrs Saunders becomes even more aggressive and abusive after receiving the letter from Council.
Dec 2011	Mr Saunders goes to council and states why he wants to erect the fence. The Surveyor report supports the Saunders, as the Surveyor uses the land Titles drawings and not council drawings. Owners of Lot 2 & 3 are informed that Lot 4 has a case and that Mr Saunders can submit a development application, free of charge, to council to change the existing driveway.
Jan 2012	Lots 1, 2, and 3 receive a letter informing them that Mr and Mrs Saunders have submitted a development request to erect a fence down the existing driveway, reducing the driveway to 2.5 metres.
	FYI - The width of a fire engine, a removalist van or large truck is 2.5 metres.

Yours faithfully

Kate and Steve Curtis
60A Higginbotham Road, Gladesville (Lot 2)

ITEM 2 (continued)

ATTACHMENT 5

D12/ 7847

Page 1 of 2

E-mail Message

From: Deanne Palmer [SMTP:deabeads@bigpond.net.au]
To: City of Ryde [EX:/O=COREX/OU=FIRST ADMINISTRATIVE
GROUP/CN=RECIPIENTS/CN=B10238AD-EA5F1DA7-CA256F68-7740E2]
Cc:
Sent: 1/2/2012 at 9:14 AM
Received: 1/2/2012 at 9:18 AM
Subject: ATT: THE GENERAL MANAGER Local Development Application No.
LDA2011/0665

The General Manager
Ryde Council
Locked Bag 2069
North Ryde NSW 1670

Dear Sir/Madam

62 Higginbotham Rd Gladesville
DA No. LDA2011/0665
Applicant: J & G Saunders

Regarding concerns relating a to the application for development of a side boundary fence on the adjoining property.

As the owner of 60 Higginbotham Rd, I would like to query whether the narrowing of the driveway next door due to the possible erection of a boundary fence would cause significant impact to my property.

- In the case of fire, would fire trucks or emergency vehicles have enough driveway width to access 60a and 62a Higginbotham Rd?

As we also live close to the bush this raises some concern, especially since we have been threatened in this way some years ago.

- If the driveway was deemed too narrow, would there be any possibility that I would need to move my paling fence so the driveway could be widened?

This construction would bring the traffic of 3 x households inches from the

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ITEM 2 (continued)

ATTACHMENT 5

Page 2 of 2

foundations of my home where my children's bedroom windows are located and would have a major impact on health and privacy.

- Would I have to remove a large Casuarina from my property to make way for their construction?

I am a widow with two young sons and need to be clearly informed of any impact, especially financial, this possible development might have on us.

If any of these above concerns are an issue then I strongly object to the above mentioned Development Application.

I trust you will take my submission into consideration and look forward to your reply.

Kind Regards

Deanne Palmer

Mobile - 0425219998

deabeads@bigpond.net.au

file://C:\Documents and Settings\MyraM\Local Settings\Application Data\Hewlett-Pac... 7/02/2012

- 3 40 SHEPHERD STREET, RYDE. LOT 79 DP 5887. Local Development Application for demolition and construction of six dwellings under State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004. LDA2011/0625.**

INSPECTION: 4.35pm

INTERVIEW: 5.00pm

Report prepared by: Senior Town Planner

Report approved by: Manager Assessment; Group Manager - Environment & Planning

Report dated: 1 May 2012

File Number: grp/12/5/5/3 - BP12/502

1. Report Summary

Applicant: My Kids Holdings Pty Ltd.

Owner: My Kids Holding Pty Ltd.

Date lodged: 2 December 2011.

This report considers a proposal to demolish all buildings on the site (dwelling house, carport, and shed) and construct a Seniors Living Development comprising six self contained dwellings. The development comprises of two x two storey detached dwellings at the front of the site and four attached dwellings behind the two front dwellings. The four dwellings at the rear comprise two x two storey dwellings and two x single storey dwellings. All dwellings are to be used as accommodation under the provisions of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (SEPP HS). The development also includes the erection of 1.5m high front fence.

The development is defined as "Seniors Housing" under Ryde Local Environmental Plan which is prohibited within R2 – Low Density Residential zone. However the proposal is permitted under SEPP (HS) which overrides RLEP 2010. The proposal generally complies with the controls under SEPP (HS) 2004.

Reason for Referral to Planning and Environment Committee: Number of submissions and nature of development.

Public Submissions: Four submissions were received objecting to the development. The submissions took the form of two individual letters and two petitions - one containing ten signatures and the other containing twelve signatures.

Clause 4.6 RLEP 2010 objection required? No

Value of works: \$1,600,000

A full set of the plans is **CIRCULATED UNDER SEPARATE COVER** as additional information provided to Councillors - subject to copyright provisions.

ITEM 3 (continued)

RECOMMENDATION:

- (a) That Local Development Application No. LDA 2011/625 at 40 Shepherd Street, Ryde being LOT 79 in DP 5887 be approved subject to the **ATTACHED** conditions (Attachment 2).
- (b) That the persons who made submissions be advised of Council's decision.

ATTACHMENTS

- 1 Compliance Table - Seniors Living
- 2 Draft Conditions
- 3 Map
- 4 A4 Plans
- 5 A3 Plans - subject to copyright provisions - CIRCULATED UNDER SEPARATE COVER

Report Prepared By:

Sandra McCarry
Senior Town Planner

Report Approved By:

Liz Coad
Manager Assessment

Dominic Johnson
Group Manager - Environment & Planning

ITEM 3 (continued)

Site (Refer to attached map.)



Subject site hatched in red – 40 Shepherd Street.

Address	:	40 Shepherd St Ryde
Site Area	:	1,455.8m ² Frontage 24.38 metres Depth 59.76 metres
Topography and Vegetation	:	The site has a gentle slope from the rear to the front with a gradient of 1:21. The site contains four trees – <ul style="list-style-type: none"> • Sarawa Cypress • Mango Tree • Mulberry • Small Leaved Privet The trees have limited amenity value.
Existing Buildings	:	Single storey brick dwelling with a detached carport.
Planning Controls	:	
Zoning	:	R2 Low Density Residential under RLEP 2010
Other	:	Ryde Local Environmental Plan 2010 State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 Deemed State Environmental Planning Policy Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 Development Control Plan 2010: Part 9.3 – Car Parking Part 9.4 – Fencing Section 94 Contribution Plan

ITEM 3 (continued)**3. Councillor Representations**

Nil.

4. Political Donations or Gifts

Any political donations or gifts disclosed? No

5. Proposal

The proposal is for demolition of all buildings on the site and the erection of six self contained dwellings comprising two detached dwellings at the front of the site (consisting of two x two storey four bedroom dwellings) and four attached dwellings behind (consisting of two x two storey three bedroom dwellings and two x single storey two bedroom dwellings), to be used as self contained accommodation under the provisions of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 and the erection of a 1.5m high front fence.

A central single driveway on the site provides vehicular access to all dwellings.

Ten car parking spaces will be provided as part of the proposal comprising of nine residents car parking and one visitor car parking space. Dwellings 1, 2 and 3 will each have a double garage, whilst Dwellings 4, 5 and 6 will have a single garage each.

6. Background

- DA was lodged on 2 December 2011.
- The application was notified and advertised between the period of 4 January 2012 and 22 February 2012. This was an extended notification period due to the holiday season. The advertisement was in the Northern District Times on 11 January 2012. Four submissions were received which comprised two individual submissions and two petitions containing twelve and ten signatures each.
- Council on 29 March and 3 April 2012 requested amended drainage plans and amendment to the side setbacks to the two rear dwellings houses.
- Amended plans were received on 13 April 2012. The amendment increased the side setbacks to the rear single storey dwellings along the south-east and south-west elevations from 900mm to 900mm (for length of 4.4m) to 1200mm (for 5.9m). As the amendments are an improvement to the original plans, re-notification was not considered necessary.

ITEM 3 (continued)

7. Submissions

The proposal was advertised in accordance with Development Control Plan 2010 - Part 2.1, Notification of Development Applications. The application was advertised on 11 January 2012. Notification of the proposal was from 4 January 2012 until 22 February 2012.

Four submissions were received. The submissions took the form of two letters and two petitions, one signed by 12 persons representing 11 properties. The other petition contained 10 signatures.



The source of the submissions – blue dot denote individual submissions and red denote signed petition.

The submissions raised the following issues:

- *This Development Application is for something that is completely out of character with the area and the street. It is a complete overdevelopment of the block and there appears to be no trees, gardens or any environmental considerations taken into account.*

Shepherd Street is a particularly interesting street with many historic homes.

Comment:

The proposal is for six dwellings under State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004, as such is a form of housing permissible on the site. The area is not within a conservation or heritage area. The character of the area is being predominantly single dwellings, either single or two storeys, of no predominant style or character.

ITEM 3 (continued)

Following is a streetscape drawing submitted by the applicant:



It is noted that the ridgeline of the proposed dwellings are similar to the adjoining dwellings with only a difference of 45mm. In this respect the proposal presents as two x two storey detached dwellings when viewed from the street with appropriate articulation and visual separation. Whilst there are another two x two storey dwellings located behind the front two dwellings, these dwellings will not be visible from the street, with the bulk and scale of the dwellings complying with the relevant planning controls. It should be noted that SEPP (HS) has no character test control as found in State Environmental Planning Policy (Affordable Rental Housing) 2009. Therefore, given this kind of development is permissible under SEPP (HS) and the proposal will have minimal adverse impact to the streetscape, the development is acceptable.

The proposal provides for landscaping around the site with 31.6% (460m²) of landscaped area (15% being deep soil area), which is in accordance with SEPP (HS) requirements. Replacement trees are also proposed by way of 2 x *Melaleuca decora* trees within the front setback and 5 x *Eleocharis reticulatis* trees in various locations around the site.

- *Privacy, noise and congestion. - The six dwellings proposed will impose on all surrounding properties purely by their height and closeness to the boundaries. There has been little thought to the layout and leisure areas for these dwellings and this would have great impact on noise levels, privacy and general congestion to this immediate area. In particular we are concerned with the closeness of all proposed dwellings (in particular the 2 storey buildings) to the boundaries and feel that the set back requirements have not been adhered to.*

Comment:

The proposed development complies with the height and setback provisions of SEPP (HS). The two storey dwellings will be set back a minimum of 1.5m from the side boundaries with the single storey dwellings having a side setback of 900mm to 1.2m. The dwellings have been designed with the majority of high use living areas on the ground floor and only bedrooms and bathrooms on the upper level. Dwellings 1 and 2 provide for a sitting room on the upper level and **Condition 4** has been imposed requiring the windows on the side elevations serving these rooms to be obscure to prevent any overlooking.

ITEM 3 (continued)

The proposal is for five additional residential dwellings on the site and it is not envisaged that the proposal would generate such a noise impact or cause undue congestion as to warrant refusal of the application.

- *Parking - The road narrowing carried out by City of Ryde in Shepherd Street many years ago has had an impact on off street parking and road safety i.e. if cars are parked on both sides of the street, there is not enough room for 2 cars to pass side by side, this is of major safety concern . Add to this the recent children's playground development at 33 Shepherd St and parking in this immediate area will already be at a minimum. This development will only add to this parking/safety issue as they have clearly not catered for this with minimal visitor spots.*

Comment:

SEPP (HS) requires nine off street parking to be provided. The proposal provides for nine residents parking and one visitor car space, complying with the parking requirement. Parking on the street is a separate matter to this application and should this be of a concern, the residents may write to Council's Traffic Committee to request consideration of the provision of restricted parking along Shepherd Street.

- *Stormwater - Hopefully this DA adheres to all storm water regulations as this end of the street as we understand it is a flood flow path and can be flood affected. This development will only exasperate this problem.*

Comment:

The proposal was referred to Council's Development Engineer who has reviewed the application and after amendment to the drainage plans and the inclusion of **Conditions 40, 41 & 42** to amend some details to the stormwater pit and finished floor levels of the rear yards of Dwelling 3,4 5 & 6, has no objections to the proposal. The proposal complies with Council's Development Control Plan Part 8.2 – Stormwater Management.

- *Fire regulations.- As residents of adjoining properties we are also concerned that this DA meets all current fire codes.*

Comment:

The proposal will be required to be constructed in accordance with the Building Code of Australia, which will cover all aspect of the construction of the building, including fire safety requirements. (See **Condition 2**).

- *Inaccurate information - The submission notes that the provided survey plan is dated 5 March 2011. Since that date the adjoining dwelling at No. 38 Shepherd Street was the subject of consent for the carrying out of alterations and additions. Accordingly the submitted survey plan is out of date.*

ITEM 3 (continued)Comment:

The survey plan does not contain the recent works to 38 Shepherd Street, however site inspection and perusal of Council's records shows that an in-ground swimming pool has been approved adjacent to the common boundary. The information provided on the survey plan is sufficient to enable Council to complete its assessment.

- *Site does not comply with the provisions of clause 26 of the SEPP. The submission notes that the applicant indicates the subject site is 397m from the bus stop in Bowden Street. Given the closeness to the maximum permissible distance of 400m, the applicant should submit a survey plan which confirms the distance. Dwellings at the rear of the site would be in excess of the maximum permitted 400m travel distance as detailed in clause 26 of the SEPP – it is more appropriate to consider the actual distance to individual units rather than just the site's property boundary. When the distance of the site is added to the distance from the site boundary, it is apparent that all of the six units will be beyond 400m. Some sections of the travel path have gradients greater than 1:14.*

Comment:

The site is located 380m to 397m to bus stops on Bowden Street and Parkes Street respectively which goes to Top Ryde Shopping Centre. The distance is measured from the front boundary of the site to the closest bus stop. Whilst the distance is close to what is allowed (400m), the site is within the required 400m. The SEPP AH states "at a distance of not more than 400m from the site of the proposed development" – it does not specifically state that it must be from individual units.

An Access Report by Accessibility Solutions (NSW) P/L has been submitted with the application. Pages 12 & 13 of the report states: *"The Shepherd Street site and adjoining footpath access provides very moderate gradients that are generally less than 1:20 along Shepherd, Sewell and Bowden Streets with a few shorter sections of 1:8 kerb ramps in accordance with the provisions of Clause 26 of the SEPP HS. All street intersections provide kerb ramps and Bowden Street provides a pedestrian refuge crossing to satisfy clauses 38(i) and 26 of the SEPP HS.*

The return trip from the abovementioned shopping centres arrives at Parkes Street near the intersection of Shepherd Street which is 380metres from the subject site intersection in accordance with the provisions of Clause 26 of the SEPP HS. Overall the distance from the site to bus stops and provision of kerb ramps and a mid-block roadway crossing complies with Clauses 26 and 38 of the Housing for Seniors Policy."

