

Meeting Date: Tuesday 19 June 2012
Location: Committee Room 2, Level 5, Civic Centre, 1 Devlin Street, Ryde
Time: 4.00pm

NOTICE OF BUSINESS

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1 CONFIRMATION OF MINUTES - Meeting held on 5 June 2012

Report prepared by: Meeting Support Coordinator**Report dated:** 21/05/2012**File No.:** CLM/12/1/3/2 - BP12/612

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 7/12, held on Tuesday 5 June 2012, be confirmed.

ATTACHMENTS

- 1 Minutes - Planning and Environment Committee - 5 June 2012

ITEM 1 (continued)

ATTACHMENT 1

Planning and Environment Committee
MINUTES OF MEETING NO. 7/12

Meeting Date: Tuesday 5 June 2012
Location: Committee Room 2, Level 5, Civic Centre, 1 Devlin Street, Ryde
Time: 4.10pm

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

In the absence of Councillor Pickering, the Deputy Chairperson – Councillor Yedelian OAM chaired Items 1 and 2 of the meeting.

Councillor Pickering arrived at 4.25pm and was not present for consideration of Items 1 and 2.

Apologies: Councillor Salvestro-Martin.

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

DISCLOSURES OF INTEREST

There were no disclosures of interest.

1 CONFIRMATION OF MINUTES - Meeting held on 15 May 2012

Note: Councillor Pickering was not present for consideration of this Item.

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

That the Minutes of the Planning and Environment Committee 6/12, held on Tuesday 15 May 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.

ITEM 1 (continued)

ATTACHMENT 1

2 252 MORRISON ROAD, PUTNEY. LOT 97 DP 8902. Local Development Application for demolition, construction of new dual occupancy (attached). LDA2012/0069.

Note: Councillor Pickering was not present for consideration of this Item.

RECOMMENDATION: (Moved by Councillors Butterworth and O'Donnell)

That consideration of Local Development Application No. 2012/69 at No. 252 Morrison Road, Putney being LOT 97 DP 8902 be deferred to the next available Planning and Environment Committee Meeting for a site inspection to be undertaken and to enable the objectors to attend and address the meeting in respect of this matter.

Record of Voting:

For the Motion: Unanimous

Note: This matter will be dealt with at the Council Meeting to be held on **12 JUNE 2012** as substantive changes were made to the published recommendation.

3 2-4 PORTER STREET AND 80 BELMORE STREET, RYDE. LOT 1 DP 776768 & LOT 12 DP 4481. Section 96(1A) Application to amend the development consent 2010/0331 for a mixed use development. MOD2011/0185.

Note: Mr Peter Brooks (Architect on behalf of the applicant) was available to answer questions in relation to this Item.

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

(a) That the Section 96 application to modify Local Development Application No. MOD2011/0185 at 2 Porter Street, Ryde being LOT 1 DP 776768 be approved subject to the acceptance of the Deed made by Ryde Developments Pty Limited at the meeting in which Council adopts the recommendation of the Planning and Environment Committee meeting dated 5 June 2012 and conditions 1, 2, 5 and 133 being amended to read as follows:

1. **Approved Plans** - Development is to be carried out in accordance with the following plans and supporting documentation as submitted to Council, except where amended by these conditions of consent:

Document	Author	Date and Revision
Site Plan	Brooks Projects Architects	Sk1g dated 28/11/11
Basement Plans	Brooks Projects Architects	Sk2i dated 25/10/11

ITEM 1 (continued)
ATTACHMENT 1

Building A Porter Street Level 1	Brooks Projects Architects	Sk3k dated 13/12/11
Building A Porter Street levels 2 and 3	Brooks Projects Architects	Sk4h dated 25/10/11
Building A porter Street Levels 4 and 5	Brooks Projects Architects	Sk5h dated 25/10/11
Building A Porter Street Level 6	Brooks Projects Architects	Sk6g dated 17/9/10
Building B Belmore Street Level 1	Brooks Projects Architects	Sk7i dated 12/12/11
Building B Belmore Street Levels 2-5	Brooks Projects Architects	Sk8f dated 5/5/10
Building B Belmore Street Level 6	Brooks Projects Architects	Sk9g dated 8/9/10
Elevations	Brooks Projects Architects	Sk10h dated 25/10/11
Sections	Brooks Projects Architects	Sk11f dated 15/3/10
Belmore Street elevations	Brooks Projects Architects	Sk12f dated 28/6/10
Section through unit terraces	Brooks Projects Architects	Sk14 dated 21/10/10
Section through walkway	Brooks Projects Architects	Sk13 dated 21/10/10
Landscape plan	Jocelyn Ramsay and Associates Pty Ltd	10-008/R May 05

- 2a. Voluntary Planning Agreement** - Pursuant to Section 80A(1) of the Environmental Planning and Assessment Act 1979, the Voluntary Planning Agreement between the City of Ryde and Hayes (Holdings) Pty Limited that relates to the development application the subject of this consent, must be registered on the title of the property prior to the lodgement of any application for a certificate under section 109C of the Environmental Planning and Assessment Act 1979.
- 2b. Deed.** Pursuant to Section 80A(1) of the Environmental Planning and Assessment Act 1979, the Deed between the City of Ryde and Ryde Developments Pty Ltd that relates to the Section 96 Application MOD2011/0185, must be registered on the title of the property prior to the lodgement of any application for a certificate under section 109C of the Environmental Planning and Assessment Act 1979.
- 5. Compliance with BASIX** - The development is to be carried out in compliance with BASIX Certificate No. 421488M dated 28 April 2012.
- 133. Allocation of Car Parking** - Car parking is to be provided in accordance with the following:
- 88 resident spaces (Note: for the purposes of car parking, the home/office units have been assessed as residential).
 - 17 residential visitor spaces
 - 5 commercial spaces

ITEM 1 (continued)

ATTACHMENT 1

- The remaining 4 car parking spaces are to be allocated to the home/offices units on the ground floor.
- (b) That Council enter into the Deed made by Ryde Developments Pty Limited as part of the Section 96 Application MOD2011/0185 to Development Consent 2010/331 at 2-4 Porter Street and 80 Belmore Street, Ryde.
- (c) That the persons who made submissions be advised of Council's decision.
- (d) That the letters of objection in respect of Porter Street be referred to Ryde's Traffic Committee for review.

Record of Voting:

For the Motion: Councillors Pickering, O'Donnell and Yedelian OAM

Against the Motion: Councillor Butterworth

Note: This matter will be dealt with at the Council Meeting to be held on **12 JUNE 2012** as dissenting votes were recorded.

The meeting closed at 4.50pm.

CONFIRMED THIS 19TH DAY OF JUNE 2012.

Chairperson

2 252 MORRISON ROAD, PUTNEY. LOT 97 DP 8902. Local Development Application for demolition, construction of new dual occupancy (attached). LDA2012/0069

INSPECTION: 4.20pm

INTERVIEW: 5.00pm

Report prepared by: Town Planner; Team Leader - Assessment

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

Report dated: 18/05/2012

File Number: GRP/12/5/5/3 - BP12/605

1. Report Summary

Applicant: Quektrum Pty Ltd.

Owner: Quektrum Pty Ltd.

Date lodged: 1 March 2012.

This report considers a proposal to demolish the existing structures on site and construct a new two storey dual occupancy development (attached).

The proposal fully complies with Part 3.3 of Council's Development Control Plan 2010 (Dwelling Houses and Dual Occupancy (Attached)).

The proposal was notified to neighbours in accordance with Part 2.1 of Council's Development Control Plan 2010 (Notification of Development Applications) and two submissions were received from the owners of No. 256 Morrison Road, the site directly adjacent to the subject site to the northwest. The main issues of concern raised were that the proposal will cause significant elimination of daylight and sunlight to the dwelling at No. 256 Morrison Road, will impact on privacy, impacts arising from the lack of a boundary retaining wall and the impacts of the proposed tree at the front boundary adjacent to the dwelling at No. 256 Morrison Road.

The objector's concerns regarding overshadowing from the development are not considered to be valid. The subject site is to the south of the objector's property and therefore the development has no overshadowing impact on the objector's property between 9am and 3pm mid-winter. All the shadows from the development will fall either on the subject site or onto Douglas Street to the southeast.

In making amendments to the original proposal, the applicant has been mindful of the impact of the development on the dwelling at No. 256 Morrison Road and has provided appropriate setbacks, building articulation and windows with external shutters and frosted highlight windows to the side of the dwelling adjacent to No. 256 Morrison Road in order to preserve privacy. Also, the applicant has responded to concerns about retaining walls by setting these back 500mm from the boundary.

The proposal is recommended for approval.

ITEM 2 (continued)

Reason for Referral to Planning and Environment Committee: Requested by Councillor Maggio and Councillor Petch.

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

(**One submission** was received as part of the original notification of the application and **one submission** was received from the original objector following re-notification of the amended plans).

SEPP 1 (or clause 4.6 RLEP 2010) objection required? Not required.

Value of works? \$600,000

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. 2012/69 at No. 252 Morrison Road, Putney being LOT 97 DP 8902 be approved subject to the **ATTACHED** conditions (Attachment 1).
- (b) That the persons who made submissions be advised of Council's decision.

ATTACHMENTS

- 1 Proposed Conditions
- 2 Map
- 3 A4 Plans
- 4 A3 Plans - subject to copyright provisions - **CIRCULATED UNDER SEPARATE COVER**

Report Prepared By:

Mary Zeaiter
Town Planner

Chris Young
Team Leader - Assessment

Report Approved By:

Liz Coad
Manager Assessment

Dominic Johnson
Group Manager - Environment & Planning

ITEM 2 (continued)**2. Site** (Refer to attached map.)

- Address** : 252 Morrison Road, Putney
- Site Area** : Land Size: 682.9m²
Frontage to Morrison Road: 11.445 metres
Frontage to Douglas Street: 45.6 metres
- Topography and Vegetation** : The topography of Morrison Road slopes from northwest to northeast. The site follows this slope with a gradient of approximately 4%.
- One tree is proposed to be removed as part of the development. An arborist's report submitted with the application describes the tree as *'a relatively small exotic tree that provides minimal habitat value and is not visually significant'*. The submitted Landscape Plan proposes replacement species in accordance with Council's controls.
- Existing Buildings** : Dwelling house and concrete slabs/pathways – to be demolished.
- Planning Controls Zoning** : R2 – Low Density Residential Zone pursuant to the Ryde Local Environmental Plan 2010
- Other** : Ryde Development Control Plan 2010

ITEM 2 (continued)



Figure 1: Locality Map.

ITEM 2 (continued)

3. Councillor Representations

Name of Councillor: Councillor Maggio

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

Date: 23 March 2012

Form of the representation (e.g. via email, meeting, phone call): Email

On behalf of applicant or objectors? Objector

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

Name of Councillor: Councillor Petch

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

Date: 23 March 2012

Form of the representation (e.g. via email, meeting, phone call): Telephone Call

On behalf of applicant or objectors? 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

The application proposes the demolition of the existing dwelling, concrete slabs and pathways on the site and construction of a new two storey dual occupancy development (attached) and 1.2m high front fencing to the Morrison Road and Douglas Street frontages. The front elevations showing the dwelling's appearance from both Morrison Road and Douglas Street are reproduced below:

ITEM 2 (continued)

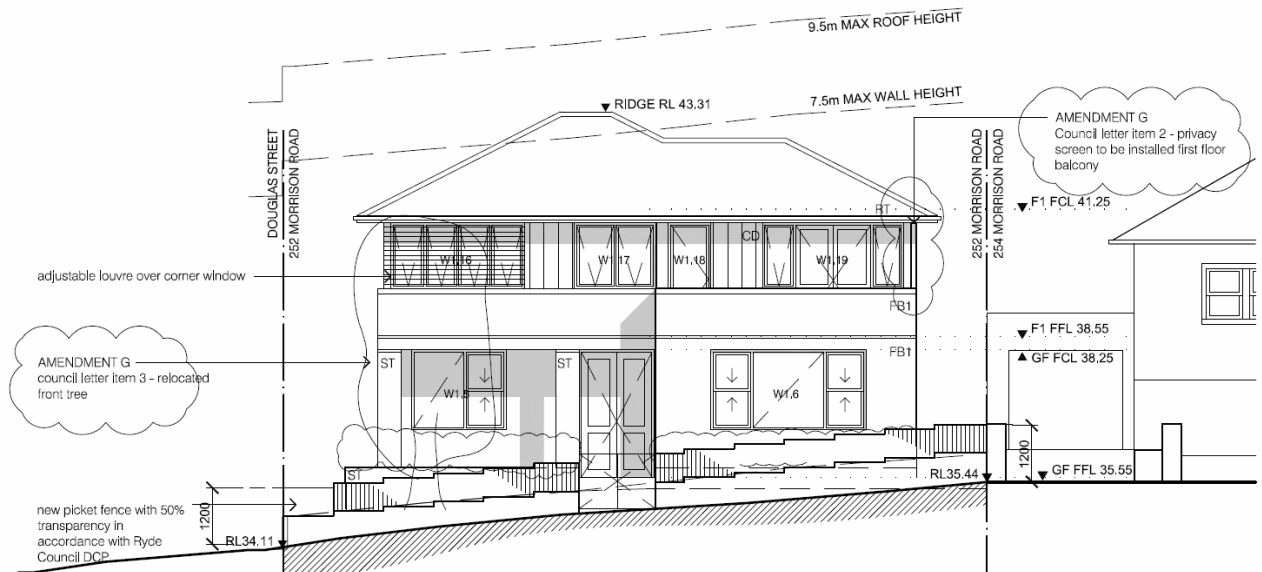


Figure 2: Morrison Road Elevation.



Figure 3: Douglas Street Elevation.

6. Background

The application was lodged on 1 March 2012. Shortly after, it underwent a preliminary assessment, referral to Council’s Development Engineers and the relevant officer at the Shell Company of Australia (due to the site’s proximity to a Shell Pipeline), neighbour notification and allocation to the Assessment Officer.

On 7 March 2012, neighbour notification commenced (closing date for submissions 22 March 2012).

On 10 March 2012, Council received a submission from the owners of No. 256 Morrison Road objecting to the development. The issues raised in the submission are discussed in Section 7 of this report below.

ITEM 2 (continued)

On 23 March, two requests from Councillor Maggio and Councillor Petch were received for the application to be considered at the Planning and Environment Committee (see Councillor Representations).

On 27 March, following a more detailed assessment of the application against the development controls contained within the Ryde Local Environmental Plan and Part 3.3 of the Ryde Development Control Plan (Dwelling Houses and Dual Occupancy (Attached)), Council wrote to the applicant to request additional information namely;

- Details, including maximum height, of the proposed retaining wall along the northern boundary.
- Provision of a privacy screen along the northern side of the proposed first floor balcony to dwelling 1.
- Relocation of the proposed Snow Pear tree to the corner of the site adjacent Douglas Street and Morrison Road.
- Reduction in the height of all proposed boundary landscaping to a maximum of 2.7 metres.
- Relocation of the proposed on-site stormwater detention systems to underneath the proposed driveways.

On 10 April 2012, amended plans and documentation were received from the applicant following Council's request on 27 March 2012. The package included:

- A cover letter with a response to all of Council's concerns.
- Amended plans showing:
 - Relocation of the proposed retaining wall 500mm from the boundary and at a maximum height of 900mm
 - A privacy screen provided to the northern side of the proposed first floor balcony to dwelling 1.
 - Relocation of the proposed Snow Pear tree to the corner of the site adjacent to Douglas Street and Morrison Road.
 - A reduction in the height of all proposed boundary landscaping to a maximum of 2.7 metres.
 - The relocation of the proposed on-site stormwater detention systems to underneath the proposed driveways.

On 11 April 2012, the Assessing Officer and Team Leader – Assessment met with the objectors on site to discuss issues raised in the objection letter dated 10 March 2012 and to informally show the proposed amendments.

ITEM 2 (continued)

On the same day, and as a result with the meeting with the objectors, Council requested further amendments to the plans including:

- Offsetting all first floor windows on the northern elevation from the neighbour's windows at No. 256 Morrison Road.
- Changing the master bedroom windows for dwelling 1 to highlight windows.
- Frosting of first floor windows along the northern elevation.

On 13 April 2012, amended plans were received from the applicant following Council's request on 11 April 2012. The amended plans showed:

- The provision of external shutters to the master bedroom windows of dwelling 1.
- Frosting of all highlight windows along the northern elevation.

On 17 April 2012, neighbour re-notification commenced (closing date for submissions 26 April 2012).

On 24 April 2012, a further submission was received from the owners of No. 256 Morrison Road objecting to the development. The issues raised in the submission are discussed below.

On 9 May 2012, Development Engineer comments were received raising issues that could be dealt with subject to 21 conditions of development consent.

7. Submissions

The proposal was notified in accordance with Development Control Plan 2010 – Part 2.1 (Notification of Development Applications). The original notification of the proposal was from 7 March 2012 until 22 March 2012. The re-notification of the amended proposal commenced on 17 April 2012 until 26 April 2012.

In response to the notification process, **two submissions** were received from the owners of No. 256 Morrison Road. One submission was received in relation to the original notification, and one further submission was received in response to the amended plan notification. The issues raised in the submissions were;

1. Light and sunlight elimination

The objectors believe that due to the new structure's height and proximity to the living area windows of the dwelling at No. 256 Morrison Road, it will eliminate all sunlight as well as reduce daylight to the lounge, living, dining and office areas of the dwelling.

ITEM 2 (continued)

Comment: The objectors are concerned over daylight access to southern facing windows. As a result of the proposed development, there will be a structure built 1.5 metres from the northern boundary of the subject site (at No. 252 Morrison Road); which is in compliance with Council's setback controls. The structure will be a maximum of two storeys high and have a wall plate height of 6.25 metres and a maximum building height of 8.51 metres which are all well within Council's maximum height controls of 7.5 metres to the wall plate and 9.5 metres maximum height.

Due to the orientation and slope of the site, the shadows from the proposed development would fall onto either the subject property or onto Douglas Street to the southeast, without any impact on the objector's property, which is on the northern side of the subject site.

Furthermore, Clause 2.13.1 (Daylight and Sunlight Access) of the Ryde Development Control Plan 2010 states that:

- e. *For neighbouring properties ensure:*
 - i. *sunlight to at least 50% of the principal area of **ground level** private open space of adjacent properties is not reduced to less than two hours between 9am and 3pm on June 21, and*
 - ii. ***windows to north-facing living areas** of neighbouring dwellings receive at least 3 hours of sunlight between 9am and 3pm on 21 June over a portion of their surface, where this can be reasonably maintained given the orientation topography of the subject and neighbouring sites.*

The development fully complies with the requirements for overshadowing of neighbouring properties. The subject site is located considerably lower in level than the objector's site at No. 256 Morrison Road as well as being located to the south of the objector's site and therefore the proposed structure will have no overshadowing impacts on No. 256 Morrison Road on June 21 but rather cast a shadow over Douglas Street.

Overall, the proposed development is considered acceptable in terms of daylight and sunlight access to the neighbouring property at No. 256 Morrison Road. The following are the shadow diagrams for the proposal:

ITEM 2 (continued)

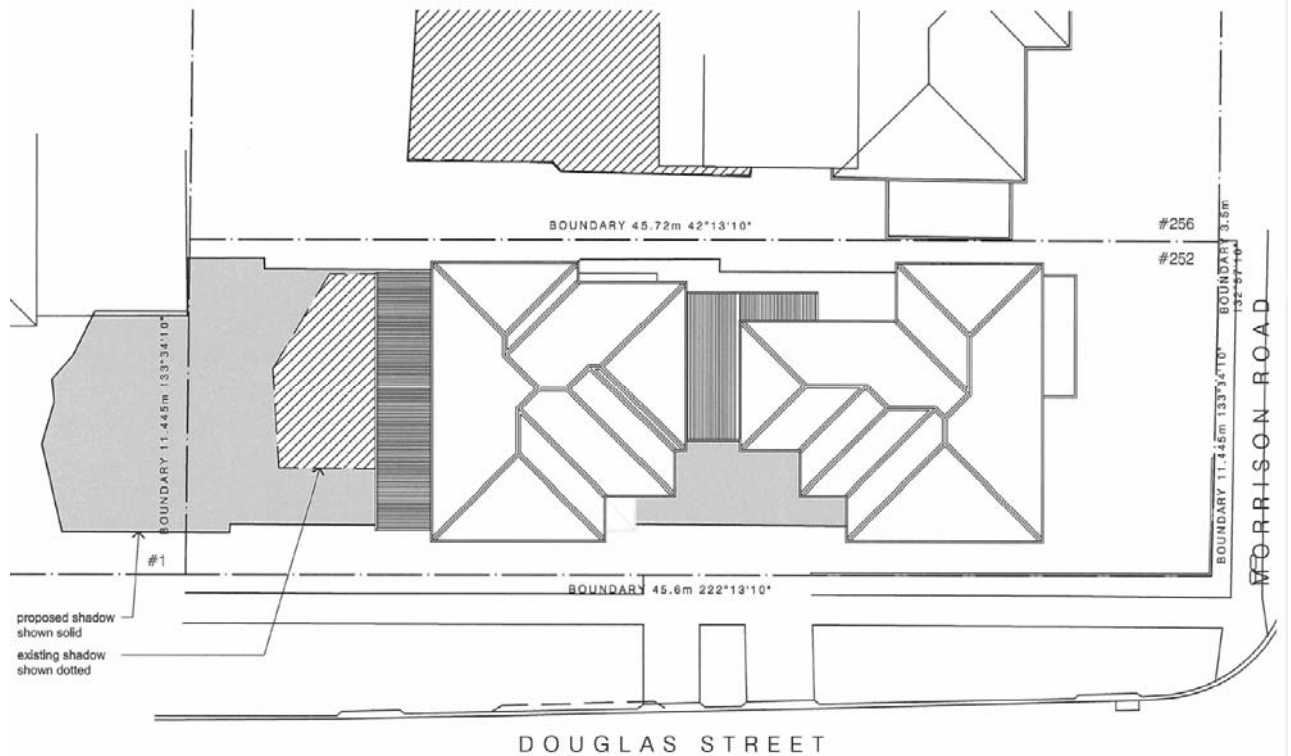


Figure 4: Shadows at 9am on June 21.

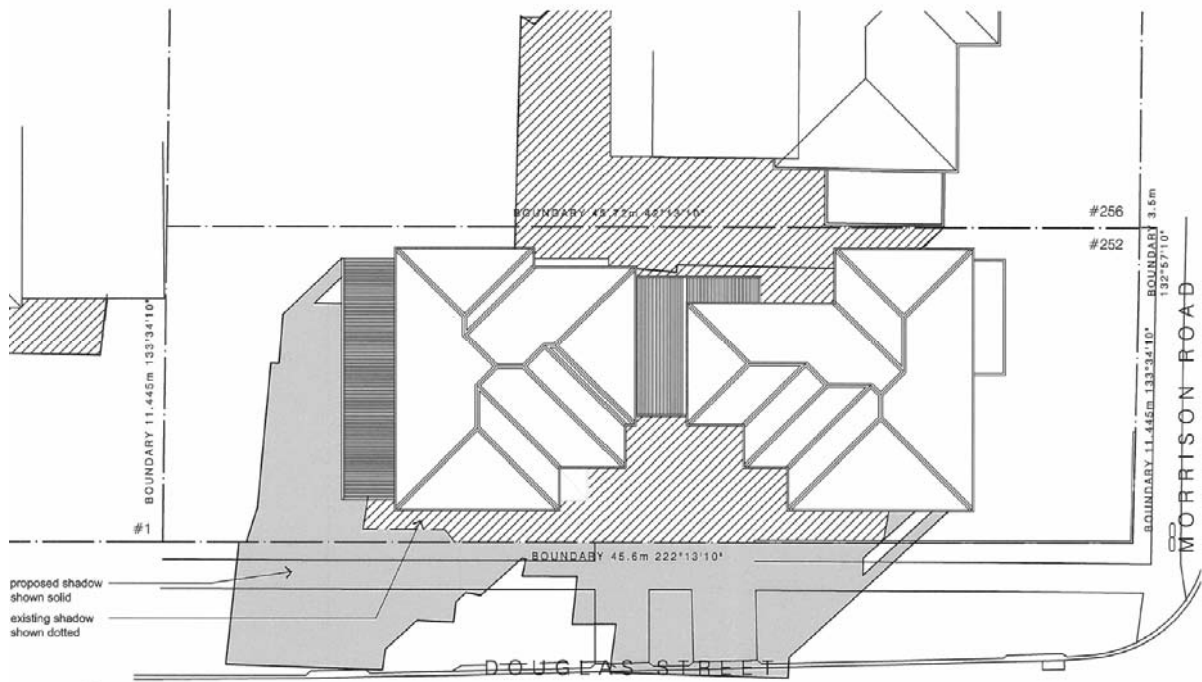


Figure 5: Shadows at 12pm on June 21.

ITEM 2 (continued)

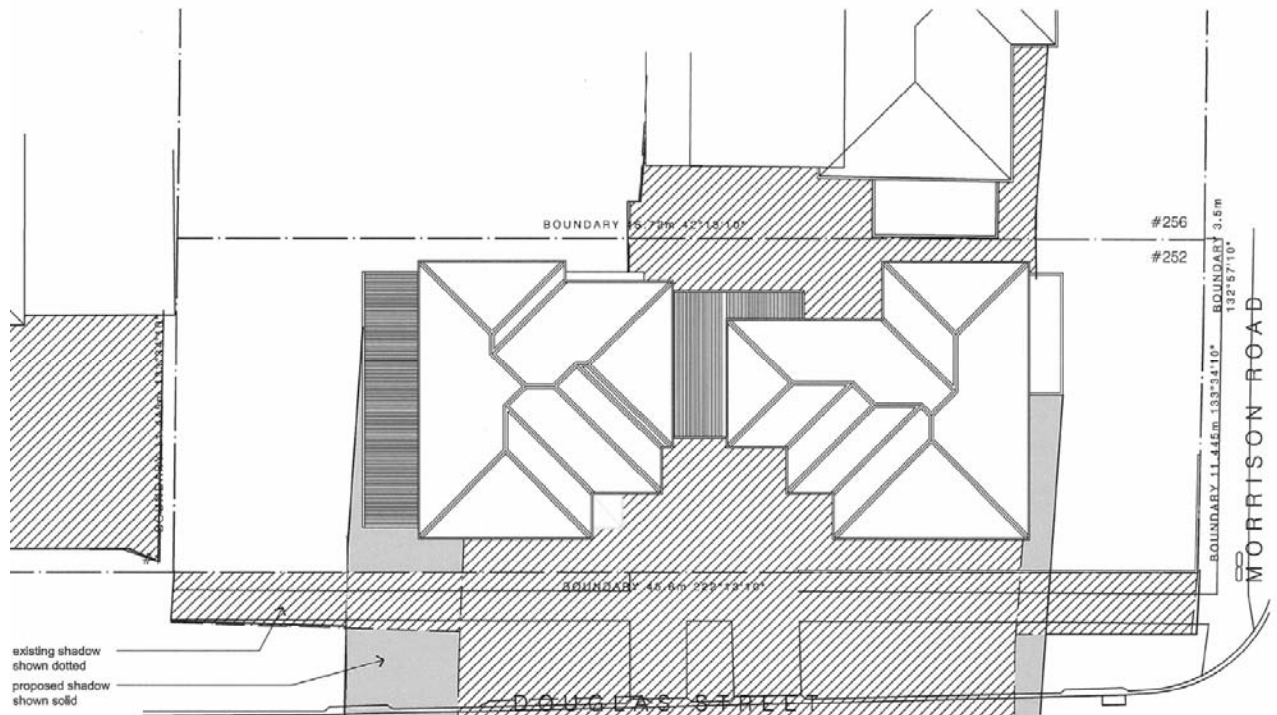


Figure 6: Shadows at 3pm on June 21.

2. Northern boundary retaining wall

The objectors have raised concern over the lack of a retaining wall along the northern boundary and have stated that the following structures will be at risk:

- The front single brick garage (attached to the house);
- The back garage brick boundary wall;
- The front driveway;
- The stability of the colorbond boundary fence; and
- The existing lemon tree and established boundary screening shrubs.

Comment: The applicant has submitted amended plans showing that the proposed cut and retaining wall will now be located 500mm from the northern boundary. The maximum amount (depth) of cut will be 890mm which is only proposed at the northwestern frontage of the site and reduces as the slope of the land increases towards the rear of the site and is compliant with Council's controls. Furthermore, a 900mm maximum high concrete block retaining wall is proposed to contain the amount of cut which is also compliant with Council's controls for maximum heights of retaining walls (900mm).

ITEM 2 (continued)

A cross-section of the proposed development showing the height and position of the proposed retaining wall appears below:

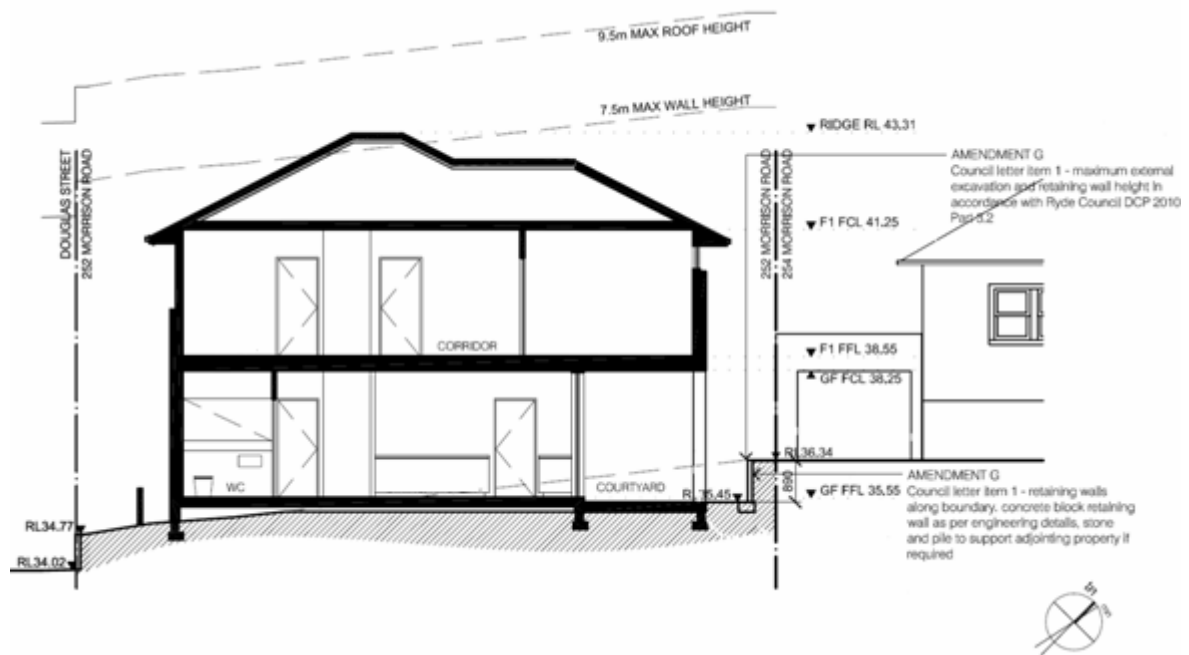


Figure 7: Cross-section of the proposed development showing amount of cut at the boundary.

It is considered that as the subject site and the objector's site are not located within a slope instability zone and due to the compliant amount of cut and the relocation off the northern boundary, all structures on the site at No. 256 Morrison Road will be unaffected by the proposed development provided the development is constructed in accordance with standard construction practices.

