

**Meeting Date:** Tuesday 21 February 2012  
**Location:** Committee Room 2, Level 5, Civic Centre, 1 Devlin Street, Ryde  
**Time:** 4.00pm

**NOTICE OF BUSINESS**

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2 7 DAYMAN PLACE, MARSFIELD. LOT 3 DP623320. Local Development Application for demolition of existing dwelling and erection of a new 3 storey boarding house containing 77 boarding rooms, 1 manager's residence and communal facilities. LDA2011/375. <i>INSPECTION 4.20PM / INTERVIEW 4.50PM</i> .....	24
3 35 BUENA VISTA AVENUE, DENISTONE. LOT 79 DP 16433. Local Development Application for Alterations and additions to dwelling including new inground swimming pool. LDA2011/0337. <i>INSPECTION 4.35PM / INTERVIEW 5.00PM</i> .....	88

**1 CONFIRMATION OF MINUTES - Meeting held on 7 February 2012**

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**Report prepared by:** Meeting Support Coordinator

**Report dated:** 9 February 2012

**File No.:** CLM/12/1/3/2 - BP12/100

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In accordance with Clause 3.4.4 of 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 1/12, held on Tuesday 7 February 2012, be confirmed.

**ATTACHMENTS**

- 1 Minutes - Planning and Environment Committee - 7 February 2012

**Meeting Date:** Tuesday 7 February 2012  
**Location:** Committee Room 2, Level 5, Civic Centre, 1 Devlin Street, Ryde  
**Time:** 4.00pm

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

Councillor Butterworth arrived at 5.00pm and was not present for consideration of Item 1 or inspections.

**Apologies:** The Mayor, Councillor Etmekdjian and Councillor Salvestro-Martin.

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

### **DISCLOSURES OF INTEREST**

There were no disclosures of interest.

### **1 CONFIRMATION OF MINUTES - Meeting held on 6 December 2011**

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

**RESOLUTION:** (Moved by Councillors Yedelian OAM and Pickering)

That the Minutes of the Planning and Environment Committee 16/11, held on Tuesday 6 December 2011, 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.

Note: Item 1 was recommitted at the end of the meeting as detailed in these minutes.

**ITEM 1 (continued)**

**ATTACHMENT 1**

**2 498 BLAXLAND ROAD, DENISTONE. LOT 39 DP 7997. Local Development Application for Affordable rental housing (under the Affordable Housing State Environmental Planning Policy) comprising 5x2 storey dwellings on one property. LDA2011/0257.**

Report: The Committee inspected the property at 498 Blaxland Road, Denistone.

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

(a) That Local Development Application No. 2011/257 at 498 Blaxland Road, Denistone being LOT 39 DP 7997 be refused for the following reasons;

1. The proposed development is inconsistent with the amended State Environmental Planning Policy (Affordable Rental Housing) 2009 and Amendment 2011, failing to satisfy clauses 15 and 16A of the SEPP.

Particulars:

- The proposal does not satisfy parts 1,2,3 & 4 of the Seniors Living Policy: Urban Design Guidelines for Infill Development as required by clause 15 (1) of the SEPP.
- The proposal is out of character of the local area due to the building being 2 storey for the whole length of the development, resulting in a much greater scale and massing than what is existing within the immediate area.

2. The proposed development is inconsistent with the objectives of the R2 Low Density Residential Zone as contained in Ryde Local Environmental Plan 2010.

Particulars:

- Due to the 2 storey nature for the whole length of the building, the proposal is not consistent with the low density residential environment of the locality.
  - The bulk, scale and massing of the development is inconsistent with the established character of the area as well as what would be expected in a low density residential area.
  - The scale and bulk of the development will have an adverse impact in terms of amenity of the adjoining properties due to the bulk and scale, privacy and increased overshadowing.
3. The proposed development fails to comply with the parking requirements in Clause 14(2) of State Environmental Planning Policy (Affordable Rental Housing) 2011.
  4. The proposed development fails to satisfy the height requirements in Clause 4.3 of Ryde Local Environmental Plan 2010 and no variation has been sought under Clause 4.6 of Ryde Local Environmental Plan 2010.

**ITEM 1 (continued)**

**ATTACHMENT 1**

5. The proposed development is inconsistent with the requirements of Part 3.5 Multi Dwelling Housing (for Low Density Residential Zone) of Development Control Plan 2010 in regard to height, storeys, type of dwellings, front setbacks, side and rear setbacks, private open space, landscaping, insufficient car parking and driveway width.
6. The development is an overdevelopment of the site.
7. The development is not in the public interest.
8. The development will affect the amenity of the adjoining properties due to it not being consistent with the character of the area and insufficient car parking being provided to cater for the needs of the development.

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

**Record of Voting:**

For the Motion: Unanimous

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

**3 40 CLARKE STREET, WEST RYDE. LOT 7 DP 19560. Local Development Application for multi dwelling housing (attached) containing 1x4 bedroom two storey dwelling, 2x3 bedroom and 1x2 bedroom single storey dwellings. LDA2011/0248.**

Report: The Committee inspected the property at 40 Clarke Street, West Ryde.

Note: A letter from Mr Sean Kotthoff, Director of Devmax Property Development dated 7 February 2012 was tabled in relation to this Item and a copy is ON FILE.

Note: A letter from Chris Gough, Senior Partner of Storey & Gough Lawyers dated 7 February 2012 was tabled in relation to this Item and a copy is ON FILE.

Note: Mr Haris Sutanto and Mr Sean Kotthoff (on behalf of the applicant) addressed the Committee in relation to this Item.

**RECOMMENDATION:** (Moved by Councillors Yedelian OAM and Butterworth)

- (a) That Local Development Application No. 2011/248 at 40 Clarke Street, West Ryde being LOT 7 DP 19560, be approved subject to the **ATTACHED** conditions (Attachment 1) as set out below:

**ITEM 1 (continued)**

**ATTACHMENT 1**

**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:

<b>Document Description</b>	<b>Date</b>	<b>Plan No/Reference</b>
Architectural drawings prepared by Moderinn Group Pty Ltd	August 2011	A-1000(C), A-1001(C), A-1002(C), A-1003(C) and A-1004(C)
Stormwater Concept Plans prepared by AKY Civil Engineering		06083(C)
Landscaping Plans prepared by Ray Fuggle Associates	13 April 2011	2953a L-01(A)

**Prescribed Conditions**

2. All building works approved by this consent must be carried out in accordance with the requirements of the Building Code of Australia.
3. Compliance with all commitments listed in BASIX Certificate(s) numbered 366849M, dated 31 March 2011.

**Protection of Adjoining and Public Land**

4. 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.
5. Any public place affected by works must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.
6. 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.
7. The public way must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances, without prior approval from Council.

**ITEM 1 (continued)**

**ATTACHMENT 1**

**Works on Public Road**

8. 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.
9. 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.

**Stormwater**

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 1999 and City of Ryde Development Control Plan 2010 Section 8* 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. Restoration of any disused gutter crossings will be carried out by Council following receipt of the relevant payment.
13. **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 \$140.00 shall be paid to Council prior to the issue of the Construction Certificate
14. **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.
15. **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

**ITEM 1 (continued)**

**ATTACHMENT 1**

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.

16. **Car Parking.** All internal driveways, vehicle turning areas, garage opening widths and parking space dimensions shall comply with AS 2890.

**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.

17. A monetary contribution for the services in Column A and for the amount in Column B shall be made to Council:

<b>A – Contribution Type</b>	<b>B – Contribution Amount</b>
Community & Cultural Facilities	\$ 8,803.66
Open Space & Recreation Facilities	\$21,672.77
Civic & Urban Improvements	\$ 7,371.35
Roads & Traffic Management Facilities	\$ 1,005.51
Cycleways	\$ 628.06
Stormwater Management Facilities	\$ 1,996.34
Plan Administration	\$ 169.34
<b>The total contribution is</b>	<b>\$41,647.04</b>

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.



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**ATTACHMENT 1**

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>.

18. 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.
19. 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 (dwelling houses with delivery of bricks or concrete or machine excavation).
20. The following fees must be paid to Council in accordance with Council's Management Plan:
  - (a) Infrastructure Restoration and Administration Fee
  - (b) Enforcement Levy
21. 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**.