The Access Consultant has concluded that the proposed development complies with the accessibility and adaptability requirements of the SEPP HS. This is concurred with and accessibility is deemed acceptable. Conditions have been imposed requiring compliance with the requirement the Building Code of Australia and AS1428 "Design for Access and Mobility" and Schedule 3 of the SEPP (HS) concerning accessibility

ITEM 3 (continued)

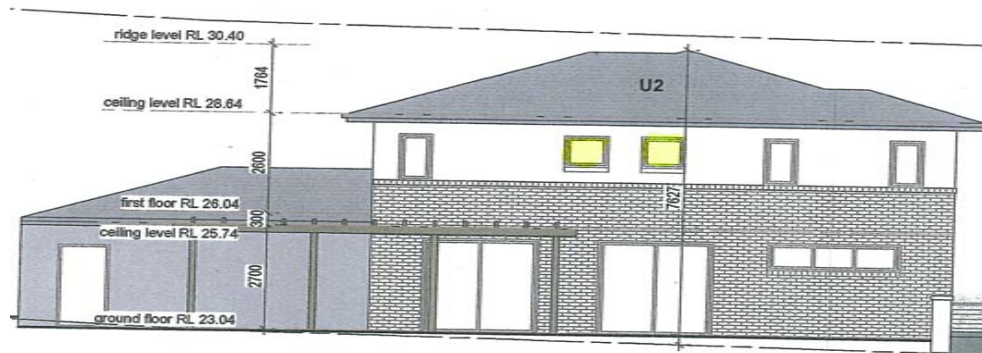
and useability, prior to release of the Construction Certificate. In addition, it will be necessary to provide a report from an appropriately qualified person to confirm that the development complies with these requirements prior to the issue of any Occupation Certificate. See **Conditions 7, 29 & 79**.

- *Inadequate regard given to design principles particularly clauses 33, 34 & 35 of the SEPP.*

Comment:

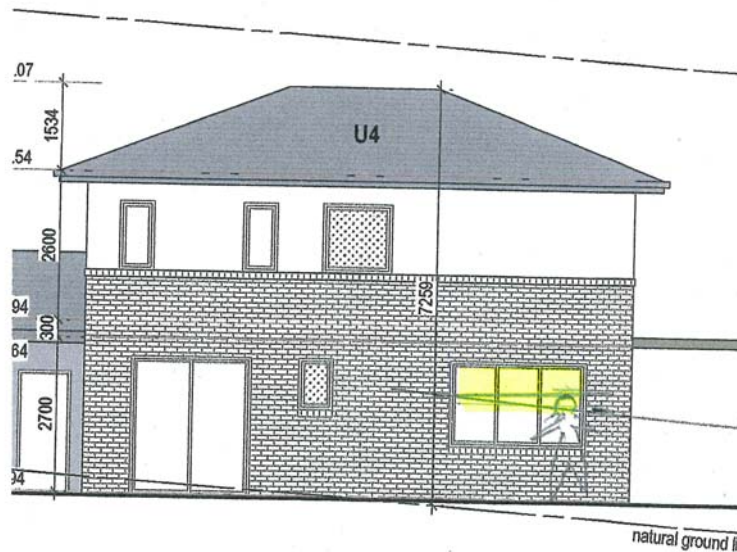
Clauses 33, 34 & 35 relates to neighbourhood amenity, streetscape, visual/acoustic privacy and solar access.

The above clauses have been discussed below under Design Principles and subject to **Condition 4** to provide obscure glass to the first floor living room windows of Dwellings 1, 2, 3 and 4 and **Condition 5** for Dwelling 4's ground floor side north-east living area window to be obscure glass, as shown in the diagrams below, the proposal is considered satisfactory in terms of streetscape, amenity, privacy and overshadowing.



Dwelling 2 – first floor living room windows facing the adjoining north-east property - to be obscure glass as shown highlighted in yellow. This is the same for Dwelling 1 with their first floor living room windows facing north-west. Dwelling 3 & 4 first floor living area windows faces the central driveway but overlooks each other, as such have also been conditioned to be obscure glass.

ITEM 3 (continued)



Dwelling 4 – the finished floor level of the living room, at its worst point will be 300mm above natural grade. Therefore to minimise any potential overlooking from this living room window, the upper half of the window is to be obscure glass, as shown highlighted in yellow.

- *The design of the development is inadequate as:*
 - *Design approach seeks to utilise all available area, removal of all trees on site, minimal setback (particularly side and rear) & some 75% of the site is impervious. Usable private open space is minimal.*
 - *The use of central driveway to access the units pushes the built element to the very edge of the site.*
 - *The site of the built element to the southern side creates unnecessary overshadowing.*
 - *The placement of units 2 & 4 with minimal setback permits direct overlooking of our private open space.*
 - *Internal solar access is compromised. Adequate sunlight is not provided to units 3 & 5.*

Comment:

The proposal complies with Clause 50 (c) & (d) of SEPP (HS) in regard to the landscaped area and deep soil area (31.6% landscaping and 15% deep soil). Whilst it is proposed to remove the existing trees on site, the submitted Arboricultural Impact Report by Landscape Matrix P/L states that the trees are exotic species with one of the tree being an environmental pest species. The trees have a retention value of 2 to 4 (2 being moderate - consider for retention, 3 – low or short & 4- remove). Tree No. 2 which has a retention value of 2 is a Mango Tree and is to be replaced with 2 trees within the front setback – *Melaleuca decora* with a mature height of 8m each.

ITEM 3 (continued)



T2 – Mango Tree

The proposal complies with the side and rear setback control having a side setback of 1.5m for the 2 storey element and 900mm to 1.2m for the rear single storey dwellings. With regards to overlooking, **Condition 4** has been imposed requiring the 1st floor living area windows in Dwelling 2 to be of obscure glass.

Due to the orientation of the land, the objector's property (adjoining south-east property- 42 Shepherd Street) will have minimal overshadowing from the proposed development. 42 Shepherd Street consists of 2 lots (a regular shaped allotment and a hatchet shaped allotment) with a dwelling on each lot. A driveway is located immediately adjacent to the site for the majority of the side elevation. As demonstrated in the attached shadow diagrams, the overshadowing from the proposed development mostly affects this driveway. These dwellings will receive sufficient solar access. The objector has also raised concerns about overshadowing to Dwellings 3 & 5 within the development. Dwelling 3 has a courtyard between Dwellings 1 & 3 as well as along the side boundary. During mid winter the courtyard at the side boundary will be overshadowed however the courtyard located between Dwellings 1 & 3 will receive solar access between 9am & 12 noon. The courtyard of Dwelling 5 will also receive solar access between 9am & 12 noon. Each of these dwellings will receive adequate solar access.

- *The SEE does not make any assessment of the development against Ryde DCP 2010. The provisions of the DCP are required to be "focal point" of the Council's assessment, where not inconsistent with the SEPP.*

Comment:

Clause 5(3) of the SEPP (HS) states: "If this Policy is inconsistent with any other environmental planning instrument, made before or after this Policy, this Policy prevails to the extent of the inconsistency."

ITEM 3 (continued)

The proposal is defined as “Seniors Housing” not Multi Dwelling Housing under RLEP. Whilst Seniors Housing is prohibited in the R2 zone, SEPP (HS) permits the development within this zone, therefore the provisions of SEPP (HS) prevail. Council has no controls for this type of development within the R2 zone.

- *The proposal does not comply with linear separation provisions as contained in Part 3.5 of Ryde DCP 2010. The proposal does not comply with Clauses 3.2, 3.3, 3.4, 3.5.4, 3.7, 3.10, 4.2, 4.5, 4.8 of the DCP (relating to cut, 2 storeys only at front, site coverage, side & internal setbacks, landscaping, privacy, ceiling height and fencing).*

Comment:

As discussed above, there are no Council’s controls for this type of development within the R2 zone. DCP 2010 Part 3.5 - Multi Dwelling Housing is not applicable as the development is under SEPP (Housing for Seniors or People with a Disability) 2004 and the relevant controls for this proposal is SEPP HS, which has been discussed further in the report.

- *1 visitor car space for 6 units is insufficient and will only increase the congestion of street parking.*

Comment:

The proposal complies with Clause 50 (h) of the SEPP, requiring 0.5 car spaces for each bedroom. Based on 18 bedrooms, 9 car spaces are required to be provided. The proposal provides 9 residents' car spaces and 1 visitor car space.

- *The 2 storey units, 3 & 4 in the middle of the block will allow the occupant to overlook not just the neighbouring backyards but also the backyards of 34, 36 & 33 Shepherd Street.*

Comment:

The dwellings have been designed with the majority of high use living areas on the ground floor and only bedrooms and bathrooms on the upper level. Dwellings 3 & 4 have a sitting room on the upper level with their living room windows facing the driveway. These windows are opposite each other therefore has the potential to overlook each other. A condition has been imposed requiring these windows to be obscure to prevent any overlooking. (See **Condition 4**).

- *The single garages for units 4, 5 & 6 are not wide enough to allow a person in a wheelchair to park and load/unload. This does not comply with the SEPP (HS) requirements.*

ITEM 3 (continued)Comment:

An Access Report by Accessibility Solutions dated 8 November 2011 was submitted with the application. The report states:

The development proposes 9 resident parking spaces in double and a single garages.

In accordance with the SEPP (HS) the development proposes:

- Units 1, 2, 3 provide 6400mm width garages to facilitate 2 x 3200mm minimum width spaces x 6000mm minimum length, which satisfies the accessibility requirements of AS2890.1 and schedule 3, clause 5(a) of the Housing for Seniors Policy.*
- Units 4, 5, 6, propose 3800mm width x 6000mm length garages, which satisfies the accessibility requirements of AS2890.1 and schedule 3, clause 5(a) and 5(b) of the Housing for Seniors Policy.*
- The 2500mm minimum internal; headroom clearance over the parking spaces and 2200mm entrance height satisfies the accessibility requirements of AS2890 and schedule 3, clause 5(a) of the Housing for Seniors Policy.*
- The single garages for Units 4, 5, 6 of the 3800mm width comply with schedule 3 Clause 5(b) of the Housing for Seniors Policy.*
- The garage entry doors shall be power operated to satisfy schedule 3 Clause 5(c) of the Housing for Seniors Policy.*

The proposal complies with the requirement of the SEPP (HS) and **Condition 29** has been imposed requiring compliance and certification that the development complies with Australian Standard 1428 and AS4299 and the Building Code of Australia.

- For units 4, 5 & 6 there are no easily accessible places to store their garbage bins. 12 rubbish bins covering the street every week is unsightly.*

Comment:

All dwellings have an allocated bin storage area in their respective garage. The placement of garbage bins along the frontage of the property is for a short period only (until garbage collection) and this is the usual practise for most multi dwellings.

Overshadowing to the living areas of 42 Shepherd Street is unacceptable.

Comment:

The proposal will overshadow 42 Shepherd Street at 9am on 21 June and by 12 noon the majority of the shadow will be over the side driveway and by 3pm there will be minimal overshadowing to their site. 42 Shepherd Street will receive more than 3 hours sunlight to their side northern windows and their private open space areas will have minimal overshadowing impact, as illustrated in the shadow diagrams above (pages 8 & 9).

ITEM 3 (continued)

- *Council does not have the power to enforce the units in this SEPP to be purchased or occupied by seniors or people with a disability. It disregards the planning objectives of Ryde and undermines the integrity of local planning instruments.*

Comment:

Condition 6 has been imposed requiring that only *senior people or people who have a disability, people who live within the same household with seniors or people who have a disability* may occupy the dwellings. **Condition 71** has been imposed requiring a restriction as to user is to be placed against the title of the property limiting the use of the dwelling to the above people.

SEPP (HS) aims to encourage the provision of housing (including residential care facilities) so as to increase the supply of housing for seniors or people with a disability, to make efficient use of existing infrastructure and services, and to be of good design. The SEPP (HS) states: *These aims will be achieved by:*

- setting aside local planning controls that would prevent the development of housing for seniors or people with a disability that meets the development criteria and standards specified in this Policy, and*
- setting out design principles that should be followed to achieve built form that responds to the characteristics of its site and form, and*
- ensuring that applicants provide support services for seniors or people with a disability for developments on land adjoining land zoned primarily for urban purposes.*

8. Clause 4.6 RLEP 2010 objection required?

No.

9. Policy Implications**Relevant Provisions of Environmental Planning Instruments etc:****(a) Relevant SEPPs****State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004**Clause 4 Land to which Policy applies:

SEPP (HS) applies to land in NSW that is zoned primarily for urban purposes and which permits

- dwelling-houses,*
- residential flat buildings,*
- hospitals,*

ITEM 3 (continued)

- (iv) development of a kind identified in respect of land zoned as special uses, including (but not limited to) churches, convents, educational establishments, schools and seminaries, or*
- (b) the land is being used for the purposes of an existing registered club*

The subject site is zoned R2 – Low Density Residential which permits dwelling houses. As such the proposed form of housing is permissible under SEPP HS.

Clause 18 Restrictions on occupation of seniors housing allowed under this Chapter:

This clause states that development allowed by the SEPP (HS) may be carried out only for *seniors or people who have a disability, people who live within the same household with seniors or people who have a disability, or staff employed to assist in the administration of and provision of services to housing provided under this Policy.*

Conditions 6 & 71 have been imposed requiring that only *senior people or people who have a disability, people who live within the same household with seniors or people who have a disability* may occupy the dwellings. A restriction as to user is to be placed against the title of the property limiting the use of the dwellings to the above people.

Clause 24 Site compatibility certificates required for certain development applications:

A Site compatibility certificate is not required as the proposed development is permissible with consent under the zoning of the site.

Part 2 Site related requirements:**Clause 26 Location and access to facilities:**

Clause 26 (1) of the SEPP (HS) states that the consent authority must not consent to a development application unless the consent authority is satisfied, by written evidence that residents of the proposed development will have access to shops, bank service providers and other retail and commercial services, community services and recreational facilities and the practice of a general medical practitioner.

Clauses 2(a) & (b) & 3 require access to:

- (a) facilities and services to be located at a distance of not more than 400 metres from the site of the proposed development that is a distance accessible by means of a suitable access pathway and the overall average gradient for the pathway is no more than 1:14, although the following gradients along the pathway are also acceptable:*

ITEM 3 (continued)