Finally, to further alleviate the concerns of the neighbours at No. 256 Morrison Road, two conditions of development consent have been imposed requiring a pre-construction dilapidation report and a post-dilapidation report to be undertaken to ensure no impacts on the neighbouring property have occurred as a result of the proposed development (see Condition Nos. 36 and 54).

3. More cut-in for the proposed dwelling is required

The objectors believe that the proposed development should be cut-in to the site further to lower the maximum height of the building and therefore allow daylight into their home.

ITEM 2 (continued)

Comment: The application proposes approximately 800mm of cut within the building footprint which complies with Council's controls. Although the control allows for a maximum cut of 1.2 metres within the building footprint, this is not a desired outcome as the proposed development is well under council's maximum height of 9.5 metres (a maximum height of 8.51 metres is proposed).

Additionally, the application proposes a maximum cut of 890mm outside the building envelope to cater for the cut proposed within the building envelope. Council's controls allow for a maximum of 900mm cut outside the building envelope.

The proposed cut outside the building envelope requires a retaining wall of 900mm to be proposed adjacent the areas of cut. Council has a maximum retaining wall height of 900mm and therefore the application complies with Council's control.

If the applicant was required to cut further into the land, this would result in numerous non-compliances with Council's controls. As stated above, this is not a desirable outcome, considering the development is 1 metre below the maximum building height allowable on the site.

The amount of cut proposed in the development would also result in finished floor levels only marginally higher than the floor level of the objector's property (see **Figure 7** on the previous page).

4. Privacy concerns

The objectors believe that the lounge, dining, office and living areas are directly opposite and in alignment with the proposed first floor northern windows giving vision into the dwelling at No. 256 Morrison Road.

Comment: The southern facing windows of the dwelling at No. 256 Morrison Road are highlight windows, located 1.5 metres above the floor level of the dwelling. The north facing first floor windows of the proposed development are also proposed to be highlight windows except for the two windows to the master bedroom of dwelling 1 which are required to be maintained due to BASIX requirements. Furthermore, all proposed north facing first floor windows are for bedrooms; areas to which it is not considered by Council to be 'living areas' where occupants of the dwelling will spend most of their recreational time and therefore opportunities for overlooking are further minimised.

Finally, the applicant has amended all north facing windows on the first floor to be frosted or in the case of the two windows proposed for the master bedroom in dwelling one, have external shutters to prevent overlooking into the dwelling at No. 256 Morrison Road. A privacy screen has also been added to the northern side of the first floor balcony of dwelling 1 to minimise any overlooking impacts (see **Figure 8** below).

ITEM 2 (continued)

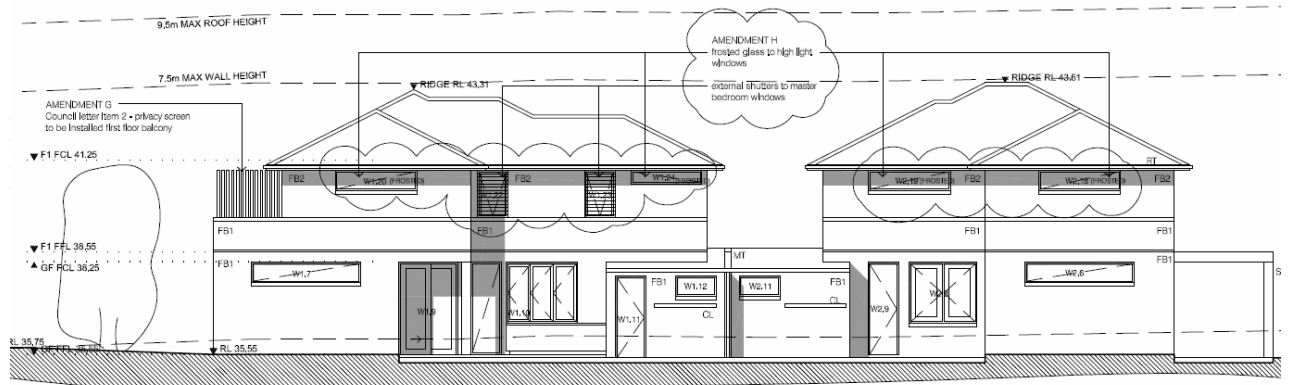


Figure 8: Frosted highlight windows, privacy screen & external shutters to northern elevation.

It is therefore considered that the proposed development is acceptable in terms of overlooking into the dwelling and rear yard of the dwelling at No. 256 Morrison Road.

5. Proposed tree at front elevation

The objectors raised concern for the potential overshadowing caused by the proposed tree to be located on the northwestern corner of the Morrison Road frontage. Furthermore, the objectors have asked for the reconsideration of the height of the proposed trees in the front and rear yards of the proposed development.

Comment: The applicant has amended the location of the proposed Snow Pear Tree to the northeastern corner of the Morrison Road frontage (see **Figure 9** on the following page).

Furthermore, the proposed trees for the front and rear yards are of a height that is required by Council's controls. The Snow Pear Tree proposed within the front setback will grow to a maximum height of 10 metres and the Coast Banksia proposed for the rear yard will grow to a maximum height of 20 metres. The proposed trees are also located 3 metres from the boundary of the site and will therefore have minimal effects of adjoining properties/public land.

The remainder of site landscaping proposed are Buxus (*Microphylla*) which are proposed along the boundaries of the site and will grow to a maximum height of one metre.

ITEM 2 (continued)

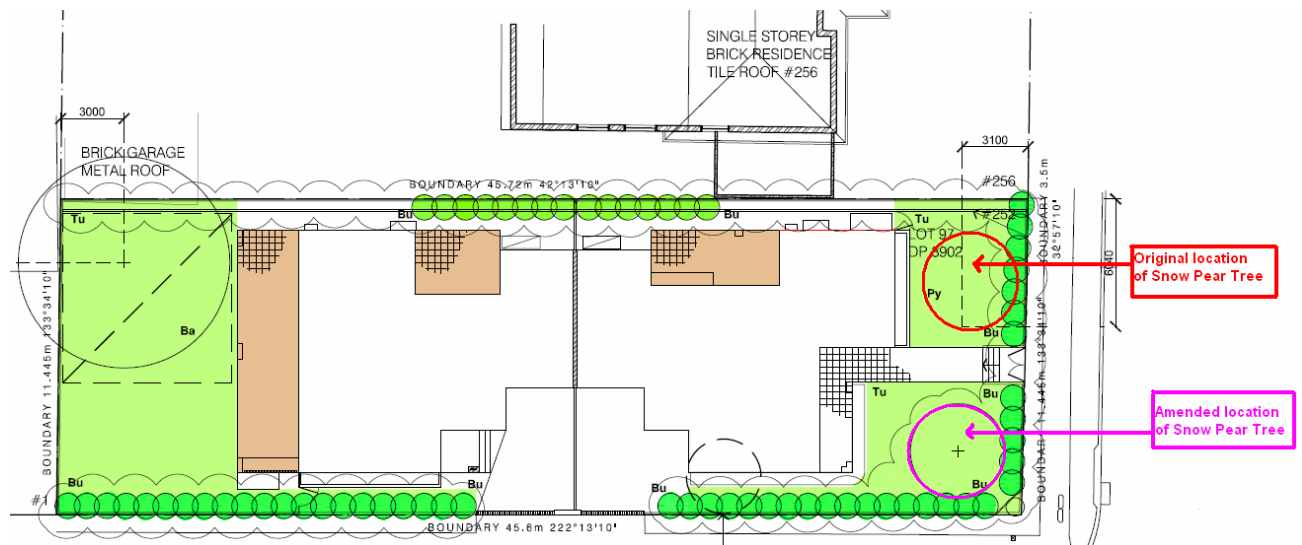


Figure 9: Original location and proposed relocation of the Snow Pear Tree.

8. SEPP1 (or clause 4.6 RLEP 2010) objection required?

This application does not require the submission of a SEPP 1 objection.

9. Policy Implications

Relevant Provisions of Environmental Planning Instruments etc:

(a) Ryde Local Environmental Plan 2010

Zoning

The subject site is zoned R2 – Low Density Residential under the provisions of the Ryde LEP 2010 and dual occupancy (attached) development is permissible with Council’s consent.

The aims and objectives of the R2 Zone are:

- *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.*

ITEM 2 (continued)

- *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.*

This locality displays a range of architectural styles and the proposal is considered to be compatible with the character of the streetscape and the desired future character as identified in the general controls contained in the DCP 2010 for the R2 – Low Density Residential Zone.

The proposed development is considered to satisfy the objectives for residential developments. The proposed dwellings are two storeys and comply with Council's maximum height limits. The proposal is not considered to be inconsistent with the low density character of the zone which includes many two storey dwellings within the streetscape.

The proposed development is considered to enhance the streetscape and respond to the orientation of the site by providing building entries from both street frontages.

Mandatory RequirementsClause 4.3 – Height of buildings

The height of a building on the subject site must not exceed 9.5 metres. Building height as defined by the RLEP 2010 means:

... the vertical distance between ground level (existing) and the highest point of the building, including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like.

According to the definition above, the proposed dwelling has a maximum building height of 8.51 metres.

Clause 4.4 – Floor space ratio

The maximum floor space ratio allowable of the site is 0.5:1; the development proposes a maximum floor space ratio of 0.5:1. See compliance table below (i.e. Assessment under DCP 2010) for a more detailed break down of the proposed floor areas.

ITEM 2 (continued)**(b) Relevant SEPPs**SEPP BASIX:

A compliant BASIX Certificate has been submitted with the application. A standard condition has been included in the Draft Consent requiring compliance with this BASIX certificate (Condition No. 4).

State Environmental Planning Policy No. 55 – Remediation of Land

The provisions of SEPP 55 require Council to consider the potential for a site to be contaminated. The subject site has a history of residential use and as such, it is unlikely to contain any contamination and further investigation is not warranted in this case.

(c) Relevant REPsSydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

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 SREP 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 SREP are not applicable to the proposed development.

The objective of improved water quality is satisfied through compliance with the provisions of Council's Development Control Plan 2010. The proposed development raises no other issues and otherwise satisfies the aims and objectives of the SREP.

(d) Any draft LEPs

At the time of drafting this report, there were no relevant draft LEPs applicable to the subject site.

(e) Any DCP (e.g. dwelling house, villa)

DCP 2010 was adopted by Council on 15 June 2009 and became effective on 30 June 2010 (i.e. upon commencement of Ryde LEP 2010). The development's compliance with the relevant clauses of the DCP is illustrated in the following table:

ITEM 2 (continued)
Table 1: Compliance with the Ryde Development Control Plan 2010

DCP 2010	Proposed	Compliance
Part 3.3 - Dwelling Houses and Dual Occupancy (attached)		
Desired Future Character		
Development is to be consistent with the desired future character of the low density residential areas.	The proposed development is consistent with the desired future character of the low density residential area as detailed further in this table.	Y
Dwelling Houses		
<ul style="list-style-type: none"> - To have a landscaped setting which includes significant deep soil areas at front and rear. - Maximum 2 storeys. - Dwellings to address street - Garage/carports not visually prominent features. 	Front and rear gardens proposed. Two storeys Dwellings present to both Douglas Street and Morrison Road Garage not prominent feature as setback in front elevation of building.	Y Y Y Y
Dual Occupancy – Linear Separation		
<ul style="list-style-type: none"> - Any urban housing, multi dwelling (attached), villa homes, duplex, dual occupancy (attached) within double the main frontage of the subject site or existing villa/dual occupancy site? 	None within double frontage.	N/A
Public Domain Amenity		
Streetscape		
<ul style="list-style-type: none"> - Front doors and windows are to face the street. Side entries to be clearly apparent. - Single storey entrance porticos. - Articulated street facades. 	Front doors and windows face street. Single entrance portico. Articulated street façade.	Y Y Y
Public Views and Vistas		
<ul style="list-style-type: none"> - A view corridor is to be provided along at least one side allotment boundary where there is an existing or potential view to the water from the street. 	No significant views to/from the site.	N/A

ITEM 2 (continued)

DCP 2010	Proposed	Compliance
Pedestrian & Vehicle Safety <ul style="list-style-type: none"> - Car parking located to accommodate sightlines to footpath & road in accordance with relevant Australian Standard. - Fencing that blocks sight lines is to be splayed. 	Council's Development Engineer has raised no objection to the proposed development in regards to sightlines.	Y
Site Configuration		
Deep Soil Areas <ul style="list-style-type: none"> - 35% of site area min. - Min 8 x 8m deep soil area (DSA) in backyard. Dual occupancy developments only need to have one 8 x 8m area (doesn't have to be shared equally). - Front yard to have deep soil area (only hard paved area to be driveway, pedestrian path and garden walls). 	Permeable (deep soil) area: 295.8m ² approx (43% of site area). Rear DSA dimensions: 8m x 8m provided. Front DSA: 100% permeable area in front yard= 49.71m ² . Hard surface areas have been kept to a minimum in the front yard.	Y Y Y
Topography & Excavation <p>Within building footprint (BF):</p> <ul style="list-style-type: none"> - Max cut: 1.2m - Max fill: 900mm <p>Outside building footprint:</p> <ul style="list-style-type: none"> - Max cut: 900mm - Max fill: 500mm - No fill between side of building and boundary or close to rear boundary - Max ht retaining wall 900mm 	Within BF Max cut: 800mm Max fill: 550mm Outside BF Max cut: 890mm Max fill: nil None proposed. Complies. 900mm maximum	Y Y Y N/A N/A Y
Floor Space Ratio		
Ground floor	196.53m ²	
First floor	182.93m ²	
Total (Gross Floor Area)	379.46m ²	
Less 36m ² (double) or 18m ² (single) allowance for parking	343.46m ²	

ITEM 2 (continued)

DCP 2010	Proposed	Compliance
FSR (max 0.5:1) Note: Excludes wall thicknesses; lifts/stairs; basement storage/vehicle access/garbage area; terraces/balconies with walls <1.4m; void areas.	0.50:1	Y
Height		
- 2 storeys maximum (storey incl basement elevated greater than 1.2m above EGL).	Maximum two storeys.	Y
- 1 storey maximum above attached garage incl semi-basement or at-grade garages.	Complies.	Y
Wall plate (Ceiling Height) - 7.5m max above FGL or - 8m max to top of parapet <i>NB:</i> <i>TOW = Top of Wall</i> <i>EGL = Existing Ground Level</i>	TOW RL: 41.25 EGL blw (lowest point) RL: 35 TOW Height (max)= 6.25m	Y
- 9.5m Overall Height <i>NB:</i> <i>EGL = Existing Ground Level</i>	Max point of dwlng RL: 43.51 EGL blw (lowest point) RL: 35 Overall Hgt (max)= 8.51m	Y
- Habitable rooms to have 2.4m floor to ceiling height (min).	2.7m min room height.	Y
Setbacks		
SIDE Single storey dwelling - 900mm to wall - Includes balconies etc	1500mm to wall min	Y
SIDE Two storey dwelling - 1500mm to wall - Includes balconies etc	1500mm to wall min	Y
Side setback to secondary frontage (cnr allotments): 2m to façade and garage/carports	Complies at 2m	Y

ITEM 2 (continued)

DCP 2010	Proposed	Compliance
Front <ul style="list-style-type: none"> - 6m to façade (generally) - Garage set back 1m from the dwelling façade - Wall above is to align with outside face of garage below. - Front setback free of ancillary elements eg RWT, A/C 	Complies. Setback >1m Complies for dwelling 1. Not applicable for dwelling 2. Complies.	Y Y Y N/A Y
Sites wider than they are long <ul style="list-style-type: none"> - One side setback of 8m or 20% of allotment width, whichever is greater (9.15m). - Rear setback 4m min (in addition to 8m side setback). <p>NB: Side setback on irregular allotments can be measured at the centre line of the site. (must have 8x8m DSA)</p>	Not applicable in this instance as site is not wider than it is long.	N/A N/A
Car Parking & Access		
General <ul style="list-style-type: none"> - Dual Occupancy (attached): 1 space max per dwelling. - Where possible access off secondary street frontages or laneways is preferable. - Max 6m wide or 50% of frontage, whichever is less. - Behind building façade. 	One space per dwelling in an enclosed attached garage. Access from: Douglas Street. Complies. Complies.	Y Y Y Y
Garages <ul style="list-style-type: none"> - Garages set back 1m from façade. - Total width of garage doors visible from public space must not exceed 5.7m and be set back not more than 300mm behind the outside face of the building element immediately above. - Garage windows are to be at least 900mm away from boundary. - Free standing garages are to have a max GFA of 36m² 	Setback >1m from dwelling facades. Complies. Door setback: 300mm No garage windows. Not free-standing.	Y Y Y N/A N/A

ITEM 2 (continued)

DCP 2010	Proposed	Compliance
- Materials in keeping or complimentary to dwelling.	Materials: consistent with new dwelling.	Y
Parking Space Sizes (AS) - Single garage: 3m w(min) - Internal length: 5.4m (min)	Internal measurements: 3.2m x 6m	Y
Driveways - Extent of driveways minimised	Complies.	Y
Landscaping		
Trees & Landscaping - Major trees retained where practicable - Physical connection to be provided between dwelling and outdoor spaces where the ground floor is elevated above NGL eg. stairs, terraces. - Obstruction-free pathway on one side of dwelling (excl cnr allotments or rear lane access) - Front yard to have at least 1 tree with mature ht of 10m min and a spreading canopy. - Back yard to have at least 1 tree with mature ht of 15m min and a spreading canopy. - Hedging or screen planting on boundary mature plants reaching no more than 2.7m. - OSD generally not to be located in front setback unless under driveway.	The site is free of any significant vegetation. Complies. Complies. Complies. Complies. Complies.	Y Y Y Y Y Y
- Landscaped front garden, with max 40% hard paving	Hard Paving: 21%	Y
Dwelling Amenity		
Daylight and Sunlight Access - Living areas to face north where orientation makes this possible.	Living areas face north.	Y
<u>Subject Dwelling:</u> - Subject dwelling north facing windows are to receive at least	Subject dwelling north facing windows receive at least 3hrs of	Y

ITEM 2 (continued)

DCP 2010	Proposed	Compliance
<p>3hrs of sunlight to a portion of their surface between 9am and 3pm on June 21.</p> <ul style="list-style-type: none"> - Private Open space of subject dwelling is to receive at least 2 hours sunlight between 9am and 3pm on June 21. <p><u>Neighbouring properties are to receive:</u></p> <ul style="list-style-type: none"> - 2 hours sunlight to at least 50% of adjoining principal ground level open space between 9am and 3pm on June 21. - At least 3 hours sunlight to a portion of the surface of north facing adjoining living area windows between 9am and 3pm on June 21. 	<p>sunlight to a portion of their surface between 9am and 3pm on June 21.</p> <p>Private Open space of subject dwelling receives at least 2 hours sunlight between 9am and 3pm on June 21.</p> <p>More than 2 hours of sunlight is achieved to at least 50% of adjoining principal ground level open space between 9am and 3pm on June 21. The proposal mainly overshadows Douglas Street.</p> <p>More than 3 hours of sunlight is achieved to a portion of the surface of north facing adjoining living area windows between 9am and 3pm on June 21. The proposal mainly overshadows Douglas Street.</p>	<p>Y</p> <p>Y</p> <p>Y</p>
<p>Visual Privacy</p> <ul style="list-style-type: none"> - Orientate windows of living areas, balconies and outdoor living areas to the front and rear of dwelling. - Windows of living, dining, family etc placed so there are no close or direct views to adjoining dwelling or open space. - Side windows offset from adjoining windows. - Terraces, balconies etc are not to overlook neighbouring dwellings/private open space. 	<p>Complies.</p> <p>Complies.</p> <p>Complies. The use of frosted highlight windows prevents overlooking.</p> <p>Complies. A privacy screen has been provided on the northern side of the first floor balcony of dwelling 1.</p>	<p>Y</p> <p>Y</p> <p>Y</p> <p>Y</p>
<p>Acoustic Privacy</p> <ul style="list-style-type: none"> - Layout of rooms in dual occupancies (attached) are to 	<p>Complies.</p>	<p>Y</p>

ITEM 2 (continued)

DCP 2010	Proposed	Compliance
minimise noise impacts between dwellings eg: place adjoining living areas near each other and adjoining bedrooms near each other.		
View Sharing - The siting of development is to provide for view sharing.	There are no significant views to/from the site.	N/A
Cross Ventilation - Plan layout is to optimise access to prevailing breezes and to provide for cross ventilation.	Complies.	Y
External Building Elements		
Roof - Articulated. - 450mm eaves overhang minimum. - Not to be trafficable terrace. - Skylights to be minimised and placed symmetrically. - Front roof plane is not to have both dormer windows and skylights.	Complies. Complies. Complies. Not proposed. None proposed.	Y Y Y N/A N/A
Attic Dormer Windows	Not proposed.	N/A
Fencing		
Front/return: - To reflect design of dwelling. - To reflect character & height of neighbouring fences. - Max 900mm high for solid (picket can be 1m). - Max 1.8m high if 50% open (any solid base max 900mm). - Retaining walls on front bndry max 900mm. - No colorbond or paling - Max width of piers 350mm.	Complies. Complies. See Condition No. 2 See Condition No. 2 Complies. Not proposed. See Condition No. 2	Y Y Y Y Y N/A Y
Side/rear fencing: - 1.8m max o/a height.	Existing side fencing.	Y
Part 7.1 - Energy Smart, Water Wise		
As per submitted BASIX Certificate		Y

ITEM 2 (continued)

DCP 2010	Proposed	Compliance
External Clothes Drying Area		
External yard space or sheltered ventilated space for clothes drying	Complies.	Y
Part 7.2- Waste Minimisation & Management		
Submission of a Waste Management Plan in accordance with Part 7.2	The applicant has submitted a Waste Management Plan in accordance with Part 7.2	Y
Part 8.2 - Stormwater Management		
Stormwater		
Drainage is to be piped in accordance with Part 8.2 - Stormwater Management.	Council's Development Engineer has raised no objection to the proposed development subject to 21 conditions of development consent.	Y
Part 9.4 – Fencing		
Front & return fences		
Front and return fences that exceed 1m in height are to be 50% open	Complies. See Condition No. 2	Y
Part 9.6 – Tree Preservation		
Where the removal of tree(s) is associated with the redevelopment of a site, or a neighbouring site, the applicant is required to demonstrate that an alternative design(s) is not feasible and retaining the tree(s) is not possible in order to provide adequate clearance between the tree(s) and the proposed building and the driveway.	The site is free of any significant vegetation.	N/A

City of Ryde Section 94 Development Contribution Plan 2007. The development for an attached dual occupancy will require Section 94 contributions in accordance with Council's current Section 94 Contributions Plan. The proposal comprises of:

- Demolition of the existing dwelling (which is a "credit" when calculating Section 94 rates);
- Dwelling 1 with 4 bedrooms; and
- Dwelling 2 with 4 bedrooms:

ITEM 2 (continued)

A	B
Community & Cultural Facilities	\$3,991.39
Open Space & Recreation Facilities	\$9,825.97
Civic & Urban Improvements	\$3,341.90
Roads & Traffic Management Facilities	\$455.76
Cycleways	\$284.75
Stormwater Management Facilities	\$904.74
Plan Administration	\$76.78
The total contribution is	\$18,881.29

Condition No. 18 has been imposed in the Draft Consent requiring payment of a Section 94 contribution of \$18,881.29. The calculation sheet showing how this amount was calculated has been certified by two Council Officers and is held on Council's file.

10. Likely impacts of the Development

All relevant issues regarding the likely impacts of the development have been discussed throughout this report. It is considered that the development is acceptable and suitable for approval subject to the conditions listed in **ATTACHMENT 1**.

(a) Built Environment

The proposed development involves the construction of a new two storey dual occupancy (attached) development and is not considered to have any adverse impacts on the existing built environment or the amenity of the surrounding area. Given the frontage to both Morrison Road and Douglas Street, the proposed development will appear as a two storey dwelling which 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

The site is not classified as a heritage item or subject to any natural constraints such as urban bushland or flooding. The proposed development is therefore considered to be suitable for the site in terms of impact on existing natural and built form environments.

ITEM 2 (continued)**12. The Public Interest**

The development generally complies or is justifiably inconsistent with the provisions of Council's DCP for Dwelling Houses. It is considered that approval of the application is in the public interest.

13. Consultation – Internal and ExternalInternal Referrals

Development Engineer (16 August 2011): raised issues that could be dealt with subject to 21 conditions of development consent:

Access to the site is located sufficient distance away from the intersection; accordingly adequate sightlines and stopping distance have been achieved in accordance with AS 2890. However a condition will be placed to ensure all vegetation forward of the building alignment to Morrison Road shall not have a matured height greater than 900MM, additionally, garage floor level is to be lowered to RL 35.00 Maximum.

External Referrals

NSW Shell Pipelines Coordinator (29 March 2012): has raised no objection to the proposed development as the identified Shell Pipeline is located across the road from the proposed development.

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

None applicable.

17. Conclusion

This report has considered a proposal to demolish the existing structures on site and construct a new two storey dual occupancy development (attached). The proposal has been assessed using the heads of consideration listed in Section 79C of the Environmental Planning and Assessment Act 1979 and is generally considered satisfactory.

ITEM 2 (continued)

The proposal fully complies with Council's DCP 2010 (Dwelling Houses and Dual Occupancy (Attached)).

Two submissions have been received from the owners of No. 256 Morrison Road (the neighbour directly to the northwest of the subject site), raising concerns about the elimination of daylight and sunlight, privacy impacts, impacts arising from the lack of a boundary retaining wall and the impacts of the proposed tree at the front boundary adjacent to the dwelling at No. 256 Morrison Road.

The objector's concerns regarding overshadowing from the development are not considered to be valid. The subject site is to the south of the objector's property and therefore the development has no overshadowing impact on the objector's property between 9am and 3pm mid-winter. All the shadows from the development will fall either on the subject site or onto Douglas Street to the southeast.

In making amendments to the original proposal, the applicant has been mindful of the impact of the development on the dwelling at No. 256 Morrison Road and has provided appropriate setbacks, building articulation and windows with external shutters and frosted highlight windows to the side of the dwelling adjacent to No. 256 Morrison Road in order to alleviate the neighbours' concerns.

It is not considered that the issues of concern raised by the neighbours are sufficient to warrant further design modifications or refusal of the development application and therefore the proposal is considered satisfactory and is recommended for approval.

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ATTACHMENT 1

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/Analysis Plan	28.03.12	0172/DA 01 G
Ground Floor Plan	28.03.12	0172/DA 02 G
First Floor Plan	13.04.12	0172/DA 03 H
East and West Elevations	28.03.12	0172/DA 04 G
South Elevation	28.03.12	0172/DA 05 G
North Elevation	13.04.12	0172/DA 06 H
Section AA and Section BB	28.03.12	0172/DA 07 G
Landscape Plan	28.03.12	0172/DA 08 G
Ground Floor Plan – Approximate Excavation Depths	28.03.12	0172/DA 09 G

2. **Front Fencing.**
- The maximum height of any solid structure is not to exceed 900mm;
 - The maximum width of any piers is not to exceed 350mm
 - Any element of the fence that exceeds 900mm is to be 50% transparent.
 - The maximum height of fencing (including solid structures and 50% transparency) is not to exceed 1.8m.

Details of compliance are to be reflected on the plans submitted with the **Construction Certificate.**

3. **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.
4. **BASIX.** Compliance with all commitments listed in BASIX Certificate numbered 416647M, dated 22 February 2012.

Protection of Adjoining and Public Land

5. **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.
6. **Hoardings.**
- (a) A hoarding or fence must be erected between the work site and any adjoining public place.

ITEM 2 (continued)

ATTACHMENT 1

- (b) An awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.
 - (c) Any hoarding, fence or awning erected pursuant this consent is to be removed when the work has been completed.
7. **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.

General Engineering Conditions

8. **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.
9. **Service Alterations.** All mains, services, poles, etc., which require alteration shall be altered at the applicant's expense.
10. **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.
11. **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.

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.

12. **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

ITEM 2 (continued)

ATTACHMENT 1

- (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.
13. **Compliance with Australian Standards.** All demolition work is to be carried out in accordance with the requirements of the relevant Australian Standard(s).
14. **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.
15. **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.
16. **Asbestos – disposal.** All asbestos wastes must be disposed of at a landfill facility licensed by the New South Wales Environmental Protection Authority to receive that waste. Copies of the disposal dockets must be retained by the person performing the work for at least 3 years and be submitted to Council on request.
17. **Waste management plan.** Demolition material must be managed in accordance with the approved waste management plan.
18. **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.

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ATTACHMENT 1

Details of compliance with the conditions, including plans, supporting documents or other written evidence must be submitted to the Principal Certifying Authority.

19. **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	\$3,991.39
Open Space & Recreation Facilities	\$9,825.97
Civic & Urban Improvements	\$3,341.90
Roads & Traffic Management Facilities	\$455.76
Cycleways	\$284.75
Stormwater Management Facilities	\$904.74
Plan Administration	\$76.78
The total contribution is	\$18,881.29

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>.

20. **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**.
21. **Structural Certification.** The applicant must engage a qualified practising structural engineer to provide structural certification in accordance with relevant BCA requirements prior to the release of the **Construction Certificate**.

ITEM 2 (continued)

ATTACHMENT 1

22. **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 delivery of bricks or concrete or machine excavation)
23. **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
24. **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**.

Engineering Conditions to be complied with Prior To Construction Certificate

25. **Council Inspections.** A Council engineer must inspect the stormwater connection to the existing Council stormwater pipeline. 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. An inspection fee of \$160.00 shall be paid to Council prior to the issue of the Construction Certificate
26. **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.
27. **Car Parking.** All internal driveways, vehicle turning areas, garage opening widths and parking space dimensions shall comply with AS 2890. Accordingly, the proposed garage finished floor levels must be lowered to a maximum of RL 35.00.

Revised plans indicating compliance shall be submitted with The Construction Certificate.

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ATTACHMENT 1

28. **Safe sight distances.** To facilitate safe sight and stopping distances, all proposed vegetation planting forward of the building alignment to Morrison Road shall have a maximum matured height of 900MM.
29. **On-Site Stormwater Detention.** Stormwater runoff from all impervious areas shall be collected and piped by gravity flow to a suitable on-site detention system in accordance with City of Ryde, Development Control Plan 2010: - Part 8.2; Stormwater Management. The minimum capacity of the piped drainage system shall be equivalent to the collected runoff from a 20 year average recurrence interval storm event. Overland flow paths are to be provided to convey runoff when the capacity of the piped drainage system is exceeded up to the 100 year average recurrence interval and direct this to the on-site detention system. Runoff which enters the site from upstream properties should not be redirected in a manner which adversely affects adjoining properties.

Plans including engineering certification indicating compliance with this condition are to be submitted with the Construction certificate.

30. **On site stormwater detention Tank.** All access grates to the on site stormwater detention tank are to be hinged and fitted with a locking bolt. Any tank greater than 1.2 metres in depth must be fitted with step irons and child proof “j” bolt.
31. **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.
32. **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
- (k) Procedures for maintenance of erosion and sediment controls
- (l) Details for any staging of works
- (m) Details and procedures for dust control.

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ATTACHMENT 1

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.

33. 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.

34. 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.

35. 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).