**Road Opening Permit**

22. The Council must be provided with evidence that there has been compliance with all matters that are required by the Road Opening Permit issued by Council as required under section 139 of the Roads Act 1993 to be complied with prior to issue of the **Construction Certificate**.
23. The development must be acoustically designed and constructed to meet the relevant provisions of Australian Standard AS 2107:2000 *Recommended design sound levels and reverberation times for building interiors*. Written endorsement of compliance with these requirements must be obtained from a suitably qualified person.

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**ATTACHMENT 1**

**Fencing**

24. 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. The front fence shall be redesigned so as to not exceed 1.0m in height and provide for being a minimum of 70% permeable. Details are to be submitted with the Construction Certificate to verify that the fencing achieves these requirements.

**Lighting of Common Areas (driveways etc)**

26. Details of lighting for internal driveways, visitor parking areas and the street frontage shall be submitted for approval prior to issue of the **Construction Certificate**. The details to include certification from an appropriately qualified person that there will be no offensive glare onto adjoining residents.

27. **Drainage Plans.** The plans and supporting calculations of the proposed drainage system, including the on-site detention system and details addressing any overland flow from upslope properties are to be submitted with the Construction Certificate application.

A positive covenant shall be executed and registered against the title of any lot containing an on site detention system to require maintenance of the system in accordance with Council's standard terms.

Any drainage pit within a road reserve, a Council easement, or that may be placed under Councils' control in the future, shall be constructed of cast in-situ concrete. Details shall be submitted with the Construction Certificate application.

28. **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.

29. **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.

30. **Construction near Pipeline in Drainage Easement.** All footings for buildings and other structures shall be taken a minimum of 100 mm below the invert of the existing pipeline. **The location and depth of the pipeline, along with the design of the footings, are to be shown on the plans submitted to and approved by the Consent Authority.**

31. **Overland Flow Channel.** An overland flow channel shall be created above the pipeline within the drainage easement. The channel should be sufficient to transfer runoff exceeding the pipe capacity during storms up to 100 year ARI. **A design of the channel along with the necessary calculations shall be submitted to and approved by the Consent Authority.**

**ITEM 1 (continued)**

**ATTACHMENT 1**

32. **Overland Flow path.** No filling, alteration to the surface levels or other obstructions within the overland flow path across the site shall be made without prior approval of Council.
33. **Fencing within Floodways.** All fencing within the overland flow path shall have a permeable section at least 300 mm above the calculated top water surface level.
34. **Minimum Floor Level.** The villa habitable floor level is to be set to not less than RL 44.85 as recommended in the hydraulic report by AKY Civil Engineering
35. **Soil and Water Management Plan.** A *Soil and Water Management Plan (SWMP)* 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. **This is to be submitted to and approved by the Consent Authority prior to the release of the Construction Certificate.** These devices shall be maintained during the construction works and replaced where considered necessary. Suitable erosion control management procedures are to be practiced during the construction period.

The following details are to be included in drawings accompanying the *Soil and Water Management Plan*:

- (a) Existing and final contours
  - (b) The location of all earthworks, including roads, areas of cut and fill, and regrading.
  - (c) Location of all impervious areas
  - (d) Location and design criteria of erosion and sediment control structures including sediment collection basins
  - (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) Proposed techniques for re-grassing or otherwise permanently stabilising all disturbed ground.
  - (l) Procedures for maintenance of erosion and sediment controls
  - (m) Details for any staging of works
  - (n) Details and procedures for dust control.
36. **Truck Shaker.** A truck shaker grid with a minimum length of 6 metres must be provided at the construction exit point. Fences are to be erected to ensure vehicles cannot bypass them. Sediment tracked onto the public roadway by vehicles leaving the subject site is to be swept up immediately.

**ITEM 1 (continued)**

**ATTACHMENT 1**

37. Landscaping is to be in accordance with the landscape plan, prepared by Ray Fuggle of RFA, Issue A, dated 15<sup>th</sup> April, 2011, which is to be amended to show an additional two 100 litre size trees to be planted in the rear open space. Replacement trees should be native endemic trees equivalent to Turpentine (*Syncarpia glomulifera*)
38. The property owner shall enter into a Deed of Charge indemnifying Council against any claims for damage and cost incurred for removing and replacing the pergola, if deemed necessary, at any time for the purpose of accessing Council's pipeline. The costs of preparing the Deed of Charge are to be borne by the applicant.
39. To protect the overland flow paths against blockage and allow free passage of overland flows through the property the flow paths along both sides of the dwelling 4 are to be protected by the creation of a "Restriction As To Use". The overland flowpath is located in the rear yard along the side boundaries and rear yard of the property between the rear property boundary and the proposed dwelling 4.
- The restriction shall be created under Section 88B of the Conveyancing Act 1919 and all associated costs shall be borne by the applicant.
40. The modification of ground levels shall be carried out in accordance with the Flood Assessment Report dated 25 August 2011 and Drawing C-03 Revision F prepared by AKY Civil Engineering.
41. Prior to the issue of the Construction Certificate, a certificate shall be provided to the Principal Certifying Authority from a suitably qualified engineer confirming the building structure is able to withstand the forces of floodwaters having regard to hydrostatic pressure, hydrodynamic pressure, the impact of debris and buoyancy forces up to and including a 100 year flood plus freeboard.
42. Prior to the issue of the Construction Certificate, a certificate shall be provided to the Principal Certifying Authority from a suitably qualified engineer confirming that all new building components below the 100 year ARI flood plus 0.5m freeboard have been designed to be flood compatible.
43. Prior to the issue of the Construction Certificate, a certificate shall be provided to the Principal Certifying Authority from a suitably qualified engineer confirming that all footings in close proximity to the drainage easement have been designed to be founded at a depth below the zone of influence for the stormwater line.
44. Fencing is to be constructed in a manner that does not affect the flow of flood waters so as to detrimentally change flood behaviour or increase flood levels on adjacent properties. A certificate to this effect shall be provided to the PCA from a suitably qualified engineer prior to the issue of the Occupation Certificate.

**ITEM 1 (continued)**

**ATTACHMENT 1**

45. Trees that are to remain on site are to be protected against damage during construction. All mature trees to remain shall be clearly marked and a fence erected around their drip line. A qualified arborist shall inspect the tree protection measures and documentary evidence of tree protection measures is to be submitted to Council prior to the issuing of the **Construction Certificate**.

**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.

**Prescribed Conditions**

**46. 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.

47. 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.

48. 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.

**ITEM 1 (continued)**

**ATTACHMENT 1**

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).

49. **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.
50. **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 2010: - Part 8.1; Construction Activities.
51. **Council is to be notified in writing before work commences** - The applicant must notify Council of the following particulars in writing at least seven (7) working days before demolition work commences:
- the name, address, telephone contact details and licence number of the person responsible for carrying out the work; and
  - the date the work is due to commence and the expected completion date.
52. **Site security** - Security fencing must be provided around the perimeter of the site, and other precautions taken, to prevent unauthorised entry to the site during the construction period.
53. The schedule of tree removal/retention and the construction management of all trees to be retained is to be in accordance with the arborist's report prepared by Neville Shields of Redgum Horticultural, dated 12 April 2011, with particular reference to the installation of Tree Protection Zones as per Appendix F, which are to be installed prior to the commencement of demolition, and maintained for the duration of the construction period.

**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.

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**ATTACHMENT 1**

**Critical stage inspections**

54. The person having the benefit of this consent is required to notify the Principal Certifying Authority to ensure that the following critical stage inspections are undertaken, as required under clause 162A(4) of the *Environmental Planning and Assessment Regulation 2000*:

- (a) after excavation for, and prior to the placement of, any footings, and
- (b) prior to pouring any in-situ reinforced concrete building element, and
- (c) prior to covering of the framework for any floor, wall, roof or other building element, and
- (d) prior to covering waterproofing in any wet areas, and
- (e) prior to covering any stormwater drainage connections, and
- (f) after the building work has been completed and prior to any occupation certificate being issued in relation to the building.

**Noise and vibration**

55. The construction of the development and preparation of the site, including operation of vehicles, must be conducted so as to avoid unreasonable noise or vibration and not cause interference to adjoining or nearby occupations.

56. 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.