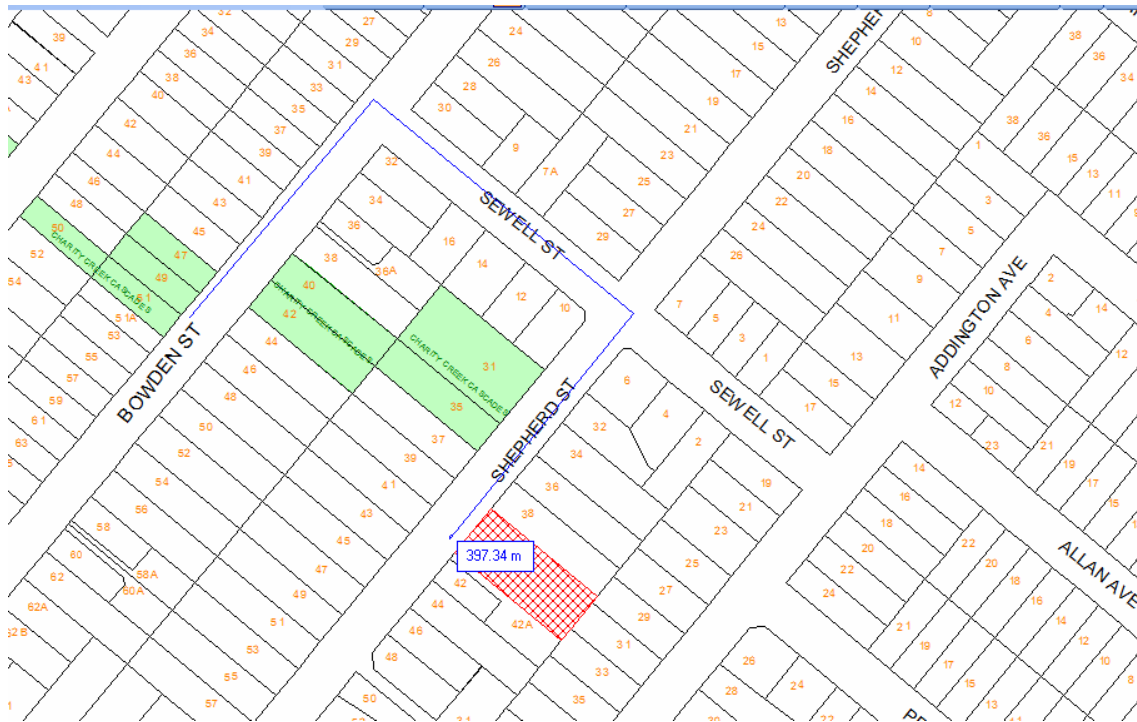
- (i) a gradient of no more than 1:12 for slopes for a maximum of 15 metres at a time,*
 - (ii) a gradient of no more than 1:10 for a maximum length of 5 metres at a time,*
 - (iii) a gradient of no more than 1:8 for distances of no more than 1.5 metres at a time, or*
- (b) in the case of a proposed development on land in a local government area within the Sydney Statistical Division there is a public transport service available to the residents who will occupy the proposed development:*
 - (i) that is located at a distance of not more than 400 metres from the site of the proposed development and the distance is accessible by means of a suitable access pathway, and*
 - (ii) that will take those residents to a place that is located at a distance of not more than 400 metres from the facilities and services referred to in subclause (1), and*
 - (iii) that is available both to and from the proposed development at least once between 8am and 12pm per day and at least once between 12pm and 6pm each day from Monday to Friday (both days inclusive),*
and the gradient along the pathway from the site to the public transport services (and from the public transport services to the facilities and services referred to in subclause (1)) complies with subclause (3).
- (3) For the purposes of subclause (2) (b) and (c), the overall average gradient along a pathway from the site of the proposed development to the public transport services (and from the transport services to the facilities and services referred to in subclause (1)) is to be no more than 1:14, although the following gradients along the pathway are also acceptable:*
 - (i) a gradient of no more than 1:12 for slopes for a maximum of 15 metres at a time,*
 - (ii) a gradient of no more than 1:10 for a maximum length of 5 metres at a time,*
 - (iii) a gradient of no more than 1:8 for distances of no more than 1.5 metres at a time.*

An Access Report by Accessibility Solutions dated 8 November 2011 was submitted with the application. The Access report states that the site is located approximately 800m from the Top Ryde Shopping Centre therefore relies on public transport to access the facilities and services required. The report also states that the site is located 380 to 397m to bus stops on Bowden Street and Parkes Street. This bus route goes to Top Ryde Shopping Centre.

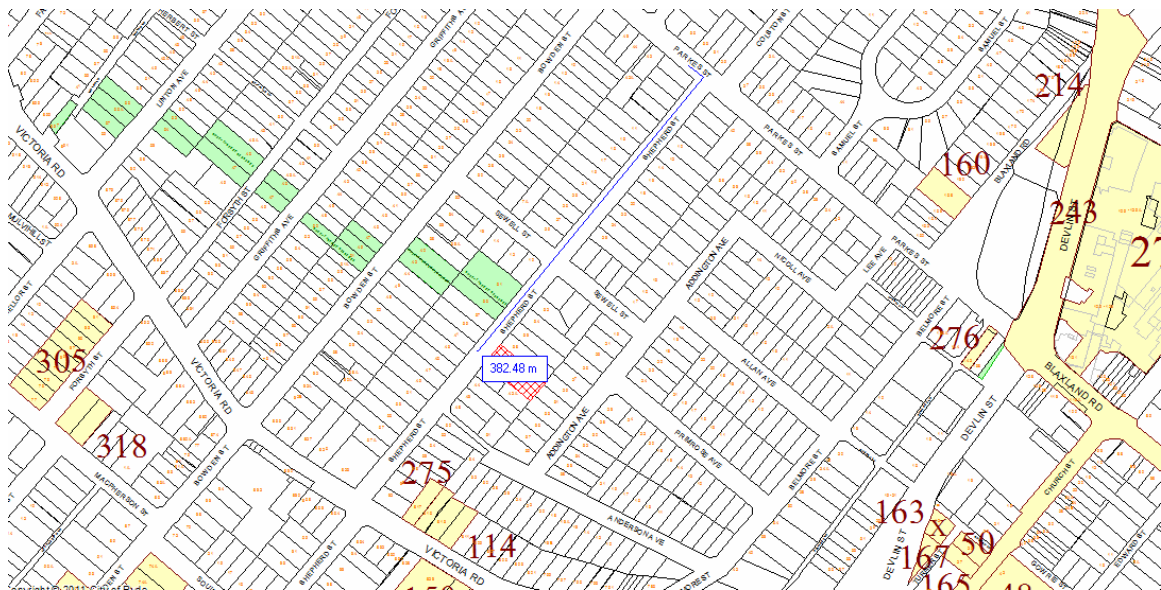
Site inspection of the locality confirmed that the nearest bus stop located along Bowden Road (opposite 46 Bowden Road) is approximately 397m away (see maps below) hence the site is within 400 metres of a bus stop. The relevant bus service is Bus M52 to Top Ryde Shopping Centre. The development meets the criteria for at least one bus between 8am to 12pm and between 12pm to 6pm Monday to Friday, inclusive.

ITEM 3 (continued)

The bus stop at Parkes Street is located approximately 382m away near the corner of Parkes and Shepherd Street. The relevant bus service is Bus 501 from Top Ryde Shopping Centre. The development meets the criteria for at least one bus between 8am to 12pm and between 12pm to 6pm Monday to Friday, inclusive.



Distance from site to nearest bus stop along Bowden Street – approx 397m



Distance for return trip from bus stop at Parkes Street to site – approx 382m.

ITEM 3 (continued)

The Access report states that the proposal complies with SEPP (HS) – *“The Shepherd Street site and adjoining footpath access provides very moderate gradients that are generally less than 1:20 along Shepherd, Sewell & Bowden Streets with a few shorter sections of 1:8 kerb ramps in accordance with the provisions of Clause 26 of the SEPP. The Parkes Street & Shepherd Street footpath access provides variable gradients that are generally 1:14 to 1:30 with a few shorter sections of 1:12 and 1:10 near Parkes Street and 1:8 kerb ramps at the Sewell Street intersection in accordance with the provisions of Clause 26. Overall the distance from the site to bus stops and provision of kerb ramps and a mid block roadway crossing complies with the clause 26 & 38 of the Housing for Seniors Policy.”*

Clause 27 Bush Fire prone land:

Not within bush fire prone land.

Clause 28 Water & Sewer

Council must be satisfied that the housing will be connected to a reticulated water system and have adequate facilities for the removal or disposal of sewage.

The applicant has advised that water and sewer is currently available to the site. **Condition 69** has been imposed requiring a Section 73 Compliance Certificate under the Sydney Water Act 1994 be obtained from Sydney Water Corporation prior to occupation of the development. The development satisfies the requirements of this clause.

Clause 29 Consent authority to consider certain site compatibility criteria for development applications to which clause 24 does not apply

This clause requires Council to take into consideration the criteria referred in clause 25(5)(b)(i), (iii) and (v) if a site compatibility certificate is not required under clause 24 of the SEPP.

The matters to be considered under Clause 25 (5) (b) (i), (iii) & (v) are:

- 25 (5) (b) the proposed development is compatible with the surrounding land uses having regard to (at least) the following criteria:*
- (i) the natural environment (including known significant environmental values, resources or hazards) and the existing uses and approved uses of land in the vicinity of the proposed development,*
 - (iii) the services and infrastructure that are or will be available to meet the demands arising from the proposed development (particularly, retail, community, medical and transport services having regard to the location and access requirements set out in clause 26) and any proposed financial arrangements for infrastructure provision,*

ITEM 3 (continued)

- (v) *without limiting any other criteria, the impact that the bulk, scale, built form and character of the proposed development is likely to have on the existing uses, approved uses and future uses of land in the vicinity of the development,*

The subject site is not affected by any site constraints such as heritage, flooding or subsidence. The site is within a residential zone and is surrounded by other residential properties.

Existing services and infrastructure service the existing dwelling and the additional 5 dwellings will attract a Section 94 contribution which will go towards infrastructure provision. Services and facilities are available and accessible to meet the requirements of the residents, as assessed under Clause 26.

Floor Space Ratio is a good indication of the scale of the development and this proposal will have a floor space ratio of 0.48:1 which is under the 0.5:1 permissible. It is proposed to construct four x two storey dwellings at the front and middle section of the allotment and two x single storey dwellings at the rear of the site. The streetscape does contain two storey dwellings and two storey dwellings are permissible within R2 zones. The two storey dwellings will extend further down the site than what would normally be allowed under Council's controls, however this application is under SEPP (HS) which overrides Council's DCP controls.

The issue is whether the built form and character of the proposed development is compatible with the existing and future use of the land within the area. As mentioned above, the proposal is not allowed within the R2 zone and would not comply with Council's requirements in that only dwellings with frontage to the street can be two storeys. However, SEPP (HS) does not have a character test as required under State Environmental Planning Policy (Affordable Rental Housing) 2009. SEPP (HS) permits 2 storey dwellings for all of the buildings provided they do not exceed 8m in height.

The proposal is consistent with the SEPP (HS) controls such as height control, density and scale, with minimum impact in terms of overshadowing and overlooking, therefore the built form is acceptable. With regards to the character, this kind of development is permissible under the SEPP (HS) with the proposal having minimal adverse impact to the streetscape as the frontage will present as two x two storey dwellings. In addition there is an adjoining battle-axe allotment adjacent to the rear south-east boundary, which can be redeveloped as a two storey dwelling. Therefore the bulk, scale, built form and character of the proposed development is not considered to have such an adverse impact on the immediate area as to warrant refusal of the proposal.

ITEM 3 (continued)



Adjoining battle-axe allotment (42A Shepherd) may be developed for a two storey dwelling.

Part 3 Design requirements

SEPP Provisions	Assessment	Comply
Cl. 30 - Site Analysis: A Site Analysis Diagram is required.	The submitted architectural drawings include a Site Analysis drawing.	Yes
Cl. 31 Infill self care housing: Provisions of the Senior Living Policy: Urban Design Guidelines for Infill Development	See Attachment A for Table of provisions of the Senior Living Policy.	Yes
Cl. 33 Neighbourhood amenity & Streetscape: (a) recognise the desirable elements of the location's current character so that new buildings contribute to the quality and identity of the area, and (b) retain, complement and sensitively harmonise with any heritage conservation areas in the vicinity and any relevant heritage items that are identified in a local environmental plan, and	The proposed development has been designed to be compatible with the visual character and environmental amenity of the existing and future surrounding land uses. The site is not within any conservation area, provides the required side, rear and front setbacks and complies with the height control. Overshadowing to the adjoining properties is acceptable as the adjoining properties will received	Yes

ITEM 3 (continued)

SEPP Provisions	Assessment	Comply
<p>(c) maintain reasonable neighbourhood amenity and appropriate residential character by:</p> <p>(i) providing building setbacks to reduce bulk and overshadowing, and</p> <p>(ii) using building form and siting that relates to the site's land form, &</p> <p>(iii) adopting building heights at the street frontage that are compatible in scale with adjacent development, &</p> <p>(iv) considering, where buildings are located on the boundary, the impact of the boundary walls on neighbours, &</p> <p>(d) be designed so that the front building of the development is set back in sympathy with, but not necessarily the same as, the existing building line, &</p> <p>(e) embody planting that is in sympathy with, but not necessarily the same as, other planting in the streetscape, &</p> <p>(f) retain, wherever reasonable, major existing trees, &</p> <p>(g) be designed so that no building is constructed in a riparian zone.</p>	<p>the required solar access. The maximum ridge height of the two dwellings at the front is only 0.45m and 0.25m higher than the immediate adjoining properties, as such is compatible in scale.</p> <p>No major trees exist on site however it is proposed to provide trees planting within the front yard.</p> <p>The site is not located in a riparian zone.</p>	
<p>CI 34 Visual and acoustic privacy:</p> <p>The development should consider the visual and acoustic privacy of neighbours in the vicinity and residents by:</p>	<p>The dwellings have been designed with the majority of high use living areas on the ground floor and only bedrooms and bathrooms on the upper</p>	<p>No – acceptable subject to Conditions</p>

ITEM 3 (continued)

SEPP Provisions	Assessment	Comply
<p>(a) appropriate site planning, the location and design of windows and balconies, the use of screening devices and landscaping, & (b) ensuring acceptable noise levels in bedrooms of new dwellings by locating them away from driveways, parking areas and paths.</p>	<p>level. Dwellings 1 and 2 have a sitting room on the upper level, the windows on the side elevations serving these rooms will have the potential to overlook – Condition 4 can be imposed requiring these windows to be obscure to prevent any overlooking. Dwellings 3 and 4 similarly provide for a sitting room on the upper level, however these rooms are orientated over the driveway however are opposite each other therefore these windows should be obscure glass as well - Condition 4 The eastern living window of Dwelling 4 has the potential to overlook into the adjoining property, therefore Condition 5 has been imposed requiring the top half of this window to be obscure glass. The rear portion of the development is single storey and the finished floor level is lower than the existing natural ground level therefore there will be minimal overlooking potential from the two rear dwellings.</p>	<p>4 & 5 to minimise overlooking concerns.</p>
<p>Cl. 35 Solar access and design for climate: The proposed development should: (a) ensure adequate daylight to the main living areas of neighbours in the vicinity and residents and adequate sunlight to substantial areas of private open space, & (b) involve site planning, dwelling design and landscaping that reduces energy use and makes the best practicable use of natural ventilation solar heating and lighting by locating the windows of</p>	<p>Shadow diagrams have been submitted in support of the proposal. There is some overshadowing to the adjoining southwest property - 42 & 42A Shepherd Street : - at 9am – the shadow cast is over part of the two houses and the shared driveway. 12noon - this shadow is restricted to the driveway with the dwellings and private open space receiving sunlight. 3 pm – minimal overshadowing to 42 & 42A Shepherd. The proposal does not result in any additional overshadowing to the adjoining properties to the north- west or rear.</p>	<p>Yes</p>

ITEM 3 (continued)

SEPP Provisions	Assessment	Comply
<p>living and dining areas in a northerly direction.</p>	<p>The living area and private open space area of each dwelling will receive the required sunlight.</p>	
<p>Cl.36 Stormwater: The proposed development should: (a) control and minimise the disturbance and impacts of stormwater runoff on adjoining properties and receiving waters by, for example, finishing driveway surfaces with semi-pervious material, minimising the width of paths & minimising paved areas, & (b) include, where practical, on-site stormwater detention or re-use for second quality water uses.</p>	<p>The proposal was referred to Council's Development Engineer and after amendments to the plans, Council's Engineer has no objections to the proposal.</p>	<p>Yes</p>
<p>Cl. 37 Crime prevention: The proposed development should provide personal property security for residents and visitors and encourage crime prevention by: (a) site planning that allows observation of the approaches to a dwelling entry from inside each dwelling & general observation of public areas, driveways and streets from a dwelling that adjoins any such area, driveway or street, & (b) where shared entries are required, providing shared entries that serve a</p>	<p>Condition 36 has been imposed requiring appropriate lighting to be incorporated into the construction of the development. Main living room windows are near the entrance of each dwelling to allow for observation and surveillance.</p>	<p>Yes</p>

ITEM 3 (continued)

SEPP Provisions	Assessment	Comply
<p>small number of dwellings and that are able to be locked, & (c) providing dwellings designed to allow residents to see who approaches their dwellings without the need to open the front door.</p>		
<p>Cl 38 Accessibility: The proposed development should: (a) have obvious and safe pedestrian links from the site that provide access to public transport services or local facilities, and (b) provide attractive, yet safe, environments for pedestrians and motorists with convenient access and parking for residents and visitors.</p>	<p>Access Assessment Report prepared by Accessibility Solutions has been submitted which states that each dwelling is accessible by wheelchair.</p> <p>Parking is conveniently located from residents with a visitor space between Dwellings 1 & 4.</p>	<p>Yes</p>
<p>Cl.39 Waste management: The proposed development should be provided with waste facilities that maximise recycling by the provision of appropriate facilities</p>	<p>Garbage and recycling bins will be provided and able to be stored on site. A Waste Management Plan has been submitted detailing reuse/recycling and disposal of building material.</p>	<p>Yes.</p>

ITEM 3 (continued)
Part 4 – Development Standards to be complied with.