ITEM 2 (continued)

ATTACHMENT 1

36. **Pre-commencement dilapidation report.** The submission of a pre-commencement dilapidation report providing an accurate record of the existing condition of adjoining public and private properties namely No. 256 Morrison Road, and public infrastructure (including roads, gutters, footpaths, etc). A copy of the report must be provided to Council, any other owners of public infrastructure and the owners of the affected adjoining private properties, prior to the commencement of construction.
37. **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.

Engineering Conditions to be complied with Prior to Commencement of Construction

38. **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.
39. **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
40. **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.

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.

41. **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*.

ITEM 2 (continued)

ATTACHMENT 1

42. **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.
43. **Construction noise.** The L_{10} 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.
44. **Sediment/dust control.** No sediment, dust, soil or similar material shall leave the site during construction work.
45. **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.
46. **Construction materials.** All materials associated with construction must be retained within the site.
47. **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.
48. **Site maintenance**
The applicant must ensure that:
- (a) approved sediment and erosion control measures are installed and maintained during the construction period;
 - (b) building materials and equipment are stored wholly within the work site unless an approval to store them elsewhere is held;
 - (c) the site is clear of waste and debris at the completion of the works.
49. **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".
50. **Drop-edge beams.** Perimeters of slabs are not to be visible and are to have face brickwork from the natural ground level.

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.

51. **BASIX.** The submission of documentary evidence of compliance with all commitments listed in BASIX Certificate 416647M, dated 22 February 2012
52. **Landscaping.** All landscaping works approved by condition 1 are to be completed prior to the issue of the final **Occupation Certificate**.
53. **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.

54. **Post-construction dilapidation report.** The submission of a post-construction dilapidation report which clearly details the final condition of all property, infrastructure, natural and man-made features that were recorded in the pre-commencement dilapidation report. A copy of the report must be provided to Council, any other owners of public infrastructure and the owners of the affected adjoining and private properties, prior to the issue of the **Occupation Certificate**.

ITEM 2 (continued)

ATTACHMENT 1

55. **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.

Engineering Conditions to be complied with Prior to Occupation Certificate

56. **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
 - 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 connection of the site drainage system to the trunk drainage system complies with Section 4.7 of AS 3500.3 - 1990 (National Plumbing and Drainage Code).
57. **Disused Gutter Crossing.** All disused gutter and footpath crossings shall be removed and the kerb and footpath reinstated to the satisfaction of Council.
58. **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 **is to be submitted to the Principal Certifying Authority (PCA)** and to Ryde City Council if Council is not the nominated PCA. If there are proposed interallotment drainage easements on the subject property, **a Certificate from a Registered Surveyor is to be submitted to the PCA** certifying that the subject drainage line/s and pits servicing those lines lie wholly within the proposed easements.

ITEM 2 (continued)**ATTACHMENT 1**

59. **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.
60. **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.
61. **Drainage Construction.** The stormwater drainage on the site is to be constructed in accordance with plan the Construction Certificate version of Plan No. SW12021 – S1 & S2 issue D dated 7/5/12 prepared by Alw Design.

ITEM 2 (continued)

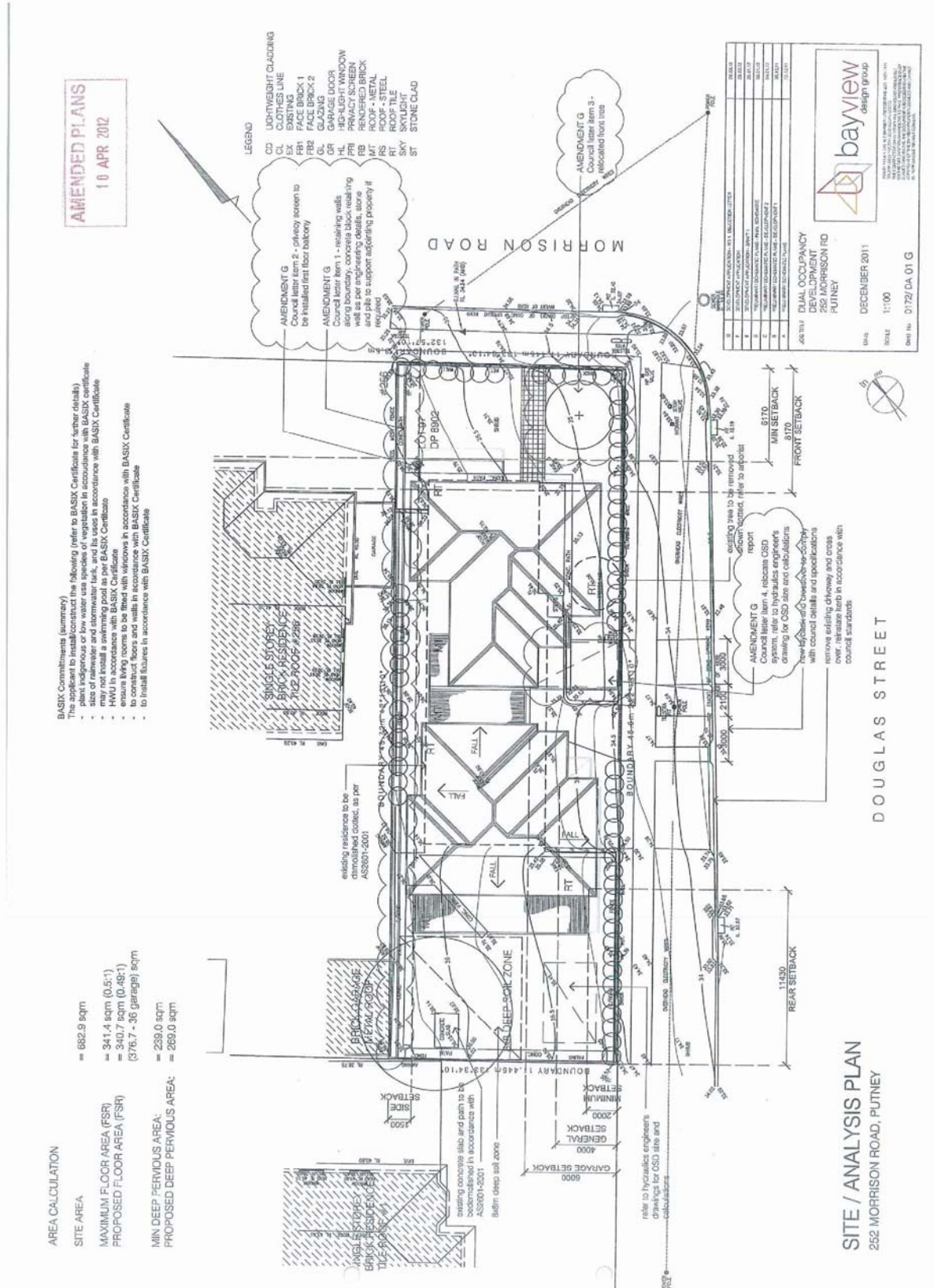
ATTACHMENT 2

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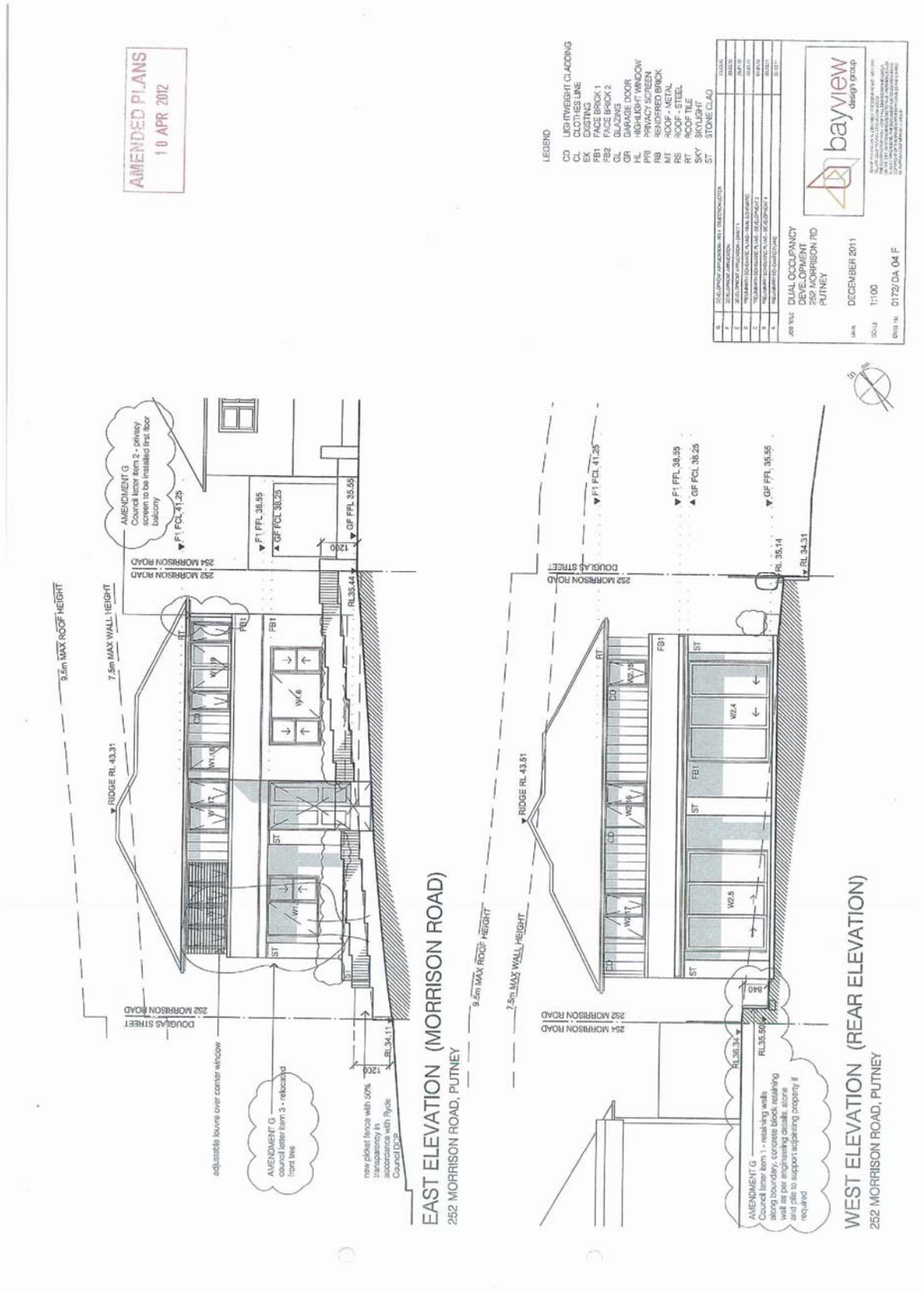
ITEM 2 (continued)

ATTACHMENT 3



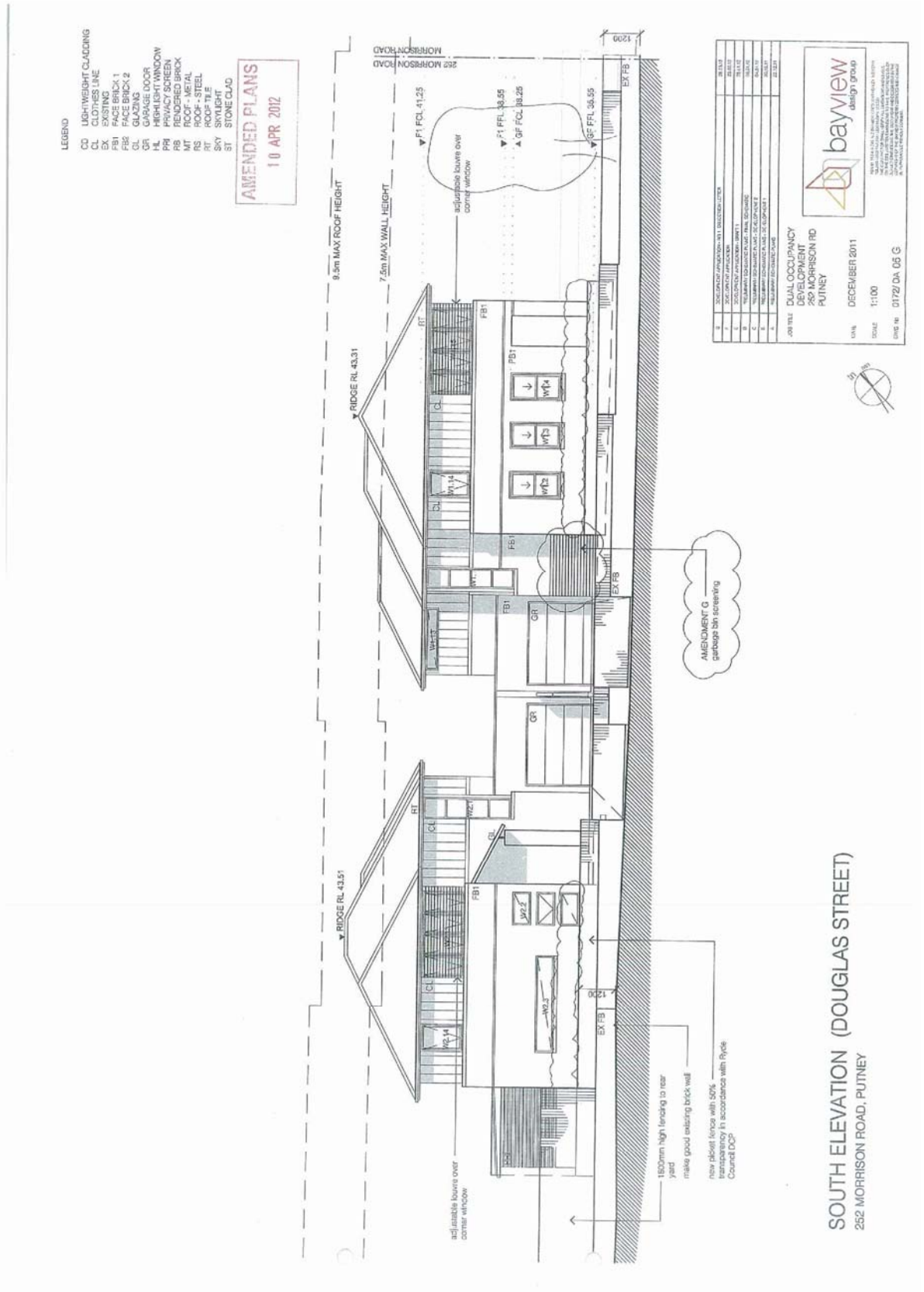
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ATTACHMENT 3



ITEM 2 (continued)

ATTACHMENT 3

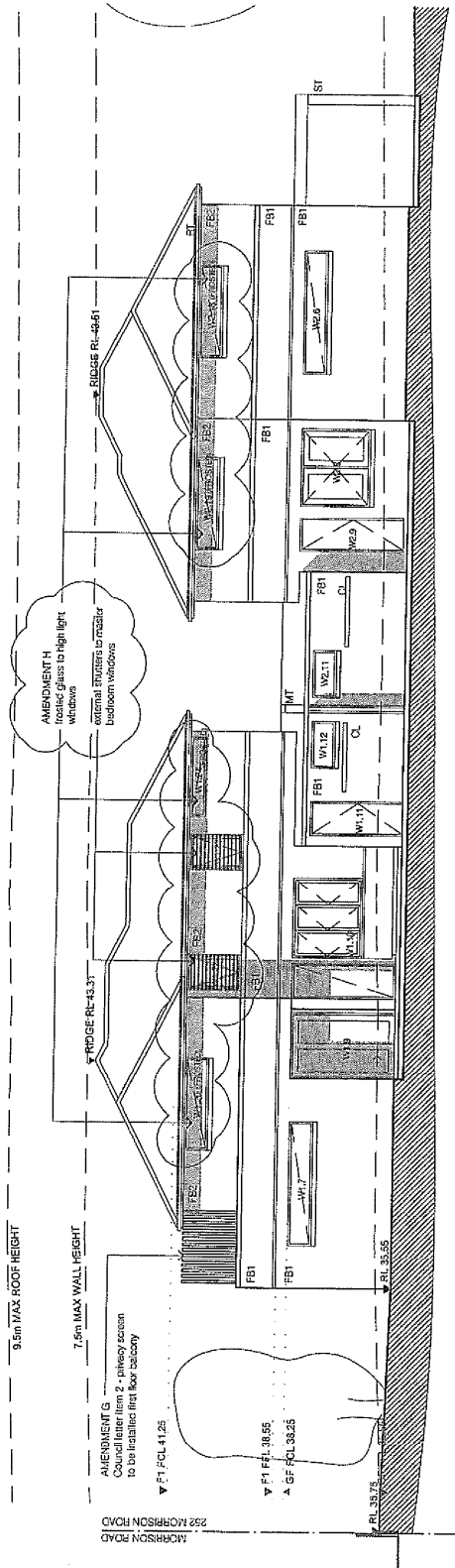


ITEM 2 (continued)

ATTACHMENT 3

- LEGEND
- CD LIGHTWEIGHT CLADDING
 - CL CLOTHES LINE
 - EX EXISTING
 - FBI FACE BRICK 1
 - FBI FACE BRICK 2
 - GR GARAGE
 - GR GARAGE DOOR
 - HL HIGHLIGHT WINDOW
 - PR PRIVACY SCREEN
 - PR REINFORCED BRICK
 - RT ROOF TILE
 - RT ROOF METAL
 - RT ROOF TILE
 - SKY SKYLIGHT
 - ST STONE CLAD

AMENDED PLANS
13 APR 2012



11	DEVELOPMENT APPROVALS	13/04/12
12	DEVELOPMENT APPROVALS	20/04/12
13	DEVELOPMENT APPROVALS	20/04/12
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payview Design Group
100 MORRISON ROAD, PUTNEY
SYDNEY NSW 1513
TEL: 02 9550 1234
WWW.PAYVIEWDESIGN.COM

PROJECT TITLE: DUAL OCCUPANCY DEVELOPMENT 252 MORRISON RD PUTNEY
DATE: DECEMBER 2011
SCALE: 1:100
DRAWN BY: 0172/DA 05 H



NORTH ELEVATION
252 MORRISON ROAD, PUTNEY

3 44 DAVID AVENUE, NORTH RYDE. LOT 49 DP 36455. Local Development Application for New two storey dual occupancy. LDA2011/0541**INSPECTION: 4.40pm****INTERVIEW: 5.10pm****Report prepared by:** Town Planner; Team Leader - Assessment**Report approved by:** Manager Assessment; Group Manager - Environment & Planning**Report dated:** 5 June 2012**File Number:** grp/12/5/5/3 - BP12/680**1. Report Summary****Applicant: H Y Koo & Associates.****Owner: Y M Lau, L Koo.****Date lodged: 20 October 2011.**

This report considers a proposal to construct a new two storey dual occupancy (attached).

The proposal has some areas of non-compliance with Part 3.3 (Dwelling Houses and Dual Occupancy (Attached)) of Council's Development Control Plan (DCP) 2010, namely:

- *Dual Occupancy – Linear Separation*
- *Maximum fill within Building Envelope Exceeds 900mm*
- *Absorption trenches located within rear deep soil area (8m x 8m)*
- *Wall above garage does not align with outside face of garage below*

These non-compliances are considered to be minor and acceptable in the context of the application, however the non-compliance with Council's Linear Separation control is more significant, and hence the development application is referred to Council for determination.

The proposal was notified to neighbours in accordance with DCP 2010, and three (3) submissions were received from the owners of adjoining sites (see **Figure 1** in this report for the location of the objectors). The main issues raised were general concerns over the number of dual occupancy developments within the locality (desired future character/linear separation), the proposed method of stormwater disposal (via absorption trenches), the lack of deep soil area and daylight and sunlight access, the loss of visual privacy and the impacts on the common boundary fence by the proposed development (and construction of the development).

It is considered that in the design of the dwellings, the applicant has been mindful of the impact of the development on the adjoining dwellings and has provided appropriate setbacks, building articulation, minimal first floor windows to the sides of the proposed dwellings and appropriate landscaping along side boundaries in order to minimise the perceived and actual impacts of the development.

ITEM 3 (continued)

The application is recommended for refusal on the basis of non-compliance with the linear separation provisions of DCP 2010, however, options in respect of determination of the application are provided for Council's consideration.

The applicants for this Development Application (DA) have lodged an appeal in the Land and Environment Court against Council's "deemed refusal" of this DA. This matter is listed for a first directions hearing on 27 June 2012, by which time Council's General Counsel is required to either advise the Court that it has approved the application, or serve documentation to the Court (called a "Statement of Facts and Contentions") identifying why the DA should be refused. This timeframe will enable Council to consider and determine this DA.

Reason for Referral to Planning and Environment Committee: Non-compliance with DCP 2010 with respect to Linear Separation.

Public Submissions: Three (3) submissions were received objecting to the development.

SEPP 1 (or clause 4.6 RLEP 2010) objection required? Not required.

Value of works? \$429,639.

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. 2011/541 at No. 44 David Avenue, North Ryde being LOT 49 DP 36455 be refused for the following reasons;
 - (i) The proposed development does not comply with the provisions of Ryde DCP 2010 in respect of linear separation. (Control 2.3 of Part 3.3 of the DCP relates)
 - (ii) Consent to the application would not be in the public interest.
- (b) That the persons who made submissions be advised of Council's decision

ATTACHMENTS

- 1 Draft Conditions of Consent
- 2 Map
- 3 A4 Plans
- 4 A3 Plans - subject to copyright provisions - CIRCULATED UNDER SEPARATE COVER

ITEM 3 (continued)

Report Prepared By:

Mary Zeaiter
Town Planner

Chris Young
Team Leader - Assessment

Report Approved By:

Liz Coad
Manager Assessment

Dominic Johnson
Group Manager - Environment & Planning

ITEM 3 (continued)**2. Site** (*Refer to attached map.*)

- Address** : 44 David Avenue, North Ryde
- Site Area** : Land Size: 691.5m²
Frontage: 21.95 metres
Depth: 47.96 metres
- Topography and Vegetation** : The site slopes from the front (south) to the rear (north) with a gradient of approximately 4.8%.
- The site contains four (4) trees, only one of which is to be removed as part of the proposed development. Council's Landscape Architect has raised no objection to the removal of this tree and the submitted Landscape Plan proposes replacement species in accordance with Council's controls.
- Existing Buildings** : Dwelling house – to be demolished under a separate application.
- Planning Controls Zoning** : R2 – Low Density Residential Zone pursuant to the Ryde Local Environmental Plan (LEP) 2010
- Other** : Ryde Development Control Plan (DCP) 2010

ITEM 3 (continued)

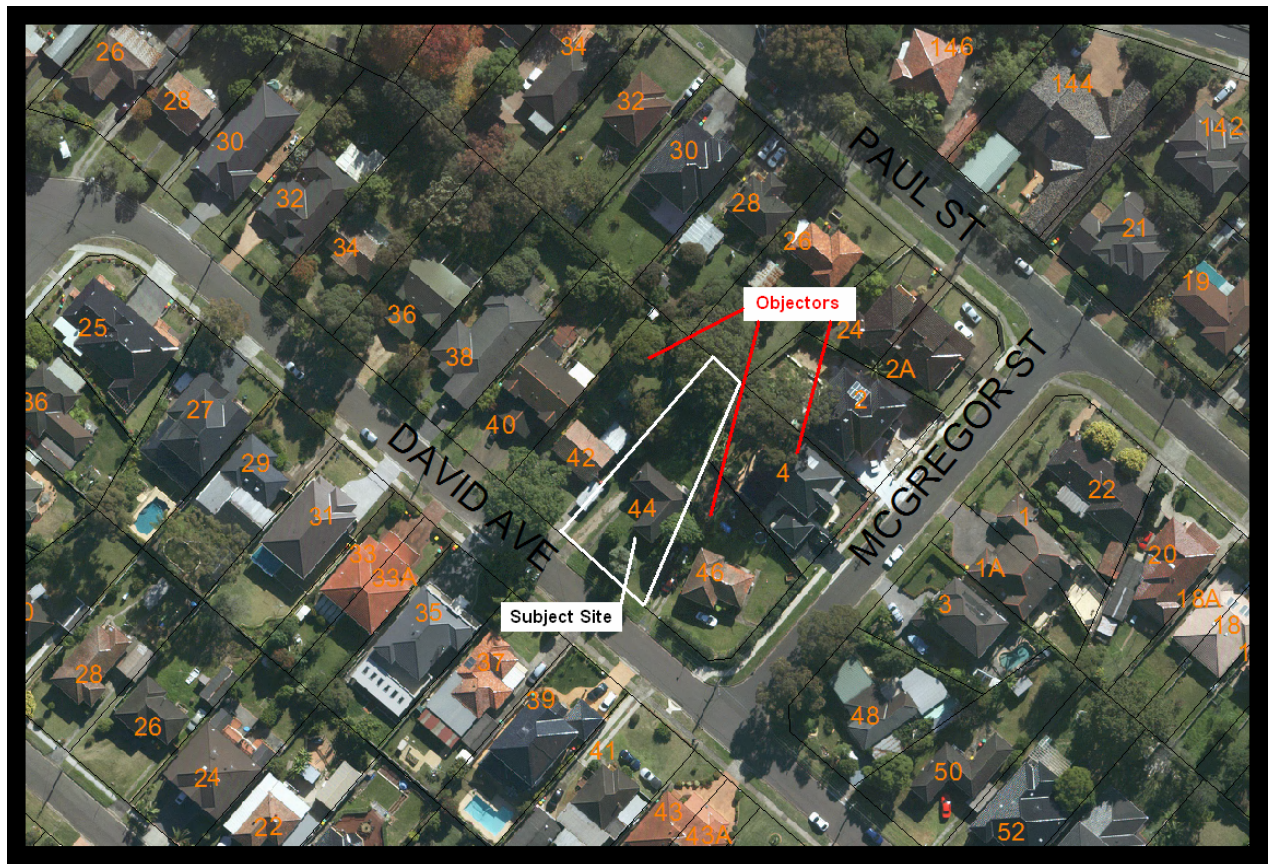


Figure 1: Locality Map.

3. Councillor Representations

Nil.

4. Political Donations or Gifts

Any political donations or gifts disclosed? No.

5. Proposal

The application proposes the construction of a new two storey dual occupancy (attached) development and appropriate site landscaping. The front elevation showing the dwelling's appearance from David Avenue is reproduced below:

ITEM 3 (continued)

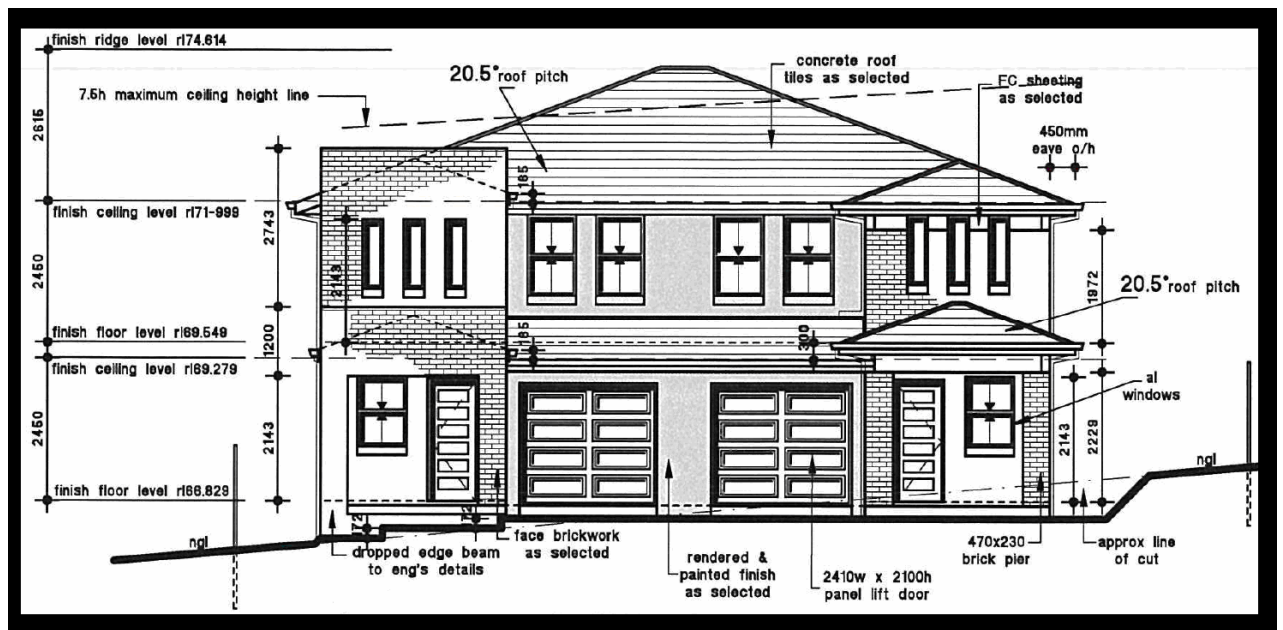


Figure 2: Proposed Front Elevation.

The applicants have lodged an appeal in the Land and Environment Court against Council's "deemed refusal" of this DA. This matter is listed for a first directions hearing on **27 June 2012**, by which time Council's Solicitor is required to either:

- advise the Court that Council has approved the application; or
- serve documentation to the Court (called a "Statement of Facts and Contentions") identifying why the DA should be refused.

The timeframe mentioned above will enable Council to consider and determine this DA before the first directions hearing in the Court.

6. Background

The application was lodged on 20 October 2011. Shortly after, it underwent a preliminary assessment and referral to Council's Development Engineer and Council's Landscape Architect, neighbour notification and allocation to the Assessment Officer.

On 27 October 2011, neighbour notification commenced (closing date for submissions 10 November 2011). Three (3) submissions were received and are discussed in the submissions section of this report.

ITEM 3 (continued)

On 2 November 2011, Council received a development application (LDA2011/567) for the construction of a dual occupancy (attached) development at No. 46 David Avenue (the site directly adjacent to the subject site on the east). The lodgement of this application resulted in both applications being non-compliant with Council's Linear Separation control and hence it is necessary to refer this application and Local Development Application No. 2011/567 (at No. 46 David Avenue) to Council for determination.

On 25 November 2011, Development Engineer comments were received raising no objection to the proposed development subject to 20 conditions of development consent.

On 7 December 2011, Landscape Architect comments received raising no objection to the proposed development subject to 3 conditions of development consent.

7. Submissions

The proposal was notified in accordance with DCP 2010 - Part 2.1, Notification of Development Applications. Notification of the proposal was from 27 October 2011 until 10 November 2011.

In response to the notification process, **three submissions** were received from the owners of adjoining properties (see **Figure 1** previously in the report for the location of the objectors). The issues raised in the submissions were;

1. Desired Future Character

The objector at No. 46 David Avenue believes that the proposal is inconsistent with Clause 2.1 - Desired Future Character of Part 3.3 – Dwelling Houses and Dual Occupancy Development (attached) of the Ryde DCP 2010, specifically:

- *Has buildings which are well designed and have a high degree of amenity;*
and
- *Has garages and other structures which are not prominent elements in the streetscape and which are compatible with the character of the dwelling.*

The objector believes that the proposed units are very narrow; the garages dominate the front elevation and the narrow entrances do not allow for engagement between internal living areas and the street front.

ITEM 3 (continued)

Officer's Comments: It is considered that the proposed development is consistent with the desired future character of the area as a low density residential area with many dual occupancy developments, also located very close to Epping Road and Macquarie Park Railway Station (which provide good access to the employment, retail, entertainment and public transport opportunities within Macquarie Park and the wider Sydney region).