**Survey of footings and walls**

57. All footings and walls within 1 metre of a boundary must be set out by a registered surveyor. On commencement of brickwork or wall construction a survey and report must be prepared indicating the position of external walls in relation to the boundaries of the allotment.

58. No sediment, dust, soil or similar material shall leave the site during construction work.

59. Excavated material must not be reused on the property except as follows:

- (a) Fill is allowed under this consent;
- (b) The material constitutes Virgin Excavated Natural Material as defined in the *Protection of the Environment Operations Act 1997*;
- (c) the material is reused only to the extent that fill is allowed by the consent.

60. All materials associated with construction must be retained within the site.

**61. Site Facilities**

The following facilities must be provided on the site:

- (a) toilet facilities in accordance with WorkCover NSW requirements, at a ratio of one toilet per every 20 employees, and
- (b) a garbage receptacle for food scraps and papers, with a tight fitting lid.

**ITEM 1 (continued)**

**ATTACHMENT 1**

**62. 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;
- (c) the site is clear of waste and debris at the completion of the works.

63. 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".

**Tree Protection**

64. This consent does not authorise the removal of trees unless specifically permitted by a condition of this consent or otherwise necessary as a result of construction works approved by this consent.

65. Trees that are shown on the approved plans as being retained must be protected against damage during construction.

66. Any works approved by this consent to trees must be carried out in accordance with all relevant Australian Standards.

67. A Consultant Arborist must be appointed to oversee all works, including demolition and construction, in relation to the trees identified for retention on the site.

68. Council is to be notified, in writing, of the name, contact details and qualifications of the Consultant Arborist appointed to the site. Should these details change during the course of works, or the appointed Consultant Arborist alter, Council is to be notified, in writing, within seven working days.

**Drop-edge Beams**

69. Perimeters of slabs are not to be visible and are to have face brickwork from the natural ground level.

**PRIOR TO OCCUPATION CERTIFICATE**

An Occupation Certificate must be obtained from a Principal Certifying Authority prior to commencement of occupation of any part of the development, or prior to the commencement of a change of use of a building.

Prior to issue, the Principal Certifying Authority must ensure that all works are completed in compliance with the approved construction certificate plans and all conditions of this Development Consent.



**ITEM 1 (continued)**

**ATTACHMENT 1**

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.

**Prescribed Condition**

70. The submission of documentary evidence of compliance with all commitments listed in BASIX Certificate numbered 366849M, dated 31 March 2011.

71. All landscaping works approved by condition 1 are to be completed.

72. The submission of documentary evidence to Council of compliance with all matters that are required by the Road Opening Permit issued by Council under Section 139 of the *Roads Act 1993* in relation to works approved by this consent.

**Sydney Water**

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](http://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.

**Letterboxes and street/house numbering**

74. All letterboxes 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.

75. An **Occupation Certificate** must be obtained from the Principal Certifying Authority (PCA) and a copy furnished to Council in accordance with Clause 151 of the Environmental Planning and Assessment Regulation 2000 prior to commencement of occupation or use of the whole or any part of a new building, an altered portion of, or an extension to an existing building.

**ITEM 1 (continued)**

**ATTACHMENT 1**

**76. Creation of Easements in Favour of Council.** The applicant shall create a new drainage easement 2.5 metres wide in Council's favour over the existing pipeline in which Council has an interest at no cost to Council. The alignment of such easements shall be in accordance with detailed engineering plans prepared or approved by Council. It is noted that the pipeline will in this case not be located centrally within the easement due to the proposed location of the adjacent building relative to the existing pipeline.

**77. 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 the on-site detention system will function hydraulically in accordance with the approved design.
- 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).
- Confirming that the footings adjacent to the drainage easements have been constructed to below the zone of influence in accordance City of Ryde, Development Control Plan 2010: - Part 8.2; Stormwater Management

**78. Compliance Certificate – Surveyor.** A compliance certificate must be submitted from a Registered Surveyor indicating that all pipelines and associated structures lie wholly within any easements required by this consent.

**79. Footpath Paving Construction.** The applicant shall, at no cost to Council, construct standard concrete footpath paving across the frontage of the property. Levels of the footpath paving shall conform with levels issued by Council's Engineering Services Division.

**ITEM 1 (continued)**

**ATTACHMENT 1**

80. **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.
81. **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.
82. **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.
83. **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.
84. **Restriction as to User, Floodway.** A restriction as to user is to be placed on the property title to prevent the alteration of the ground surface and maintenance within the 100 year Average Recurrence Interval flow path and also not to have any structure placed inside without Council permission. The terms of the restriction shall be generally in accordance with Council's draft terms for provision for overland flow and to the satisfaction of Council.
85. **Drainage Construction.** The stormwater drainage on the site is to be constructed in accordance with the Construction Certificate version of Plan No 06083 prepared by AKY Civil Engineering

**ITEM 1 (continued)**

**ATTACHMENT 1**

**POST OCCUPATION CERTIFICATE**

86. Within 2 days of issuing a final Occupation Certificate, the Principal Certifying Authority (PCA) is required to generate a BASIX Completion Receipt in accordance with the provisions of the EP & A Regulation 2000. The PCA is to refer to the BASIX Completion Receipt tool at [www.basix.nsw.gov.au/administration/login.jsp](http://www.basix.nsw.gov.au/administration/login.jsp) in order to generate the BASIX Completion Receipt and a printed copy of the receipt is to be placed on the PCA file.

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

**Record of Voting:**

For the Motion: Councillors Pickering, Butterworth and Yedelian OAM

Against the Motion: Councillor O'Donnell

Note: This matter will be dealt with at the Council Meeting to be held on **14 FEBRUARY 2012** as dissenting votes were recorded and substantive changes were made to the published recommendation.

**4 64 PELLISIER ROAD, PUTNEY. LOT 102 DP 866280. Local Development Application for Alterations and additions to the existing dwelling including an additional new storey and new cabana in the rear yard. LDA2011/493.**

Report: The Committee inspected the property at 64 Pellisier Road, Putney.

Note: A document from Mark and Elizabeth Grodzicky, Rocky and Belinda Pirrottina, Brendan and Tammy Tam and Marion Wakeham (objectors) was tabled in relation to this Item and a copy is ON FILE.

Note: A letter dated 7 February 2012, photographs and plans from Mr James Balestriere (applicant) was tabled in relation to this Item and a copy is ON FILE.

Note: Mr Mark Grodzicky (objector - also representing the residents at 62, 62A and 64A Pellisier Road) and Mr James Balestriere, Ms Janette Little and Ms Maria Diep (on behalf of the applicant) addressed the Committee in relation to this Item.

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

(a) That Local Development Application No. LDA2011/493 for alterations and additions to the existing dwelling and construction of a cabana at No. 64 Pellisier Road, Putney, be refused for the following reasons:

1. The proposal does not comply with clauses 17, 25 and 26 of *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005* for the following reasons:

**ITEM 1 (continued)**

**ATTACHMENT 1**

- (a) Clause 17 (Zoning Objectives). The scale and size of the development is inappropriate to the locality when viewed from the waters in the W8 zone.
  - (b) Clause 25 (Foreshore and Waterways Scenic Quality). The proposal represents an overdevelopment of the land in terms of scale and bulk and will have numerous adverse effects upon adjoining land including overlooking and loss of water views.
  - (c) Clause 26 (Maintenance Protection and Enhancement of Views). The proposal will adversely affect views and vistas from the existing heritage item (60 Pellisier Road) and will have a detrimental cumulative impact upon views enjoyed by adjoining properties.
2. The proposal does not comply with clause 5.4 (Built Form) of *Sydney Harbour Foreshore & Waterways Development Control Plan* because: the development does not enhance the existing setting; the shape of the upper floor being 'boxy' does not harmonise with the surroundings; the cumulative visual impact and limited articulation of walls does not reduce its overall bulk; and will adversely affect adjoining views and the existing heritage item.
3. The development proposal generally does not fulfil the aims and objectives of R2 Low Density Residential requirements of the Ryde LEP 2010 for the following reasons:
  - (a) The additional height and number of storeys of the proposal is an inappropriate level of development for the site due to its significant adverse affect upon the amenity of the surrounding properties by overlooking and impact upon views.
  - (b) Having regard to the topography of the site, the development fails to provide for a predominantly two-storey dwelling and is predominantly a 3-storey dwelling with 4-storeys facing the water.
4. The development is inconsistent with the objectives of clause 4.3 and 4.4 of Ryde LEP 2010 by the following:
  - (a) Clause 4.3 (Height of buildings). The development is overbearing in its height and design and does not respond well to the topography of the site.
  - (b) Clause 4.4 (Floor space ratio). The location of the additional floor space and its significant adverse affect upon the amenity of the surrounding properties (including view loss).