SEPP Provisions	Assessment	Comply
Clause 40 Development Standards – minimum sizes & building height (1) General A consent authority must not consent to a development application made pursuant to this Chapter unless the proposed development complies with the standards specified in this clause		
(2) Site size: Min 1,000m²	Site area = 1,445.8m ²	Yes
(3) Site frontage: Min 20m	Frontage of 24.38m to Shepherd Street.	Yes
(4) Height: 8m or less Note. Development consent for development for the purposes of seniors housing cannot be refused on the ground of the height of the housing if all of the proposed buildings are 8 metres or less in height. See clauses 48 (a), 49 (a) & 50 (a).	Dwellings 1 & 2 – 7.7m Dwelling 3 – 7.3m Dwelling 4 – 7.07m Dwellings 5 & 6 – 3.77m	Yes
(4)(b) a building that is adjacent to a boundary of the site (being the site, not only of that particular development, but also of any other associated development to which this Policy applies) must be not more than 2 storeys in height, and Note. The purpose of this paragraph is to avoid an abrupt change in the scale of development in the streetscape.	2 storeys	Yes
(c) a building located in the rear 25% area of the site must not exceed 1 storey in height	Single storey at rear (within 25% of site)	Yes
Cl 41 Standards for hostels and self contained dwellings A consent authority must not consent to a development application made pursuant to this Chapter to carry out development for the purpose of a hostel or self-contained dwelling unless the proposed development complies with the standards specified in		

ITEM 3 (continued)

SEPP Provisions	Assessment	Comply
<p>Schedule 3 for such development.</p> <p><u>Schedule 3</u></p> <p>Cl. 2 - Siting standards (1) If the whole of the site has a gradient of less than 1:10, 100% of the dwellings must have wheelchair access by a continuous accessible path of travel (within the meaning of AS 1428.1) to an adjoining public road. (2) If the whole of the site does not have a gradient of less than 1:10: (a) the percentage of dwellings that must have wheelchair access must equal the proportion of the site that has a gradient of less than 1:10, or 50%, whichever is the greater, and (b) the wheelchair access provided must be by a continuous accessible path of travel (within the meaning of AS 1428.1) to an adjoining public road or an internal road or a driveway that is accessible to all residents (3) Common areas: Access must comply with AS 1428.1</p>	<p>The proposed development provides wheelchair access throughout the entire development.</p> <p>The application includes a report dated 8 November 2011 from Accessibility Solutions advising that the proposed development complies with the relevant provisions of AS 1428.1.</p>	<p>Yes</p>
<p>Cl. 3 - Security Pathway lighting to be designed to avoid glare and be at least 20 lux at ground level.</p>	<p>Can be conditioned to comply.</p>	<p>Yes – Condition 7</p>
<p>Cl. 4 - Letterboxes Letterboxes are to be accessible, lockable and located in a central area.</p>	<p>Letterboxes will be installed adjacent to the site entrance.</p>	<p>Yes Condition 7</p>

ITEM 3 (continued)

SEPP Provisions	Assessment	Comply
<p>CI 5 - Private car accommodation.</p> <p>If car parking (not being car parking for employees) is provided:</p> <p>(a) car parking spaces must comply with the requirements for parking for persons with a disability set out in AS 2890, and</p> <p>(b) 5% of the total number of car parking spaces (or at least one space if there are fewer than 20 spaces) must be designed to enable the width of the spaces to be increased to 3.8 metres, and</p> <p>(c) any garage must have a power-operated door, or there must be a power point and an area for motor or control rods to enable a power-operated door to be installed at a later date.</p>	<p>The Access Report states that the garages for Dwellings 1, 2 & 3 complies with the requirement for car parking for persons with a disability as set out in AS2890.</p> <p>Dwellings 4, 5 & 6 comply with the width requirement of 3.8m and garage doors will be power operated.</p>	<p>Yes</p>
<p>CI 6 - Accessible Entry</p> <p>Every entry to a dwelling must comply with Clauses 4.3.1 and 4.3.2 of AS4299.</p>	<p>The Access Report states that each dwelling will comply with AS4299.</p>	<p>Yes Condition 7</p>
<p>CI 7 - Interior - General</p> <p>(1) Doorways to comply with AS1428.1</p> <p>(2) Corridors to have a minimum width of 1000mm.</p> <p>(3) Circulation space at doorway approaches to comply with AS1428.1.</p>	<p>The Access Report states that proposal will comply with AS1428.</p>	<p>Yes Condition 7</p>
<p>CI. 8 - Bedroom</p> <p>At least one bedroom is to satisfy requirements in relation to room sizes, clearance areas, power points and telephone outlets and wiring.</p>	<p>The Access Report states that proposal will comply. All bedrooms have been designed to comply with the requirements contained in this clause.</p>	<p>Yes Condition 7</p>
<p>CI 9 - Bathroom</p> <p>At least one bathroom per dwelling be on the ground floor & to be designed in accordance with AS1428.1</p>	<p>The Access Report states that proposal will comply.</p>	<p>Yes Condition 7</p>

ITEM 3 (continued)

SEPP Provisions	Assessment	Comply
CI 10 - Toilet At least one toilet per dwelling on the ground floor & to be designed in accordance with AS4299.	Will be provided within each dwelling.	Yes Condition 7
CI11 - Surface finishes Balconies and external paved areas shall have non-slip surfaces.	No details – condition to comply with this requirement under Schedule 3 of the SEPP.	Yes Condition 7
CI 12 - Door Hardware Door hardware to be in accordance with AS4299.	No details - condition to comply with this requirement under Schedule 3 of the SEPP.	Yes Condition 7
CI 13 - Ancillary Items Switches and power points to be provided in accordance with AS4299.	No details - condition to comply with this requirement under Schedule 3 of the SEPP.	Yes Condition 7
CI 15 - Living Room and Dining Room Living room to have circulation space as required by AS4299. A telephone point and wiring to the living room and dining room to allow an illumination level of at least 300 lux.	No details - condition to comply with this requirement under Schedule 3 of the SEPP.	Yes Condition 7
CI 16 - Kitchen Circulation spaces and fit out of kitchens to comply with relevant provisions of AS4299 and AS1428.1.	No details - condition to comply with this requirement under Schedule 3 of the SEPP.	Yes Condition 7
CI 17- Access Kitchen, main bedroom, bathroom and toilet to be located at entry level of each dwelling in a multi storey dwelling.	The kitchen, main bedroom, bathroom and toilet is located on the entry level.	Yes
CI 18 - Lifts Lifts shall comply with BCA.	Not applicable	N/A
CI 19 - Laundry Laundries shall be designed to provide a circulation space in accordance with AS1428.1, room for a washing machine and dryer, clear space of 1300mm in front of appliances, non slip floor and accessible path of travel to any clothes line.	No details - condition to comply with this requirement under Schedule 3 of the SEPP.	Yes Condition 7

ITEM 3 (continued)

SEPP Provisions	Assessment	Comply
CI 20 - Storage of linen Linen storage in accordance with AS4299 to be provided.	No details - condition to comply with this requirement under Schedule 3 of the SEPP.	Yes Condition 7
CI 21 - Garbage A garbage storage area must be provided in an accessible location.	No details provided – Access Report states that garbage bin stands at the rear of each dwelling with appropriate doorway access.	Yes Condition 7

6. Part 7 – Development Standards that cannot be used as grounds to refuse consent.

SEPP Provisions	Assessment	Comply
CI 50 Development Standards that cannot be used to refuse development consent for self contained dwellings (a) Building Height: If all buildings are 8 metres or less in height (and regardless of any other standard specified by another environmental planning instrument limiting development to 2 storeys)	No aspect of the proposed development will exceed 8m in height. Maximum height is 7.7m.	Yes
(b) Density and Scale: Floor Space Ratio 0.5:1 or less.	The proposed development has a floor space ratio of 0.48:1.	Yes
(c) Landscape Area: A minimum of 30% of site area to be landscaped. Min area required = 436.7m ²	Landscaping in form of planting and turf = 460.0m ² (31.6%)	Yes
(d) Deep soil zones: A minimum of 15% of the site to be deep soil landscaping. Min area required = 218m ²	Deep soil area = 222m ² (15%)	Yes
(e) Solar access: Living rooms and private open spaces for a minimum of 70% of the dwellings of the development receive a minimum of 3 hours sunlight between 9.00am and 3.00pm in mid-winter.	The design of the proposed development with two buildings separated by central common open space permits all living rooms and private open space areas to receive at least 3 hours of mid-winter solar access.	Yes

ITEM 3 (continued)

SEPP Provisions	Assessment	Comply
(f) Private Open Space: For single storey dwellings a minimum of 15m ² of private open space per dwelling is required, with a minimum dimension of 3m wide x 3m long and is accessible from a living area on the ground floor.	Private open space areas are as follows: Dwelling 1 – 27.9m ² + 28.7m ² D2 – 27.9m ² + 19m ² D3 – 30.2m ² D4 – 27.6m ² D5 – 48.3m ² D6 – 48.6m ²	Yes
(h) Parking: if at least the following is provided: (i) 0.5 car spaces for each bedroom where the development application is made by a person other than a social housing provider, or (ii) 1 car space for each 5 dwellings where the development application is made by, or is made by a person jointly with, a social housing provider.	The applicant is not a social housing provider, as such requires 9 car parking spaces (based on 18 bedrooms). 9 residents car space and 1 visitor (total 10) car parking has been provided.	Yes

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

The development is identified under the Environmental Planning and Assessment Regulation 2000 as a BASIX Affected Building. As such, a BASIX Certificate has been prepared (No. 400648M dated 23 October 2011) which provides the development with a satisfactory target rating.

Any approval would include an appropriate condition that would require compliance with the BASIX commitments detailed within the Certificate. (See **Condition 3**).

State Environmental Planning Policy No. 55 – Remediation of Land

No information has been provided to Council regarding the past uses undertaken on the site. However, it is noted that the subject site is currently used for residential purposes and as such, is unlikely to be contaminated.

It is noted that the existing buildings (to be demolished) are of an age where asbestos and lead based finishes were commonly used in construction and appropriate conditions have been imposed for the safe demolition and disposal of material. (See **Conditions 23 & 24**)

ITEM 3 (continued)**Deemed State Environmental Planning Policy Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005**

Deemed SEPP Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 applies to the subject site and has been considered in this assessment.

The site is located within the designated hydrological catchment of Sydney Harbour and therefore is subject to the provisions of the above planning instrument. However, the site is not located on the foreshore or adjacent to the waterway and therefore, with the exception of the objective of improved water quality, the objectives of the planning instrument are not applicable to the proposed development. The objective of improved water quality is satisfied through compliance with the provisions of Part 8.2 of DCP 2010. The proposed development raises no other issues and otherwise satisfies the aims and objectives of the planning instrument.

(b) Ryde Planning Scheme Ordinance**Zoning**

R2 Low Density Residential

The site is zoned R2 Low Density Residential under the provisions of the RLEP 2010.

The development is defined as “Senior Housing” which is a prohibited form of development in the R2 zoning. However Clause 5(3) of the SEPP (HS) states: *“If this Policy is inconsistent with any other environmental planning instrument, made before or after this Policy, this Policy prevails to the extent of the inconsistency.”*

The SEPP (HS) applies to land in NSW that is zoned primarily for urban purposes and which permits

- (i) dwelling-houses,
- (ii) residential flat buildings,
- (iii) hospitals,
- (iv) development of a kind identified in respect of land zoned as special uses, including (but not limited to) churches, convents, educational establishments, schools and seminaries, or
- (b) the land is being used for the purposes of an existing registered club

The subject site is zone R2 – Low Density Residential which permits dwelling houses, as such the proposed form of housing is permissible under SEPP HS.

(d) Any draft LEPs

There are no applicable draft LEP’s to be considered.

ITEM 3 (continued)
(e) Any DCP (e.g. dwelling house, villa)
Part 9.3 – Car Parking:

Council's Development Control Plan 2010 Part 9.3 requires car parking spaces to be provided at the following rates:

Housing for aged and disabled

Must be provided in accordance with State Environmental Planning Policy: Housing for Seniors or People with a Disability 2004 (the Seniors Housing SEPP).

- Self contained dwellings:
0.5 spaces / bedroom or 1 space / 5 dwellings if developed in conjunction with a social housing provider.

The proposed development contains 18 bedrooms and is not by a social housing provider, therefore based on the above would require nine car spaces to be provided.

It is proposed to provide nine residents' car spaces plus one visitor car space. The proposal complies with car parking requirement.

Part 9.4 – Fencing:

It is proposed to provide a front fence. The fence will comprise of 1.5m high rendered masonry piers and dwarf wall with metal palisade infill panels. The fence complies with Council's requirements and is considered satisfactory.

Section 94 Contribution Plan:

The contributions that are payable with respect to the increased housing density on the subject site (being for senior housing outside Macquarie Park area) are calculated as follows based on the March quarter:

CONTRIBUTION PLAN	
Community & Cultural Facilities	\$15,277.39
Open Space & Recreation Facilities	\$37,609.75
Civic & Urban Improvements	\$12,791.72
Roads and Traffic Management Facilities	\$1,744.80
Cycleways	\$1,089.90
Stormwater Management	\$3,463.99
Plan administration	\$293.87
Grand Total:	\$72,271.42

ITEM 3 (continued)

Condition 27 requiring the payment of a Section 94 contribution has been included in the recommendation of this report which will further be indexed at the time of payment if not paid in the same quarter.

9. Likely impacts of the Development

The predominant form of housing in this locality is detached dwellings which are either single or two storeys in height. The proposal will comprise single and two storey dwellings with breaks between the two storey dwellings to reduce the massing and bulk of the development and to relate to the character and streetscape of the locality.

The proposal generally complies with the controls under the Housing Seniors SEPP, in particular the controls regards to height, floor space, density, parking, privacy and overshadowing, resulting in a built form that is considered to be acceptable for the site. The proposal will have minimal adverse impact on the amenity of the adjoining properties and **Conditions 4 & 5** have been imposed to further mitigate any potential overlooking concerns.

10. Suitability of the site for the development

The site is not classified as a heritage item or subject to any natural constraints such as major flooding or subsidence. In this regard the proposal is considered to be suitable for the site in terms of the impact on both the existing natural and built environments.

12. The Public Interest

The proposal is considered to be in the public interest as it provides suitable housing for seniors or people with disability, providing a need within the community. The development generally complies with the applicable controls and can be supported in this instance subject to the recommended conditions of consent.

13. Consultation – Internal and External

Internal Referrals

Development Engineer: 20 April 2012: Council's Development Engineer has reviewed the proposal and has made the following comments:

The amended drainage plans are satisfactory subject to amendments marked in red. The detention basin volume has been increased as required on the calculation sheet to 33.6m³.