Furthermore, the proposed dwellings have been designed to comply with front and side setback controls and are not considered to be narrow. Living areas have been orientated to the rear to ensure maximum northerly sunlight is achieved to these areas. Finally, through appropriate setbacks, building articulation and landscaping, it is also considered that the dominance of the garages are reduced.

2. Linear Separation

The objector at No. 46 David Avenue has raised the issue with non-compliance with Clause 2.3 – Dual Occupancy (attached) of Part 3.3 – Dwelling Houses and Dual Occupancy Development (attached) of the Ryde DCP 2010 which is applied to ensure that there is a limited impact on the density of low density residential areas, and a limited impact on residential amenity and existing infrastructure.

The objector believes that the proposal is not permissible as the subject site does not meet the necessary separation from No. 40 David Avenue. If Council accepts this variation, it is only fair that Council also accept a variation from other residents also seeking dual occupancy development within close proximity of other medium density developments.

Officer's Comments: The building at No. 40 David Avenue is not technically defined as a dual occupancy development, as it has been subdivided and is classified as two separate dwellings; therefore this Clause does not apply to the development in terms of proximity to No. 40 David Avenue.

The matter of non-compliance with the linear separation provisions of DCP 2010 is discussed in detail later in this report. In summary, a similar application has been lodged for the adjoining site at No. 46 David Avenue (LDA2011/567), and as such the proposal does not comply with the linear separation provisions of the DCP. Due to this non-compliance the application is referred to Council with a refusal recommendation based on non-compliance with Council's current planning controls.

3. Deep Soil Areas

The objector at No. 46 David Avenue believes that the proposal does not comply with Clause 2.5.1 – Deep Soil Areas of Part 3.3 – Dwelling Houses and Dual Occupancy Development (attached) of the Ryde DCP 2010 which states that:

ITEM 3 (continued)

- a. *Sites are to have a deep soil area that is at least 35% of the area of the allotment;*
- b. *The deep soil area must include:*
 - i. *an area with minimum dimensions of 8 metres by 8 metres in the back yard*

The objector believes that the proposal has no provision of an 8 x 8 metre deep soil zone and given the provision of the absorption trenches, the proposal lacks at least 35% of the site area as deep soil landscaping.

Officer's Comments: The deep soil area has been manually calculated to be 51% of the total site area. Furthermore, the area to the rear of the site has been considered in the calculation of deep soil areas and has an area much larger than 8m x 8m which is compliant with Council's controls. The reason for this being that absorption trenches are located beneath the surface of the ground and do not impact on the useability of the area for recreational purposes. Furthermore, they will not be visible nor affect any of the neighbouring sites in terms of overflow. The absorption trenches are located at an appropriate distance from the side and rear boundaries and have been approved by Council's Development Engineer.

4. Daylight and Sunlight Access

The objector at No. 46 David Avenue believes that the proposal presents significant overshadowing to their site (of the remaining solar access available). Given that a new two storey dwelling at No. 4 McGregor Street has recently been approved, the site at No. 46 David Avenue would be overshadowed from 9am - 12pm by No. 4 McGregor Street and then 12pm - 3pm by the subject development.

Furthermore, the objector at No. 42 David Avenue has raised concern about the overshadowing of their rear yard by the proposed development.

Officer's Comments: The objector's analysis of overshadowing impacts from the approved dwelling at No. 4 McGregor Street and the proposed development at No. 44 David Avenue are refuted as the entire site at 46 David Avenue is not overshadowed from 9am to 3pm even as a consequence of both adjoining developments.

Under Ryde DCP 2010 (Clause 2.13.1 (Daylight and Sunlight Access)), the controls regarding overshadowing of neighbouring properties are:

- e. *For neighbouring properties ensure:*
 - i. *sunlight to at least 50% of the principal area of **ground level** private open space of adjacent properties is not reduced to less than two hours between 9am and 3pm on June 21, and*

ITEM 3 (continued)

- ii. *windows to north-facing living areas of neighbouring dwellings receive at least 3 hours of sunlight between 9am and 3pm on 21 June over a portion of their surface, where this can be reasonably maintained given the orientation topography of the subject and neighbouring sites.*

An analysis of the shadow diagrams provided with the approved dwelling at No. 4 McGregor Street has been undertaken and indicates that approximately 25% of the ground level private open space at No. 46 David Avenue will receive sunlight at 9am. However, after 12 noon, there will be no impact from the approved dwelling on the objector's property – 100% of the area will be in sunlight between 12 noon and 3pm if considering the impact of 4 McGregor Street alone.

An analysis of the shadow diagrams caused by the proposed development at No. 44 David Avenue has also been undertaken (see **Figure 3** on the following page) and indicates that there is no impact on the ground level private open space at No. 46 David Avenue until 12 noon however between 12 noon and 3pm, approximately 60% of the ground level private open space at No. 46 David Avenue will receive sunlight.

It is therefore considered that with both developments at No. 4 McGregor Street and No. 44 David Avenue taken into account, the dwelling at No. 46 David Avenue will receive more sunlight access than required by the controls in Clause 2.13.1 – Daylight and Sunlight Access of Part 3.3 – Dwelling Houses and Dual Occupancy Development (attached) of Ryde DCP 2010.

Finally, in terms of impact on No. 42 David Avenue, the shadow diagrams at **Figure 3** show that there will be no overshadowing onto the property by the proposed development, given the orientation of the site.

ITEM 3 (continued)

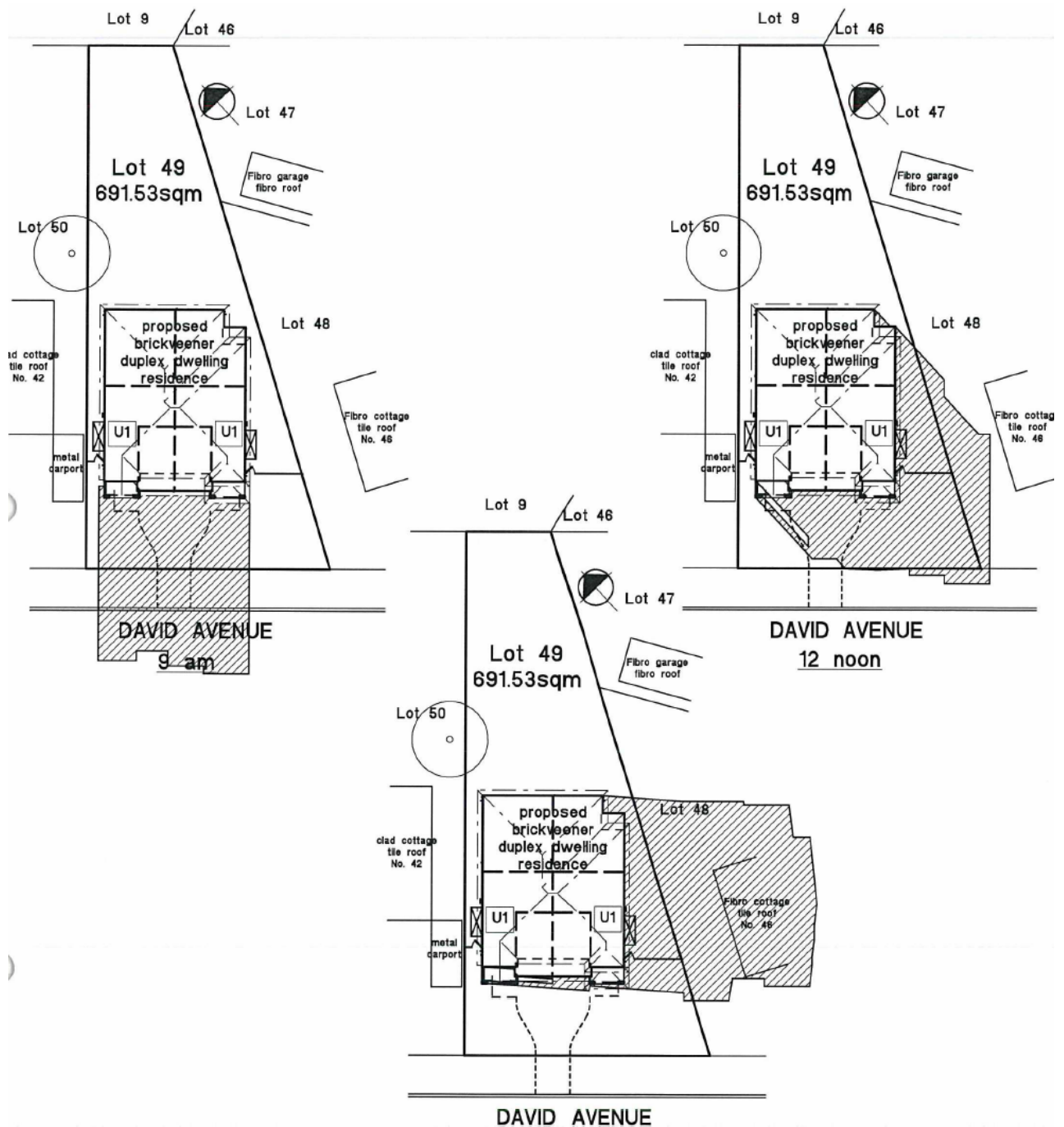


Figure 3: Proposed Overshadowing onto Nos. 42 and 46 David Avenue on June 21.

5. Visual Privacy

The objector at No. 46 David Avenue believes that the proposed windows to the side elevation are too large, and given that the proposed FFL is raised above the natural ground level, this compromises the privacy to neighbouring properties. Furthermore, the front elevation has no real opportunities for street surveillance.

ITEM 3 (continued)

The neighbour at No. 42 David Avenue is also concerned about the two storey height of the proposal and the possibility of overlooking into their backyard and windows.

Officer's Comments: The site at No. 46 David Street has a higher land slope than the subject site; therefore the windows of each dwelling will be offset from one another and will not cause overlooking (the location of No. 46 David Avenue is shown on **Figure 1**).

Two storey developments are permissible within the zone; furthermore, the proposed dwellings comply with Council's maximum height controls for two storey dwellings. As the upper floors of the dwellings contain only bedrooms and are not considered to be 'living' areas where the family is likely to spend most of the time, it is considered satisfactory that minimal overlooking into the rear yards of No. 42 and No. 46 David Avenue will occur (see **Figure 4** below).

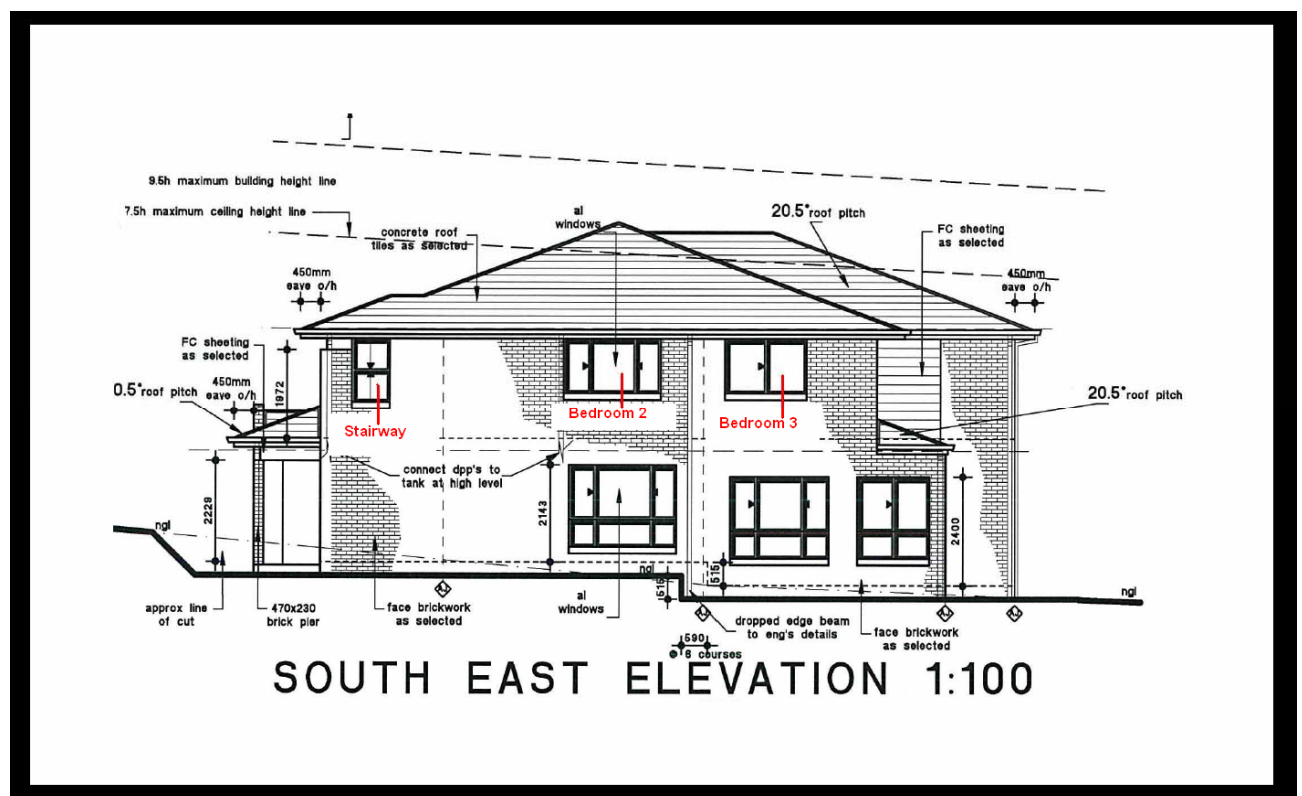


Figure 4: South East Elevation – facing No. 46 David Avenue.

Finally, the first floor windows of the proposed development are unable to look through ground floor windows, and the ground floor windows of the proposed development will be shielded by the dividing fence and appropriate landscaping.

ITEM 3 (continued)**6. Boundary Fencing**

The neighbour at No. 42 David Avenue is concerned about the boundary fence between the subject site and No. 42 David Avenue and believes that the developer should bear the full cost of replacing the fence.

Officer's Comments: Should the application be approved; the matter of boundary fencing will be covered by a standard condition (Condition No. 19).

Under the Dividing Fences Act 1991, the costs of providing any replacement fencing is a matter to be resolved between the two property owners.

7. Too Many Dual Occupancy Developments

The objector at No. 4 McGregor Street has raised concern about the many dual occupancy developments in the street (which are not permissible adjacent to one another) and the crowding of the area by cars parked along the road.

Officer's Comments: The matter of non-compliance with the linear separation provisions of DCP 2010 is discussed in detail later in this report. In summary, a similar application has been lodged for the adjoining site at No. 46 David Avenue, and as such the proposal does not comply with the linear separation provisions of the DCP. Due to this non-compliance the application is referred to Council for determination.

The proposed development does, however, comply with the requirements for off-street parking and provides ample space for the parking of one vehicle per dwelling within attached garages. Any unauthorised on-street parking will be subject to existing road regulations.

8. Absorption Trenches

The objector at No. 4 McGregor Street has raised concern about the proposed absorption trenches which are being proposed close to the boundary of the site and No. 4 McGregor Street.

Officer's Comments: The absorption trenches are located beneath the surface of the ground. Furthermore, they will not be visible nor affect any of the neighbouring sites in terms of overflow. The absorption trenches are located at an appropriate distance (minimum one metre) from the side and rear boundaries and have been assessed as being satisfactory by Council's Development Engineer.

ITEM 3 (continued)

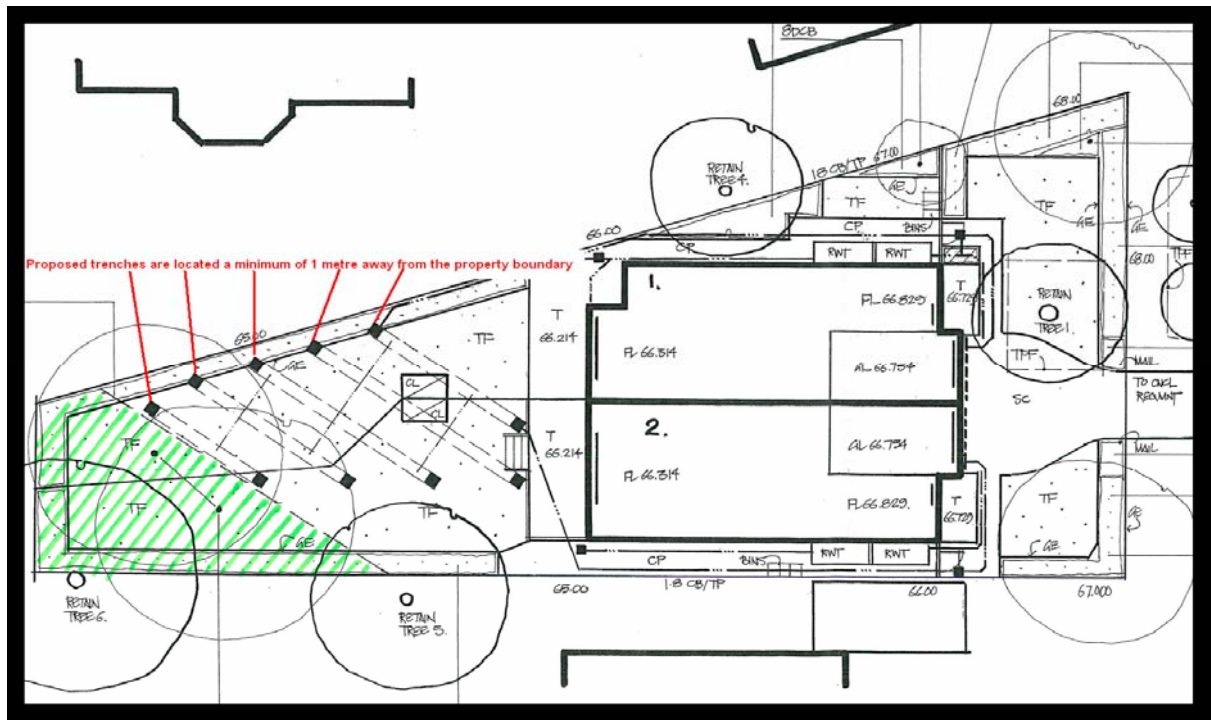


Figure 5: Proposed location of trenches– facing No. 46 David Avenue.

8. SEPP1 (or clause 4.6 RLEP 2010) objection required?

This application does not require the submission of a SEPP 1 objection.

9. Policy Implications

Relevant Provisions of Environmental Planning Instruments etc:

(a) Ryde Local Environmental Plan 2010

Zoning

The subject site is zoned R2 – Low Density Residential under the provisions of the Ryde LEP 2010 and dual occupancy (attached) development is permissible with Council’s consent.

The aims and objectives of the R2 Zone are:

- *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.*

ITEM 3 (continued)

- *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.*

This locality displays a range of architectural styles and the proposal is considered to be compatible with the character of the streetscape and the desired future character as identified in the general controls contained in the DCP 2010 for the R2 – Low Density Residential Zone.

The proposed dwellings are two storeys and comply with Council's maximum height limits. The proposal is not considered to be inconsistent with the low density character of the zone which includes many two storey dwellings and dual occupancy developments within the streetscape.

Mandatory Requirements

Ryde LEP 2010	Proposal	Compliance
4.3(2) Height		
9.5m	8.574m (max)	Yes
4.4(2) & 4.4A(1) FSR		
Ground floor	178.32m ²	
First floor	153.3m ²	
Total (Gross Floor Area)	331.62m ²	
Less 36m ² (double) or 18m ² (single) allowance for parking	295.62m ²	
FSR (max 0.5:1) Note: Excludes wall thicknesses; lifts/stairs; basement storage/vehicle access/garbage area; terraces/balconies with walls <1.4m; void areas.	0.43:1	Yes

ITEM 3 (continued)**(b) Relevant SEPPs**SEPP BASIX:

A compliant BASIX Certificate has been submitted with the application. Should the application be approved; a standard condition will be included in the Draft Consent requiring compliance with this BASIX certificate (Condition No. 3).

State Environmental Planning Policy No. 55 – Remediation of Land

The provisions of SEPP 55 require Council to consider the potential for a site to be contaminated. The subject site has a history of residential use and as such, it is unlikely to contain any contamination and further investigation is not warranted in this case.

(c) Relevant REPsSydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

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 SREP 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 SREP are not applicable to the proposed development.

The objective of improved water quality is satisfied through compliance with the provisions of Council's DCP 2010. The proposed development raises no other issues and otherwise satisfies the aims and objectives of the SREP.

(d) Any draft LEPsDraft Local Environmental Plan 2011

A Section 65 Certificate enabling the formal exhibition of Draft Local Environmental Plan 2011 was issued by the Department of Planning and Infrastructure on 23 April 2012. The Draft Plan is currently on public exhibition. Under this Draft LEP, the zoning of the property is R2 Low Density Residential. The proposed development is permissible with consent within this zoning under the Draft LEP, and it is considered that the proposal is not contrary to the objectives of the Draft LEP or those of the proposed zoning.

ITEM 3 (continued)
(e) Any DCP (e.g. dwelling house, villa)

DCP 2010 was adopted by Council on 15 June 2009 and became effective on 30 June 2010 (i.e. upon commencement of Ryde LEP 2010). The development's compliance with the relevant clauses of the DCP is illustrated in the following table:

Part 3.3 – Dwelling Houses and Duplex Buildings
Part 7.1 – Energy Smart, Water Wise
Part 7.2 – Waste Minimisation and Management
Part 8.2 – Stormwater Management
Part 9.2 – Access for People with Disabilities
Part 9.6 – Tree Preservation

Table 1: Compliance with the Ryde Development Control Plan 2010

DCP 2010	Proposed	Compliance
Part 3.3 - Dwelling Houses and Dual Occupancy (attached)		
Desired Future Character		
Development is to be consistent with the desired future character of the low density residential areas.	The proposed development is consistent with the desired future character of the low density residential area as detailed further in this table.	Y
Dwelling Houses		
- To have a landscaped setting which includes significant deep soil areas at front and rear.	Front and rear gardens proposed.	Y
- Maximum 2 storeys.	Two storeys	Y
- Dwellings to address street	Dwellings present to David Avenue.	Y
- Garage/carports not visually prominent features.	Garages not prominent features as setback from porch structures in front elevation of building.	Y
Dual Occupancy – Linear Separation		
- Any urban housing, multi dwelling (attached), villa homes, duplex, dual occupancy (attached) within double the main frontage of the subject site or existing villa/dual occupancy site?	Concurrent with the submission of the subject application, a similar application for a dual occupancy development was lodged at No. 44 David Avenue. This creates the potential of two adjoining dual occupancy developments.	N (variation supported)
Public Domain Amenity		
Streetscape		
- Front doors and windows are to face the street. Side entries to be	Front doors and windows face street.	Y

ITEM 3 (continued)

DCP 2010	Proposed	Compliance
clearly apparent. - Single storey entrance porticos. - Articulated street facades.	Single entrance porticos. Articulated street façades.	Y Y
Public Views and Vistas - A view corridor is to be provided along at least one side allotment boundary where there is an existing or potential view to the water from the street.	No significant views to/from the site.	N/A
Pedestrian & Vehicle Safety - Car parking located to accommodate sightlines to footpath & road in accordance with relevant Australian Standard. - Fencing that blocks sightlines is to be splayed.	Council's Development Engineer raised no concerns to the proposed development in terms of sightlines. Not proposed.	Y N/A
Site Configuration		
Deep Soil Areas - 35% of site area min. - Min 8x8m deep soil area in backyard. - Dual occupancy developments only need 1 of 8 x 8m area (doesn't have to be shared equally). - Front yard to have deep soil area (only hard paved area to be driveway, pedestrian path and garden walls).	Permeable (deep soil) area: 355.76m ² approx (51% of site area). Rear DSA dimensions: 8m x 8m provided however absorption trenches located within the area. Front DSA: 100% permeable area in front yard= 92.26m ² . Hard surface areas have been kept to a minimum in the front yard.	Y N (variation supported) Y
Topography & Excavation Within building footprint: - Max cut: 1.2m - Max fill: 900mm Outside building footprint: - Max cut: 900mm - Max fill: 500mm - No fill between side of building and boundary or close to rear	Within BF Max cut: 810mm Max fill: 1064mm – suspended slab. Outside BF Max cut: 800 Max fill: nil None proposed.	Y N (variation supported) Y N/A N/A

ITEM 3 (continued)

DCP 2010	Proposed	Compliance
boundary - Max ht retaining wall 900mm	Not proposed.	N/A
Floor Space Ratio		
Ground floor	178.32m ²	
First floor	153.3m ²	
Total (Gross Floor Area)	331.62m ²	
Less 36m ² (double) or 18m ² (single) allowance for parking	295.62m ²	
FSR (max 0.5:1) Note: Excludes wall thicknesses; lifts/stairs; basement storage/vehicle access/garbage area; terraces/balconies with walls <1.4m; void areas.	0.43:1	Y
Height		
- 2 storeys maximum (storey incl basement elevated greater than 1.2m above EGL).	Two storeys maximum.	Y
- 1 storey maximum above attached garage incl semi-basement or at-grade garages.	Complies.	Y
Wall plate (Ceiling Height) - 7.5m max above FGL or - 8m max to top of parapet <i>NB:</i> <i>TOW = Top of Wall</i> <i>FGL = Finished Ground Level</i>	TOW RL: 71.999 FGL blw (lwst pnt) RL: 66.314 TOW Height (max)= 5.685m	Y
- 9.5m Overall Height <i>NB:</i> <i>EGL = Existing Ground Level</i>	Max pnt of dwelling RL: 74.614 EGL blw (lwst pnt) RL: 66.04 Overall Height (max)= 8.574m	Y
Habitable rooms to have 2.4m floor to ceiling height (min).	2.45m min room height	Y
Setbacks		
SIDE Single storey dwelling - 900mm to wall - Includes balconies etc	1000mm to wall min	Y

ITEM 3 (continued)

DCP 2010	Proposed	Compliance
SIDE Two storey dwelling - 1500mm to wall - Includes balconies etc	1500mm to wall min	Y
Front - 6m to façade (generally) - Garage setback 1m from the dwelling façade - Wall above is to align with outside face of garage below. - Front setback free of ancillary elements e.g. RWT, A/C	Complies. Complies. Wall above the garage is set back 1560mm from the garage wall below. Complies.	Y Y N (variation supported) Y
Rear - 8m to rear of dwelling OR 25% of the length of the site, whichever is greater. Note: between 11.72 and 12.26m is 25% of site length.	>23m	Y
Car Parking & Access		
General - Dual Occupancy (attached): 1 space max per dwelling. - Where possible access off secondary street frontages or laneways is preferable. - Max 6m wide or 50% of frontage, whichever is less. - Behind building façade.	One space per dwelling provided within an enclosed garage. Access from: David Avenue External width: 6m Complies.	Y N/A Y Y
Garages - Garages setback 1m from façade. - Total width of garage doors visible from public space must not exceed 5.7m and be setback not more than 300mm behind the outside face of the building element immediately above. - Garage windows are to be at least 900mm away from boundary. - Free standing garages are to have a max GFA of 36m ² - Materials in keeping or complimentary to dwelling.	Complies. Width of opening: 2.35m x 2 (4.7m) Door setback: 300mm No garage windows proposed. Not free-standing. Materials: consistent with new dwelling.	Y Y Y N/A N/A Y

ITEM 3 (continued)

DCP 2010	Proposed	Compliance
Parking Space Sizes (AS) - Single garage: 3m w(min) - Internal length: 5.4m (min)	Two single garages: 3m x 5.5m	Y
Driveways - Extent of driveways minimised	Complies.	Y
Landscaping		
Trees & Landscaping - Major trees retained where practicable - Physical connection to be provided between dwelling and outdoor spaces where the ground floor is elevated above NGL e.g. stairs, terraces. - Obstruction-free pathway on one side of dwelling (excl cnr allotments or rear lane access) - Front yard to have at least 1 tree with mature ht of 10m min and a spreading canopy. - Back yard to have at least 1 tree with mature ht of 15m min and a spreading canopy. - Hedging or screen planting on boundary mature plants reaching no more than 2.7m. - OSD generally not to be located in front setback unless under driveway.	Complies. Complies. Complies. Complies. Complies. Not proposed.	Y Y Y Y Y N/A
- Landscaped front garden, with max 40% hard paving	Hard Paving: 31%	Y
Landscaping for lots with Urban Bushland or Overland Flow constraints - Where lot is adjoining bushland protect, retain and use only native indigenous vegetation for distance of 10m from boundary adjoining bushland.	Complies. Council's Landscape Architect has raised no objection to the proposed development.	Y
Dwelling Amenity		
Daylight and Sunlight Access		

ITEM 3 (continued)

DCP 2010	Proposed	Compliance
<ul style="list-style-type: none"> - Living areas to face north where orientation makes this possible. - 4m side setback for side living areas where north is to the side allotment boundary. <p><u>Subject Dwelling:</u></p> <ul style="list-style-type: none"> - Subject dwelling north facing windows are to receive at least 3hrs of sunlight to a portion of their surface between 9am and 3pm on June 21. - Private Open space of subject dwelling is to receive at least 2 hours sunlight between 9am and 3pm on June 21. <p><u>Neighbouring properties are to receive:</u></p> <ul style="list-style-type: none"> - 2 hours sunlight to at least 50% of adjoining principal ground level open space between 9am and 3pm on June 21. - At least 3 hours sunlight to a portion of the surface of north facing adjoining living area windows between 9am and 3pm on June 21. 	<p>Living areas face north.</p> <p>Not applicable.</p> <p>Subject dwelling north facing windows receive more than 3hrs of sunlight to a portion of their surface between 9am and 3pm on June 21.</p> <p>Private Open space of subject dwellings receive more than 2 hours sunlight between 9am and 3pm on June 21.</p> <p>More than 2 hours sunlight is achieved to at least 50% of adjoining principal ground level open space between 9am and 3pm on June 21.</p> <p>At least 3 hours sunlight is achieved to a portion of the surface of north facing adjoining living area windows between 9am and 3pm on June 21.</p>	<p>Y</p> <p>N/A</p> <p>Y</p> <p>Y</p> <p>Y</p> <p>Y</p>
<p>Visual Privacy</p> <ul style="list-style-type: none"> - Orientate windows of living areas, balconies and outdoor living areas to the front and rear of dwelling. - Windows of living, dining, family etc placed so there are no close or direct views to adjoining dwelling or open space. - Side windows offset from adjoining windows. - Terraces, balconies etc are not to overlook neighbouring dwellings/private open space. 	<p>Complies.</p> <p>Complies.</p> <p>Complies.</p> <p>No terraces/balconies proposed.</p>	<p>Y</p> <p>Y</p> <p>Y</p> <p>N/A</p>

ITEM 3 (continued)

DCP 2010	Proposed	Compliance
Acoustic Privacy - Layout of rooms in dual occupancies (attached) are to minimise noise impacts between dwellings e.g.: place adjoining living areas near each other and adjoining bedrooms near each other.	Complies.	Y
View Sharing - The siting of development is to provide for view sharing.	No significant views to/from the site.	N/A
Cross Ventilation - Plan layout is to optimise access to prevailing breezes and to provide for cross ventilation.	Complies.	Y
External Building Elements		
Roof - Articulated. - 450mm eaves overhang minimum. - Not to be trafficable terrace. - Skylights to be minimised and placed symmetrically. - Front roof plane is not to have both dormer windows and skylights.	Complies. Complies. Complies. Not proposed. None proposed. Not proposed.	Y Y Y N/A N/A N/A
Attic Dormer Windows		
Fencing		
Front/return: - To reflect design of dwelling. - To reflect character & height of neighbouring fences. - Max 900mm high for solid (picket can be 1m). - Max 1.8m high if 50% open (any solid base max 900mm). - Retaining walls on front boundary max 900mm. - No colorbond or paling - Max width of piers 350mm.	Front fencing is not proposed.	N/A
Side/rear fencing: - 1.8m max o/a height.	Existing side fencing.	N/A
Part 7.1 - Energy Smart, Water Wise		
As per submitted BASIX Certificate.		Y

ITEM 3 (continued)

DCP 2010	Proposed	Compliance
External Clothes Drying Area		
External yard space or sheltered ventilated space for clothes drying	Complies.	Y
Part 7.2- Waste Minimisation & Management		
Submission of a Waste Management Plan in accordance with Part 7.2	The applicant has submitted a Waste Management Plan in accordance with Part 7.2	Y
Part 8.2 - Stormwater Management		
Stormwater		
Drainage is to be piped in accordance with Part 8.2 - Stormwater Management.	Council's Development Engineer has raised no objection to the proposed development.	Y
Part 9.2 – Access for People with Disabilities		
Accessible path required from the street to the front door, where the level of land permits.	Level of land does not permit full accessibility of dwelling. Note: not been made worse.	Y
Part 9.6 – Tree Preservation		
Where the removal of tree(s) is associated with the redevelopment of a site, or a neighbouring site, the applicant is required to demonstrate that an alternative design(s) is not feasible and retaining the tree(s) is not possible in order to provide adequate clearance between the tree(s) and the proposed building and the driveway.	Council's Landscape Architect has raised no objection to the proposed development.	Y

The Non-compliances identified in the table above are assessed below.