**ITEM 1 (continued)**

**ATTACHMENT 1**

5. The proposal will have an adverse affect upon the conservation of views to and from the existing heritage item and upon the heritage significance of the adjoining heritage item (No. 60 Pellisier Road), which is contrary to the controls and objectives of clause 5.10 (Heritage conservation) of the Ryde LEP 2010.
6. The development does not comply with Part 3.3 of the Ryde DCP 2010, in particular the objectives or controls of: 2.1 – Desired Future Character; 2.2.2 – Alterations and Additions to Dwelling Houses; 2.4 – Public Domain Amenity; 2.4.1 – Streetscape; 2.4.2 – Public Views and Vistas; 2.5 – Site Configuration; 2.5.1 – Deep Soil Areas; 2.5.2 – Topography and Excavation; 2.7 – Height; 2.7.1 – Building Height; 2.9 – Outbuildings; 2.13 – Dwelling Amenity; 2.13.2 – Visual Privacy; and 2.13.4 – View Sharing.
7. Due to non-compliance with the height and number of storeys development standards of the Ryde DCP 2010, the following adverse residential amenity impacts that the proposal would impact upon adjoining properties are considered to be unreasonable:
  - (a) Adverse visual and view impacts upon the adjoining properties being Nos. 60, 62 and 62A Pellisier Road; and
  - (b) Adverse visual impact upon the adjoining property to the south (No. 64A Pellisier Road)

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

**Record of Voting:**

For the Motion: Councillors O'Donnell and Butterworth

Against the Motion: Councillors Pickering and Yedelian OAM

Note: This matter will be dealt with at the Council Meeting to be held on **14 FEBRUARY 2012** as dissenting votes were recorded

**RECOMMITTAL OF ITEM 1 – CONFIRMATION OF MINUTES – Meeting held on 6 December 2011**

**1 CONFIRMATION OF MINUTES - Meeting held on 6 December 2011**

**RESOLUTION:** (Moved by Councillors Butterworth and Pickering)

That the Minutes of the Planning and Environment Committee 16/11, held on Tuesday 6 December 2011, be confirmed.

**ITEM 1 (continued)**

**ATTACHMENT 1**

**Record of Voting:**

For the Motion: Unanimous

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

The meeting closed at 6.30pm.

CONFIRMED THIS 21<sup>st</sup> DAY OF FEBRUARY 2012.

Chairperson

- 2 7 DAYMAN PLACE, MARSFIELD. LOT 3 DP623320. Local Development Application for demolition of existing dwelling and erection of a new 3 storey boarding house containing 77 boarding rooms, 1 manager's residence and communal facilities. LDA2011/375.**

**INSPECTION: 4.20pm**

**INTERVIEW: 4.50pm**

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**Report prepared by:** Team Leader - Assessment

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

**Report dated:** 8/02/2012

**File Number:** grp/12/5/5/3 - BP12/99

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## 1. Report Summary

**Applicant: Weir Phillips Architects Pty Ltd**

**Owner: Ms A M Tilley**

**Date lodged: 15 July 2011**

This report deals with a development application (DA) for demolition of the existing dwelling and erection of a new 3 storey building (plus basement) to be used as a boarding house (student housing) containing 77 boarding rooms and a manager's residence. The development proposes various communal facilities including 12 "common living rooms" (containing kitchen, dining, lounge areas), and 18 bathrooms over the 3 storeys of the building, as well as laundry facilities in the basement. Parking is provided in the basement of the building, and contains 17 car spaces, 16 motorcycle spaces, and 16 bicycle spaces.

Although it is generally considered that the site is suitable for student housing given that it is zoned for high density residential developments (R4 – High Density Residential under Ryde Local Environmental Plan (LEP) 2010 – and boarding houses are permissible with consent within this zoning), the design of the development as currently submitted is unsatisfactory and cannot be supported by Council officers. The specific issues of concern with the current proposal are:

- insufficient/unsatisfactory details regarding stormwater drainage;
- insufficient/unsatisfactory details regarding vehicular access;
- front, side and rear setbacks of the building;
- privacy/overlooking issues particularly from the "roof garden"/terrace on the 3<sup>rd</sup> floor of the building;
- garbage bin storage arrangements;
- the height of the building could also become an issue of concern if any design amendments addressing the concerns about stormwater drainage (such as raising floor levels) results in increase to the building height;
- the position of the Australia Post box, which would need to be relocated in accordance with the requirements of Australia Post as part of any design amendments.



## ITEM 2 (continued)

It is recommended that the DA be deferred to enable the applicant to submit amended plans and additional information which address these issues. Upon receipt of this information, it will be necessary to re-notify neighbours and all previous objectors. A further report will be prepared to the Planning & Environment Committee after the completion of this process.

Council's Development Control Plan (DCP) 2010 Part 3.4 [Residential Flat Buildings and Multi Dwelling Housing (not within the Low Density Residential Zone)] applies to the development, given that the built form of this development is very similar to a Residential Flat development. There are a number of non-compliances with this Part of the DCP, in particular height (number of storeys), density, and car parking.

The provisions of State Environmental Planning Policy (Affordable Rental Housing) 2009 ("AHSEPP") applies to the development, and the development does generally comply with the AHSEPP. The AHSEPP contains various development standards relating to the areas of non-compliance with Council's DCP (clause 29) and it overrides Council's DCP where there is inconsistency. The way that the AHSEPP is written is "that Council cannot refuse consent" if the proposal complies with those standards in the AHSEPP – even if there may be a non-compliance with a DCP control.

The AHSEPP also contains development standards that the proposed boarding house is required to satisfy. The AHSEPP requires Council to consider whether the design of the proposal is compatible with the character of the local area, and the AHSEPP also requires a lesser car parking requirement for sites within "accessible areas" (ie within specified distances of regular public transport).

The DA has been advertised and notified to adjoining owners in accordance with Council's Notification DCP, and **143 submissions** were received. 105 of these submissions were "pro-forma" submissions signed by residents within the Leisure Lea Gardens Retirement Village which adjoins this site to the south-east. The issues of concern raised in the submissions include lack of information submitted/errors in the DA documentation (Statement of Environmental Effects etc), parking, traffic, noise, and privacy impacts on neighbouring developments.

**Reason for Referral to Planning and Environment Committee:** Nature of the proposed development and large number of submissions received; and requested by Councillor Butterworth and Councillor Pickering.

**Public Submissions:** **143 submissions** were received objecting to the development.

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

Value of works: \$3.5 million

## **ITEM 2 (continued)**

### **RECOMMENDATION:**

- (a) That Council defer consideration of Local Development Application No. 2011/375 at 7 Dayman Place Marsfield being LOT 3 DP623320 to enable the applicant to submit amended plans and details addressing the issues of concern regarding the current design of the development. The specific issues of concern are:
1. insufficient/unsatisfactory details regarding stormwater drainage;
  2. insufficient/unsatisfactory details regarding vehicular access;
  3. front, side and rear setbacks of the building;
  4. privacy/overlooking issues particularly from the “roof garden”/terrace on the 3<sup>rd</sup> floor of the building;
  5. garbage bin storage arrangements;
  6. the height of the building could also become an issue of concern if any design amendments addressing the concerns about stormwater drainage (such as raising floor levels) results in increase to the building height.
  7. the position of the Australia Post box, which would need to be relocated in accordance with the requirements of Australia Post as part of any design amendments.
- (b) That the amended plans and additional information referenced in (a) above shall be re-notified to the neighbouring properties and previous submitters to the original DA.
- (c) That a further report be prepared to the Planning & Environment Committee after the completion of this process.