ITEM 3 (continued)

The cut proposed in the rear and side yards vary from 0.4m – 1.2m. Retaining walls are shown on drainage plans. The rear yards of units 3,4,5 & 6 have been reduced to provide 150mm freeboard to the external ground levels.

The existing stormwater pit on the street needs to be relocated. Plans are to be submitted to Council prior to release of the CC for approval.

No objections are raised to the approval of the application subject to the amendments marked in red and the attached conditions.

Conditions 40-42 inclusive have been imposed requiring the above amendments.

Council's Development Engineer has also imposed a condition requiring the footpath in front of the site to Shepherd Street to be reconstructed to ensure a maximum 2% cross fall is achieved and all damaged and uplifted sections of the footpath connection from the site to the bus stop are to be reconstructed to ensure pedestrian trip hazard is minimised. The locations identified as requiring reconstruction are outside 11, 15, 25 & 32 Shepherd Street, 45 Bowden Street and on Parkes Street at 1 Shepherd Street. See **Conditions 76 & 78**.

14. Critical Dates

There are no critical dates or deadlines to be met.

15. Financial Impact

Adoption of the recommendation contained within this report will have no financial impacts.

16. Other Options

There are no other options in respect of this development application.

17. Conclusion

After consideration of the development against section 79C of the Environmental Planning and Assessment Act 1979 and the relevant statutory and policy provisions, the development is considered acceptable for approval. Therefore, it is recommended that the application be approved subject to conditions.

ITEM 3 (continued)

ATTACHMENT 1

SENIORS LIVING POLICY:

Urban design guidelines for infill development.

Control	Assessment	Complies
1. Responding to Context		
Neighbourhood character: Street layout & hierarchy: What is the pattern and hierarchy of streets in the local area?	No changes to the street pattern or hierarchy.	N/a
Blocks & Lots What are the predominant block and lot patterns? How have these changed over time (for example by subdivision and amalgamation)? What are the typical lot sizes, shape and orientation.	No changes to the pattern of the street. The predominant pattern being the street block is of regular shaped allotments with street frontage to Shepherd Street.	N/a
Built environment: Look for buildings that have a good relationship to the street or characteristics that contribute positively to neighbourhood character. Do buildings have a consistent scale and massing? Is there a regular rhythm of spaces between them? What are the atypical buildings? Should particular streetscapes and building types be further developed or discouraged?	Immediate adjoining buildings are single storey however there are examples of two storeys in the street. The ridge height is not too dissimilar to the adjoining buildings and is typical of new contemporary dwellings within the area.	Yes
Trees: Where are the significant trees and landscapes in the neighbourhood? Are there street trees, and if so what species and spacing? What are the patterns of planting in the front and rear gardens? Could new development protect and enhance existing vegetation?	No significant trees on site, trees to be removed as part of the proposal are considered to have little amenity value. Replacement trees are proposed.	Yes
Policy Environment: What are the key characteristics of an area as	Council's LEP does not specify the key characteristics of the	N/a

ITEM 3 (continued)		ATTACHMENT 1
Control	Assessment	Complies
<p>identified by the Council? How might these be accommodated in the design of new development for the area? Are there any special character areas, view corridors, vistas, landscaped areas, or heritage buildings or precincts that should be considered?</p>	<p>area and there are no special character areas, view corridors or heritage buildings.</p>	
2. Site Planning and Design		
<p>Design principles & better practice</p> <ul style="list-style-type: none"> - Site design should be driven by the need to optimise internal amenity and minimise impacts on neighbours. These requirements should dictate the maximum development yield. - Cater for the broad range of needs from potential residents by providing a mix of dwelling sizes and dwellings both with and without assigned car parking. This can also provide variety in massing and scale of built form within the development. <p>Built form:</p> <ul style="list-style-type: none"> - Locate the bulk of development towards the front of the site to maximise the number of dwellings with frontage to a public street. - Parts of the development towards the rear of the site should be more modest in scale to limit the impacts on adjoining properties. - Design and orient dwellings to respond to environmental conditions: <ul style="list-style-type: none"> • orient dwellings on the site to maximise solar access to living areas and private open space 	<p>Design has taken into consideration internal amenity and minimise impacts to neighbours by providing main living room windows as high light. Windows which may have the potential to overlook have been conditioned to be obscure glass or high light windows.</p> <p>2 x 4 bedrooms, 2 x 3 bedrooms & 2 x 2 bedrooms.</p> <p>Building bulk (two storey element) is at front and middle with breaks between. Building at rear is single storey.</p> <p>Generally family rooms orientated north-west. Two-third of the dwelling will have family rooms which have direct access to private open space.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>

ITEM 3 (continued)

ATTACHMENT 1

Control	Assessment	Complies
<ul style="list-style-type: none"> locate dwellings to buffer quiet areas within the development from noise. 		
<p>Tree, landscaping & deep soil zones Maintain existing patterns and character of gardens and trees:</p> <ul style="list-style-type: none"> retain trees and planting on the street and in front setbacks to minimise the impact of new development on the streetscape retain trees and planting at the rear of the lot to minimise the impact of new development on neighbours and maintain the pattern of mid block deep soil planting retain large or otherwise significant trees on other parts of the site through sensitive site planning where it is not possible or desirable to retain existing trees, replace with new mature or semi-mature trees. <p>Improve amenity by increasing the proportion of the site that is landscaped area by:</p> <ul style="list-style-type: none"> increasing the width of landscaped areas between driveways and boundary fences, and between driveways and new dwellings providing pedestrian paths reducing the width of driveways providing additional private open space above the minimum requirements providing communal open space 	<p>Existing trees to be removed (with one tree to be retained) - landscaping plan indicates new trees to be planted in front setback.</p> <p>Landscaping proposed along the rear yard area.</p> <p>No significant trees on site.</p> <p>2 x Melaleuca Decora trees in front yard/</p> <p>Sufficient landscaping width between driveway and boundary fence.</p> <p>No pedestrian path adjacent to driveway. Driveway width acceptable as shared with pedestrian.</p> <p>No communal open space only 6 dwellings</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>No</p> <p>Yes</p> <p>N/a</p>

ITEM 3 (continued)

ATTACHMENT 1

Control	Assessment	Complies
<ul style="list-style-type: none"> • increasing front, rear and/or rear setbacks • providing small landscaped areas between garages, dwelling entries, pedestrian paths, driveways, etc. <p>Provide deep soil zones for absorption of run-off and to sustain vegetation, including large trees:</p> <ul style="list-style-type: none"> • it is preferable that as least 10% of the site area is provided as a single area at the rear of the site, where there is the opportunity to provide a mid-block corridor of trees within a neighbourhood • where the pattern of neighbourhood development has deep soil planting at the front of the site, it may be desirable to replicate this pattern. <p>Minimise the impact of higher site cover on stormwater runoff by:</p> <ul style="list-style-type: none"> • using semi-pervious materials for driveways, paths and other paved areas • using of on-site detention to retain stormwater on site for re-use. <p>Parking, garaging and vehicular circulation:</p> <ul style="list-style-type: none"> - Consider centralised parking in car courts to reduce the amount of space occupied by driveways, garages and approaches to garages. - Where possible maintain existing crossings and driveway locations on the street. 	<p>Minimal front rear setback. Minimum landscaped areas between garages however there are small areas between dwelling entries and driveway.</p> <p>Council's Engineer has no objection to the absorption of run off for the site with 4 x 6m high trees to be planted at the rear.</p> <p>Front setback provided with deep soil area.</p> <p>Driveway impervious</p> <p>Rainwater reuse tank.</p> <p>Individual garages via a central driveway.</p> <p>Existing crossing to be removed. New driveway/crossing.</p>	<p>No</p> <p>Yes</p> <p>No</p> <p>Yes</p> <p>No</p> <p>Yes</p> <p>No</p> <p>No</p>

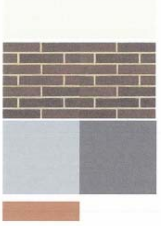
ITEM 3 (continued)

ATTACHMENT 1

Control	Assessment	Complies
<p>SEPP Controls Minimum site area: 1000 square metres — Cl. 38(2). Minimum site width: 20 metres Cl. 38(3). Development cannot be refused if:</p> <ul style="list-style-type: none"> • proposed buildings do not exceed 8 metres in height — Cl. 81(a) • the floor space ratio does not exceed 0.5:1— Cl. 81(b) • the landscaped area is a minimum of 30% of the site — Cl. 81 (c)(ii) • the deep soil zone area is a minimum of 15% of the site (must have minimum dimension of 3 metres and it is preferable that two thirds of the deep soil area is at the rear of the site) — Cl. 81(d) • one visitor parking space is provided for development of 6 or less dwellings or two visitor parking spaces for development of 7 or 8 dwellings — Cl. 81 (g)(i-ii) • 0.5 resident parking spaces per bedroom are provided — Cl. 81(h)(i). <p>Additional site-related requirements regarding access to services, bush fire prone land, and water and sewerage are contained in Clauses 25 to 27.</p> <p>Rules of Thumb The proportion of the site given to landscaped area and deep soil should be increased in less urban areas, on large lots, and in areas already characterised by a high</p>	<p>Site area 1455.8m², width 24.4m.</p> <p>Under 8m.</p> <p>0.48:1</p> <p>31.6%</p> <p>15.3%.</p> <p>One visitor parking provided.</p> <p>18 bedrooms – require 9 spaces. 9 spaces are provided for residents plus 1 visitor</p> <p>In an urban area.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>N/a</p>

ITEM 3 (continued)

ATTACHMENT 1

Control	Assessment	Complies
proportion of open space and planting.		
3. Impacts on streetscape		
<p>General: Respond to the desired streetscape character by:</p> <ul style="list-style-type: none"> • locating and designing new development to be sympathetic to existing streetscape patterns (building siting, height, separation; driveway locations, pedestrian entries, etc.) • providing a front setback that relates to adjoining development. <p>Built form: Reduce the visual bulk of a development by:</p> <ul style="list-style-type: none"> • breaking up the building massing and articulating building facades • allowing breaks in rows of attached dwellings • using variation in materials, colours and openings (doors, windows and balconies) to order building facades with scale and proportions that respond to the desired contextual character • setting back upper levels behind the front building facade • where it is common practice in the streetscape, locating second storeys within the roof space and using dormer windows to match the appearance of existing dwelling houses • reducing the apparent bulk and visual impact of a building by breaking down the roof into smaller roof 	<p>Existing streetscape is predominately single storey however there are two storeys dwellings within the street and two storeys are permissible.</p> <p>6m setback – similar to adjoining dwellings.</p> <p>Some articulation to break up mass.</p> <p>Breaks in attached dwellings.</p> <p>Combination of brick and cement render</p>  <p>Upper level with balcony to provide indentation.</p> <p>No example in street to provide second storey within roof space.</p> <p>Attempted to break visual mass by dividing/breaking roof areas.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>N/a</p> <p>Yes</p>

ITEM 3 (continued)

ATTACHMENT 1

Control	Assessment	Complies
<p>elements</p> <ul style="list-style-type: none"> • using a roof pitch sympathetic to that of existing buildings in the street • avoiding uninterrupted building facades including large areas of painted render. <p>Trees, landscaping and deep soil zones: Retain existing trees and planting in front and rear setbacks and the road reserve:</p> <ul style="list-style-type: none"> • where this is not possible or not desirable use new planting in front setback and road reserve • plant in front of front fences to reduce their impact and improve the quality of the public domain. <p>Residential amenity</p> <ul style="list-style-type: none"> - Clearly design open space in front setbacks as either private or communal open space. - Define the threshold between public and private space, for example by level change, change in materials, fencing, planting and/or signage. - Design dwellings at the front of the site to address the street. <p>Provide a high quality transition between the public and private domains by:</p> <ul style="list-style-type: none"> • designing pedestrian entries where possible to be directly off the street • for rear residents, providing a pedestrian entry that is separate from vehicular entries • designing front fences to 	<p>Pitched roof.</p> <p>No large area of uninterrupted building facades.</p> <p>New planting proposed.</p> <p>No details of planting in front of fence.</p> <p>Front setback as private open space for two front dwellings.</p> <p>Private space located behind each dwelling.</p> <p>Front dwelling addresses the street.</p> <p>Pedestrian access to front dwelling.</p> <p>Separate pedestrian entry from vehicular entries.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>No</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>

ITEM 3 (continued)

ATTACHMENT 1

Control	Assessment	Complies
<p>provide privacy where necessary, but also to allow for surveillance of the street</p> <ul style="list-style-type: none"> ensuring that new front fences have a consistent character with front fences in the street orienting mailboxes obliquely to the street to reduce visual clutter and the perception of multiple dwellings locating and treating garbage storage areas and switchboards so that their visual impact on the public domain is minimised. <p>Parking, garaging and vehicular circulation:</p> <ul style="list-style-type: none"> Avoid unrelieved, long, straight driveways that are visually dominant by: <ul style="list-style-type: none"> varying the alignment of driveways to avoid a 'gunbarrel' effect setting back garages behind the predominant building line to reduce their visibility from the street considering alternative site designs that avoid driveways running the length of the site. Minimise the impact of driveways on streetscape by: <ul style="list-style-type: none"> terminating vistas with trees, vegetation, open space or a dwelling, not garages or parking using planting to soften driveway edges varying the driveway surface material to break it up into a series of smaller spaces (for example to delineate individual 	<p>1.5 high front fence with metal palisade infill which will allow for surveillance.</p>	<p>Yes</p>
	<p>1.5 high front fence.</p>	<p>Yes</p>
	<p>Mailboxes oblique to street.</p>	<p>Yes</p>
	<p>No garbage area – only 6 dwellings.</p>	<p>N/a</p>
	<p>Central driveway of various width to avoid visual dominant.</p>	<p>Yes</p>
	<p>Garages setback, not visible from the street.</p>	<p>Yes</p>
	<p>Driveway for the length of the site.</p>	<p>No</p>
	<p>Landscaping provided down side of driveway.</p>	<p>Yes</p>
	<p>Planting provided.</p>	<p>Yes</p>

ITEM 3 (continued)

ATTACHMENT 1

Control	Assessment	Complies
<p> dwellings) • limiting driveway widths on narrow sites to single carriage width with passing points • providing gates at the head of driveways to minimise visual 'pull' of the driveway. - Where basement car parking is used minimise the impact of the entry by: - Locate or screen all parking to minimise visibility from the street. SEPP Controls For development proposed in a residential zone where residential flat buildings are not permitted: • the height of all buildings in the proposed development must be 8 metres or less, • a building that is adjacent to a boundary of the site must be not more than 2 storeys in height — Cl. 38(4)(a-b). Rules of Thumb - Respond to council planning instruments that specify the character or desired character for the area. - Where there is a consistent front building alignment, new development should not encroach on the front setback. - Driveways or basement car park entries should not exceed 25% of the site frontage. - Garage doors should be set back a minimum of 1 m metre behind the predominant building facade on both the street frontage and common driveways. </p>	<p> No break up in material. Driveway single carriage width with manoeuvring areas. Gates provided. Not basement parking. Parking located within site – not visible from street. Under 8m. 2 storeys. Low density character – multi dwellings permissible. 6m front setback – consistent with control. 4m wide driveway – does not exceeds 25% of site frontage. Garages behind building façade. </p>	<p> Yes Yes N/a Yes Yes Yes Yes Yes Yes </p>

ITEM 3 (continued)