DCP NON-COMPLIANCES:

- Dual Occupancy – Linear Separation.** The development does not comply with the Linear Separation requirements in Clause 2.3 – Dual Occupancy (attached) of Part 3.3 – Dwelling Houses and Dual Occupancy Development (attached) of the Ryde DCP 2010 which states that:

Dual occupancy (attached) buildings in the R2 Low Density Residential zone must be separated from Urban Housing, Multi Dwelling Housing (Attached), Villa Homes, Duplex Dwellings and other Dual Occupancy (attached) buildings in accordance with the following:

ITEM 3 (continued)

i. If an urban housing development, villas, duplex building, multi dwelling housing (attached) or dual occupancy (attached) building has been erected, or is permitted by a development consent, on an allotment with a frontage to a street or road within the R2 Low Density Residential zone, then Council will not consent to a dual occupancy (attached) being erected on another allotment with a frontage to that same street or road and in the same street block, unless the two allotments are separated by a distance of at least:

- twice the distance of the frontage to the street of the existing or approved villa, multi dwelling housing, duplex, urban housing, dual occupancy (attached) development, or*
- twice the distance of the frontage to the street of the proposed villa, duplex, urban housing, multi dwelling housing, dual occupancy (attached) development;*

whichever is the greater distance.

There is currently an approved and strata subdivided dual occupancy development at No. 40 David Avenue which was approved on 10 November 1992 under State Regional Environmental Plan No. 12 (Dual Occupancy) and No. 25 (Residential Allotment Size and Dual Occupancy Subdivision) and therefore the linear separation control does not apply to this development.

The adjoining site, however, (No. 46 David Avenue – directly to the east) is the subject of a development very similar to the proposal. In the assessment of the subject application, relevant to linear separation, RDCP requires Council to take into consideration the effect of the proposed development of No. 46 David Avenue. The adjoining development introduces non-compliance with the linear separation provisions of the DCP.

The applicant has provided the following comments on this issue in the Statement of Environmental Effects:

The subject site is located south of Epping Road within the area marked for "investigation of potential future transition areas" in Maps on page 4-84 of Ryde Housing Study. This area has been focused and introduced as "good access to the employment, retail, entertainment and public transport opportunities within Macquarie Park, as well as good access to the nearby Lane Cove National Park ... and good access to the regional road network". Access to City and Chatswood takes about 15 minutes.

ITEM 3 (continued)

Ryde Housing Study clearly highlights Council preferred options and decision to:

- *Delete the linear separation distance requirement*
- *Encourage greater dwelling supplies where land area is larger than 580m² with frontages greater than 20 metres in R2 zoning (the subject land satisfies both).*
- *Subject land is south of Epping Road in proximity to railway, employment and major shopping facilities.*
- *Council publish its "preferred option" to remove linear separation controls in Housing Study in several places (4-68, 4-85, 4-90 action, 4-92 DCP Recommendation No. 10).*

The design fundamentally satisfies the Aims and Preferred Options of the Ryde LEP 2011 adopted and published by Council commencing on the day on which it is published on the NSW legislation website.

It fulfils the State Planning directive, Metropolitan Strategy and Draft Inner North Subregional Strategy. It will have public benefit and provides for a variety of housing types as well as deemed affordable housing.

It satisfies the site's context and desired future character of the low density residential areas. It befits the form and architectural character of adjacent and opposite buildings in the streetscape and adjacent sites. It would have no environmental impact as a consequence of the development. It will achieve a harmonious low density residential outcome consistent with the appearance of dwelling houses.

It is concluded that the subject land is suitable for dual occupancy/duplex development taking into consideration of various applicable planning instruments. The application is in line with the path Council has already put in place in regard to minimum lot size, minimum road frontage and deletion of linear separation distance- both in LEP 2011 and adopted policies published in various documents including the extensive Ryde Housing Study. The conditions are met and satisfactory. In any event, if linear separation is to be applied, No. 40 David Avenue is excluded from consideration as it was approved in 1992.

As explained, the design satisfies the control of scale and character and compatibility with the streetscape.

New controls proposed under Draft Ryde LEP and DCP 2011 will effectively remove the linear separation controls currently in existence.

ITEM 3 (continued)

It is acknowledged that under the forthcoming draft DCP 2011, linear separation controls have been deleted. However, DCP 2011 will not come into force until draft LEP 2011 becomes effective. As there are a number of statutory steps that have to be undertaken before LEP 2011 becomes effective, it is reasonable to say that commencement of either LEP 2011 or DCP 2011 is not currently imminent.

On this basis, continued application of the linear separation provisions of DCP 2010 is proposed, with a resulting recommendation of refusal. However, if Council was to form the view that application of the linear separation provisions in respect of the proposed development was not warranted, a set of appropriate conditions of consent are provided as an option for Council in determination of the application.

- 2. Absorption trenches located within rear deep soil area (8m x 8m).** In accordance with Section 2.5.1 – Deep soil areas, control ‘e’ requires deep soil areas to be 100% permeable to water and cannot be covered by structures, paving or the like, or have below surface structures such as stormwater detention elements.

The absorption trenches are located beneath the surface of the ground and will not affect the useability of the area as a recreational area nor a deep soil area where substantial planting can occur.

The objectives of this part of the DCP states that the purpose of deep soil area are:

1. *To ensure that land retains its ability to absorb rain water so as to reduce stormwater runoff and to increase the moisture level of the soil for the use of trees and other vegetation.*
2. *To ensure that each building allotment has a minimum deep soil area.*
3. *To retain and enhance vegetation corridors.*
4. *To provide space for mature tree growth and other vegetation.*
5. *To generally retain existing mature trees and vegetation.*
6. *To enable movement of fauna along vegetation corridors.*

The absorption trenches have been limited in its size, are approved by Council's Development Engineer and will otherwise allow all of the above objectives to be fulfilled. Absorption of water through the soil will still take place and has been maximised, vegetation corridors will be maintained and mature tree growth in the rear yard will not be compromised.

The development proposal has maximised the extent of deep soil area and otherwise fulfils the aims and objectives of this part of the DCP and is only considered to be a minor non-compliance in this case.

ITEM 3 (continued)

3. **Maximum Fill within Building Envelope Exceeds 900mm.** The proposal does not actually propose any fill however this minor non-compliance is raised on a technical issue that the ground floor slab is raised 1064mm above natural ground level at its highest point supported by a drop edge beam. **Figure 6** shows the extent of the 'non compliance'. The variation is therefore supported in this instance.

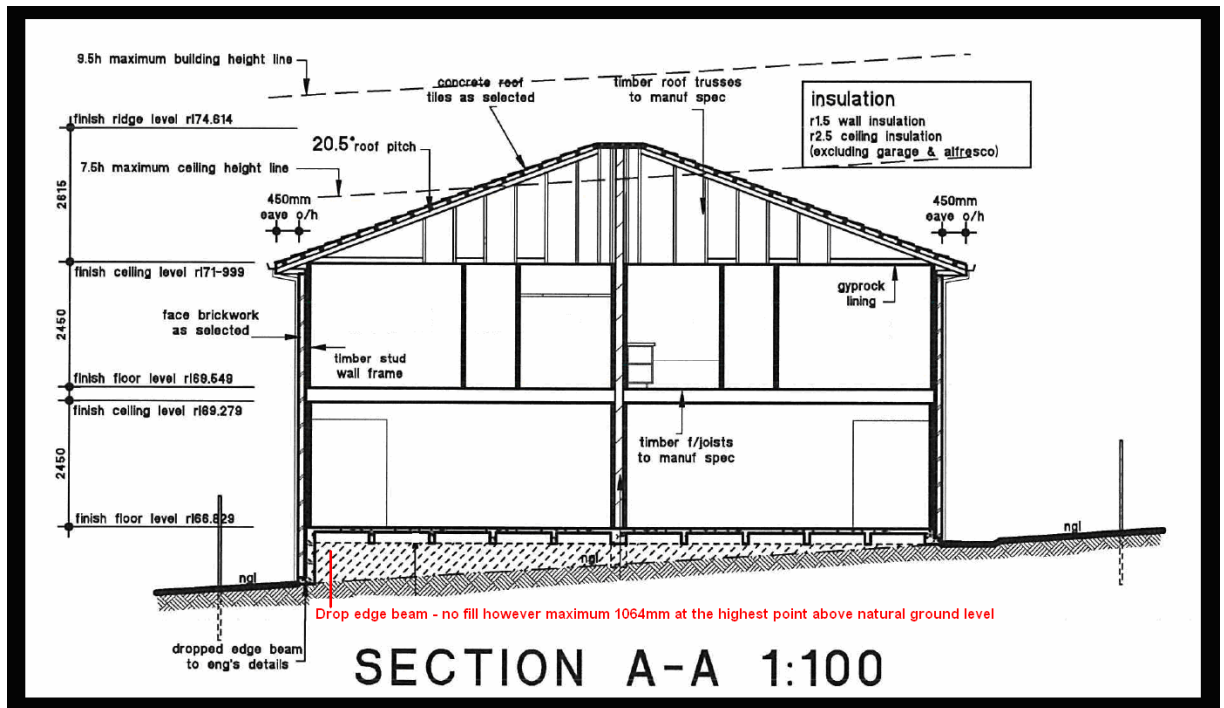


Figure 6: Area of 'non-compliance' with maximum fill requirements.

4. **Wall above is to align with outside face of garage below.** Clause 2.8.1, (f), Section 3.3 of DCP 2010 states that the outside of wall above a garage, which faces the street, is to align with the outside face of the garage wall below. The objective of this requirement is to ensure articulation in the front elevation and to prevent the first floor wall extending beyond the garage below. The wall above the garage is setback approximately 1560mm from the outside face of the garage. The non-compliance is supported in this instance as it complies with the objectives of the control which are intended to provide building articulation (see **Figure 2** of this report).

City of Ryde Section 94 Development Contribution Plan 2007. The development for an attached dual occupancy will require Section 94 contributions in accordance with Council's current Section 94 Contributions Plan. The proposal comprises of:

- Demolition of the existing dwelling (which is a "credit" when calculating Section 94 rates) – to be applied for under a separate application;
- Dwelling 1 with 4 bedrooms; and
- Dwelling 2 with 4 bedrooms:

ITEM 3 (continued)

A	B
Community & Cultural Facilities	\$3,991.39
Open Space & Recreation Facilities	\$9,825.97
Civic & Urban Improvements	\$3,341.90
Roads & Traffic Management Facilities	\$455.76
Cycleways	\$284.75
Stormwater Management Facilities	\$904.74
Plan Administration	\$76.78
The total contribution is	\$18,881.29

Should the application be approved, a condition will be imposed in the Draft Consent requiring payment of a Section 94 contribution of \$18,881.29 (Condition No 14). The calculation sheet showing how this amount was calculated has been certified by two Council Officers and is held on Council's file.

10. Likely impacts of the Development
(a) Built Environment

The proposed development involves the construction of a new two storey dual occupancy (attached) development and is not considered to have any adverse impacts on the existing built environment or the amenity of the surrounding area. The proposed development will appear as a two storey dwelling which 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

Urban Bushland: Council's Landscape Architect has raised no objection to the proposed development subject to 3 conditions of development consent:

Council mapping suggests the site may contain elements of urban bushland, however the site inspection has revealed that the tree is in actual fact the large Camphor Laurel located at the rear of No. 42 David Avenue.

ITEM 3 (continued)**12. The Public Interest**

The proposed development is considered satisfactory in terms of design, external appearance and impacts on neighbouring properties, however, it does have a non-compliance with the linear separation controls contained in DCP 2010 and hence this DA is referred to Council for determination. The proposed development is considered likely to adversely impact upon the public interest, due to non-compliance with the linear separation provisions of DCP 2010.

13. Consultation – Internal and ExternalInternal Referrals

Development Engineer (25 November 2011): raised no objection to the proposed development subject to 20 conditions of development consent:

The proposed development is located on land which slopes to the rear. In accordance with Council's requirement the applicant has requested the rear neighbouring properties owner for a drainage easement to dispose the site stormwater runoff to Paul Street. Unfortunately, their request has been formally refused.

The existing site has a pre-development site impervious area of 28% and the applicant proposed to increase this impervious area coverage to 38% post development. As a stormwater drainage easement could not be obtained, the applicant's engineer has submitted an alternative design to collect and pipe the site impervious areas runoff to absorption system located at the rear of the site via an amplified combined OSD and rainwater tank system. The proposal has been assessed and is considered to be satisfactory as the applicant has provided an OSD system and additional rainwater tank volume totalling 7000 litres per unit in accordance with the requirement of DCP 2010 Part 8.2, to compensate for and minimise impacts that may arise due to the increase in impervious areas.

The overland flow path located on the rear neighbouring property is remotely located from the proposed building, hence is unlikely to have any potential impacts on the proposed development.

From a stormwater disposal and access perspective the application is considered to be generally satisfactory in accordance with AS 2890.1-2004 and DCP 2010 - Part 8.2.

Landscape Architect (7 December 2011): raised no objection to the proposed development subject to 3 conditions of development consent.

ITEM 3 (continued)External Referrals

Nil.

14. Critical Dates

The applicants have lodged an appeal in the Land and Environment Court against Council's "deemed refusal" of this DA. This matter is listed for a first directions hearing on **27 June 2012**, by which time Council's Solicitor is required to either:

- advise the Court that Council has approved the application; or
- serve documentation to the Court (called a "Statement of Facts and Contentions") identifying why the DA should be refused.

The timeframe mentioned above will enable Council to consider and determine this DA before the first directions hearing in the Court.

15. Financial Impact

Given that an appeal has been lodged in this DA, there are possible financial impacts, which vary according to how Council determines this DA. If Council adopts the recommendation to refuse this DA, then costs will be incurred in Council having to defend the appeal. Past experience indicates that such costs would be in the order of \$10,000 to \$20,000.

Conversely, if Council decides to approve this DA, then the costs would be much lower. In this scenario, the applicant's would "discontinue" the appeal in the Court upon Council's approval of the DA, which would end the matter relatively quickly, and the costs would be limited to under \$2000.

16. Other Options

As previously detailed, the application does not comply with the linear separation provisions of DCP 2010, and accordingly the application is recommended for refusal.

If the linear separation provisions were, for the moment, put to one side, the only other remaining areas of non-compliance with DCP 2010 controls are:

- Technical non-compliance with maximum fill requirements (within the building envelope);
- Technical non-compliance with Council's 8m x 8m rear deep soil zone (due to the provision of absorption trenches); and
- Wall above the garage not align with the outside face of the garage below (setback 1560mm).

ITEM 3 (continued)

These issues have previously been discussed, and on their own, either singularly or collectively, are considered not to be such as to cause the application to fail.

The likely future inclusion of linear separation controls within DCP 2011 has previously been discussed, however, the future content of DCP 2011 is not finalised, and implementation of DCP 2011 is not imminent.

However, the option of approval of the application is made available to Council, and to this end a draft set of conditions relevant to this option are contained in **Attachment 1**.

17. Conclusion

The report has considered a proposal to construct a new two storey dual occupancy (attached).

The proposal has been assessed using the heads of consideration listed in Section 79C of the Environmental Planning and Assessment Act, 1979. The proposal has some areas of non-compliance with controls detailed in Part 3.3 of DCP 2010, namely:

- *Dual Occupancy – Linear Separation*
- *Maximum fill within Building Envelope Exceeds 900mm*
- *Absorption trenches located within rear deep soil area (8m x 8m)*
- *Wall above garage does not align with outside face of garage below*

It is noted that the design responds, in a positive manner, to the constraints of the site. It is considered that in the design of the dwellings, the applicant has been mindful of the impact of the development on the adjoining dwellings and has provided appropriate setbacks, building articulation, minimal first floor windows to the sides of the proposed dwellings and appropriate landscaping along side boundaries in order to minimise the perceived and actual impacts of the development.

The proposal was notified to neighbours in accordance with DCP 2010, and **three (3) submissions** were received from the owners of adjoining properties. The main issues raised were general concerns over the number of dual occupancy developments within the locality (desired future character/linear separation), the proposed method of stormwater disposal (via absorption trenches), the lack of deep soil area and daylight and sunlight access, the loss of visual privacy, and the impacts on the common boundary fence by the proposed development (and construction of the development). The issues raised in the submissions have been discussed and relevant comments provided.

ITEM 3 (continued)

Based upon non-compliance with the linear separation provisions of DCP 2010, the application is recommended for refusal. The other variations to the DCP are minor and should not result in any adverse impacts.

Options in respect of determination of the application are provided for Council's consideration.

ITEM 3 (continued)

ATTACHMENT 1

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	August 2010	Sheet 1 of 9
Ground Floor Plan	August 2010	Sheet 2 of 9
First Floor Plan	August 2010	Sheet 3 of 9
Elevations (SW, SE, NE)	August 2010	Sheet 4 of 9
Elevation (NW) and Section A-A	August 2010	Sheet 5 of 9

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 386555m_02, dated 18 October 2011.

Landscaping

4. The removal and construction management of trees is to be in accordance with the landscape plan prepared by Michael Siu, Revision A, dated 11th August, 2011.
5. A tree protection zone is to be established around trees 5 & 6, with no construction activity, site storage or stockpiling to occur within the root zone of the subject trees. Tree protection areas are to be installed prior to the commencement of demolition (under a separate application) and maintained for duration of the construction period.
6. Works within the root zone of tree 4 including: the establishment of the building platform, associated paving and stormwater pipes and trenching are to be supervised by a project arborist.

Protection of Adjoining and Public Land

7. **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.
8. **Hoardings.**
 - (a) A hoarding or fence must be erected between the work site and any adjoining public place.

ITEM 3 (continued)

ATTACHMENT 1

- (b) An awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.
 - (c) Any hoarding, fence or awning erected pursuant this consent is to be removed when the work has been completed.
9. **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.

General Engineering Conditions

10. **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* and relevant Development Control Plans except as amended by other conditions.
11. **Service Alterations.** All mains, services, poles, etc., which require alteration shall be altered at the applicant's expense.
12. **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.
13. **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.

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.

ITEM 3 (continued)

ATTACHMENT 1

Details of compliance with the conditions, including plans, supporting documents or other written evidence must be submitted to the Principal Certifying Authority.

14. **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	B
Community & Cultural Facilities	\$3,991.39
Open Space & Recreation Facilities	\$9,825.97
Civic & Urban Improvements	\$3,341.90
Roads & Traffic Management Facilities	\$455.76
Cycleways	\$284.75
Stormwater Management Facilities	\$904.74
Plan Administration	\$76.78
The total contribution is	\$18,881.29

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>.

15. **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**.
16. **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 delivery of bricks or concrete or machine excavation)

ITEM 3 (continued)

ATTACHMENT 1

17. **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
18. **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**.
19. **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**.

Engineering Conditions to be complied with Prior To Construction Certificate

20. **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.
21. **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.
22. **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.
23. **Stormwater Runoff.** Stormwater runoff from all roof impervious areas shall be collected and piped to an absorption drainage system located at the rear of the site via an OSD system and a BASIX required rainwater tank(s) in accordance with BASIX and the City of Ryde, Development Control Plan 2010: - Part 8.2; Stormwater Management. *Runoff from driveways and other low lying impervious areas can be collected and piped to directly to the absorption system, by-passing the OSD and rainwater tanks system.*

Additionally, the BASIX required rainwater tank volume shall be increased for each dwelling to 3000 litres as specified by BASIX.

Accordingly, detailed amended engineering plans including certification indicating compliance with this condition are to be submitted with the construction certificate application.

ITEM 3 (continued)

ATTACHMENT 1

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

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.

25. 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 1

26. **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.
27. **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).

28. **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.

Engineering Conditions to be complied with Prior to Commencement of Construction

29. **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.
30. **Compliance Certificate.** A Compliance Certificate must be obtained confirming that the constructed erosion and sediment control measures comply with the construction plan and the City of Ryde, Development Control Plan 2006: - Part 8.1; Construction Activities.

ITEM 3 (continued)

ATTACHMENT 1

31. **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.

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.

32. **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*.
33. **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.
34. **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.
35. **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.
36. **Sediment/dust control.** No sediment, dust, soil or similar material shall leave the site during construction work.
37. **Construction materials.** All materials associated with construction must be retained within the site.
38. **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 1

39. Site maintenance

The applicant must ensure that:

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

40. 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.

41. Tree protection – during construction. Trees that are shown on the approved plans as being retained must be protected against damage during construction.

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.

42. BASIX. The submission of documentary evidence of compliance with all commitments listed in BASIX Certificate numbered 386555m_02, dated 18 October 2011.

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

44. 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

ITEM 3 (continued)

ATTACHMENT 1

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.

45. **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.

Engineering Conditions to be complied with Prior to Occupation Certificate

46. **Disused Gutter Crossing.** All disused gutter and footpath crossings shall be removed and the kerb and footpath reinstated to the satisfaction of Council.
47. **Compliance Certificates – Engineering.** Compliance Certificates must 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*.
 - Confirming that the driveway is constructed in accordance with the construction plan requirements and Ryde City Council's *Environmental Standards Development Criteria - 1999*.
 - Confirming that the site drainage system servicing the development complies with the construction plan requirements and the City of Ryde, Development Control Plan 2010: - Part 8.2; Stormwater Management
 - 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.
 - From Council confirming that all external works have been completed to Council's satisfaction.
48. **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 the City of Ryde, Development Control Plan 2006: - 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.

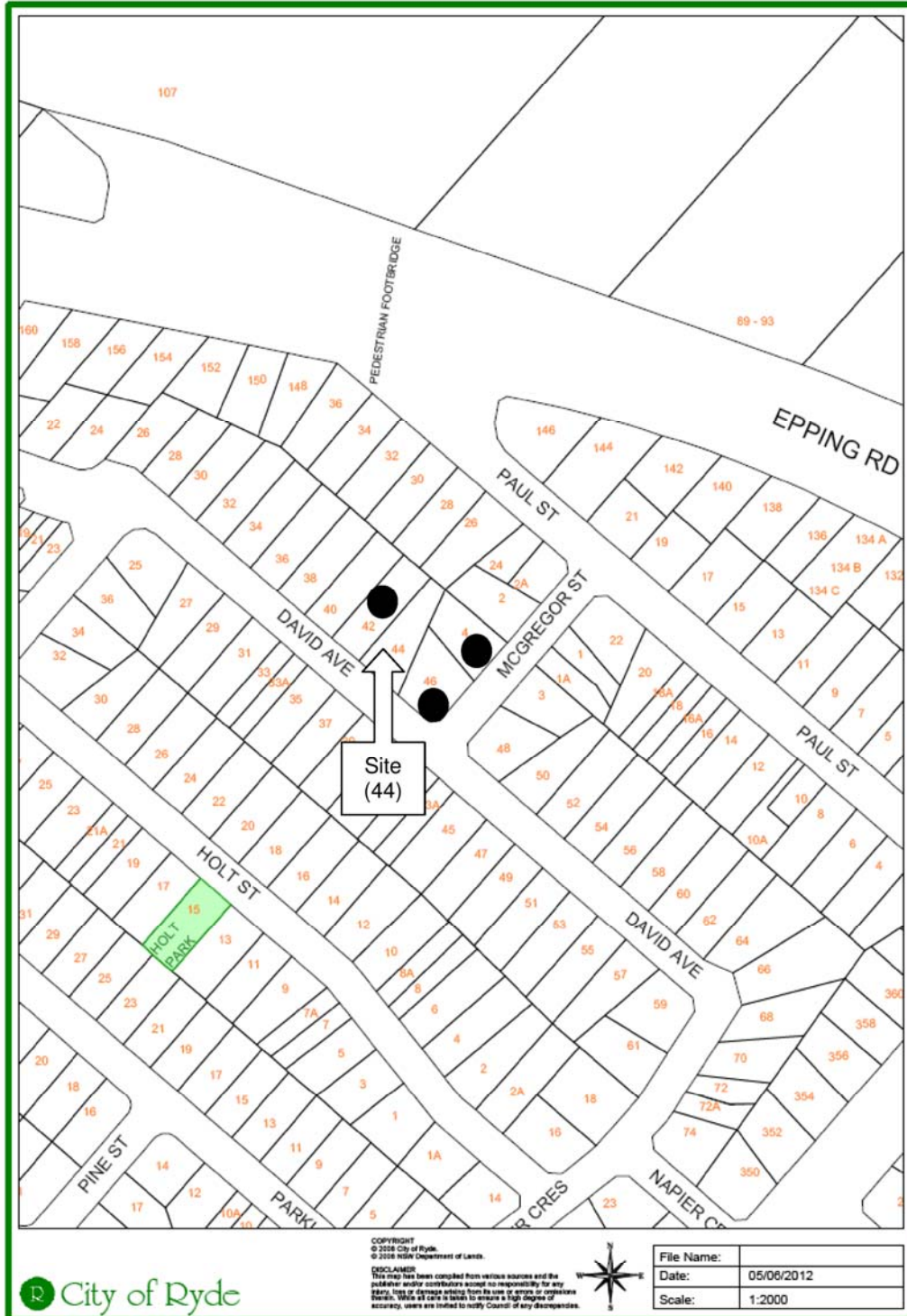
ITEM 3 (continued)**ATTACHMENT 1**

49. **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 **is to be submitted to the Principal Certifying Authority (PCA)** and to Ryde City Council if Council is not the nominated PCA. If there are proposed interallotment drainage easements on the subject property, **a Certificate from a Registered Surveyor is to be submitted to the PCA** certifying that the subject drainage line/s and pits servicing those lines lie wholly within the proposed easements.
50. **Disused Gutter Crossing.** All disused gutter and footpath crossings shall be removed and the kerb and footpath reinstated to the satisfaction of Council.
51. **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.
52. **Positive Covenant, Dispersal.** The creation of a Positive Covenant under Section 88 of the Conveyancing Act 1919, burdening the property with the requirement to maintain the stormwater dispersal system. The terms of the instruments are to be generally in accordance with the Council's draft terms of Section 88E instrument for Maintenance of On- site Dispersal Systems and to the satisfaction of Council.
53. **Drainage Construction.** The stormwater drainage on the site is to be constructed in accordance with the construction certificate version of plan 22915 sheet 1 revision A dated 29/6/11 prepared by Auswide Engineering as amended in red.

ITEM 3 (continued)

ATTACHMENT 2

 Indicates submissions received



ITEM 3 (continued)

ATTACHMENT 3

NOTES AND SPECIFICATIONS
EXCAVATIONS
All excavations shall be done in accordance with the relevant code of practice. The contractor shall be responsible for obtaining all necessary permits and for the safety of all workers. Excavation shall not be carried out until it is approved by the Council.

LANDSCAPE
Landscape planting shall be done in accordance with the relevant code of practice. The contractor shall be responsible for obtaining all necessary permits and for the safety of all workers.

ROOFING
Roofing shall be done in accordance with the relevant code of practice. The contractor shall be responsible for obtaining all necessary permits and for the safety of all workers.

CONCRETE
Concrete shall be done in accordance with the relevant code of practice. The contractor shall be responsible for obtaining all necessary permits and for the safety of all workers.

PAVING
Paving shall be done in accordance with the relevant code of practice. The contractor shall be responsible for obtaining all necessary permits and for the safety of all workers.

WATER
Water supply shall be done in accordance with the relevant code of practice. The contractor shall be responsible for obtaining all necessary permits and for the safety of all workers.