### **ATTACHMENTS**

- 1 Map
- 2 Plans
- 3 A3 plans - subject to copyright provisions - CIRCULATED UNDER SEPARATE COVER

Report Prepared By:

**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.)

<b>Address</b>	:	7 Dayman Place, Marsfield
<b>Site Area</b>	:	1723m <sup>2</sup> Frontage: 65.265m to Dayman Place. Allotment Depth: 0m/45m
<b>Topography and Vegetation</b>	:	The site generally slopes down away from Dayman Place to the eastern corner with a variable slope (average slope 1 in 11). There are a number of non-significant trees and other shrubs proposed to be removed and to be embellished by landscaping as part of any approval
<b>Existing Buildings</b>	:	Single storey dwelling to be demolished as part of this application
<b>Planning Controls</b>		
<b>Zoning</b>	:	R4 – High Density Residential
<b>Other</b>	:	State Environmental Planning Policy (Affordable Rental Housing) 2009 (referred to as “AHSEPP” throughout this report) Ryde LEP 2010 (R4 High Density Residential) Ryde DCP 2010



**ITEM 2 (continued)**



**3. Councillor Representations**

(a) Name of Councillor: Councillor Butterworth

Nature of the representation: Request for submission from an adjoining owner to be considered as part of the DA assessment – particularly the issues of parking, traffic and access to Australia Post box.

Date: 17 August 2011

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

On behalf of applicant or objectors? Adjoining owner at Leisure Lea Gardens Retirement Village

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

(b) Name of Councillor: Councillor Butterworth

**ITEM 2 (continued)**

Nature of the representation: Call-up to Planning & Environment Committee (PEC); request on timeframe for report to be presented to PEC; request for Leisure Lea Gardens Retirement Village to be notified when DA is going to PEC.

Date: 1 November 2011.

Form of the representation (e.g. via email, meeting, phone call): Phone call to Group Manager Environment & Planning

On behalf of applicant or objectors? Adjoining owners at Leisure Lea Gardens Retirement Village

Any other persons (e.g. consultants) involved in or part of the representation: Unknown.

(c) Name of Councillor: Councillor Pickering

Nature of the representation: Call-up to Planning & Environment Committee and request for update on DA timeframe

Date: 8 November 2011.

Form of the representation (e.g. via email, meeting, phone call): Phone call to Group Manager Environment & Planning

On behalf of applicant or objectors? Applicant

Any other persons (e.g. consultants) involved in or part of the representation: Unknown.

**4. Political Donations or Gifts**

None disclosed.

**5. Proposal**

The development proposes demolition of the existing dwelling and erection of a new 3 storey building (plus basement) to be used as a boarding house (student housing) containing 77 boarding rooms and a manager's residence.

In the applicant's DA documentation, it is specified that this development would be used for student housing, managed by Macquarie University.

## **ITEM 2 (continued)**

The following provides a summary of the development details for each level of the building:

### *Basement Level (RL88.4):*

- 17 car parking spaces (16 resident and 1 manager)
- 16 motorcycle parking spaces
- 16 bicycle parking spaces
- Garbage bin storage area
- Laundry room
- Lift lobby and lift motor room

### *Ground Floor Level (floor level RL91.4):*

- 29 boarding rooms – 4 x self-contained rooms (each containing an ensuite), 15 x single rooms, and 10 x double rooms
- 1 manager's room
- 5 "common living rooms" (each containing kitchen, dining, lounge areas)
- 9 x communal bathrooms (each containing hand-basin, toilet and shower)
- Lift lobby

### *First Floor Level (floor level RL94.4):*

- 30 boarding rooms – 5 x self-contained (each containing an ensuite), 15 x single rooms, and 10 x double rooms
- 5 "common living rooms" (each containing kitchen, dining, lounge areas)
- 9 x communal bathrooms (each containing hand-basin, toilet and shower)
- Lift lobby

### *Second Floor Level (floor level RL97.4):*

- 18 boarding rooms – all self-contained (each containing ensuite)
- 2 "common living rooms" (each containing kitchen, dining, lounge areas)
- Lift lobby
- 1 "roof garden"/terrace (communal outdoor space)

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

## **6. Background**

### Relevant Site History:

A single storey dwelling has existed on the property for approximately 30-40 years.

Council's records have been searched to determine whether or not this property has had any history of illegal usage as a boarding house. There is no record of any complaint or other evidence to suggest that this particular property has previously been used as a boarding house.

## **ITEM 2 (continued)**

It is noted that the dwelling is to be demolished as part of this DA.

### Subject DA:

The DA was lodged on 15 July 2011. Shortly after DA lodgement, it underwent a preliminary assessment, referral to various departments within Council, neighbour notification and allocation to the Assessment Officer.

On 2 August 2011, neighbour notification and advertisement of this DA commenced (closing date for submissions – 18 August 2011, which was later extended to 31 August 2011 on request from various neighbours and their consultants). **143 submissions** were received from adjoining/nearby property owners – of which 105 were “pro-forma” copies of the same submission and signed by residents of the Leisure Lea Gardens Retirement Village to the south-east. The issues raised in the submissions are discussed later in this report.

One of the submissions is a lengthy submission from Planning Consultants (Kerry Gordon Planning Services) on behalf of the body corporate of the residential flat development immediately to the north at No 1 Dayman Place Marsfield. This submission was sent to the applicant on 26 September 2011 with a request to respond to the issues contained therein, which included that the DA documentation was not complete and did not correctly identify the Planning Instruments affecting the proposal, privacy impacts on the neighbouring property, potential noise/amenity impacts and social impacts. The applicant responded on 18 October 2011 with details of the Macquarie University “Village Rules” and Noise Policy (for on-site student housing), and details regarding privacy screens to the windows and fencing to the clothes drying courtyard to help preserve privacy to the neighbouring property.

On 9 November 2011, following completion of assessment by Council’s Development Engineer, an email was sent to the applicant requesting amended plans/additional information regarding stormwater drainage and vehicle access.

On 29 November 2011, amended plans and details addressing the Development Engineer’s request for additional information was received, which was subsequently referred to the Development Engineer for re-assessment (see the “Referrals” section of this report for further information on this matter).

On 12 December 2011, the Team Leader – Assessment met with the applicant and his architect to discuss the proposal and to seek clarification on the amount of car parking provided, to seek further clarification/justification regarding the proposal’s consistency with the character of the area, and further justification and information regarding visual and privacy impacts on neighbours. On 22 December 2011 the applicant provided a response to these matters.

## ITEM 2 (continued)

On 31 January 2012, advice was received from Council's Development Engineer that the amended plans and details regarding stormwater drainage and vehicle access were unsatisfactory and did not adequately resolve the issues of concern previously raised with the proposal. In particular, in regard to stormwater drainage, the relative levels of the existing pit (at the property boundary) and the on-site detention (OSD) tank as presently proposed could lead to backwater flow up the outlet pipe from the OSD tank and surcharge out the tank's grate and flood the basement. This issue could be resolved via amendments to the relative levels of the OSD tank, however this may affect the basement level and thus possibly the floor levels and overall height of the building.

### Council Resolution 9 November 2010:

At its meeting of 9 November 2010, Council determined a boarding house DA at 82 Culloden Road, Marsfield (LDA2009/722), and also passed a resolution which affects other boarding house DAs presently being considered by Council. The full resolution reads as follows – and No 4 is the relevant part which affects other boarding house applications:

*That this application (i.e. LDA2009/722) be refused for the following reasons:*

- 1. Failure of the application to comply with disability access and the standards required for commercial premises.*
- 2. The City of Ryde is currently considering legal covenants by which Council is looking to address boarding house developments in Ryde. This is part of the review currently under way and presented at the student accommodation forum where a report is yet to be received and would allow appropriate action to be taken.*
- 3. It fails to address matters such as concentration in suburban streets, amenity for student boarders and parking.*
- 4. That Council refuse to consider DA's for boarding houses that are operating illegally until they are fined and the premises restored to an unmodified state. (emphasis added)**

Given that this property has had no history of illegal use as a boarding house, nor has there been any illegal building works at this site associated with such use, the above resolution is not relevant to this development and there is no impediment to Council considering this DA on the basis of past illegal usage/or illegal building works.

## 7. Submissions

The proposal was advertised and notified in accordance with Development Control Plan 2010 – Part 2.1, Notification of Development Applications. The application was advertised on 2 February 2011, and notification of the proposal was from 2 August to 18 August 2011.



## **ITEM 2 (continued)**

In response to this notification/advertising process, a total of **143 submissions** were received, of which some 105 individual submissions were “pro-forma” submissions signed by residents of the Leisure Lea Gardens Retirement Village which adjoins the site to the south-east.