ATTACHMENT 1

Control	Assessment	Complies
<p>walls built to these setbacks.</p> <p>Trees, landscaping and deep soil zones:</p> <ul style="list-style-type: none"> - Use vegetation and mature planting to provide a buffer between new and existing dwellings. - Locate deep soil zones where they will provide privacy between new and existing dwellings. - Planting in side and rear setbacks can provide privacy and shade for adjacent dwellings. - For new planting, if possible, use species that are characteristic of the local area. <p>Residential amenity</p> <ul style="list-style-type: none"> - Protect sun access and ventilation to living areas and private open space of neighbouring dwellings by ensuring adequate building separation. - Design dwellings so that they do not directly overlook neighbours' private open space or look into existing dwellings. - When providing new private open space minimise negative impacts on neighbours, for example by: <ul style="list-style-type: none"> • locating it in front setbacks where possible • ensuring that it is not adjacent to quiet neighbouring uses, for example bedrooms • designing dwellings around internal courtyards • providing adequate screening. - Where side setbacks are not 	<p>Planting/landscaping provided.</p> <p>Deep soil zones provided.</p> <p>Planting provided.</p> <p>Can be conditioned. Condition 8.</p> <p>Minimum 5 m building separation between the 2 rows of dwelling. Setbacks in accordance with Council's controls – 1.5m m for 2 storey dwellings.</p> <p>First floor bedroom windows overlook into adjoining north-east property's private open space – however as they are low use areas, not considered to pose overlooking concerns. Conditions 4 & 5 to be obscure glass or high light windows to minimise potential overlooking.</p> <p>Located in front & rear of dwellings, where side POS is provided, adjacent to driveway.</p> <p>Courtyards at side & rear.</p> <p>Screening/planting provided.</p> <p>Side setback with planting/vegetation except for rear dwellings, however no</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>Yes</p> <p>Yes</p>

ITEM 3 (continued)		ATTACHMENT 1
Control	Assessment	Complies
<p>large enough to provide useable private open space, use them to achieve privacy and soften the visual impact of new development by planting screen vegetation.</p> <p>Parking, garaging and vehicular circulation:</p> <ul style="list-style-type: none"> - Provide planting and trees between driveways and side fences to screen noise and reduce visual impacts. - Position driveways so as to be a buffer between new and existing adjacent dwellings. <p>SEPP Controls In zones where residential flat buildings are not permitted, development on the rear 25% of the site must not exceed one storey — Cl. 38(4)(c).</p> <p>Rules of Thumb</p> <ul style="list-style-type: none"> - Where side setbacks are less than 1.2m, a maximum of 50% of the development should be built to this alignment. - The length of unrelieved walls along narrow side or rear setbacks should not exceed 8 metres. - Living rooms of neighbouring dwellings should receive a minimum 3 hours direct sunlight between 9.00-3.00 in mid-winter neighbouring dwellings. - Solar access to the private open space of neighbouring dwellings should not be unreasonably reduced. 	<p>impact as it is propose to cut in at this level, so FFL below natural grade – no overlooking impact.</p> <p>Landscaping provided between driveway and dwellings and landscaping along side boundaries.</p> <p>1.5m side setback for two storey dwellings. 900mm to 1.2m for single storey dwellings.</p> <p>No unrelieved walls along narrow side setback longer than 8m.</p> <p>Adjoining north-west property – 38 Shepherd Street - minimal impact. South-east property – 42 & 42A Shepherd will received mid day sun & afternoon sun. Rear properties 29-33 Addington Ave will have minimal impact.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>
5. Internal Site Amenity		
<p>Built form:</p> <ul style="list-style-type: none"> - Design dwellings to maximise solar access to living areas and private open spaces. 	<p>Dwellings along the northern side have their living area orientated north to maximise solar access.</p>	<p>Yes</p>

ITEM 3 (continued)

ATTACHMENT 1

Control	Assessment	Complies
<p>- In villa or townhouse style developments, provide dwellings with a sense of individual identity through building articulation, roof form and other architectural elements, and through the use of planting and building separation:</p> <ul style="list-style-type: none"> • provide buffer spaces and/or barriers between the dwellings and driveways, or between dwellings and communal areas • use trees, vegetation, fencings, or screening devices to establish curtilages for individual dwellings. <p>- Design dwelling entries so that they:</p> <ul style="list-style-type: none"> • are clear and identifiable from the street or driveway • provide a buffer between public/communal space and private dwellings • provide a sense of address for each dwelling • are oriented to not look directly into other dwellings. <p>Parking, garaging and vehicular circulation:</p> <p>- Locate habitable rooms, particularly bedrooms, away from driveways, parking areas and pedestrian paths:</p> <ul style="list-style-type: none"> • where this is not possible use physical separation, planting, screening devices or louvres to achieve adequate privacy. <p>- Avoid large uninterrupted areas of hard surface (driveways, garages, walls). Small areas of planting can break these up and soften</p>	<p>Each dwelling has a sense of identity.</p> <p>Landscaping strip provided between dwellings and driveway.</p> <p>Front dwellings entrances are clear and identifiable.</p> <p>Buffer provided.</p> <p>The two rows of dwelling do not look directly into each other.</p> <p>Bedrooms that are located adjacent to driveway do not have windows adjacent to driveway. Landscaping strip provided between driveway and dwellings.</p> <p>Long driveway – however areas of planting provided to break up and soften the appearance.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>No – acceptable</p> <p>Yes</p>

ITEM 3 (continued)

ATTACHMENT 1

Control	Assessment	Complies
<p>their 'hard edge' appearance.</p> <ul style="list-style-type: none"> - Screen parking from views and outlooks from dwellings. - Reduce the dominance of areas for vehicular circulation and parking by considering: <ul style="list-style-type: none"> • single rather than double width driveways with passing bays • communal car courts rather than individual garages • single rather than double garages • tandem parking or a single garage with single car port in tandem • the provision of some dwellings without any car parking for residents without cars. <p>Residential amenity</p> <ul style="list-style-type: none"> - Provide distinct and separate pedestrian and vehicular circulation on the site: <ul style="list-style-type: none"> • where this is not possible shared driveway/pedestrian paths should be wide enough to allow a vehicle and a wheelchair to pass safely . • provide pedestrian routes to all public and semi-public areas including lobbies, dwelling entries, communal facilities and visitor parking spaces. - Ensure that adequate consideration is given to safety and security by: <ul style="list-style-type: none"> • avoiding ambiguous spaces in building and dwelling entries that are not obviously designated as public or private • minimising opportunities for concealment by avoiding 	<p>Single driveway width with passing area in front of garages.</p> <p>Individual garages – only six dwellings.</p> <p>Double garages for three of the dwellings. Single garages for three of the dwellings.</p> <p>All dwellings with at least one car space.</p> <p>Shared driveway and pedestrian – however majority of driveway is wide enough to allow wheelchair pass safely – (two small sections, each of approximately 9m in length is not wide enough) – however the proposal complies with the access requirement under the SEPP provision.</p> <p>No communal facilities.</p> <p>N/a</p>	<p>Yes</p> <p>No</p> <p>No</p> <p>No</p> <p>No</p> <p>No</p> <p>N/a</p> <p>N/a</p>

ITEM 3 (continued)

ATTACHMENT 1

Control	Assessment	Complies
<p>blind or dark spaces between buildings, near lifts and foyers and at the entrance to or within indoor car parks</p> <ul style="list-style-type: none"> clearly defining thresholds between public and private spaces (for example by level change, change in materials, fencing, planting and/or signage). <p>- Provide private open space that:</p> <ul style="list-style-type: none"> is generous in proportion and adjacent to the main living areas of the dwelling (living room, dining room or kitchen) is oriented predominantly north, east or west to provide solar access comprises multiple spaces for larger dwellings uses screening for privacy but also allows casual surveillance when located adjacent to public or communal areas (including streets and driveways) provides both paved and planted areas when located at ground level retains existing vegetation where practical uses pervious pavers where private open space is predominantly hard surfaced, to allow for water percolation and reduced runoff. <p>- Provide communal open space that:</p> <ul style="list-style-type: none"> is clearly and easily accessible to all residents and easy to maintain incorporates existing 	<p>N/a – no lift or communal entrance.</p> <p>No public spaces.</p> <p>Courtyard area adjacent to family and kitchen area.</p> <p>Four of the dwellings POS is orientated north/west.</p> <p>N/a.</p> <p>Dwellings have living room windows/first floor balconies facing street.</p> <p>POS paved and grassed.</p> <p>Removal of insignificant trees.</p> <p>Predominantly grass.</p> <p>No communal open space.</p> <p>Existing trees to be removed</p>	<p>N/a</p> <p>N/a</p> <p>Yes</p> <p>Yes</p> <p>N/a</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>N/a</p>

ITEM 3 (continued)		ATTACHMENT 1
Control	Assessment	Complies
<p>mature trees and vegetation to provide additional amenity for all residents</p> <ul style="list-style-type: none"> • includes shared facilities such as seating areas and barbecues to permit resident interaction. • Site and/or treat common service facilities such as garbage collection areas and switchboard to reduce their visual prominence to the street or to any private or communal open space. <p>SEPP Controls Development cannot be refused if:</p> <ul style="list-style-type: none"> • living rooms and private open spaces for a minimum of 70% of dwellings receive a minimum of 3 hours direct sunlight between 9am and 3pm in mid-winter Cl. 8 1(e) • private open space is not less than 15 square metres and minimum dimension 3 metres for ground floor dwellings; 10 square metres and minimum dimension 2 metres for other dwellings; or 6square metres and minimum dimension 2 metres for other dwellings with only one bedroom — Cl. 81(f) <p>Rules of Thumb - Separation of 1.2 metres should be achieved between habitable rooms and driveway or car parks of other dwellings:</p> <ul style="list-style-type: none"> • this can be reduced if adequate screening is provided. 	<p>and new replacement planting provided.</p> <p>None proposed.</p> <p>No common service facilities proposed.</p> <p>All of the dwellings will receive the required sunlight.</p> <p>Complies.</p> <p>Dwelling 2 & 4 dining room windows will be adjacent to the driveway with 900mm garden bed to soften and screen the driveway.</p>	<p>N/a</p> <p>N/a</p> <p>N/a</p> <p>Yes</p> <p>Yes</p> <p>Yes – a 900mm garden bed/planting screen is proposed between the driveway and the dwellings</p>

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ATTACHMENT 1

Control	Assessment	Complies
		with good planting - is considered acceptable.

Note: Whilst there are areas of non compliances in the design of the development ie central driveway instead of a side driveway, individual garages instead of communal car parking area, use of same material for the driveway, no separate pedestrian pathway and upper storey not set into roof, these variations are considered acceptable as these design variations are guidelines only with the proposed development satisfying the development standards. Council has not generally required communal car parking area, side driveway or for the driveway to be of different material for multi dwelling developments and the proposal complies with accessibility with regards to pedestrian pathway. The proposal complies with all the development standards contained in the SEPP HS with minimal adverse impact to the adjoining properties in terms of overlooking, overshadowing and visual impact. Furthermore, the proposal complies with the SEPP controls and Rules of Thumb requirements contained in the guidelines with regards to height, density, landscaped area, solar access, private open space and parking.

ITEM 3 (continued)

ATTACHMENT 2

DRAFT CONDITIONS OF CONSENT

GENERAL

The following conditions of consent included in this Part identify the requirements, terms and limitations imposed on this development.

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

Document Description	Date	Plan No/Reference
Site Plan	5/04/12	Amendment A
Ground Floor Plan	5/04/12	Amendment A
First Floor Plan	5/04/12	Amendment A
Elevations	5/04/12	Amendment A
Elevations internal, Section AA	5/04/12	Amendment A
BASIX Commitments		
Elevations - internal	5/04/12	Amendment A
Landscape Plan	12/04/12	Dwg L101/1R16712 Rev A
Access Report	8/11/11	Accessibility Solutions
Waste Minimisation & Management Plan	16/10/11	
Arboricultural Impact Report	26/10/11	Landscape Matrix P/L

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 400648M, dated 23 October 2011.
4. **Privacy:** To protect the amenity to the adjoining properties, the first floor sitting area windows of Dwellings 1, 2, 3 & 4 are to be obscure glass to prevent any overlooking. Details of the amendments are to be noted on the **Construction Certificate**.
5. **Privacy:** To protect the amenity to the adjoining eastern property (38 Shepherd Street), the upper half of the ground floor living room window along the eastern elevation of Dwelling 4 is to be obscure glass. Details of the amendments are to be noted on the **Construction Certificate**.
6. **Restrictions on occupation of the development:** Only the kinds of people referred below may occupy any of the dwellings approved in this application.
 - (a) seniors or people who have a disability and
 - (b) people who live within the same household with seniors or people who have a disability.

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ATTACHMENT 2

Seniors is defined as any of the following:

- (a) people aged 55 or more years,
- (b) people who are resident at a facility at which residential care (within the meaning of the [Aged Care Act 1997](#) of the Commonwealth) is provided,
- (c) people who have been assessed as being eligible to occupy housing for aged persons provided by a social housing provider.

People with a disability are people of any age who have, either permanently or for an extended period, one or more impairments, limitations or activity restrictions that substantially affect their capacity to participate in everyday life.

7. **Standards for self- contained Dwellings:** The development is to comply with the standards set out in Schedule 3 of the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004. Details of which to be submitted and approved by the Principal Certifying Authority prior to the release of the **Construction Certificate**.

8. **Landscaping Plan:** The Landscaping Plan is to include species that are characteristic of the Ryde area. A list of native plants within the Ryde area can be found on Council's website.

http://www.ryde.nsw.gov.au/_Documents/Environment/native_plant_ryde_district.pdf

9. **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.

Protection of Adjoining and Public Land

10. **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.

11. **Hoardings.**

- (a) A hoarding or fence must be erected between the work site and any adjoining public place.
- (b) Any hoarding, fence or awning erected pursuant this consent is to be removed when the work has been completed.

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ATTACHMENT 2

12. **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.
13. **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.

Works on Public Road

14. **Public Utilities.** Compliance with the requirements (including financial costs) of any relevant utility provider (e.g. Energy Australia, Sydney Water, Telstra, RTA, Council etc) in relation to any connections, works, repairs, relocation, replacements and/or adjustments to public infrastructure or services affected by the development.
15. **Alignment Levels.** The applicant is to apply to Council, pay the required fee, and have issued site specific alignment levels by Council prior to the issue of the **Construction Certificate.**
16. **Design and Construction Standards.** All engineering plans and work shall be carried out in accordance with the requirements as outlined within Council's publication *Environmental Standards Development Criteria 1999 and City of Ryde Development Control Plan 2010 Section 8* except as amended by other conditions.
17. **Service Alterations.** All mains, services, poles, etc., which require alteration shall be altered at the applicant's expense.
18. **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.
19. **Road Opening Permit.** The applicant shall apply for a road-opening permit where a new pipeline is proposed to be constructed within or across the footpath. Additional road opening permits and fees may be necessary where there are connections to public utility services (e.g. telephone, electricity, sewer, water or gas) are required within the road reserve. No drainage work shall be carried out on the footpath without this permit being paid and a copy kept on the site.

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ATTACHMENT 2

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.

20. **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.
21. **Compliance with Australian Standards.** All demolition work is to be carried out in accordance with the requirements of the relevant Australian Standard(s).
22. **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.
23. **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.
24. **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 docket must be retained by the person performing the work for at least 3 years and be submitted to Council on request.
25. **Waste management plan.** Demolition material must be managed in accordance with the approved waste management plan.