PLANT SCHEDULE
Code Plant Name Qty
AS1L Asplenium platyneuron 2000mm

AS2L Asplenium platyneuron 2000mm

AS3L Asplenium platyneuron 2000mm

AS4L Asplenium platyneuron 2000mm

AS5L Asplenium platyneuron 2000mm

AS6L Asplenium platyneuron 2000mm

AS7L Asplenium platyneuron 2000mm

AS8L Asplenium platyneuron 2000mm

AS9L Asplenium platyneuron 2000mm

AS10L Asplenium platyneuron 2000mm

AS11L Asplenium platyneuron 2000mm

AS12L Asplenium platyneuron 2000mm

SURFACE TREATMENT LEGEND
1. 20mm concrete
2. 100mm concrete
3. 150mm concrete
4. 200mm concrete
5. 250mm concrete
6. 300mm concrete
7. 350mm concrete
8. 400mm concrete
9. 450mm concrete
10. 500mm concrete

1. 20mm concrete
2. 100mm concrete
3. 150mm concrete
4. 200mm concrete
5. 250mm concrete
6. 300mm concrete
7. 350mm concrete
8. 400mm concrete
9. 450mm concrete
10. 500mm concrete

1. 20mm concrete
2. 100mm concrete
3. 150mm concrete
4. 200mm concrete
5. 250mm concrete
6. 300mm concrete
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1. 20mm concrete
2. 100mm concrete
3. 150mm concrete
4. 200mm concrete
5. 250mm concrete
6. 300mm concrete
7. 350mm concrete
8. 400mm concrete
9. 450mm concrete
10. 500mm concrete

1. 20mm concrete
2. 100mm concrete
3. 150mm concrete
4. 200mm concrete
5. 250mm concrete
6. 300mm concrete
7. 350mm concrete
8. 400mm concrete
9. 450mm concrete
10. 500mm concrete

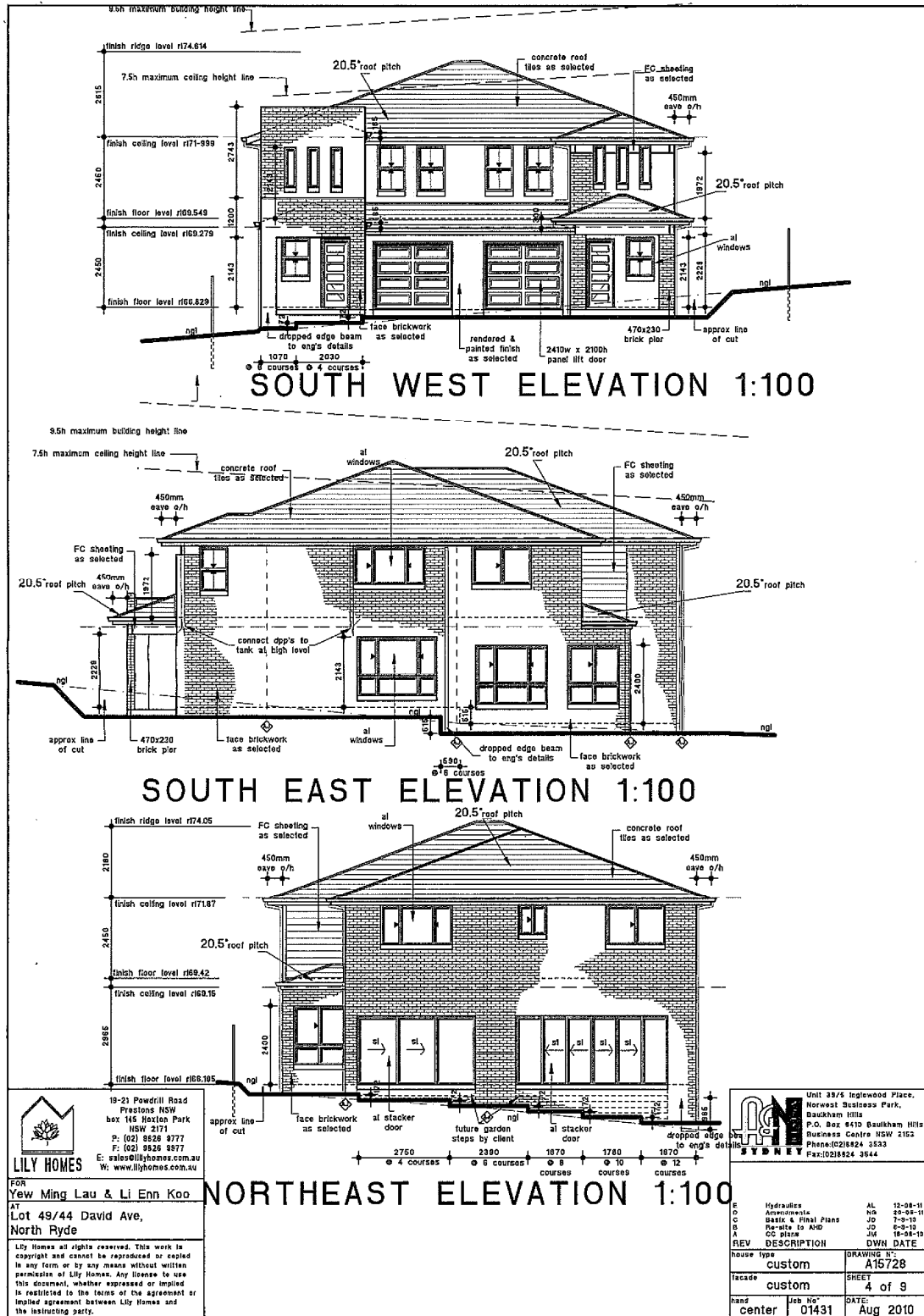
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9. 450mm concrete
10. 500mm concrete

Michael Stull
Landscape Planning
44 Sturt Street, Ryde
NSW 2112
Tel: 9557 8333 Fax: 9557 8331



ITEM 3 (continued)

ATTACHMENT 3



19-21 Powdermill Road
Prestons NSW
box 165 Hazlet Park
NSW 2171
P: (02) 8826 9777
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E: sales@lilyhomes.com.au
W: www.lilyhomes.com.au

LILY HOMES
FOR
Yew Ming Lau & Li Enn Koo
AT
Lot 49/44 David Ave,
North Ryde

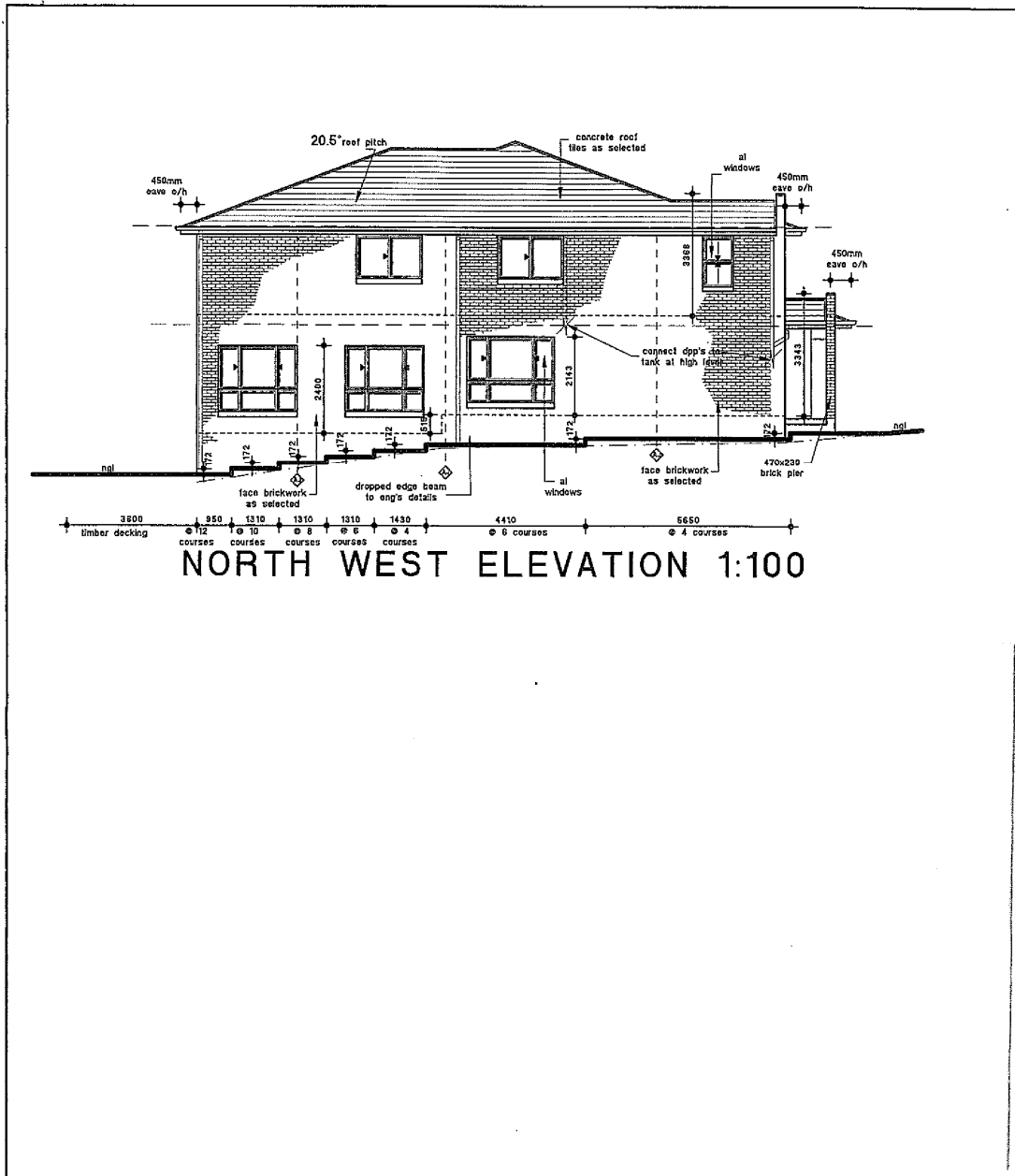
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P.O. Box 6410 Baulkham Hills
Business Centre NSW 2153
Phone: (02) 8824 1533
Fax: (02) 8824 3544

E	Hydraulics	AL	12-08-11
O	Annotations	NA	22-08-11
C	Basic & Final Plans	JD	7-9-10
S	Re-site to AHD	JD	6-9-10
A	GC plans	JM	18-08-10
REV	DESCRIPTION	DWN	DATE
	house type	custom	A15728
	facade	custom	4 of 9
hand	center	Job No 01431	DATE: Aug 2010

ITEM 3 (continued)


ATTACHMENT 3




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LILY HOMES
 FOR
Yew Ming Lau & Li Enn Koo
 AT
**Lot 49/44 David Ave,
 North Ryde**

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 Fax: (02) 8824 3544

REV	DESCRIPTION	DWN	DATE
E	Hydraulics	AL	12-01-11
IC	Amendments	NO	20-01-11
IC	Basin & Final Plans	JO	7-6-10
S	Re-site to AMD	JO	6-8-10
A	CC Plans	JM	18-3-10

house type	custom	DRAWING NO.	A15728
facade	custom	SHEET	5 of 9
band	center	Job No.	01431
		DATE	Aug 2010

4 46 DAVID AVENUE, NORTH RYDE. LOT 48 DP 36455. Local Development Application for construction of a two-storey attached dual occupancy. LDA2011/567.

INSPECTION: 4.40pm

INTERVIEW: 5.15pm

Report prepared by: Senior Town Planner; Team Leader - Assessment

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

Report dated: 5/06/2012

File Number: grp/12/5/5/3 - BP12/681

1. Report Summary

Applicant: J O'Connor.

Owner: J O'Connor, K N Sabben.

Date lodged: 2 November 2011.

This report considers a proposal to demolish the existing single storey fibro and tile dwelling and to construct a 2-storey attached dual occupancy.

The proposal has the following areas of non-compliance with controls in Part 3.5 of DCP 2010, namely:

- Linear separation controls.
- Deep soil area in rear yard (i.e. an area measuring 8m x 8m can only be provided in this instance having a stormwater absorption trench located partially below ground).

These issues are addressed in detail in this report. The matter of deep soil area is considered to be minor and not (by itself) sufficient to warrant refusal of the Development Application (DA), however the non-compliance of linear separation is more significant and hence the DA is referred to Council for determination.

The application was notified to neighbours in accordance with DCP 2010, and six submissions were received (three submissions to the original notification and a further three submissions to the amended plans). The submissions raise a range of concerns including: overshadowing, privacy and amenity concerns, separation distances, cumulative impact on streetscape, traffic and on-street parking, setbacks, stormwater discharge and overland flow and increase in density in area. Comments on the submissions are provided in this report.

The application is recommended for refusal on the basis of the non-compliance with the linear separation provisions of DCP 2010, however, options in respect of determination of the application have been provided for Council's consideration.

Reason for Referral to Planning and Environment Committee: Non-compliance with DCP 2010 with respect to linear separation.

ITEM 4 (continued)

Public Submissions: three submissions were received objecting to the original development.
three submissions were received objecting to the amended development.

SEPP 1 (or clause 4.6 RLEP 2010) objection required? No.

Value of works: \$450,000

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

RECOMMENDATION:

- (a) That Local Development Application No. 2011/567 at 46 David Avenue, North Ryde, be refused for the following reasons:
 - (i) The proposed development does not comply with the provisions of Ryde Development Control Plan 2010 (DCP) in respect to linear separation. (Control 2.3 of Part 3.3 of the DCP)
 - (ii) Consent to the application would not be in the public interest.
- (b) That the persons who made submissions be advised of Council's decision.

ATTACHMENTS

- 1 Draft Conditions of Consent
- 2 Map
- 3 A4 Plans
- 4 A3 Plans - subject to copyright provisions - CIRCULATED UNDER SEPARATE COVER

Report Prepared By:
George Lloyd
Senior Town Planner

Chris Young
Team Leader - Assessment

Report Approved By:
Liz Coad
Manager Assessment

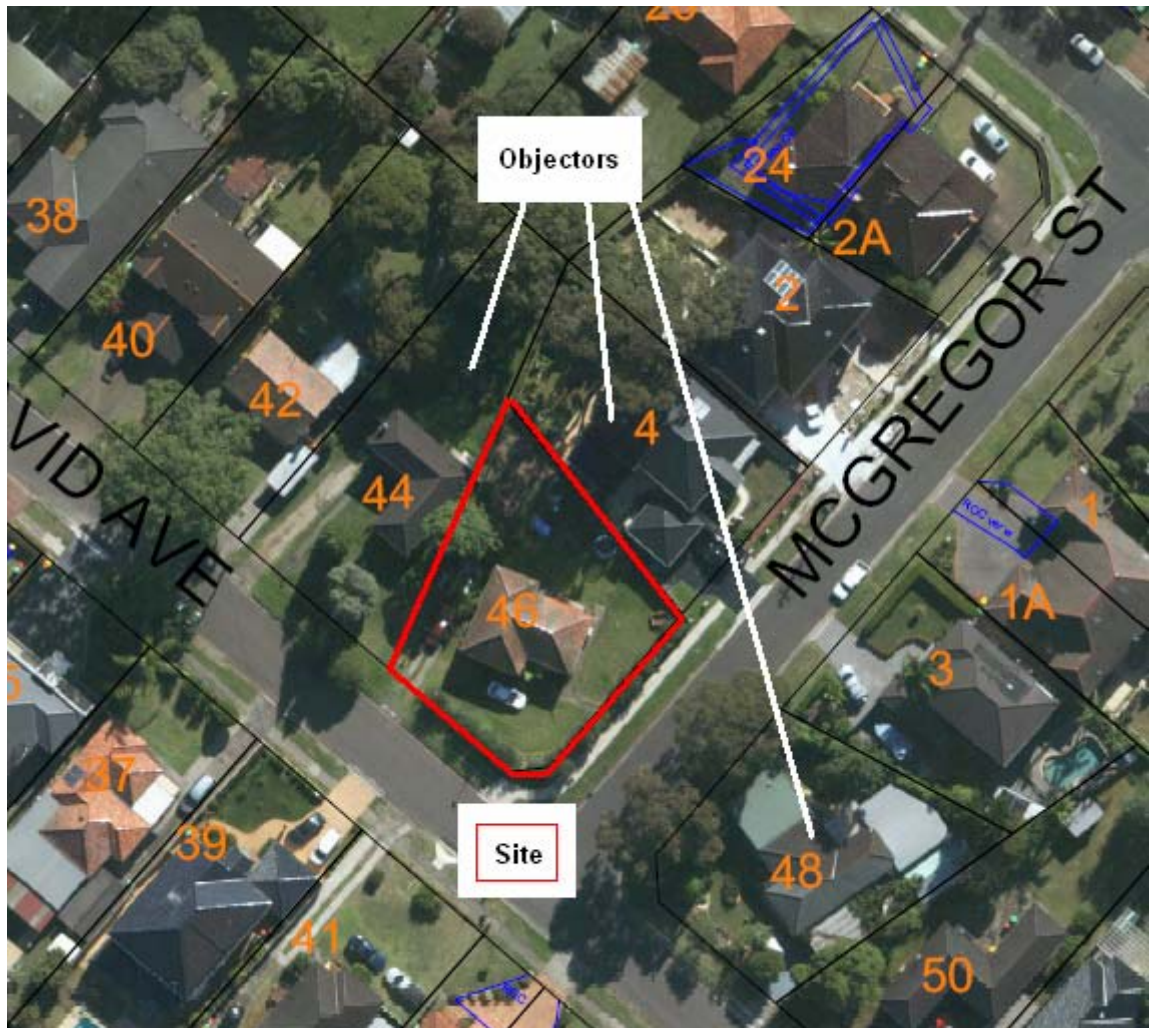
Dominic Johnson
Group Manager - Environment & Planning

ITEM 4 (continued)

2. Site (*Refer to attached map.*)

Address	:	46 David Avenue, North Ryde
Site Area	:	696.9m ² , being an irregular corner allotment comprising the following: Frontage: 17m frontage to David Ave + 5.17m skewed frontage to corner of McGregor St Depth: 21.89m to McGregor St, a northern common boundary of 30.6m (with 4 McGregor St) and an eastern common boundary of 32.3m (with 44 David St).
Topography and Vegetation	:	The subject site has a 4m fall from the front corner boundary to the rear (northern) corner. It is proposed to remove an existing Black Bean from the western side boundary.
Existing Buildings	:	Single-storey fibro and tile dwelling house.
Planning Controls		
Zoning	:	R2 – Low Density Residential
Other	:	Ryde Local Environment Plan 2010 Ryde DCP 2010

ITEM 4 (continued)



ITEM 4 (continued)**3. Councillor Representations**

Nil.

4. Political Donations or Gifts

Any political donations or gifts disclosed? No.

5. Proposal

The proposal is to demolish the existing single storey fibro and tile dwelling and to construct a 2-storey attached dual occupancy, each dwelling comprising a ground floor garage, living room, kitchen/dining area and first floor comprising 4 bedrooms (main room with ensuite) and a bathroom. Floor plans and elevations of the proposal are provided as attachments to this report (and full set of plans are circulated under separate cover).

6. Background

The DA was lodged on 2 November 2011. On 21 November 2011, following a preliminary assessment of the development proposal, a letter was sent to the applicant requesting details of tree removal (requesting an Arborist's report), and details of the extent of proposed fill. Subsequently, Council's Development Engineers raised a number of issues with the submitted stormwater drainage plans and requested (on 22 December 2011) certain additional details to be provided with the development proposal.

The application was notified to adjoining property owners on 29 November 2011, with submissions closing 13 December 2011.

On 13 January 2012, amended plans were submitted to Council and forwarded to the Development Engineers for their comment. These plans were again found to be unacceptable due to the excessive site coverage and extent of the proposed fill which did not comply with Council's DCP requirements.

On 24 February 2012, the applicant submitted further amended stormwater plans. On 14 March 2012, these plans were again found to be unsatisfactory by Council's Team Leader - Development Engineers, because a charged disposal system was proposed for the overflow pipe from the on-site detention system, and also due to the detail regarding orifice sizes and the like. This information was forwarded to the applicant by email dated 15 March 2012.

ITEM 4 (continued)

On 20 March 2012, a meeting took place between the applicant, his stormwater consultant, Council's Team Leader - Development Engineers and the Assessing Officer to resolve the outstanding stormwater issues and to seek the applicant to reduce the substantial amount of proposed fill.

Final revised plans (architectural and stormwater) were submitted to Council on 27 March 2012, and were accompanied with an amended BASIX Certificate.

Amended architectural plans consistent with the stormwater plans were received on 30 April 2012, which were then re-notified to the neighbours and referred to Council's Development Engineers for their assessment.

On 11 May 2012, Council's Team Leader – Development Engineers reviewed the plans and found them to be satisfactory subject to conditions of consent (see Referrals section below).

7. Submissions

In accordance with the public notification provisions of the Ryde DCP 2010, the notification of the development application was undertaken for a 14 day period ending on 13 December 2011 during which time three submissions were received from the neighbouring property owners. On 16 December, the applicant was given a copy of the objections with an opportunity to address the issues therein.

The final amended plans (received on 27 March 2012) were re-notified from 30 April till 15 May 2012, following which three submissions were received from the same original objectors.

The issues raised in the original submissions and those raised following re-notification of the final plans, are addressed below.

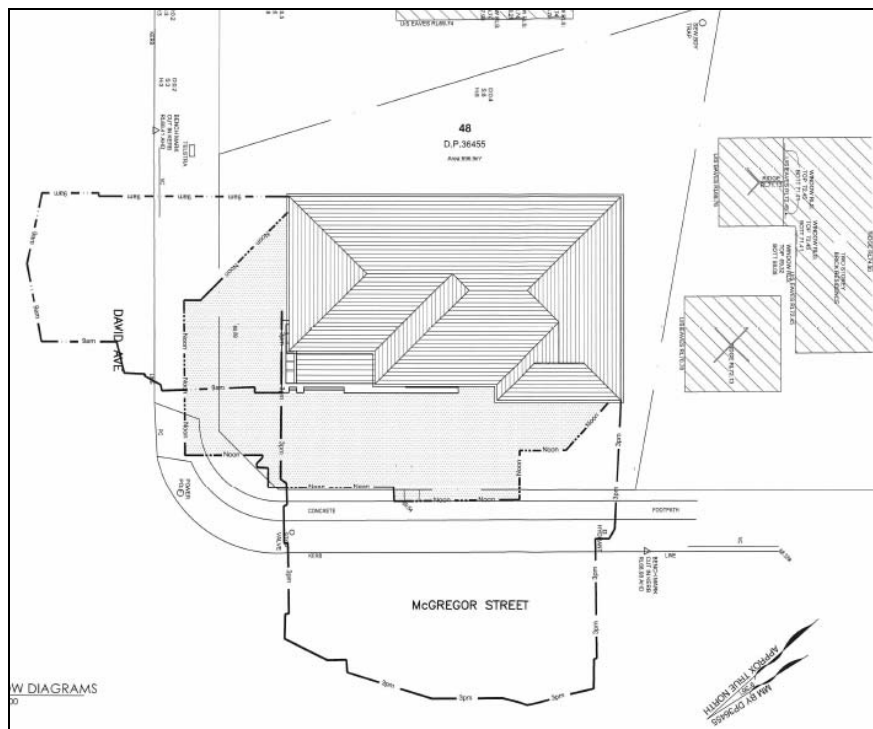
The submissions raised the following issues:

Submissions from 48 David Avenue:

1. *Overshadowing in the afternoon – request building to be lowered or other measures to be taken to reduce overshadowing. Revised amended plans have raised the overall height of the proposal, further impacting with respect to overshadowing.*

Officers' Comments: Having regard to the orientation of the site being predominantly north-south and the location of the site being a corner allotment, the predominant areas of overshadowing in the morning and afternoon periods will be over the existing roadways (see diagram below).

ITEM 4 (continued)



Having regard to the location of the objectors property being on the opposite corner from the subject site (separated by McGregor Street), the extent of overshadowing will be minimal and will not take place until the latter part of the Winter solstice from or after 3pm.

The original development plans proposed a maximum ridge height of RL76.55, whereas the final plans propose an RL of 76.985, being an overall increase of 435mm. The marginal increase in height is due to slight stepping up of the rear portion of each dwelling in order to ensure that appropriate levels can be achieved to discharge stormwater and reduce the overall amount of fill outside the building envelope (as previously proposed).

The additional height will not adversely affect the objectors' property in terms of overshadowing until the latter part of the afternoon during the Winter solstice. The extent of overshadowing to adjoining neighbours otherwise complies with Council's DCP requirements and relevant guidelines (see DCP compliance table).

2. *Privacy concerns (overlooking). Amended plans have higher ceiling and window levels and should be reduced to that of the original proposal.*

Officers' Comments: Below is a diagram showing the proximity of the site from the objectors' property.

ITEM 4 (continued)



The proposed building will be set back 6–7m from the McGregor Street frontage, thereby making it some 15m from the McGregor Street site boundary to the objectors' property.

The subject windows being objected against are the first floor bedroom and hallway windows which face McGregor Street (see diagram below).

ITEM 4 (continued)



Despite the overall increase in the height of the proposal (by 435mm), the location of the windows and their distance to No. 48 David Avenue being at least 15m is unlikely to have any adverse effect with respect to overlooking.

It should also be noted that significant existing vegetation is located along the McGregor Street frontage of the objectors' property (see previous aerial photo) which will considerably ameliorate any potential for overlooking from the subject site.

3. *Separation distance does not comply with Council's linear separation requirements.*

Officers' Comments: LDA2011/541 was received by Council on 20 October 2011 for consent to construct a 2-storey attached dual occupancy at No. 44 David Avenue. Approval of that application would result in a non-compliance with separation distances, which is the reason for this report to Council.

The issue of non-compliance with Council's linear separation controls is addressed as a "compliance issue" with the requirements of Council's DCP.

4. *Significant cumulative impact on the existing streetscape particularly on a corner block and does not integrate with the low density neighbourhood character as indicated in Council's 'Local Planning Study Guide – Housing'.*

Officers' Comments: Notwithstanding the adjoining development proposal at No. 44 David Avenue, there are many other numerous examples of existing dual occupancy developments in the immediate vicinity of the subject site, especially in David Avenue. The development proposal under consideration is generally considered to integrate well into the character of the existing neighbourhood.

ITEM 4 (continued)

The purpose of Council's Housing Study are: to ensure that the expectations and housing needs of the current and future City of Ryde community are met; to inform the comprehensive Local Environmental Plan (LEP2011); to review and respond to the directions and actions of the Metropolitan Strategy and Draft Inner North Subregional Strategy; and, to propose a way to meet the 12,000 dwellings target set for the City of Ryde by the Draft Inner North Subregional Strategy.

Having regard to the assessment of the proposal in accordance with Council's requirements as detailed in this report, the proposal generally fulfils the objectives of Council's Housing Study for future development.

5. *Increased pressure on existing street parking due to increased occupancy of development proposal, coupled with the cumulative impact of the proposed adjoining development (No. 44 David Ave). Request for one vehicular accessway to remain from David Ave. Council should grant conditional approval requiring at least one vehicular access point from David Ave.*

Officers' Comments: The development complies with the requirements for off-street parking and provides ample space for the occasional parking of two additional vehicles behind the single garages. Any unauthorised on-street parking will be subject to existing road regulations.

The development has been orientated to face McGregor Street, with the existing northern-western side boundary (which currently is improved by an existing driveway) to become an area of open space for each dwelling.

The location of the proposed area of open spaces along the north-western boundary makes good design sense as it will maximise access to sunlight and provide good internal amenity to the rear facing rooms.

Having regard to the existing topography of the site and other site constraints, simply moving the vehicular access points from one street to another is otherwise unfeasible due to the steepness of the site and the extent of additional hard paving which would be required to service both dwellings from two separate street frontages.

6. *Boundary setbacks do not comply with Council's requirements.*

Officers' Comments: *Section 2.8 - Setbacks* of the Ryde DCP, provides detailed controls in relation to the setback requirements of dual occupancy developments. In short, the setback requirements are 6m to the front façade, 2m to the secondary frontage and a 1m setback for garages to the façade. Side boundary setbacks for the single storey component of dwellings are 900mm and 1.5m for 2-storey dwellings. The rear boundary setback requirement is 8m or 25% of the length of the site.

ITEM 4 (continued)

The proposed development has been designed to front McGregor Street and a 6m setback has been provided, which complies with the DCP requirements for front setback. A 2-4m secondary street setback has been provided to David Avenue, which also complies with the DCP. The garage wall has been set back 1m from the façade and the side boundary setbacks for the single and 2-storey component of the proposed building complies and exceeds Council's requirements providing a setback between 900mm and 3.48m for the single storey component and a minimum 2.2m setback for the 2-storey component.

The design of the development (fronting McGregor Street) means that the north-western boundary (adjoining No. 44 David Avenue) is the rear boundary. DCP 2010 contains a provision stating that for sites wider than they are long (which applies in this instance), the rear setback is 4 metres minimum. The development has a rear boundary setback to No. 44 David Avenue ranging from 4.46 metres to 10.43 metres.

Having regard to the orientation of the building facing McGregor Street, the setbacks comply with Council's requirements and provide suitable separation distances to protect the privacy and amenity of adjoining properties.

7. *Request to provide a comprehensive asbestos control plan for the removal of asbestos from the site.*

Officers' Comments: Demolition or removal of asbestos products and materials must be carried out in accordance with the guidelines published by WorkCover New South Wales, and waste must be disposed of at a landfill facility licensed by the New South Wales Environmental Protection Authority. Appropriate conditions of consent would be imposed for the demolition of the existing building (see conditions 15-17).

Submissions from 44 David Avenue:

8. *Discharge of stormwater to David Ave and expected overland flow onto No. 44 David Ave.*

Officers' Comments: LDA2011/541 for the proposed duplex at No. 44 David Avenue was required to submit amended stormwater plans wherein stormwater cannot be discharged to David Ave due to the lack of Council infrastructure. The objector finds it inconsistent that lodgement of the subject application could be accepted without a similar prerequisite of deletion of drainage discharge to David Avenue.

Following a detailed assessment of the development proposal, Council's Development Engineers raised a number of issues with the submitted stormwater drainage plans and requested certain additional details to be provided with the development proposal.

ITEM 4 (continued)

The final amended drainage plans submitted by the applicant significantly reduced the amount of impervious area from those of the originally submitted plans and also deleted all of the excessive cut and fill which previously did not comply with Council's standards.

The amended proposal now involves piping 20% of the total site post development runoff to the street (Unit 1 runoff) and leaving 20% of the site runoff (Unit 2 runoff) to be disposed on site into absorption trenches.

Also, prior to discharging to the street and to the rear of the site the runoff will pass through an amplified combined on-site detention and rainwater system, thereby further reducing the stormwater impacts to the rear neighbouring property (being No. 44 David Avenue) and upon Council's existing infrastructure.

The objector is also concerned that overland flow onto the adjoining property will result from the future fill and retaining walls on the subject site. The extent of fill along the boundary with No. 44 has subsequently been removed and the issue of overland flow to towards the objectors' property has been addressed by the submission of amended plans to which Council's Development Engineers has provided the following additional comments:

The overland flow path located on the rear neighbouring property is remotely located from the proposed building, hence is unlikely to have any potential impacts on the proposed development. Furthermore, as the runoff generated from the proposed development to the rear will be reduced, existing flooding conditions to the rear neighbouring properties would not be exacerbated.

From a stormwater disposal and access perspectives the application is considered to be generally satisfactory in accordance with AS 2890.1-2004 and DCP 2010. Part 8.2.

9. *Functional requirements of hard surface areas at the rear of the building are aimed to avoid the adverse hard surface area calculation. There appears to be discrepancies between the EIS and hydraulic data. Lack of clarity on how the OSD tank is constructed and how it works.*

Officers' Comments: The original landscape plan shows that the rear yard of the site is almost entirely deep soil area except for the absorption trench in the low northern corner of the site. The above objection was received following the submission of the original development and drainage plans which were subsequently amended over an extended period of time to provide an acceptable means of on-site detention and disposal.