The issues of concern raised in the submissions are summarised and discussed as follows:

- 1. Incorrect DA documentation.** *Various objectors/consultants on their behalf have raised concern that the documentation submitted with the DA (Statement of Environmental Effects etc) is incorrect regarding applicable planning controls eg DCP 2010, AHSEPP etc, and does not confirm that the site is within an “accessible area” as defined in the AHSEPP, and does not adequately consider the “character of the area” as required by the AHSEPP.*

Comment: Noted. Although the Statement of Environmental Effects in particular does misquote the planning controls applicable to this development (eg “DCP 2007” instead of DCP 2010; “SEPP Low Cost Housing” instead of SEPP (Affordable Rental Housing 2009), etc), this does not prevent Council from making an assessment of the application. Such assessment of the relevant planning controls, as well as the various impacts of the development including privacy, noise etc appears throughout this report.

- 2. Discrepancies in development details.** *Various concerns have been raised that the DA documents also have conflicting information regarding the proposal including number of boarding rooms, whether there are any rooms containing kitchens, etc.*

Comment: The correct details of the development appear in the “Proposal” section of this report. There are no kitchens in any of the rooms, however the “self-contained” rooms contain an ensuite.

- 3. Parking.** *The development provides inadequate parking. The applicant has not properly demonstrated that the site is within an “accessible area” (in terms of proximity to transport etc) and therefore under the AHSEPP the development may require more parking than has been provided on site. The inadequate parking will cause more on-street parking – which is in high demand eg commuters parking their cars then catching the bus to the City.*

Comment: As noted in the sections of this report dealing with DCP compliance (Part 9.3 DCP 2010 – Car Parking) and compliance with the AHSEPP, the development fully complies with the on-site car parking requirements of both of these planning controls and accordingly parking is not a ground on which Council could refuse consent.

## ITEM 2 (continued)

This development is located within an “accessible area” (as defined within the AHSEPP) because of its proximity to public transport services which operate at the required frequency both on weekdays and weekends, and so the residents of the boarding house would have good public transport options available.

It appears one of the assumptions for the parking requirements of the AHSEPP is that, given the demographic profile of the average boarding house lodger and the semi-permanent nature of their occupation, as well as the location of the site, car ownership and usage is relatively low.

#### 4. **Traffic.** *Various concerns have been raised on the subject of traffic, which are summarised as follows:*

- *The immediate area (eg Vimiera Road/Epping Road) already suffers from heavy traffic – caused by various residential flats, Epping Boys High School, Macquarie University etc.*
- *The Vimiera Road/Dayman Place intersection is dangerous and there have been several accidents and near misses.*
- *Dayman Place is a small street which cannot cope with additional traffic.*
- *Local pedestrian access (eg to nearby bus stops) will be made more hazardous by the additional traffic.*
- *The development will generate excessive traffic which will make the existing local traffic situation worse.*

Comment: This site is currently under-developed compared to what is allowed under the zoning of the property – it contains a single dwelling whereas the R4 High Density zoning of the property allows medium-high density developments including residential flats. Therefore, any re-development of the property for a permissible development would result in a significant increase in traffic compared to the existing situation.

It is worth comparing the proposed development with a “typical” residential flat building in terms of car parking requirements and hence traffic generation. With a site area of 1723m<sup>2</sup>, a residential flat development of 11 x 2 bedroom units would comply with the density requirements in Ryde LEP 2010. In terms of car parking, such a development would require 15.4 (say 16) resident and 2.75 (say 3) visitor car parking spaces under DCP 2010, for a total of 19 car parking spaces on-site. Although this is a hypothetical example, it shows that the car parking provision in this development (17 spaces) is similar to what would be required for a permissible form of residential flat building (19 spaces).

As noted in the comments on objections regarding “parking” (above), the car parking requirements (and therefore traffic generation) based on the controls in the AHSEPP (0.2 spaces per room) are much lower than units in residential flat developments (eg 1 space per 1br unit; 1.4 spaces per 2br unit; 1.6 spaces per 3br unit plus visitor parking) – this is because of the demographic profile of the average boarding house lodger and the semi-permanent nature of their

**ITEM 2 (continued)**

occupation, as well as the location of the site (ie close to frequent bus services), car ownership and usage is likely to be relatively low.

In summary, it is considered that the traffic generation from this development would be no worse than if the site was re-developed for a permissible residential flat development.

It is also noted that although Dayman Place is a small street (approx 100m long), it only has 2 other vehicle access driveways – one for the Leisure Lea Gardens Retirement Village close to the proposed driveway for this development, and one for the residential flats (driveway approx 60m away to the north). If the normal road traffic rules are satisfied (eg parking distance from driveways for sight distance, which can be addressed by enforcement), it is considered that vehicles would be able to safely enter/leave the driveway of this site, and there would be minimal conflict with the 2 other developments with vehicle access to Dayman Place.

Concerns regarding existing traffic conditions (eg concerns about safety of nearby intersections etc) are noted, however these are broader local traffic management and safety issues that are beyond the scope of consideration for an individual DA. Generally, any re-development of this property would generate a significant increase compared to the existing situation (single dwelling).

Overall, the traffic impacts of the development are considered acceptable.

- 5. Height.** *The proposed boarding house is excessive in height. It exceeds the height prescribed in the DCP for this area (max 2 storeys). The mansard “attic” is not a true attic but a 3<sup>rd</sup> storey which is unacceptable.*

Comment: The issue of height is discussed more fully in the section of this report regarding compliance with DCP 2010 Part 3.4 and the AHSEPP. In summary, the development as currently presented does not comply with the DCP (which prescribes a maximum 2 storeys for this site), but it does comply with the AHSEPP (maximum 9.5m), which over-rides Council’s DCP – except for a very small portion of the building being the lift over-run. It is considered that the development in its current form is acceptable in terms of height, however this could change if amendments to the drainage design require floor levels to be increased. That is, any increase to the floor levels may increase the overall height of the building which could be unacceptable.

- 6. Noise.** *Concerns are raised that the development will cause increased noise for neighbouring residents, in particular the Leisure Lea Gardens Retirement Village adjoining.*

**ITEM 2 (continued)**

Comment: The use of the premises must not cause the emission of 'offensive noise' as defined in the *Protection of the Environment Operations Act 1997*. The application proposes the provision of an on-site manager, whose responsibilities would ensure that any noise disturbances are managed and resolved at the time on a day-to-day basis. Also, the applicant's DA documentation indicates that the boarding house would be managed by Macquarie University, and subject to their "Campus Living Villages" Rules and Noise Policy, and the consequences of any breach of such requirements include disciplinary action against the person(s) causing the noise disturbance. If Council decides to approve the development, a standard condition of consent (Deferred Commencement) would include the requirement for a detailed Plan of Management for the site – this would involve the provision of additional (and site specific) matters compared to the "Campus Living Villages" Rules already provided.

**7. Noise during construction.** *The development will cause excessive noise during construction.*

Comment: These issues of concern are limited in nature and relate only to the construction phase of the development, and so they are not (by themselves) considered to be sufficient grounds for refusal. If Council decides to approve this DA, conditions of consent can be included for matters such as construction hours and sediment control to ensure that these impacts are minimised, and the PCA has the responsibility of ensuring that these are complied with during construction.