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ATTACHMENT 2

26. **Disposal of demolition waste.** All demolition waste must be transported to a facility or place that can lawfully be used as a waste facility for those wastes.

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.

27. **Section 94.** A monetary contribution for the services in Column A and for the amount in Column B shall be made to Council prior to the issue of any **Construction Certificate:**

A – Contribution Type	B – Contribution Amount
Community & Cultural Facilities	\$15,277.39
Open Space & Recreation Facilities	\$37,609.75
Civic & Urban Improvements	\$12,791.72
Roads & Traffic Management Facilities	\$1,744.80
Cycleways	\$1,089.90
Stormwater Management Facilities	\$3,463.99
Plan Administration	\$293.87
The total contribution is	\$72,271.42

These are contributions under the provisions of Section 94 of the Environmental Planning and Assessment Act, 1979 as specified in Section 94 Development Contributions Plan 2007 (2010 Amendment) adopted by City of Ryde on 16 March 2011.

The above amounts are current at the date of this consent, and are subject to **quarterly** adjustment for inflation on the basis of the contribution rates that are applicable at time of payment. Such adjustment for inflation is by reference to the Consumer Price Index published by the Australian Bureau of Statistics (Catalogue No 5206.0) – and may result in contribution amounts that differ from those shown above.

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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>.

28. **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**.
29. **Disabled Access:** The development is required to comply with the requirements of the Australian Standards AS1428 *Design for Access and Mobility*, AS 4299 *Adaptable Housing* and Building Code of Australia. Details demonstrating compliance with these Standards and BCA are to be submitted to the Principal Certifying Authority prior to the issue of the **Construction Certificate**.
30. **Security deposit:** The Council must be provided with security for the purposes of section 80A(6) of the *Environmental Planning and Assessment Act 1979* in a sum determined by reference to Council's Management Plan prior to the release of the **Construction Certificate**. (category: dwelling houses with no delivery of bricks or concrete or machine excavation)
31. **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
32. **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**.
33. **Road opening permit – certification:** The Council must be provided with evidence that there has been compliance with all matters that are required by the Road Opening Permit issued by Council as required under section 139 of the Roads Act 1993 to be complied with prior to issue of the **Construction Certificate**.
34. **Reflectivity of materials:** Roofing and other external materials must be of low glare and reflectivity. Details of finished external surface materials, including colours and texture must be provided to the Principal Certifying Authority prior to the release of the **Construction Certificate**.
35. **Fencing:** Fencing is to be in accordance with Council's Development Control Plan and details of compliance are to be provided in the plans for the **Construction Certificate**.

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36. **Lighting of common areas (driveways etc):** Details of lighting for internal driveways, visitor parking areas and the street frontage shall be submitted for approval prior to issue of the **Construction Certificate**. The lights should be projected outwards towards pathways and gates, not towards windows and doors and is not to cause nuisance to the owners or occupiers of adjacent/adjoining premises or to motorists on adjoining or nearby roads. Details of lighting for internal driveways and parking areas shall be submitted for approval prior to issue of the **Construction Certificate**. The details to include certification from an appropriately qualified person that there will be no offensive glare onto adjoining residents.
37. **Council Inspections:** A Council engineer must inspect the stormwater connection to the Council stormwater pit on the street. Council shall be notified when the collar connection has been made to the pipe and an inspection must be made **before** the property service line is connected to the collar. The property service line must not be connected directly to Council's pipeline. The inspection fees shall be paid to Council prior to the issue of the Construction Certificate
38. **Boundary Levels:** The levels of the street alignment shall be obtained from Council. These levels shall be incorporated into the design of the internal driveway, carparking areas, landscaping and stormwater drainage plans and must be obtained prior to the issue of the construction certificate.
39. **Driveway Grades:** The maximum grade of all internal driveways and vehicular ramps shall be 1 in 4 and in accordance with the relevant section of AS 2890.1. The maximum change of grade permitted is 1 in 8 (12.5%) for summit grade changes and 1 in 6.7 (15%) for sag grade changes. Any transition grades shall have a minimum length of 2.0m. The driveway design is to incorporate Council's issued footpath and gutter crossing levels where they are required as a condition of consent. A driveway plan, longitudinal section from the centreline of the public road to the garage floor, and any necessary cross-sections clearly demonstrating that the driveway complies with the above details, and that vehicles may safely manoeuvre within the site without scraping shall be submitted with the Construction Certificate application.
40. **Relocation Of Existing Stormwater Pit.** To facilitate satisfactory access to the site, the existing stormwater pit adjoining the proposed driveway shall be relocated minimum 1.0m from the driveway. The pit shall be constructed similar to the existing with minimum 1.83 lintel and a bicycle friendly grate which should conform to weldlock GG78.51 and as per Council's standard kerb inlet pit Drawing COR-DS21. The construction work shall be carried out by an approved licensed contractor and shall be at no cost to Council.
41. **Plans for Relocation of Stormwater Pit.** The plans for the relocation of existing stormwater pit shall be submitted to the Council for approval prior to issue of a Construction Certificate for the building. The plans shall include the locations of all utility services nearby and distances to proposed work. **The inspections shall be carried out by Council's engineer. Design approval fees and inspection fees shall be paid to Council in accordance with fess & charges**

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in Council's Management Plan, prior to written approval being granted by Council. The applicant shall contact Council's Public Works Department(02-99528130) prior to commencement of works on the road reserve.

42. **Finished floor Levels:** The rear yards of unit 3, 4, 5 &6 shall be lowered to provide 150mm freeboard to the habitable areas. Ramps as required shall be provided for disable access. All architectural/landscape plans and drainage plans shall be amended prior to release of a Construction certificate.
43. **On-Site Stormwater Detention:** Stormwater runoff from all impervious areas shall be collected and piped by gravity flow to Shepherd Street via rainwater tanks and on-site detention system in accordance with BASIX and City of Ryde, Development Control Plan 2010: - Part 8.2; Stormwater Management.

Accordingly, the volume of the OSD tank shall be increased to have a minimum storage and PSD of 33.6m³ and 32 L/S respectively with minimum internal depth of 600mm and all gutters, downpipes and pipeline conveying runoff to the OSD tank are to be designed for the 1 in 100 year, 5 minute duration storm.

Amended engineering plans including certification indicating compliance with this condition are to be submitted with the construction certificate application

44. **Water Tank First Flush:** A first flush mechanism is to be designed and constructed with the water tank system. Details of the first flush system are to be submitted with the construction certificate application.
45. **Erosion and Sediment Control Plan:** An *Erosion and Sediment Control Plan (ESCP)* shall be prepared by a suitably qualified consultant in accordance with the guidelines set out in the manual "*Managing Urban Stormwater, Soils and Construction*" prepared by the Landcom. These devices shall be maintained during the construction works and replaced where considered necessary.

The following details are to be included in drawings accompanying the *Erosion and Sediment Control Plan*

- (a) Existing and final contours
- (b) The location of all earthworks, including roads, areas of cut and fill
- (c) Location of all impervious areas
- (d) **Location and design criteria of erosion and sediment control structures,**
- (e) Location and description of existing vegetation
- (f) Site access point/s and means of limiting material leaving the site
- (g) Location of proposed vegetated buffer strips
- (h) Location of critical areas (drainage lines, water bodies and unstable slopes)
- (i) Location of stockpiles
- (j) Means of diversion of uncontaminated upper catchment around disturbed areas

ITEM 3 (continued)

ATTACHMENT 2

- (k) Procedures for maintenance of erosion and sediment controls
- (l) Details for any staging of works
- (m) Details and procedures for dust control.

46. **Sediment and Erosion Control:** The applicant shall install appropriate sediment control devices in accordance with an approved plan **prior** to any earthworks being carried out on the site. These devices shall be maintained during the construction period and replaced where considered necessary. Suitable erosion control management procedures shall be practiced. This condition is imposed in order to protect downstream properties, Council's drainage system and natural watercourses from sediment build-up transferred by stormwater runoff from the site.
47. **Compliance Certificate:** A Compliance Certificate should be obtained confirming that the constructed erosion and sediment control measures comply with the construction plan and City of Ryde, Development Control Plan 2010: - Part 8.1; Construction Activities
48. **Vehicle Footpath Crossings:** Concrete footpath crossings shall be constructed at all locations where vehicles cross the footpath, to protect it from damage resulting from the vehicle traffic. The location, design and construction shall conform to the requirements of Council. Crossings are to be constructed in plain reinforced concrete and finished levels shall conform with property alignment levels issued by Council's Public Works Division. Kerbs shall not be returned to the alignment line. Bridge and pipe crossings will not be permitted.

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.

49. **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.

ITEM 3 (continued)

ATTACHMENT 2

50. Residential building work – insurance: In the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.

51. 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:
 - (i) the name and licence number of the principal contractor; and
 - (ii) 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:
 - (i) the name of the owner-builder; and
 - (ii) 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).

52. 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.

53. 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.

ITEM 3 (continued)

ATTACHMENT 2

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.

54. **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*.
55. **Noise and vibration:** The construction of the development and preparation of the site, including operation of vehicles, must be conducted so as to avoid unreasonable noise or vibration and not cause interference to adjoining or nearby occupations.
56. **Construction noise:** The L₁₀ noise level measured for a period of not less than 15 minutes while demolition and construction work is in progress must not exceed the background noise level by more than 20 dB(A) at the nearest affected residential premises.
57. **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.
58. **Sediment/dust control:** No sediment, dust, soil or similar material shall leave the site during construction work.
59. **Use of fill/excavated material:** Excavated material must not be reused on the property except as follows:
 - (a) Fill is allowed under this consent;
 - (b) The material constitutes Virgin Excavated Natural Material as defined in the *Protection of the Environment Operations Act 1997*;
 - (c) the material is reused only to the extent that fill is allowed by the consent.
60. **Construction materials:** All materials associated with construction must be retained within the site.
61. **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.

ITEM 3 (continued)

ATTACHMENT 2

62. Site maintenance:

The applicant must ensure that:

- (d) approved sediment and erosion control measures are installed and maintained during the construction period;
- (e) building materials and equipment are stored wholly within the work site unless an approval to store them elsewhere is held;
- (f) the site is clear of waste and debris at the completion of the works.

63. 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".

64. Tree protection – no unauthorised removal: This consent does not authorise the removal of trees unless specifically permitted by a condition of this consent or otherwise necessary as a result of construction works approved by this consent.

65. Drop-edge beams: Perimeters of slabs are not to be visible and are to have face brickwork from the natural ground level.

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.

66. BASIX: The submission of documentary evidence of compliance with all commitments listed in BASIX Certificate(s) numbered 400648M, dated 23 October 2011.

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

ITEM 3 (continued)

ATTACHMENT 2

68. **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 the **Occupation Certificate**.

69. **Sydney Water – Section 73:** A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation. Application must be made through an authorised Water Servicing Co-ordinator. Please refer to the Building Developing and Plumbing section of the web site www.sydneywater.com.au then refer to “Water Servicing Coordinator” under “Developing Your Land” or telephone 13 20 92 for assistance.

Following application a “Notice of Requirements” will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Co-ordinator, since building of water/sewer infrastructure can be time consuming and may impact on other services and building, driveway or landscape design.

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

70. **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.

71. **Registration of Restriction to User:** Written evidence to be submitted to Council prior to the issue of any Interim/Final Occupation Certificate showing that the Restriction to User (Restricting the kind of persons that may occupy any of the dwellings approved in this application as per condition 6 of this consent) has been registered against the title of the property.

72. **Disused Gutter Crossing:** All disused gutter and footpath crossings shall be removed and the kerb and footpath reinstated to the satisfaction of Council.

73. **On-Site Stormwater Detention System - Marker Plate:** Each on-site detention system basin shall be indicated on the site by fixing a marker plate. This plate is to be of minimum size: 100mm x 75mm and is to be made from non-corrosive metal or 4mm thick laminated plastic. It is to be fixed in a prominent position to the nearest concrete or permanent surface or access grate. The wording on the marker plate is described in City of Ryde, Development Control Plan 2010: - Part 8.2; Stormwater Management. An approved plate may be purchased from Council's Customer Service Centre on presentation of a completed City of Ryde OSD certification form.

ITEM 3 (continued)

ATTACHMENT 2

74. **Work-as-Executed Plan:** A Work-as-Executed plan signed by a Registered Surveyor clearly showing the surveyor's name and the date, the stormwater drainage, including the on-site stormwater detention system if one has been constructed and finished ground levels **are to be submitted to the Principal Certifying Authority (PCA)** and to Ryde City Council if Council is not the nominated PCA.
75. **Drainage Construction:** The stormwater drainage on the site is to be constructed in accordance with plan the Construction Certificate version of Drawing No 038072011 issue B sheets 1 to 3 dated 8/4/12 prepared by ING Consulting Engineers Pty Ltd and as amended in red by Council.
76. **Compliance Certificates – Engineering:** Compliance Certificates should be obtained for the following (If Council is appointed the Principal Certifying Authority [PCA] then the appropriate inspection fee is to be paid to Council) and **submitted to the PCA:**
- Confirming that all vehicular footway and gutter (layback) crossings are constructed in accordance with the construction plan requirements and Ryde City Council's *Environmental Standards Development Criteria – 1999 section 4*.
 - Confirming that the driveway is constructed in accordance with the construction plan requirements and Ryde City Development Control Plan 2010: - Part 8.3; Driveways.
 - Confirming that the site drainage system (including the on-site detention storage system) servicing the development complies with the construction plan requirements and City of Ryde, Development Control Plan 2010: - Part 8.2; Stormwater Management
 - Confirmation from Council that all drainage works within road reserve and footpath reconstruction have been completed to the satisfaction of Council.
 - Confirming that after completion of all construction work and landscaping, all areas adjacent the site, the site drainage system (including the 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.
 - Confirming that the vehicular crossing has been removed and the kerb and gutter have been constructed in accordance with Council's *Environmental Standards Development Criteria -1999 section 4*
77. **Positive Covenant, OSD:** The creation of a Positive Covenant under Section 88 of the Conveyancing Act 1919, burdening the property with the requirement to maintain the stormwater detention system on the property. The terms of the instruments are to be generally in accordance with the Council's draft terms of Section 88E instrument for Maintenance of Stormwater Detention Systems and to the satisfaction of Council.

ITEM 3 (continued)**ATTACHMENT 2**

78. **Footpath Construction:** To facilitate safe pedestrian access to and from the site including to the bus stops at Bowden and Parkes Streets, the footpath along the entire frontage of the site to Shepherd Street shall be reconstructed to ensure a maximum 2% cross fall is achieved across the footpath. Additionally, all damaged and uplifted sections of the footpath connection from the site to the bus stop shall be reconstructed to ensure pedestrian trip hazard will be minimised. The locations identified as requiring reconstruction are outside 11, 15, 25 and 32 Shepherd Street, 45 Bowden Street and on Parkes Street at 1 Shepherd Street.

The above works shall be at the applicant's expense and completed to the satisfaction of Council prior to issue of any Occupation Certificate. The works shall include any other restoration works that may be required to make the construction effective.