ITEM 4 (continued)

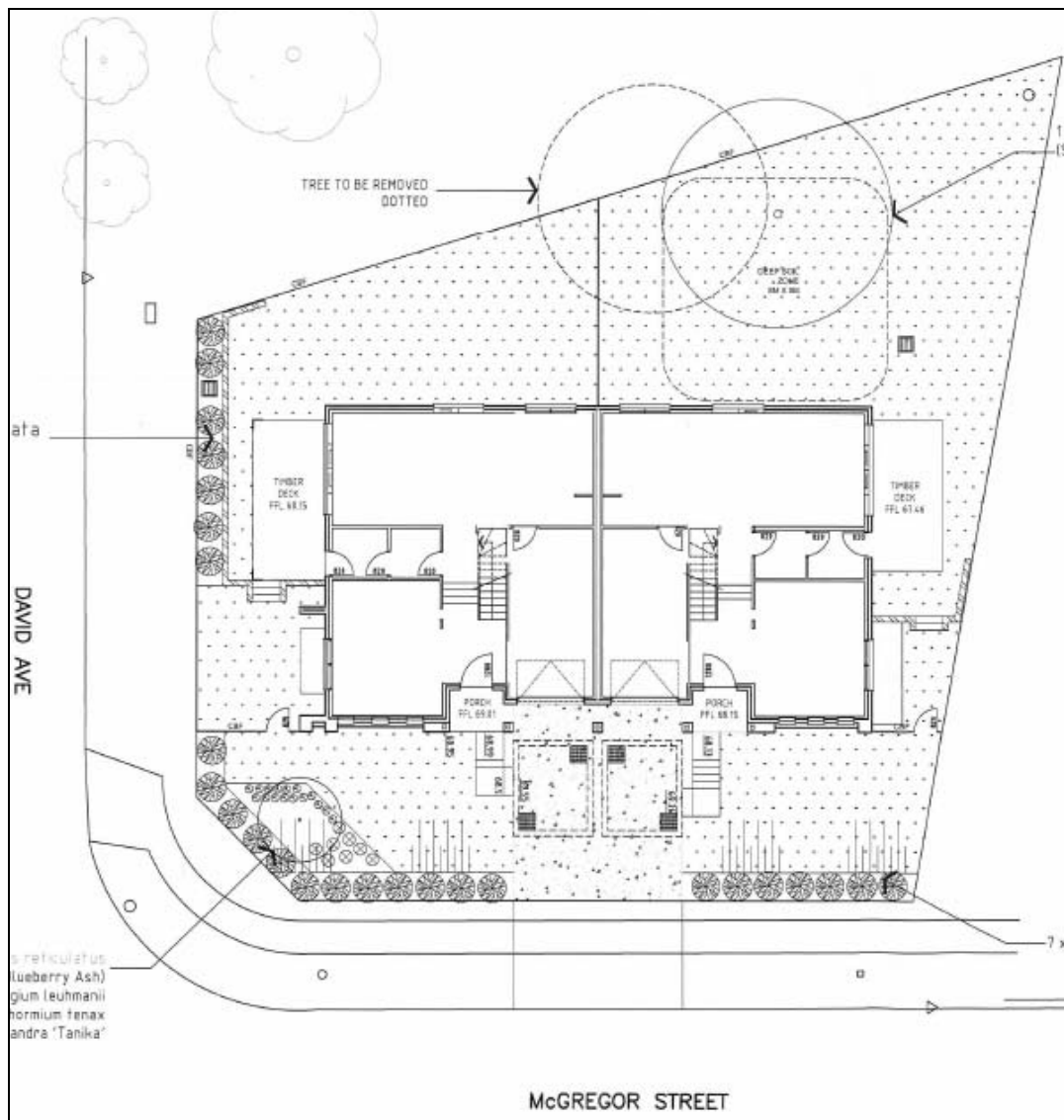
Revised hydraulic data was submitted with the amended drainage plans and the suitability of the drainage methodology has been assessed by Council's Development Engineers and found to be satisfactory (see justification in point 8 above).

10. *Bulk and overlooking. The bulky, solid and uncompromising straight western wall of the proposed development has windows overlooking No 44. The wall presents a massive monolithic and unbroken form, akin to industrial type building, unsympathetic to small scale residential character. As the land is at a higher level to No.44, (FFL is 1.7m higher), such a long, high and unbroken masonry wall parallel to the common boundary with its large upstairs windows overlooking and dominating the adjoining property, presents huge bulk and lacking harmony and basic relationship with the adjoining buildings. This is contrary to the basic aims of harmonious, small scale residential character and development form stated in Council's DCP and LEP.*

Officers' Comments: The subject site is on a corner allotment of land and has been designed to be constructed so that it addresses what is currently the side street (McGregor Street). The objectors' property adjoins what is now the north-western side boundary of the subject site.

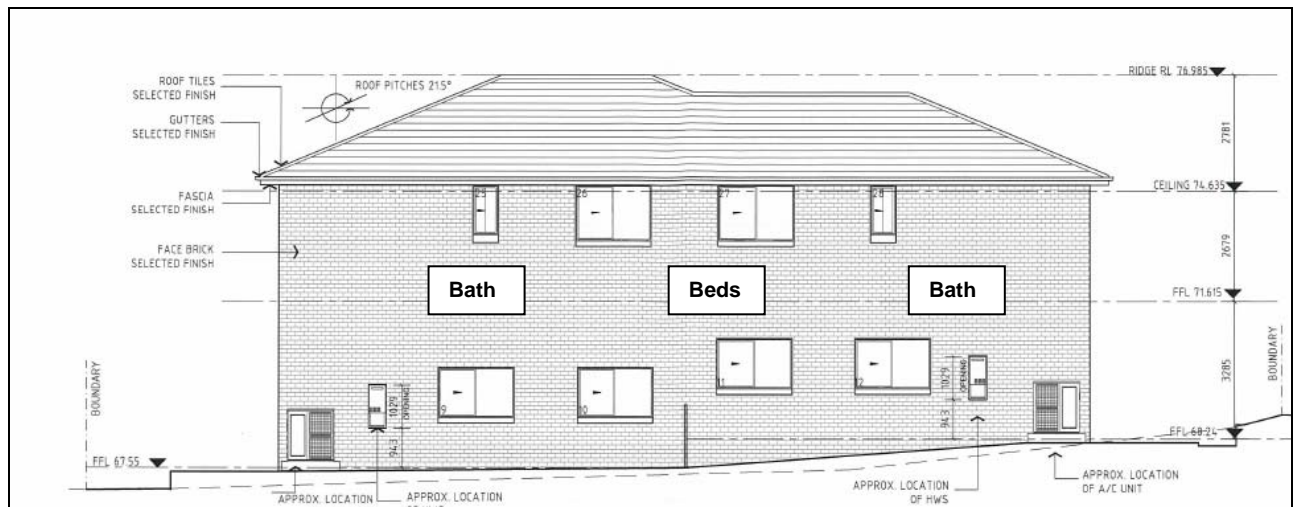
The diagrams below show the site plan of the amended development proposal and the north-western elevation of the proposal as viewed from the objectors' property.

ITEM 4 (continued)



Site plan (with landscaping)

ITEM 4 (continued)



North-Western elevation

The development proposal will result in a two-storey dwelling that will be set back 4.4–10.4m (being an average of 7.4m) from the objectors' side boundary. The first floor north-western elevation of the proposal will have 2 bedroom and 2 (obscure) narrow bathroom windows (see previous diagram).

Notwithstanding the varying levels of land between the two adjoining sites, having regard to the significant setback, the proposed ground and first floor windows are not likely to have any adverse impact upon the amenity of the adjoining neighbours property.

With respect to the impact upon visual privacy from the first floor windows, Council's DCP currently states:

Living areas should be located to the front and rear elevations where privacy and outlook are more easily achieved. Locating the majority of living area windows facing towards the street and the rear boundaries means that the windows of ancillary rooms will face the side boundaries. This allows the building to be located closer to the side boundaries as there a fewer privacy impacts.

It is not necessary to provide the same degree of privacy protection to all parts of a neighbouring site. Higher levels of privacy are to be provided to both internal living areas and to the external living area. Overlooking from bedroom windows is less of a concern than overlooking from the windows of other habitable rooms.

ITEM 4 (continued)

The proposed development fully complies with the objective of locating living areas to the front and rear elevations of the building, with ancillary rooms facing the side boundaries thereby lessening any adverse impact upon the privacy of adjoining properties.

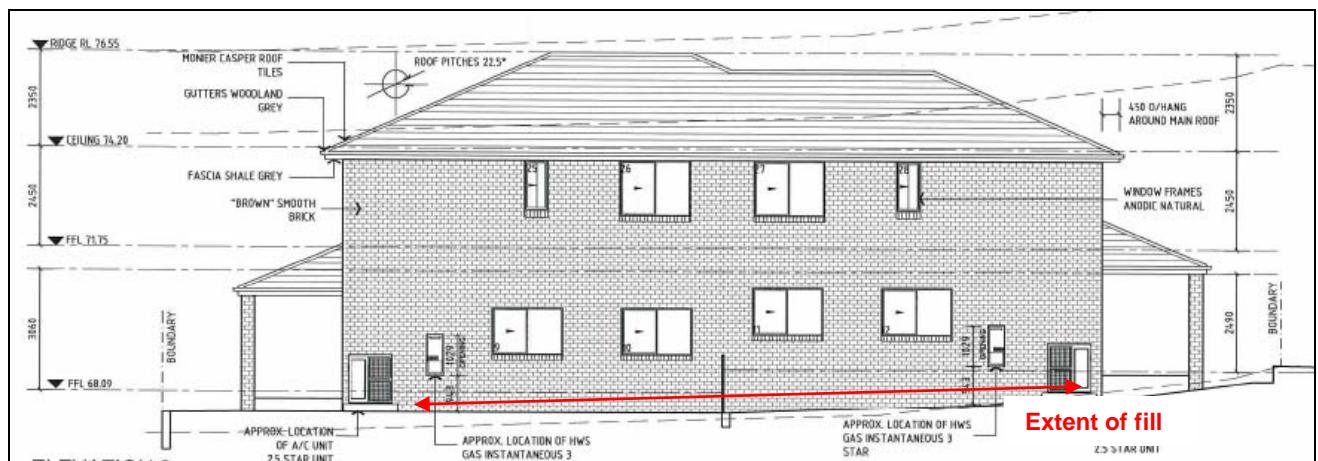
In addition, the first floor windows are bedroom and bathroom windows, which fulfil the DCP requirement by locating less habitable room windows on upper floors.

As there are significant (and extended) side setbacks and the removal of fill within the rear yard so that the subject site remains lower than the adjoining site at No. 44 David Avenue, the proposed development is not considered to have an adverse effect upon the amenity or privacy of the objectors' property.

The character and residential scale of the proposal is consistent with existing surrounding developments and of the proposed development at No. 44, and is not considered to be contrary to the aims and objectives of Council's DCP.

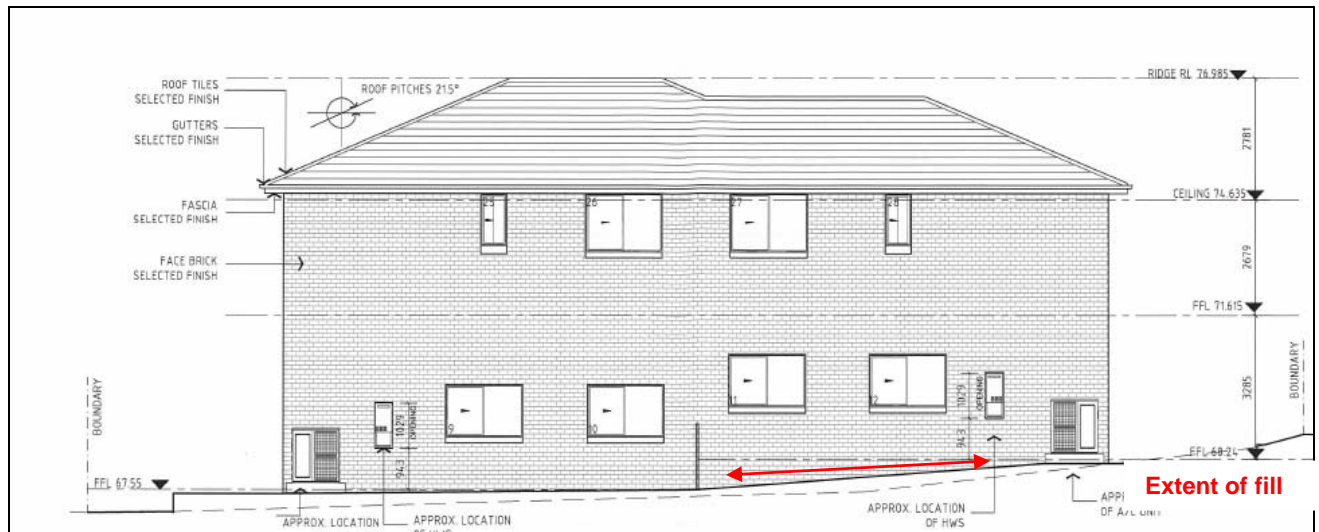
11. Adverse noise impacts due to elevated rear yard.

Officers' Comments: The rear yard of the subject site has been subsequently returned to be much more close to natural ground level than the original proposal. The finished ground floor level of the rear (highest part) of the development originally was at RL68.66 and RL 68.09, which has been reduced by between 420-540mm to RL68.24 and RL67.55 (see rear elevations below).



Original proposal (rear elevation)

ITEM 4 (continued)



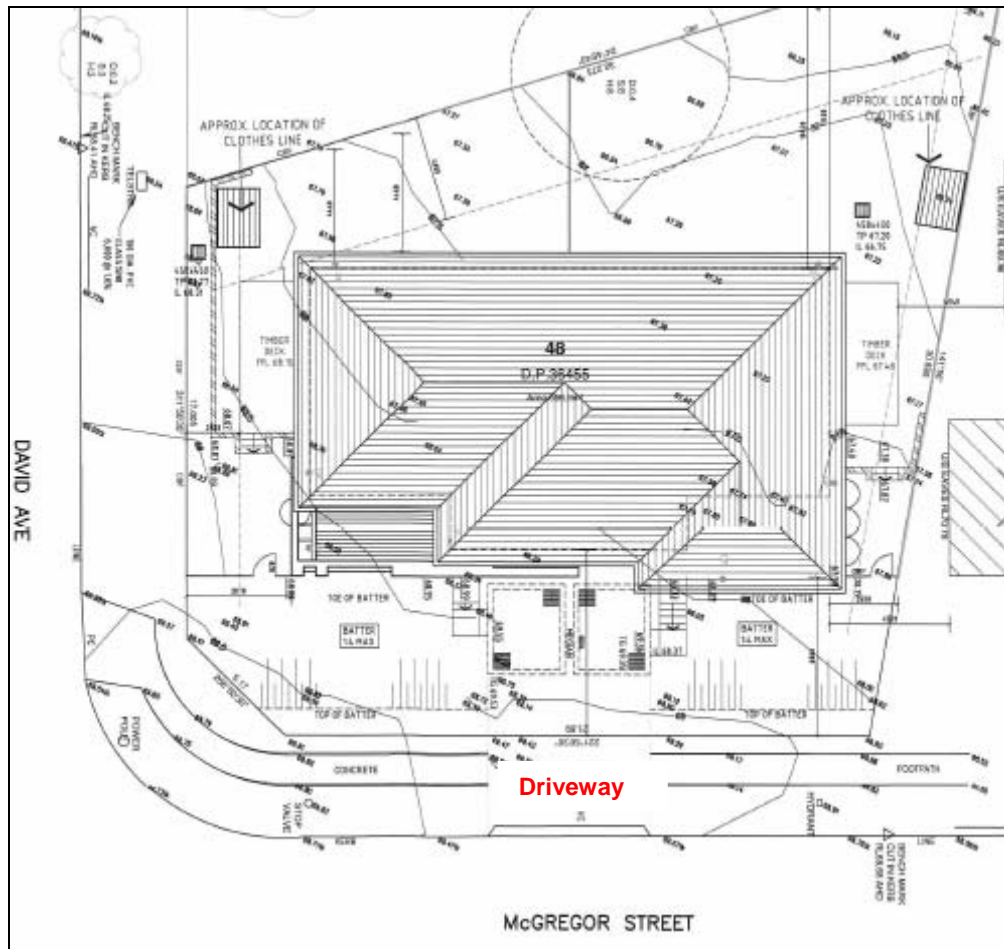
Amended rear elevation

The propensity for noise to become a disturbance to the neighbours is not generally increased due to topography or variations in elevations. Privacy will still be maintained with appropriate fencing (See Condition 24).

12. *Traffic impact of reversing from the driveway onto the road and the driveways proximity to the intersection of David Ave and McGregor St.*

Officers' Comments: The driveway is located some 14m from the intersection of the two roads and the adequacy of sight distances has been assessed by Council's Development Engineers and found to be satisfactory (see diagram below).

ITEM 4 (continued)



Appropriate conditions have also been recommended in relation to maintaining safe sight distances should the application be approved (See Conditions 1(a) and 28).

13. *Error in site coverage calculations.*

Officers' Comments: No details have been provided by the objector as to what calculation errors have been made. Notwithstanding this, the final revised stormwater plans have been found to be satisfactory by Council's Development Engineers and have been recommended for approval subject to conditions.

Submissions from 4 McGregor Street:

14. *Overland flow onto No. 4 McGregor St.*

Officers' Comments: The objector is concerned that overland flow onto the adjoining property will result from the development.

ITEM 4 (continued)

Following a detailed assessment of the development proposal, Council's Development Engineers raised a number of issues with the originally submitted stormwater drainage plans and requested certain additional details to be provided with the development proposal.

The final amended drainage plans submitted by the applicant significantly reduced the amount of impervious area from those of the originally submitted plans and also deleted all of the excessive cut and fill which previously did not comply with Council's standards.

The objector did not raise the same objection following the re-notification of the revised plans which subsequently addressed issues related to overland flow by the submission of an alternate drainage solution which complies with Council's DCP and which was found to be satisfactory by Council's Development Engineers (see previous comments in relation to drainage and Internal Referrals section below)

15. *Concern is raised with respect to the increase in density of population in the area due to duplex developments and impact upon traffic and parking in McGregor St.*

Officers' Comments: As mentioned previously, there are numerous other examples of existing duplex developments in the immediate vicinity of the subject site and one under separate consideration adjoining the subject site at No. 44 David Avenue.

According to the RTA Guidelines for Traffic Generating Developments, dual occupancy developments only have a small increase in traffic generation compared to a single dwelling. The additional traffic for a dual occupancy compared to a single dwelling is minimal and within the capacity of the local road network.

The proposed development otherwise complies with the requirements for off-street parking and will provide ample space for a second vehicle behind each of the respective garages. Any unauthorised on-street parking would be subject to existing road regulations.

16. *Concern is raised with the location of duplex dwellings adjacent to existing dwelling houses.*

Officers' Comments: Dual occupancy developments are permitted to be constructed in the R2 – Low Density Residential zone. DCP controls have been designed to ensure that the amenity of adjoining properties is suitably maintained.

The development proposal complies with respect to those DCP controls which ensure adjoining amenity is not significantly adversely affected (see DCP compliance table).

ITEM 4 (continued)

17. *For privacy, timber decks should be in located in the backyard instead of on the side of the building.*

Officers' Comments: The final amended plans have removed the extent of originally proposed fill along the side and rear boundaries of the subject site. Consequently, the proposed side deck areas are now constructed to within 300mm of natural ground level. The proposed deck will be constructed between 1-2m from the neighbouring side boundary of No. 4 McGregor Street and will generally be overlooked by the existing neighbouring 2-storey dwelling (ie. the objectors property). Also, having regard to the deck's proximity to the existing side boundary fencing, the imposition of any lattice screening along the side of the deck will have little impact in increasing the privacy of the adjoining property.

Consequently, it will not cause an undue adverse effect upon the privacy or amenity of the adjoining property.

Notwithstanding the above, a condition of consent has been included to ensure that any future fencing is to be built in accordance with Council's Development Control Plan and details of which are to be provided with the Construction Certificate (See Condition 24).

8. SEPP1 (or clause 4.6 RLEP 2010) objection required?

No, not required for this application.

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

The subject site is zoned *R2 – Low Density Residential* under the provisions of the Ryde LEP 2010. The proposed works are permissible with the consent of Council.

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 provides facilities or services to meet the day to day needs of residents.*

ITEM 4 (continued)

- *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 development within the R2 zone.

Mandatory Requirements

Ryde LEP 2010	Proposal	Compliance
4.3(2) Height		
9.5m	9.435m (max)	Yes
4.4(2) & 4.4A(1) FSR		
0.5:1	Ground floor: 194.5m ² 1 st floor: 164.9m ² Less 36m ² (2 x single garages) allowance for parking Total (Gross Floor Area): 323.4m ² (0.464:1)	Yes

(b) Relevant SEPPs
SEPP BASIX:

A compliant BASIX Certificate has been submitted with the DA. Conditions have been included requiring compliance with the BASIX Certificate (See Conditions 3 and 51).

(c) Relevant REPs

None applicable.

ITEM 4 (continued)
(d) Any draft LEPs
Draft Local Environmental Plan 2011

A Section 65 Certificate enabling the formal exhibition of Draft Local Environmental Plan 2011 was issued by the Department of Planning and Infrastructure on 23 April 2012. The Draft Plan is currently on public exhibition. Under this Draft LEP, the zoning of the property is R2 Low Density Residential. The proposed development is permissible with consent within this zoning under the Draft LEP, and it is considered that the proposal is not contrary to the objectives of the Draft LEP or those of the proposed zoning.

(e) Any DCP (e.g. dwelling house, villa)
City of Ryde Development Control Plan 2010:
Part 3.3 – Dwelling Houses and Duplex Buildings
Part 7.2 – Waste Minimisation and Management
Part 8.2 – Stormwater Management
Part 9.2 – Access for People with Disabilities

DCP 2010	Proposed	Compliance
<i>Part 3.3 – Dwelling Houses and Duplex Buildings</i>		
Desired Future Character		
Development is to be consistent with the desired future character of the low density residential areas.	The development will be consistent with the desired future character of the existing low density residential area.	Yes
Dual Occupancy (attached)		
- Must be separated from other forms of urban housing by twice the distance of the site frontage to nearest existing urban housing.	No urban housing within the immediate vicinity of the subject site.	Yes
- To have a landscaped setting which includes significant deep soil areas at front and rear.	Landscaped setting provided with existing deep soil landscaping at front and rear.	Yes
- Maximum 2 storeys.	2 storeys.	Yes
- Dwellings to address street.	Addresses McGregor St.	Yes
- The boundary between public and private space is to be clearly articulated.	Landscaping and garden edging at front provides clear delineation.	Yes

ITEM 4 (continued)

DCP 2010	Proposed	Compliance
<ul style="list-style-type: none"> - Garage/carports not visually prominent features. - Dwellings are to respond appropriately to the site's constraints & opportunities as identified in the site analysis. 	2 x single storey garages not visually dominant due to building articulation and 1 st floor above. Development responds to locational context, topography and existing site constraints.	Yes Yes
Dual Occupancy – Linear Separation		
Any urban housing, within double the main frontage of the subject site or existing villa/dual occupancy site?	LDA2011/541 currently under consideration for a dual occupancy (attached) development at No. 44 David Ave – immediately adjoining neighbour, which results in a non-compliance with the linear separation controls.	No (1)
Public Domain Amenity		
<p>Streetscape</p> <ul style="list-style-type: none"> - Site design, setbacks and height are to respect the existing topographic setting. - The design of front gardens is to complement and enhance streetscape. - Front doors and windows are to face the street. Side entries to be clearly apparent. - Orientation to match existing buildings in streetscape. - Front façade to be well designed: <ul style="list-style-type: none"> ▪ Front doors and entry prominent. ▪ Integrating building services and architectural design. ▪ Single storey entry porticos. 	Dwelling design accords with existing topography and site constraints such as overland flooding. Front garden enhances existing streetscape, & reflects character of neighbours. Front door, living, and 1 st floor bedroom windows face street. Orientation matches adjoining and surrounding residences facing McGregor St. <ul style="list-style-type: none"> ▪ Front door and entry prominent. ▪ Services and design integrated in overall façade design. ▪ Single storey entry portico. 	Yes Yes Yes Yes Yes Yes Yes

ITEM 4 (continued)

DCP 2010	Proposed	Compliance
<ul style="list-style-type: none"> ▪ Height of doors and windows consistent. ▪ Articulated street facades. 	<ul style="list-style-type: none"> ▪ Door & window heights consistent throughout. ▪ Building façade is well articulated. 	Yes
<p>Public Views and Vistas</p> <ul style="list-style-type: none"> - A view corridor is to be provided along at least one side allotment boundary where there is an existing/potential view of water. Landscaping is not to restrict views. Fence 70% open where height is >900mm. - Garages/ carports and outbuildings are not to be located within view corridor if they obstruct view. 	<p>No existing or potential water views impacted by the proposal.</p> <p>Garage does not obstruct view corridors.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>
<p>Pedestrian & Vehicle Safety</p> <ul style="list-style-type: none"> - Car parking located to accommodate sightlines to footpath & road in accordance with relevant Australian Standard. 	<p>Car parking accommodates sightlines to footpath & road.</p>	Yes
Site Configuration		
<p>Deep Soil Areas</p> <ul style="list-style-type: none"> - 35% of site area min. - Min 8x8m deep soil area in backyard for the allotment. - Front yard to have DSA (only driveway, pedestrian path & garden walls paved). 	<p>260m² + area above OSD (37%)</p> <p>4-6m x 6m (Dwg 1) 8m x 8m (Dwg 2) – on top of absorption trench</p> <p>Front yard (except driveway/pathway) almost entirely DSA.</p>	<p>Yes</p> <p>No (2)</p> <p>Yes</p>
<p>Topography & Excavation</p> <p>Building form and siting are to relate to original topography</p>	<p>NB: The subject site has a 4m fall from the front corner boundary to the rear (northern) corner.</p> <p>The proposal relates to the original topography</p>	Yes

ITEM 4 (continued)

DCP 2010	Proposed	Compliance
Within building footprint: - Max cut: 1.2m - Max fill: 900mm Outside building footprint: - Max cut: 900mm - Max fill: 500mm - No fill between building and boundary or rear boundary.	0 600mm – elevated slab Nil 500mm N/A	Yes Yes Yes Yes N/A
Floor Space Ratio (for both dwellings)		
Ground floor	191.5m ²	
1 st floor	164.9m ²	
Garage	36m ²	
Total (Gross Floor Area)	320.4m ²	
FSR (max 0.5:1) or 348.45m²	0.46:1	Yes
Height		
- 2 storeys maximum	2 storey dwg.	Yes
Wall plate (Ceiling Height) - 7.5m max above FGL <i>or</i> - 8m max to top of parapet <i>NB:</i> <i>TOW = Top of Wall</i> <i>EGL = Existing Ground Level</i> <i>FGL = Finished Ground Level</i>	TOW: RL 74.635 (ceiling RL less eaves height) FGL below (highest point): RL 67.55 NGL below (lowest point) RL 67.55 TOW Height (max)= 7.085m	Yes
9.5m Overall Height <i>NB:</i> <i>EGL = Existing Ground Level</i>	Max point of dwg: RL 76.985 EGL below ridge (lowest point): RL 67.55 Overall Height (max): 9.435m	Yes
Habitable rooms to have 2.4m (min) floor to ceiling height.	2.8-3.5m (at rear)	Yes

ITEM 4 (continued)

DCP 2010	Proposed	Compliance
Setbacks		
Front <ul style="list-style-type: none"> - 6m to façade (generally) - 2m to secondary frontage - Garage setback 1m from the dwelling façade – wall above is to align with outside face of garage. - Front setback free of ancillary elements e.g. RWT, A/C. 	6m to McGregor St 2-4m 1m from façade. Front setback free of ancillary elements.	Yes Yes Yes Yes
Side Single storey dwelling <ul style="list-style-type: none"> - 900mm to wall (includes balconies etc) Two storey dwelling <ul style="list-style-type: none"> - 1500mm to wall (includes balconies etc) 	900mm (min) – 3.48m 2.2m (min)	Yes Yes
Rear <ul style="list-style-type: none"> - 8m to <u>rear of dwelling</u> OR 25% of the length of the site, whichever is greater. Average length of site = 26.385m	Rear setback ranges from 4.46m to 10.43m. DCP 2010 prescribes a rear setback of 4m for sites wider than they are long, which applies to this site. The development complies.	Yes
Car Parking & Access		
General <ul style="list-style-type: none"> - Dual Occupancy (attached): 1 space max per dwelling. - Access off secondary street frontages is preferable. - Max 6m wide or 50% of frontage, whichever is less. - Garage - behind building façade. 	1 per dwelling. Access from: McGregor St External width: 5.8m Garage 1m behind building line facing McGregor St.	Yes Yes Yes Yes

ITEM 4 (continued)

DCP 2010	Proposed	Compliance
Parking Space Sizes (AS) ○ Single garage: 3m (min) Internal length: 5.4m (min)	3m wide x 6m length	Yes
Driveways Extent of driveways minimised	Driveway minimised.	Yes
Landscaping		
Trees & Landscaping - Major trees retained where practicable - Physical connection to be provided between dwelling and outdoor spaces where the ground floor is elevated above NGL e.g. stairs, terraces. - Landscaped front garden, with max 40% hard paving. - Obstruction-free pathway on one side of dwelling. - Front & rear yard to have at least 1 tree with mature ht of 10-15m min and a spreading canopy. - Hedging or screen planting on boundary mature plants reaching no more than 2.7m. - OSD generally not to be located in front setback.	N/A - No major trees on site. Physical connection provided by deck and stairs at rear. 26% hard paving Obstruction free pathway on both sides of dwelling/s. Complies. Screen planting provided where site permits. OSD in front S-E corner - drainage system conditioned by Council.	Yes Yes Yes Yes Yes Yes
Dwelling Amenity		
Daylight and Sunlight Access - Living areas to face north where orientation makes this possible. <u>Subject Dwelling:</u> - Subject dwelling north facing windows are to receive at least 3hrs of sunlight to a	Dwelling designed to maximise internal light penetration. 3+ hours to north facing windows	Yes Yes

ITEM 4 (continued)

DCP 2010	Proposed	Compliance
<p>portion of their surface between 9am and 3pm on June 21.</p> <ul style="list-style-type: none"> - Private open space of subject dwelling is to receive at least 2 hours sunlight between 9am and 3pm on June 21. <p><u>Neighbouring properties are to receive:</u></p> <ul style="list-style-type: none"> - 2 hours sunlight to at least 50% of adjoining principal ground level open space between 9am and 3pm on June 21. - At least 3 hours sunlight to a portion of the surface of north facing adjoining living area windows between 9am and 3pm on June 21. 	<p>POS: receives 3+ hours of sunlight.</p> <p>Hours of sunlight to adjoining principal open space: 3+ hrs.</p> <p>3+ hrs to all adjoining windows.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>
<p>Visual Privacy</p> <ul style="list-style-type: none"> - Orientate windows of living areas, balconies and outdoor living areas to the front and rear of dwelling. - Windows of living, dining, family etc. placed so there are no close or direct views to adjoining dwelling or open space. - Terraces, balconies etc not to overlook neighbours. - Side windows offset from adjoining windows. 	<p>Living area windows and outdoor areas are orientated to the front and rear of dwelling.</p> <p>Windows are set back so no close or direct views to adjoining dwellings or private open space.</p> <p>N/A</p> <p>No adverse affect upon adjoining residential amenity.</p>	<p>Yes</p> <p>Yes</p> <p>N/A</p> <p>Yes</p>
<p>View Sharing</p> <ul style="list-style-type: none"> - The siting of development is to provide for view sharing. 	<p>The siting of the development will not obstruct adjoining neighbour's views.</p>	<p>Yes</p>

ITEM 4 (continued)

DCP 2010	Proposed	Compliance
Cross Ventilation - Plan layout is to optimise access to prevailing breezes and to provide for cross ventilation.	Plan layout optimises cross-ventilation.	Yes
External Building Elements		
Roof - Articulated. - 450mm eaves overhang minimum. - Not to be trafficable terrace. - Attic to be within roof space. - Skylights to be minimised and placed symmetrically. - Front roof plane is not to have both dormer windows and skylights.	Articulated roof form. 500mm (min). No trafficable roof terrace. No roof attic. No skylights. Front roof plane free of dormer windows and skylights	Yes Yes Yes Yes Yes Yes
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
Part 8.2 – Stormwater Management		
Stormwater		
Drainage is to be piped in accordance with Part 8.2 - Stormwater Management.	The development proposal was referred to Council's Development Engineers, who raised no objection against the proposal subject to the imposition of appropriate conditions of consent.	Yes
Part 9.2 – Access for People with Disabilities		
Accessible path required from the street to the front door, where the level of land permits.	Level of land does not permit full accessibility of dwelling. Note: not been made worse.	Yes

ITEM 4 (continued)

The Non-compliances identified in the table are assessed below.