**8. Visual privacy.** *A number of issues have been raised from on behalf of the adjoining owners of the residential flats at No 1 Dayman (to the north) and the Leisure Lea Gardens Retirement Village to the south-east. In summary, these include:*

- *The setbacks of the development appear to be too close to neighbouring properties in some locations.*
- *The development does not provide a 12m separation distance between this development and adjoining building (on No 1 Dayman) (the distance generally accepted as being the minimum to provide visual privacy in higher density developments).*
- *The rear building contains a ground floor apartment with private courtyard, which will be overlooked by the development.*
- *If the setbacks cannot be increased, then boarding room windows should be relocated to avoid direct overlooking.*
- *The roof terrace running around all sides of the top floor allows unacceptable overlooking.*
- *The ground level outdoor communal area could allow excessive noise and amenity impacts on the neighbouring flats at No 1 Dayman.*

**ITEM 2 (continued)**

Comment: It is appropriate to consider potential privacy impacts in relation to the 2 separate developments to which this site adjoins. These are shown in the air photo below:

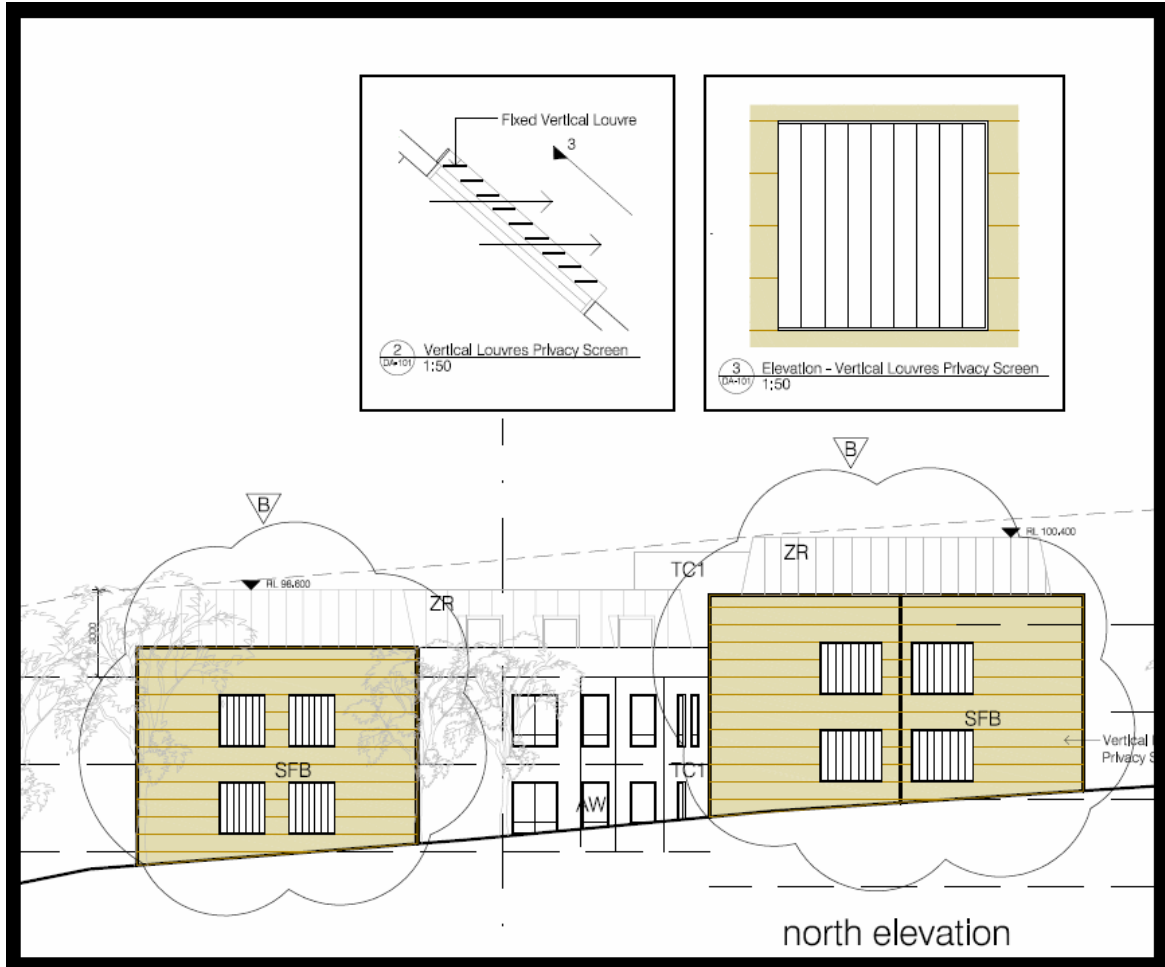


Residential Flat Building to the north:

The adjoining residential flats to the north are constructed as 2 buildings which have a side setback to the subject site ranging from 4.7m to 5.5m. The “rear” of these 2 adjoining buildings contain both living area windows (kitchen and living room) and balcony, and bedroom windows facing the site, whilst the “front” building contains only an ensuite window facing the site (the balcony of the front building faces the front/street, and the living room/bedroom windows face the front and rear, rather than the side).

Potential privacy impacts on the adjoining residential flats arise from the windows of the boarding rooms facing that property, and from the ground level outdoor communal space between the 2 “wings” of the building. The applicant has been advised of these concerns regarding privacy and has relocated the windows of the boarding rooms on the corner of each “wing” to prevent direct overlooking of the adjoining property. On the other windows which cannot be relocated, the applicant has indicated that these windows will be provided with “vertical louvres privacy screens” (see details below)

ITEM 2 (continued)

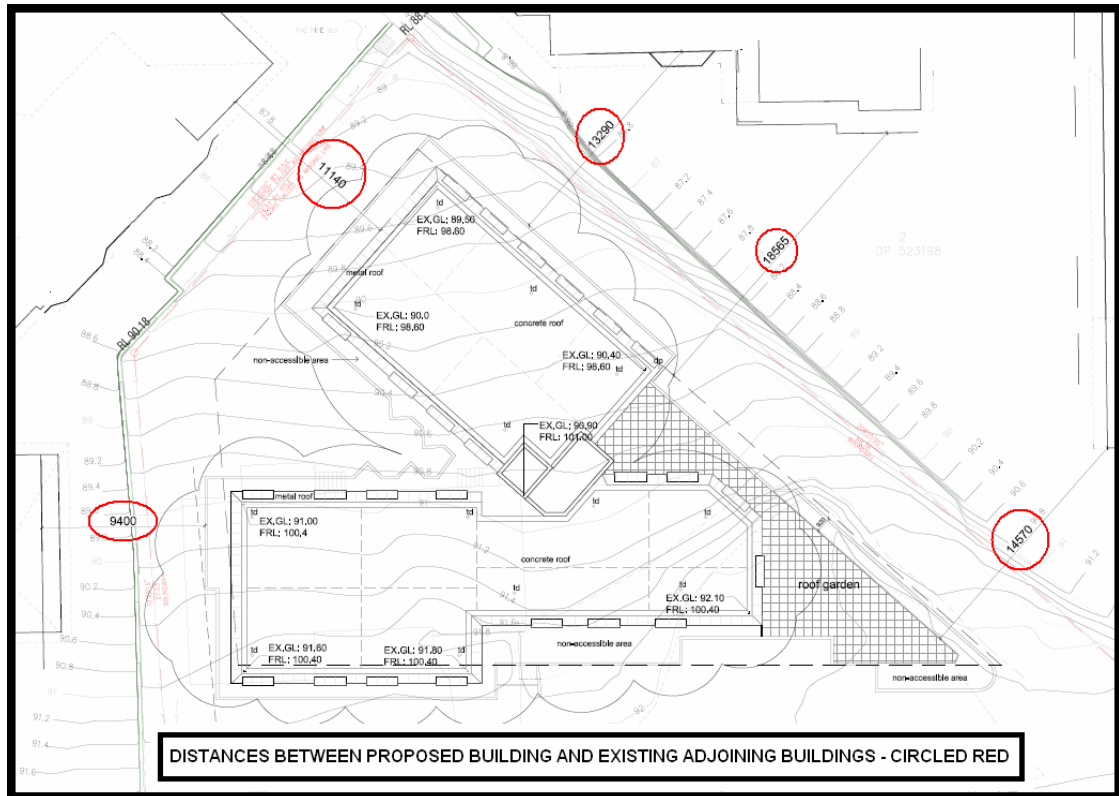


In terms of the ground floor outdoor communal space between the 2 wings of the building, the applicant has indicated that there will be a 1.8m high fence enclosing this space, with another 1.8m high block wall along the boundary to enclose the drying court located adjacent to the boundary.

The applicant has also provided a plan showing the distances between the proposed and adjoining buildings (see below). This shows that these distances range from 9.4m to 11.14m to the adjoining residential flat building. It is noted that these distances are less than the 12m identified in the submission (based on planning publications such as AMCORD – Australian Model Code for Residential Development), however the existing setback of the adjoining residential flats (4.7m – 5.5m) also contributes to small separation distances due to its existing setback.