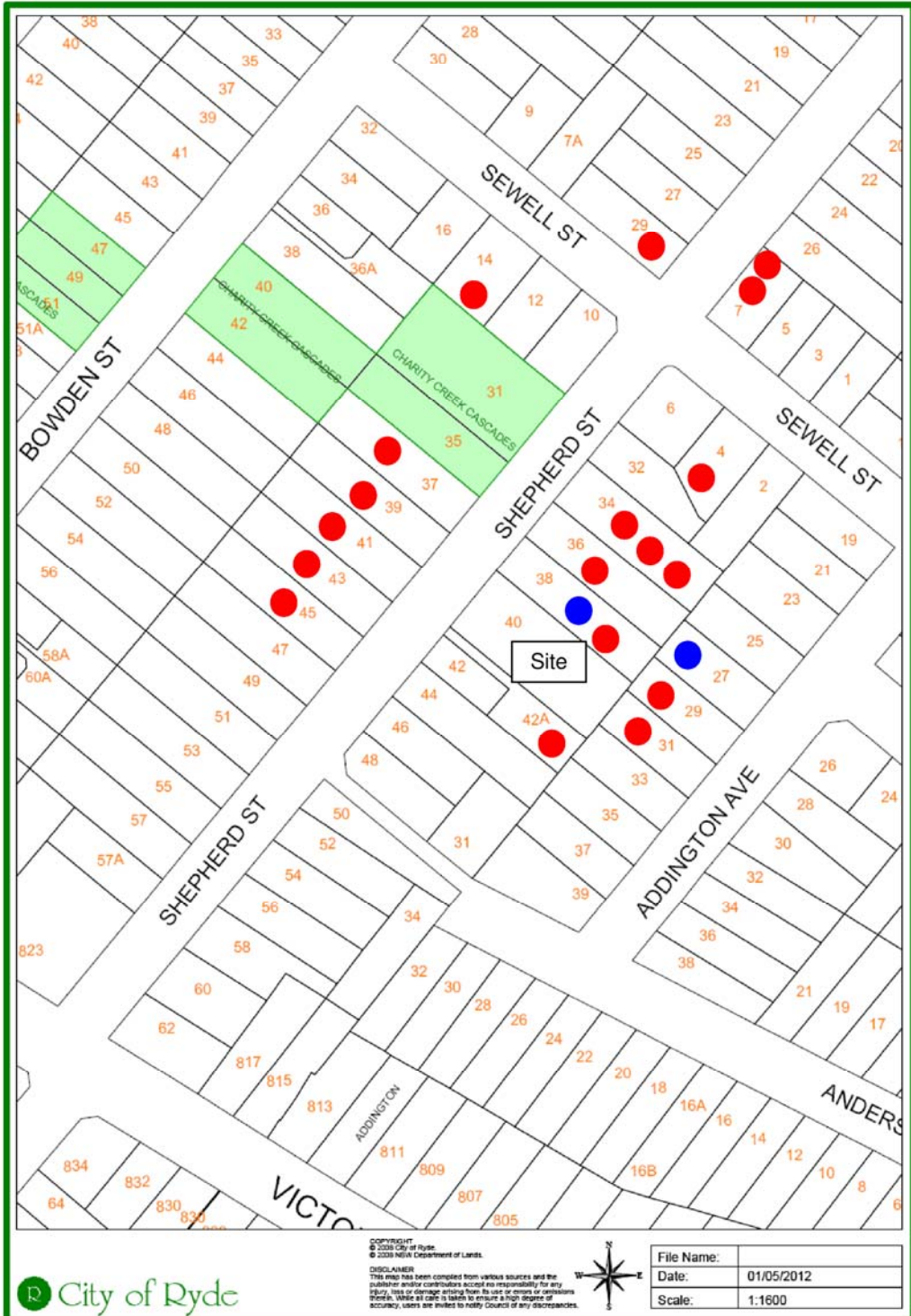
79 **Disabled Access:** Prior to the issue of any Occupation Certificate, a suitably qualified access consultant is to certify that the development complies with Australian Standard AS1428 *Design for Access and Mobility*, AS4299 *Adaptable Housing* and the Building Code of Australia.

End of Conditions

ITEM 3 (continued)

ATTACHMENT 3

- Indicates individual submissions received
- Indicates signed petition



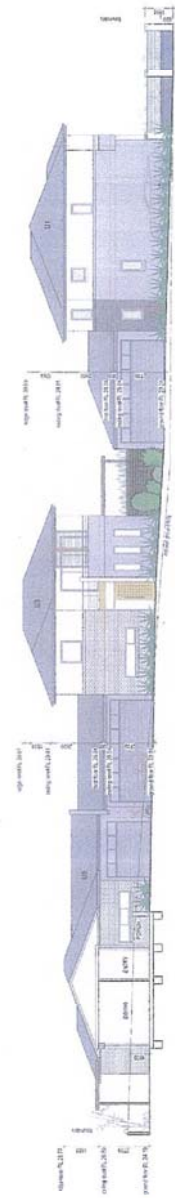
ITEM 3 (continued)

ATTACHMENT 4

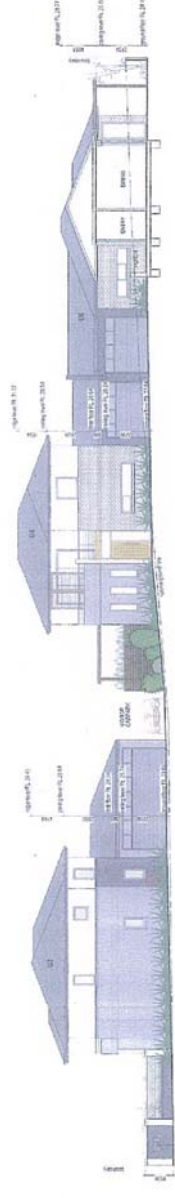
Y&Z DESIGN
Architectural & Planning
10/100 Ryde Road
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Fax: (02) 9371 1001
www.y&zdesign.com.au



SOUTHEAST ELEVATION 1:100



INTERNAL ELEVATION - A 1:100

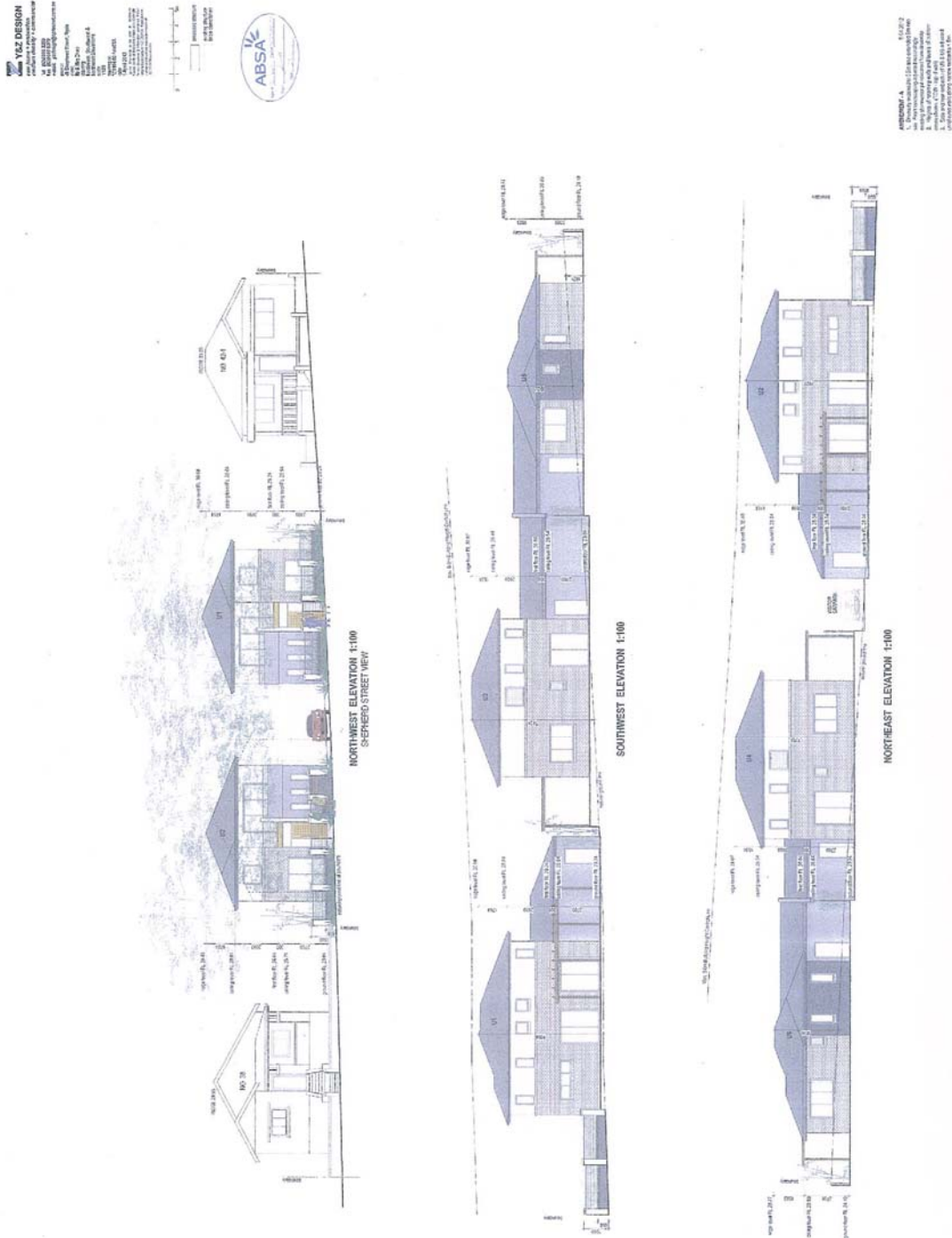


INTERNAL ELEVATION - B 1:100

NOTES
1. All dimensions are in millimetres unless otherwise stated.
2. All dimensions are to the face of the work unless otherwise stated.
3. All dimensions are to the centre of the work unless otherwise stated.
4. All dimensions are to the finished surface unless otherwise stated.

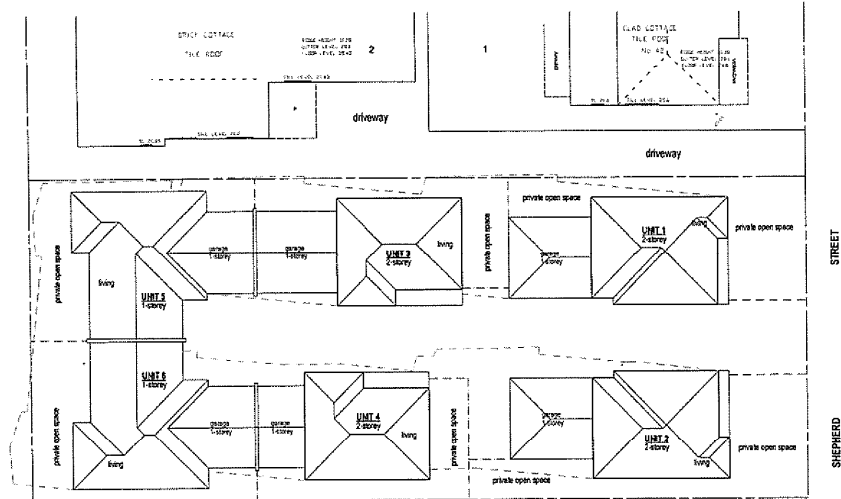
ITEM 3 (continued)

ATTACHMENT 4



ITEM 3 (continued)

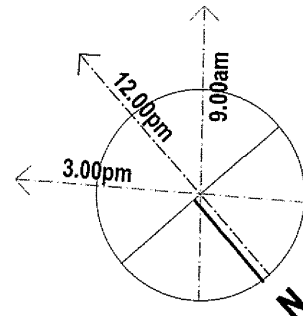
ATTACHMENT 4



SHADOW DIAGRAMS ON 21 JUNE 1:200 - at 3:00pm

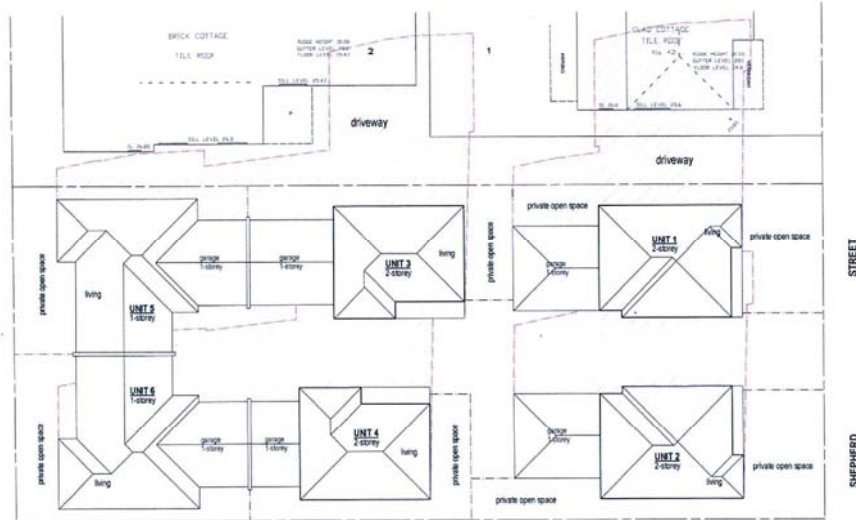
DIRECT SUNLIGHT BETWEEN 9:00am - 3:00pm

U1 - LIVING ROOM	6hours
PRIVATE OPEN SPACE	6hours
U2 - LIVING ROOM	6hours
PRIVATE OPEN SPACE	6hours
U3 - LIVING ROOM	6hours
PRIVATE OPEN SPACE	>3hours
U4 - LIVING ROOM	6hours
PRIVATE OPEN SPACE	>3hours
U5 - LIVING ROOM	<3hours
PRIVATE OPEN SPACE	>3hours
U6 - LIVING ROOM	6hours
PRIVATE OPEN SPACE	>3hours
No42-1 - LIVING ROOM	>3hours
PRIVATE OPEN SPACE	6hours (not affected)
No42-2 - LIVING ROOM	6hours (not affected)
PRIVATE OPEN SPACE	6hours (not affected)

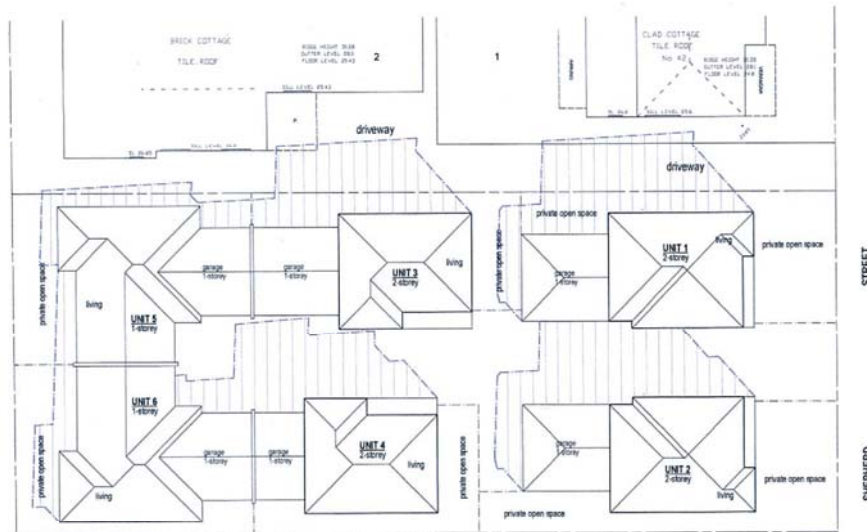


ITEM 3 (continued)

ATTACHMENT 4



SHADOW DIAGRAMS ON 21 JUNE 1:200 - at 9:00am



SHADOW DIAGRAMS ON 21 JUNE 1:200 - at 12:00pm