- (1) **Linear separation:** In accordance with *Section 2.3 – Dual Occupancy (attached)* control 'a' states that where a dual occupancy has been erected in the same street, Council will not consent to another dual occupancy (attached) being erected unless the distance between the 2 developments is twice the street frontage. On corner allotments the separation distance applies to both street frontages.

Officers Comment: In this particular case, the development will not comply with the linear separation requirements of Council's DCP by virtue of the receipt of a dual occupancy proposal for the adjoining allotment of land at No. 44 David Avenue (LDA2011/541).

The applicant has provided the following justification for non-compliance with the 'linear separation' requirements of Council's DCP:

On the 30th October 2011 City of Ryde planning officers informed the applicant of a proposal submitted to Council on the 20th October 2011 for a dual-occupancy development at no. 44 David Ave North Ryde. Council Officers suggested that the applicant wait to lodge this application until such time as the development for neighbouring site was determined -this is due to the requirements under Clause 2.3 of City of Ryde DCP 2010 regarding the linear separation between dual-occupancy developments should proposal at 44 David Ave be approved.

The applicant asks Council to consider the following:

- 1. Dual-Occupancy development is not permissible at 44 David Ave North Ryde under Clause 2.3; The applicant has established that no. 44 does not achieve separation as described under Clause 2.3 as no. 40 David Ave is a dual occupancy development as defined within the DCP; that is: "Dual occupancy (attached) buildings are two attached dwellings in a single building set on a single allotment."*

The purpose of this Clause is to limit the bulk and scale of residential developments within low density zoning. Part 5 of this statement elaborates on the permissibility of the subject site for dual occupancy development under Clause 2.3.

- 2. If the proposal is not permissible, the proponent must be seeking a variation to the Clause. It would be unfair for Council to deny an assessment for a proposal of dual-occupancy development at 46 David Ave, being permissible under the DCP, while proposal at 44 David Ave is not permissible under the DCP;*

ITEM 4 (continued)

3. *Council must assess the application for development of 46 David Ave North Ryde given that it is permissible under the DCP and with regards to the requirements for assessment of applications under the Environmental Planning and Assessment Act 1979. Both applications have been submitted within weeks of each other and should be assessed simultaneously - as of 1st November 2011 the application for 44 David Ave has not been notified on City of Ryde website;*
4. *If Council approves dual occupancy development at 44 David Ave North Ryde and accepts the variation to Clause 2.3, Council should then consider a variation for dual occupancy development for 46 David Ave.*

Draft LEP2011 Section 4.1B Dual occupancy (attached) - subdivision currently on exhibition relaxes the separation requirement for dual occupancy development. Council could justify the variation given the future density objectives of the LEP2011.

The subject site is on the corner between David Ave and McGregor Street - separation is thus required in both directions of the corner. The design planning of the subject application has positioned the bulk of the development along McGregor Street; where there is no separation issues (no. 2 & 4 McGregor Street are recently built single dwelling houses, and no. 24 Paul Street is two dwellings each on separate lots).

Further, there would be at least 4 meters (to a maximum of 10 meters) of separation between the proposed development at 46 David Ave and the neighbouring boundary to 44 David Ave. Council could also justify the variation given that there is considerable side separation between the bulk of proposed development at 44 David Ave and that of 46 David Ave;

5. *The applicant has been preparing a development proposal on the subject site since purchase in April 2009 - the timing for two dual occupancy developments adjacent to each other submitted within weeks of each other is unfortunate. Council should be aware that the applicant has spent considerable time and money on the current application and will pursue an appeal to the Land and Environment Court should this application not be fairly assessed;*

It is known to City of Ryde Council that the applicant has been preparing the current application for some time, and has made several inquiries regarding compliance and planning matters. To confirm, the applicant made an appointment for pre-DA meeting for the 19th August 2011, reference number C0R100537. This was later cancelled as duty planner was able to assist with inquiries, however the applicant was not made aware proposal at 44 David Ave despite numerous inquiries.

ITEM 4 (continued)

It is acknowledged that under the forthcoming draft DCP 2011, linear separation controls have been deleted. However, DCP 2011 will not come into force until draft LEP 2011 becomes effective. As there are a number of statutory steps that have to be undertaken before LEP 2011 becomes effective, it is reasonable to say that commencement of either LEP 2011 or DCP 2011 is not currently imminent.

On this basis, continued application of the linear separation provisions of DCP 2010 is proposed, with a resulting recommendation of refusal. However, if Council was to form the view that application of the linear separation provisions in respect of the proposed development was not warranted, a set of appropriate conditions of consent are provided as an option for Council in determination of the application.

- (2) Deep soil area:** In accordance with Section 2.5.1 – Deep soil areas, control ‘e’ requires deep soil areas to be 100% permeable to water and cannot be covered by structures, paving or the like, or have below surface structures such as stormwater detention elements.

Officers' Comment: Due to the significant drainage issues which have arisen since the receipt of the original DA, the final amended proposal involves construction of an absorption trench at the lowest northern corner of the site, which, because of the skewed form of the adjoining boundary, will also form the main area of open space for Dwelling no. 2 and is the only area of open space that fulfils the 8m x 8m requirement for the site.

The objectives of this part of the DCP states that the purpose of deep soil area are:

1. *To ensure that land retains its ability to absorb rain water so as to reduce stormwater runoff and to increase the moisture level of the soil for the use of trees and other vegetation.*
2. *To ensure that each building allotment has a minimum deep soil area.*
3. *To retain and enhance vegetation corridors.*
4. *To provide space for mature tree growth and other vegetation.*
5. *To generally retain existing mature trees and vegetation.*
6. *To enable movement of fauna along vegetation corridors.*

The absorption trench has been limited in its size and will otherwise allow all of the above objectives to be fulfilled. Absorption of water through the soil will still take place and has been maximised, vegetation corridors will be maintained and mature tree growth in the rear yard will not be compromised.

The development proposal has maximised the extent of deep soil area, otherwise fulfils the aims and objectives of this part of the DCP, and is only considered to be a minor non-compliance in this case.

ITEM 4 (continued)

Section 94 - Development Contributions Plan 2007:

The development for an attached dual occupancy will require Section 94 contributions in accordance with Council's current Section 94 Contributions Plan. The proposal comprises of:

- Demolition of the existing dwelling (which is a "credit" when calculating Section 94 rates) – to be applied for under a separate application;
- Dwelling 1 with 4 bedrooms; and
- Dwelling 2 with 4 bedrooms:

A	B
Community & Cultural Facilities	\$3,991.39
Open Space & Recreation Facilities	\$9,825.97
Civic & Urban Improvements	\$3,341.90
Roads & Traffic Management Facilities	\$455.76
Cycleways	\$284.75
Stormwater Management Facilities	\$904.74
Plan Administration	\$76.78
The total contribution is	\$18,881.29

Should the application be approved, a condition will be imposed in the Draft Consent requiring payment of a Section 94 contribution of \$18,881.29 (Condition No 18). The calculation sheet showing how this amount was calculated has been certified by two Council Officers and is held on Council's file.

10. Likely impacts of the Development

(a) Built Environment

Other than the matter of linear separation as detailed in DCP 2010, the proposed development involving the erection of a dual occupancy development is considered not likely to have any unacceptable impacts on the existing built environment or the amenity of the surrounding area.

The development presents to the public domain of David Avenue and McGregor Street as a two-storey development, with restricted presentation to David Avenue to minimise the streetscape impact.

Whilst the proposal will provide increased housing choice in the neighbourhood, in view of non-compliance with the linear separation provision of DCP 2010, the application is recommended for refusal.

ITEM 4 (continued)**(b) Natural Environment**

The proposed development is not likely to have significant impacts on the natural environment.

11. Suitability of the site for the development

A review of Council's Map of Environmentally Sensitive Areas (held on file), identifies the site is not classified as a heritage item or subject to any natural constraints such as flooding or subsidence. In this regard, the proposal is considered to be suitable for the site in terms of the impact on the existing natural and built environments.

12. The Public Interest

The proposed development is considered satisfactory in terms of design, external appearance and impacts on neighbouring properties, however, it does have a non-compliance with the linear separation controls contained in DCP 2010 and hence this DA is referred to Council for determination. The proposed development is considered likely to adversely impact upon the public interest, due to non-compliance with the linear separation provisions of DCP 2010.

13. Consultation – Internal and ExternalInternal Referrals

Development Engineer (13 February 2012): Council's Development Engineer has raised no objection to the application subject to 21 conditions of consent (included in the draft conditions in Attachment 1), and also provided the following comments:

The proposed development is located on land which slopes to the rear. In accordance with Council's requirement the applicant has requested the rear neighbouring properties owner for a drainage easement to dispose the site stormwater runoff to Paul Street. Unfortunately, their request has been formally refused.

The existing site has a pre-development site impervious area coverage of about 22% and the applicant proposed to increase this coverage to 40% post development. As a stormwater drainage easement could not be obtained, the applicant's engineer has submitted an alternative design to safely collect and dispose the site runoff. The proposal involves piping 20 % of the total site post development runoff to the street (Unit 1 runoff) and leaving 20% of the site runoff (Unit 2 runoff) to be disposed on site into absorption trenches. Additionally, prior to discharging to the street (unit 1) and to the rear (unit 2) the runoff will pass through an amplified combined OSD and rainwater system totalling 6000 litres for unit 1 and 10000 litres for unit 2. This proposal post development should reduce

ITEM 4 (continued)

the stormwater impacts to the rear neighbouring properties as the area draining to the rear is now only 20% compare with 22% that existed pre-development and that a combined OSD and rainwater tank system has been also proposed to further reduce any potential stormwater impacts.

The overland flow path located on the rear neighbouring property is remotely located from the proposed building, hence is unlikely to have any potential impacts on the proposed development. Furthermore, as the runoff generated from the proposed development to the rear will be reduced, existing flooding conditions to the rear neighbouring properties would not be exacerbated.

From a stormwater disposal and access perspectives the application is considered to be generally satisfactory in accordance with AS 2890.1-2004 and DCP 2010, Part 8.2.

No objections are raised to the proposal, subject to the following engineering conditions.

Tree Management Officer (16 May 2012): Part of the development proposal involves the removal of an existing Black Bean tree (*Castanospermum australe*) located along the proposed rear boundary (common boundary with No. 44 David Avenue).

The removal of the tree was accompanied by an arborist's report, and reviewed by Council's Tree Management Officer, who provided the following comments:

I have inspected the site and evaluated the associated Arborist Report and my comments are as follows:

- * I concur with the recommendations in the Arborist Report*
- * I see no reason for the tree to stand in the way of the development*
- * According to the current DCP there is requirements for planting on a new development of 15m tree in the rear and a 10m tree in the front, these conditions should be conditioned and the applicant required to comply.*

The replacement of the tree in the rear yard has been conditioned in the draft consent in Attachment 1 (See Condition 1(a)).

A Blueberry Ash is proposed to be planted in the southern corner of the site which is considered to adequately fulfil Council's DCP requirements for a tree within the front yard.

ITEM 4 (continued)**14. Critical Dates**

There are no critical dates or deadlines to be met.

15. Financial Impact

Adoption of the recommendation of this report will have no financial impact.

16. Other Options

As previously detailed, the application does not comply with the linear separation provisions of DCP 2010, and is accordingly recommended for refusal.

If the linear separation provisions were, for the moment, put to one side, the only other remaining areas of non-compliance with DCP 2010 controls is a technical non-compliance with Council's 8m x 8m rear deep soil zone (due to the provision of absorption trenches).

This issue has previously been discussed, and is considered not to be such as to cause the application to fail (in and of itself).

The likely future exclusion of linear separation controls within DCP 2011 has previously been discussed, however, the future content of DCP 2011 is not finalised, and implementation of DCP 2011 is not imminent.

However, the option of approval of the application is made available to Council, and to this end a draft set of conditions relevant to this option is contained in **Attachment 1**.

17. Conclusion

The proposal has been assessed using the heads of consideration listed in Section 79C of the Environmental Planning and Assessment Act, 1979. The proposal has only one significant area of non-compliance with controls detailed in Part 3.3 of DCP 2010, being linear separation, and also a minor non-compliance regarding the requirement for an 8m x 8m rear deep soil zone.

The design of the proposal otherwise responds in a positive manner to the constraints of the site.

The application was notified and re-notified, following which a total of six submissions were received from three surrounding neighbours. The issues raised in the submissions have been discussed and relevant comments provided.

ITEM 4 (continued)

Based upon non-compliance with the linear separation provisions of DCP 2010, the application is recommended for refusal. The other variations to the DCP are minor and should not result in any adverse impacts.

Options in respect of determination of the application are provided for Council's consideration.

ITEM 4 (continued)

ATTACHMENT 1

DRAFT CONDITIONS OF CONSENT FOR 46 DAVID AVENUE, NORTH RYDE

LDA 2011/567

GENERAL

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

Approved Plans

1. 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:
 - Drawing Nos. 1 to 4 and 6 to 10, Issue 'B' prepared by 'Universal Property Group' dated 24 April 2012 and colour schedule, and
 - Arboricultural Assessment prepared by 'Horticultural Management Services' dated 22 November 2011, except as amended by the conditions hereunder.

Prior to the issue of a **Construction Certificate**, the following amendments shall be made:

- (a) The only tree permitted to be removed under this consent is the existing Black Bean tree (*Castanospermum australe*) located along the proposed rear boundary. The proposed screen planting along the front boundary of the site shall be limited to a maximum height of 900mm and the Landscape Plan shall be amended accordingly.
 - (b) The Landscape Plan shall be amended to replace the Black Bean with a suitable advanced native having a minimum pot size of 75litres at the time of planting.
2. **Building Code of Australia** – All building works are required to be carried out in accordance with the provisions of the Building Code of Australia.
 3. **BASIX** – Compliance with all commitments listed in BASIX Certificate No. 398422M_03 dated 25 April 2012.
 4. **Drainage Construction** – The stormwater drainage on the site shall be constructed in accordance with the Construction Certificate version of Plan No. 1108181d issue 'C' dated 23 April 2012 prepared by Rammy Associates Pty Ltd.

Protection of Adjoining and Public Land

5. **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.
6. **Hoardings** – A hoarding or fence must be erected between the work site and any adjoining public place.

ITEM 4 (continued)

ATTACHMENT 1

Any hoarding or fence erected pursuant this consent is to be removed when the work has been completed

7. **Development to be within site boundaries** – The development must be constructed wholly within the boundaries of the premises. No portion of the proposed structure shall encroach onto the adjoining properties. Gates must be installed so they do not open onto any footpath.
8. **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

9. **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.
10. **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.

Engineering Conditions

11. **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.
12. **Service Alterations** – All mains, services, poles, etc., which require alteration shall be altered at the applicant's expense.
13. **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.
14. **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.

ITEM 4 (continued)

ATTACHMENT 1

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.

15. **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.
16. **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 docketts must be retained by the person performing the work for at least 3 years and be submitted to Council on request.
17. **Imported fill type** – All imported fill must be Virgin Excavated Natural Material as defined in the *Protection of the Environment Operations Act 1997*.

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.

18. **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	B
Community & Cultural Facilities	\$3,991.39
Open Space & Recreation	\$9,825.97
Civic & Urban Improvements	\$3,341.90
Roads & Traffic Management Facilities	\$455.76
Cycleways	\$284.75
Stormwater Management Facilities	\$904.74
Plan Administration	\$76.78
The total contribution is	\$18,881.29

ITEM 4 (continued)

ATTACHMENT 1

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>.

19. **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**.
20. **Structural certification** – The applicant must engage a qualified practising structural engineer to provide structural certification in accordance with relevant BCA requirements.
21. **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 (category: dwelling houses with delivery of bricks or concrete or machine excavation).
22. **Fees** – The following fees must be paid to Council in accordance with Council's Management Plan:
 - (a) Infrastructure Restoration and Administration Fee
 - (b) Enforcement Levy
23. **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**.
24. **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**.
25. **Sydney Water – quick check** – The approved plans must be submitted to a Sydney Water Quick Check agent or Customer Centre 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 4 (continued)

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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.

Engineering Conditions Prior to Construction Certificate

26. **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**.
27. **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.
28. **Sight Distance** – To facilitate safe sight distances, all proposed fencing and vegetation forward of the building alignment to McGregor Street shall be limited in height to a maximum of 900mm. Plans detailing compliance with this condition shall be submitted with the **Construction Certificate**.
29. **On-Site Stormwater Detention** – Stormwater runoff from all impervious areas shall be collected and piped by gravity flow to a suitable on-site detention system in accordance with City of Ryde, Development Control Plan 2010: - Part 8.2 Stormwater Management.
Engineering plans, including certification indicating compliance with this condition are to be submitted with the **Construction Certificate** application.
30. **On-Site Stormwater Detention Tank** – All access grates to the on site stormwater detention tank are to be hinged and fitted with a locking bolt. Any tank greater than 1.2m in depth must be fitted with step irons.
31. **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.
32. **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 Landcom. These devices shall be maintained during the construction works and replaced where considered necessary.

ITEM 4 (continued)

ATTACHMENT 1

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

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.

33. Site Sign

- (a) A sign must be erected in a prominent position on site:
 - (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.

34. 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.

35. 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:

ITEM 4 (continued)

ATTACHMENT 1

- (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).

36. **Safety Fencing** – The site must be fenced throughout demolition and/or excavation and must comply with WorkCover New South Wales requirements and be a minimum of 1.8m in height.

Engineering Conditions Prior to Commencement of Construction

37. **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.

Note: 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.

38. **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
39. **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.

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.

ITEM 4 (continued)

ATTACHMENT 1

40. **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*.
41. **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.
42. **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.
43. **Survey of footings and 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.
44. **Sediment/dust control** – No sediment, dust, soil or similar material shall leave the site during construction work.
45. **Construction materials** – All materials associated with construction must be retained within the site.
46. **Site maintenance** – The applicant must ensure that:
 - (a) approved sediment and erosion control measures are installed and maintained during the construction period;
 - (b) building materials and equivalent are stored wholly within the work site unless an approval to store them elsewhere is held; and,
 - (c) the site is clear of waste and debris at the completion of the works.
47. **Work within public road** – At all times when 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”.
48. **Drop-edge beams** – Perimeters of slabs are not to be visible and are to have face brickwork from the natural ground level.
49. **Plumbing and drainage work** – All plumbing and drainage work must be carried out in accordance with the requirements of Sydney Water Corporation.
50. Only unpolluted water is to be discharged to Council’s stormwater drainage system.

ITEM 4 (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.

51. **BASIX** – The submission of documentary evidence of compliance with all commitments listed in BASIX Certificate No. 398422M_03 dated 25 April 2012.
52. **Landscaping** – All landscaping works approved by condition 1 are to be completed prior to the issue of the final **Occupation Certificate**.

Engineering Conditions Prior to Occupation Certificate

53. **Disused Gutter Crossing** – All disused gutter and footpath crossings shall be removed and the kerb and footpath reinstated to the satisfaction of Council.
54. **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 and the footpath paving works are constructed in accordance with the construction plan requirements and *Ryde 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 *Ryde Development Control Plan 2010: Part 8.2 - Stormwater Management*.
 - 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.

ITEM 4 (continued)

ATTACHMENT 1

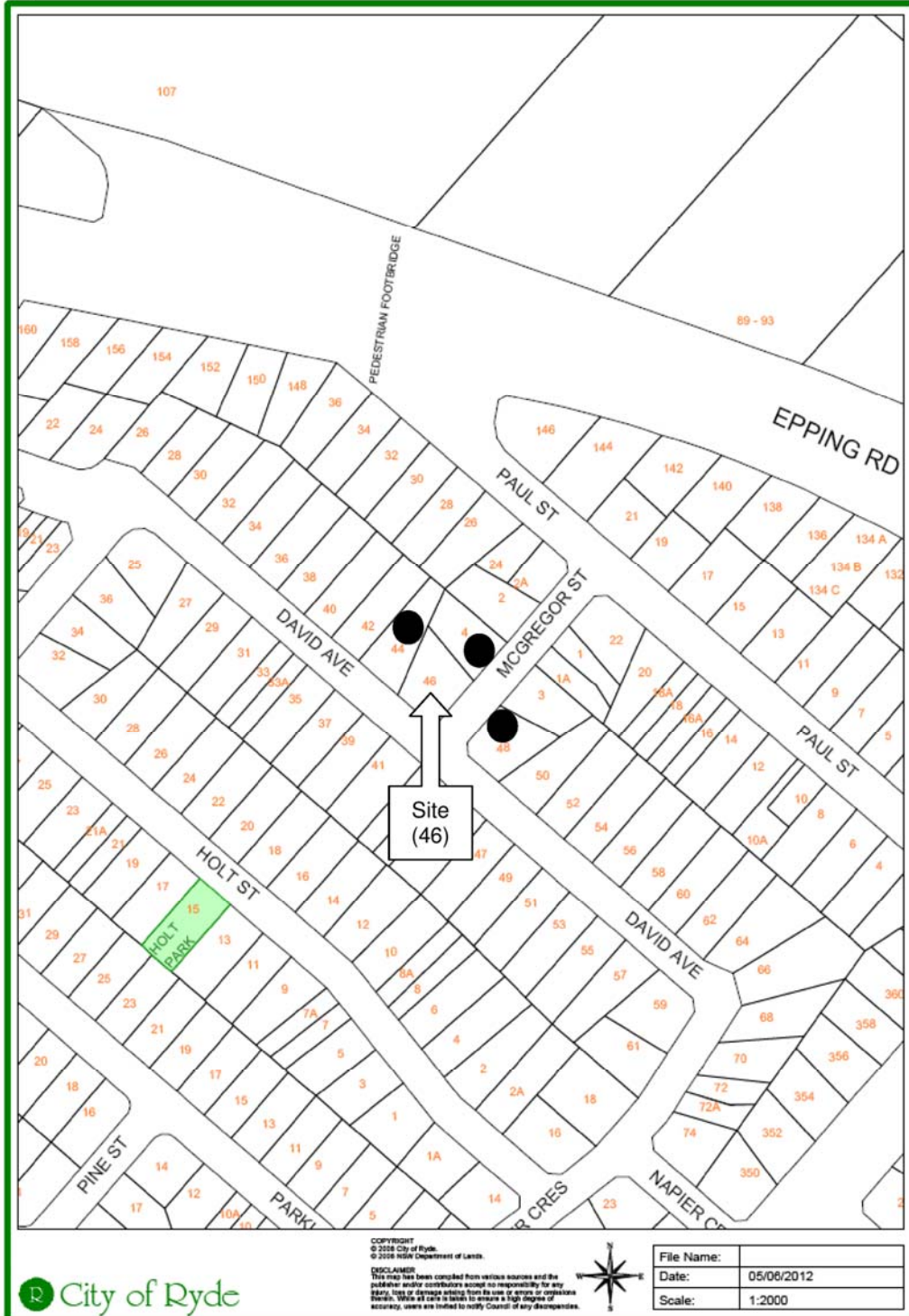
55. **Work-as-Executed Plan** – A Work-as-Executed plan signed by a Registered Surveyor clearly showing the surveyor's name and the date, the stormwater drainage, including the on-site stormwater detention system if one has been constructed and finished ground levels **is to be submitted to the Principal Certifying Authority (PCA)** and to Ryde City Council if Council is not the nominated PCA. If there are proposed interallotment drainage easements on the subject property, **a Certificate from a Registered Surveyor is to be submitted to the PCA** certifying that the subject drainage line/s and pits servicing those lines lie wholly within the proposed easements.
56. **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.
57. **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.
58. **Positive Covenant, Dispersal** – The creation of a Positive Covenant under Section 88 of the Conveyancing Act 1919, burdening the property with the requirement to maintain the stormwater dispersal system. The terms of the instruments are to be generally in accordance with the Council's draft terms of Section 88E instrument for Maintenance of On- site Dispersal Systems and to the satisfaction of Council.

End of consent

ITEM 4 (continued)

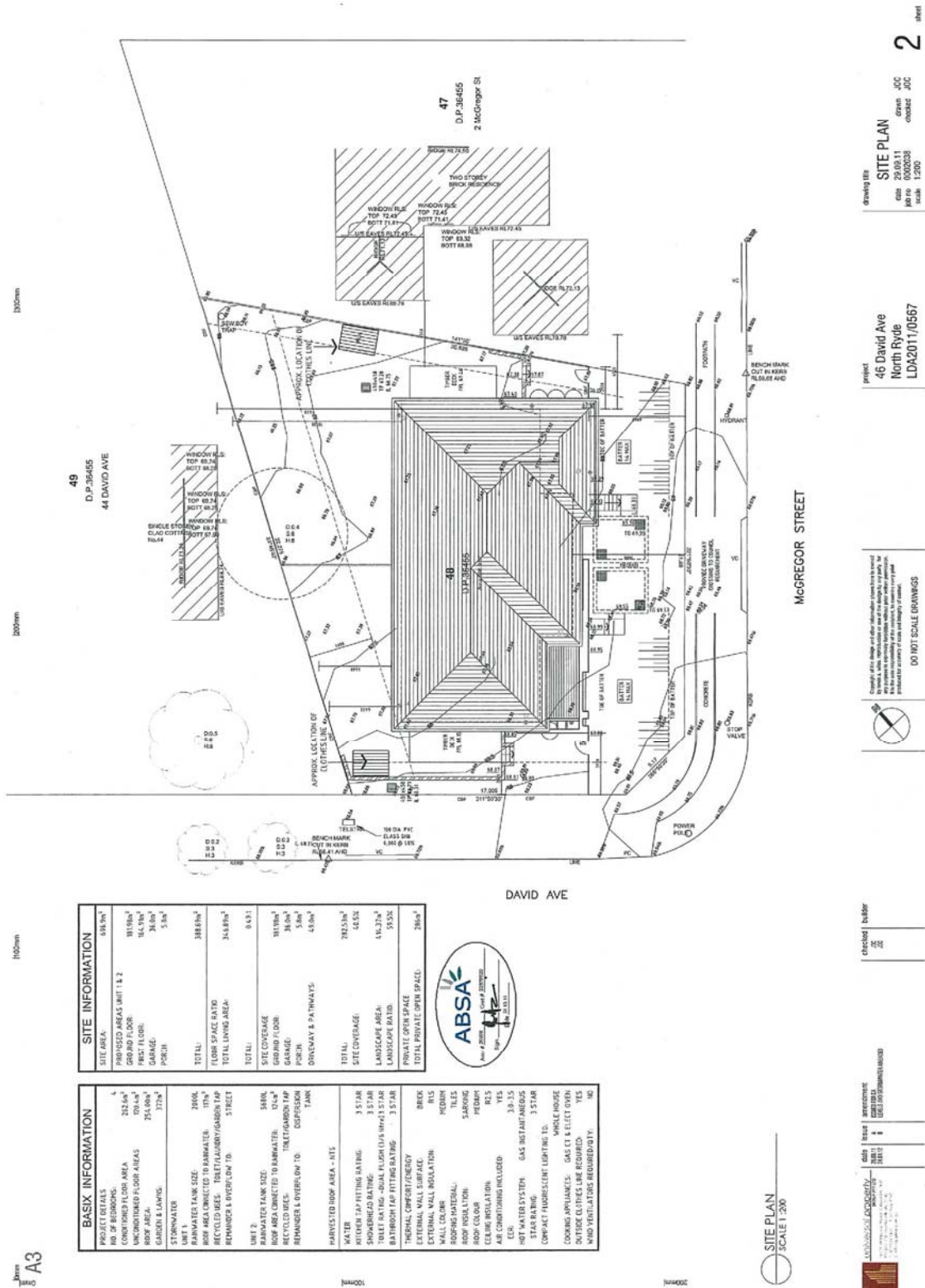
ATTACHMENT 2

 Indicates submissions received



ITEM 4 (continued)

ATTACHMENT 3



SITE INFORMATION	
SITE AREA:	508.9m ²
PROPOSED AREA UNIT 1 & 2:	181.6m ²
GROUND FLOOR:	181.6m ²
UNCONDITIONED FLOOR AREAS:	181.6m ²
ROOF AREA:	36.0m ²
GARAGE:	36.0m ²
PORCH:	5.5m ²
TOTAL:	388.6m ²
FLOORS SPACE RATIO:	0.6:1
TOTAL LIVING AREA:	344.8m ²
TOTAL:	388.6m ²
SITE COVERAGE:	181.6m ²
GROUND FLOOR:	181.6m ²
UNCONDITIONED FLOOR AREAS:	181.6m ²
ROOF AREA:	36.0m ²
GARAGE:	36.0m ²
PORCH:	5.5m ²
DRIVEWAY & PATHWAYS:	43.0m ²
TOTAL:	282.5m ²
SITE COVERAGE:	44.5%
LANDSCAPE AREA:	142.2m ²
LANDSCAPE RATIO:	15.5%
FINISHT OFFICE SPACE:	296m ²
TOTAL FINISHT OFFICE SPACE:	296m ²



BASIS INFORMATION	
PROPOSED DEVELOPMENT:	4
NO. OF RESIDENCES:	4
CONDITIONED FLOOR AREA:	322.6m ²
TO A:	181.6m ²
UNCONDITIONED FLOOR AREAS:	70.4m ²
TO A:	36.0m ²
ROOF AREA:	25.6m ²
TO A:	36.0m ²
GARAGE:	36.0m ²
TO A:	36.0m ²
PORCH:	5.5m ²
TO A:	5.5m ²
STORMWATER:	377m ³
UNIT 1:	70m ²
UNIT 2:	70m ²
UNIT 3:	70m ²
UNIT 4:	70m ²
ROOF AREA CONNECTED TO BARRIAGE:	10m ²
RECYCLED WASTE:	TOILET/LAUNDRY/GARDEN WASTE
REMAINING OVERFLOW TO:	STREET
UNIT 2:	70m ²
RAINWATER TANK SIZE:	500L
ROOF AREA CONNECTED TO BARRIAGE:	10m ²
RECYCLED WASTE:	TOILET/LAUNDRY/GARDEN WASTE
REMAINING OVERFLOW TO:	DISPERSION TANK
HARVESTED ROOF AREA - NIS:	10m ²
WATER:	3.5 STAR
KITCHEN TAP FITTING RATING:	3.5 STAR
SHOWERHEAD RATING:	3.5 STAR
TOILET TAP FITTING RATING:	3.5 STAR
BATHROOM TAP FITTING RATING:	3.5 STAR
THERMAL COMFORT/ENERGY:	DRINK
EXTERNAL WALL INSULATION:	DRINK
ROOF INSULATION:	DRINK
WALL COLOUR:	DRINK
ROOFING MATERIAL:	DRINK
ROOF INSULATION:	DRINK
ROOF COLOUR:	DRINK
CEILING INSULATION:	DRINK
AIR CONDITIONING INCLUDED:	DRINK
HOT WATER SYSTEM:	DRINK
COMPACT FLUORESCENT LIGHTING TO:	DRINK
COOKING APPLIANCES:	DRINK
OUTSIDE CLOTHES LINE REQUIRED:	DRINK
WIND MITIGATION REQUIRED (RTI):	DRINK

SITE PLAN
SCALE 1:200

drawn by: **SITE PLAN**
date: 29.09.11
proj no: 100008
sheet: 2 of 2

project: **45 David Ave
North Ryde
LDA2011/0567**

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DO NOT SCALE DRAWINGS

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date:
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by:
number:

DATE: 29.09.11
PROJECT: 100008
DRAWN BY: JDC
CHECKED BY: JDC
SCALE: 1:200
SHEET: 2 OF 2

ITEM 4 (continued)

ATTACHMENT 3



ITEM 4 (continued)

ATTACHMENT 3