**ITEM 2 (continued)**

Overall, the provision of privacy screens to the direct-facing windows, the relocation of other windows which previously faced the adjoining properties, and the fencing to the outdoor communal space has satisfactorily resolved the issue of privacy both to and from the adjoining development to the north, having regard to the distance separation and nature of the development on both sites.



**Leisure Lea Gardens Retirement Village to the South-East:**

The adjoining retirement village contains 6 buildings over the entire site, with 2 buildings immediately adjoining the subject site (see air photo above), which are at a lower level due to the prevailing topography. These buildings appear to contain balconies, living rooms and bedrooms which face the subject site, albeit at a slight angle. The space between the buildings and the boundary on the adjoining site also contains a driveway and pedestrian pathways.

The proposed side setbacks of the south-east side of the building are summarised below:

- Ground floor: northern end 3.5m; southern end 4.56m to 5.58m
- 1<sup>st</sup> floor: northern end 3.5m; southern end 4.765m to 5.58m
- Mansard “attic”: northern end 4.5m ; southern end 5.5m to “roof garden”, 7m to wall (closest point).

A drawing which illustrates the proposed setbacks appears in the section of the report dealing with compliance with DCP 2010 (Part 3.4).

## ITEM 2 (continued)

The development proposes more windows along the south-east boundary commensurate with the longer boundary length (compared to the northern boundary). On the ground floor and 1<sup>st</sup> floor level, at the north-eastern end which is closer to the boundary, there are also vertical louvre privacy screens to the boarding room windows (as per detail provided above). The rooms on the south-eastern end of the building contains no such privacy screens, however this part of the building is set back slightly further from the boundary, and the buildings on the adjoining site are also set further back, and the part of the adjoining development located opposite is a small parking area and pedestrian pathways.

On the mansard “attic” level (2<sup>nd</sup> floor), the boarding rooms on the northern end of the building (6 x self-contained rooms) have a 4.5m boundary setback but no vertical louvre privacy screens. Having regard to the distance separation between the proposed building and adjoining buildings (approx 9m to 18.565m) it is considered that the privacy issues are satisfactory having regard to the distance separation and the nature of the developments.

Concerns regarding the “roof garden” (terrace), located off the communal kitchen/living room at the 3<sup>rd</sup> floor (“attic”) level, are generally supported. Although this roof garden is set back from the boundary, it may still allow overlooking of the adjoining property. Roof gardens/terraces in residential developments (dwellings or residential flat developments) are generally not supported because they can give rise to unacceptable privacy and noise impacts. It is recommended that if approval is granted for this development, the roof garden should not be supported and should be required to be not accessible or deleted from the approved plans.

Although it may be possible to address this issue via design amendments, the proposal as currently submitted is unacceptable. It is recommended that the application be deferred to enable the applicant to submit amended plans which address this issue of privacy in regard to the roof garden/ terrace.

### **9. *Overshadowing/solar access.* The development will cause overshadowing to neighbouring properties.**

Comment: The orientation of this site relative to neighbouring properties means that the only adjoining property likely to be affected by overshadowing is the Leisure Lea Gardens Retirement Village to the south-east. It is noted that this adjoining property is at a lower level than the subject site due to the prevailing topography.

The following is a summary of impacts on this adjoining property throughout the day:

- 9am – 10am: No impact outside subject site.
- 11am: Shadow begins to cross boundary, but would be less than that caused by a boundary fence. Negligible impact at this stage.



**ITEM 2 (continued)**

- 12noon: Increased shadows, mostly over an adjoining driveway in the Leisure Lea Gardens Retirement Village, similar to shadowing caused by boundary fencing. Minor impact at this stage.
- 1pm: Further shadows, larger in extent, but no impacts on any adjoining building.
- 2pm: Shadows begin to affect only the nearest adjoining buildings.
- 3pm and beyond: Extensive overshadowing of nearest adjoining buildings, but minor impact on adjoining property overall, considering its large site area.

The impacts in terms of overshadowing are considered acceptable having regard to the type of development proposed and given that the zoning allows higher-density residential developments (eg residential flats), and having regard to the impacts summarised above.

**10. Social impacts.** *The development will cause unacceptable social impacts in the area, and the social impacts have not been adequately addressed in the DA documentation.*

Comment: “Boarding house” and student housing developments serve a social and community need for accommodation, and they provide help to achieve the outcome of providing affordable housing as well as increased housing choice. The NSW State Government has identified that there is a shortage of affordable housing in general, which is one of the reasons why SEPP 2009 was introduced, and the Ryde LGA is identified as having some of the highest demand for affordable housing in NSW. The current application is seeking approval in accordance with the SEPP.

Many of the submissions have raised concerns about privacy and overlooking, as well as amenity impacts (eg noise etc). It is considered that the design of the development has largely addressed privacy (eg relocation of windows that previously faced onto neighbouring properties, and provision of vertical louvre privacy screens to some of the other windows), whilst noise and other potential amenity impacts can be resolved via a Plan of Management which could be required to be provided as a condition of consent if the development is to be approved. Council could then take enforcement action regarding any breaches of the Plan of Management, should this situation arise in the future.

**11. Development density/overpopulation.** *Concerns are raised that there are already many apartment complexes in the area and this development will increase saturation. Concerns are also raised that the DA documentation does not specify the maximum number of boarders and so the 78 rooms could potentially house up to 156 people.*

## **ITEM 2 (continued)**

Comment: Generally, there are no town planning objections to the development of this site for a boarding house/student housing development, however there are specific concerns about the development scheme as proposed, as discussed throughout this report. The property is zoned R4 High Density Residential, which allows higher-density residential developments including residential flat buildings.

In regard to the number of people to be accommodated on the site, based on the number of single occupant (30 rooms), self contained (27 rooms) and double occupant rooms (20 rooms), the development could potentially accommodate up to 97 people. If Council decides to approve the DA, conditions of consent can be imposed to ensure that this maximum number is not exceeded. Council could then take enforcement action regarding any breaches of the maximum number, should this situation arise in the future.

### **12. Out of character.** *Concern is raised that the development is out of character with the local area.*

Comment: An assessment of the development's compatibility with the character of the area is made in the section of this report regarding compliance with the AHSEPP. In summary, it is considered that the development is consistent with the character of the area.

### **13. Bulk earthworks/retaining wall plan.** *Concern is raised that there is no bulk earthworks/retaining wall plan provided in the DA documentation.*

Comment: Noted, the DA documentation does not include such detail. A review of the plans shows that the floor levels of the 2 wings of the building are as close as possible to natural ground level, with excavation of up to 4m required for the basement parking level and (a variable amount of excavation for the vehicle ramp on the eastern boundary).

### **14. Pedestrian safety.** *Concerns are raised that vehicles leaving the site may impact on pedestrian safety.*

Comment: The proposed driveway is to be located at the south-eastern end of the site. After rising in grade from the basement carpark there is a relatively flat, open section within the front setback which allows adequate sight distance for vehicles leaving the site pedestrian safety. The DA plans also show that a "traffic control mirror" will be provided where there is a bend in the driveway (within the site), and conditions of consent could be imposed to require speed humps in the driveway (at the front of the site, just inside the front boundary) to help ensure that vehicles enter/leave the site at an appropriate speed, to further ensure pedestrian safety.

**ITEM 2 (continued)**

**15. Overdevelopment.** *The proposal is considered to be an over-development of the site.*

Comment: The proposal complies with the density standards in the AHSEPP (floor space ratio) and therefore this issue cannot be used as a ground for refusal. There are some concerns regarding front and side boundary setbacks, as discussed in the DCP compliance section of this report.

**16. Landscaping/tree removal.** *Concerns are raised that neighbouring properties will lose the aesthetic outlook and shading that they presently enjoy (with the removal of existing site vegetation), and whether a tree removal/retention (landscaping) plan has been submitted.*

Comment: Concerns regarding removal of existing site vegetation are not considered to be valid. It is reasonable to expect that this site will at some stage undergo re-development into a higher density than currently exists (single dwelling), which will involve landscaping removal. This development does involve replacement landscaping, which (over time) would restore the outlook presently enjoyed by neighbouring properties.

In regard to the significance of the site vegetation, Council's Consultant Landscape Architect has commented that "there are no trees on the site that are regarded as having high amenity or retention value", and that replacement landscaping could address this issue.

**17. Crime.** *The area has experienced break and enter/theft, and this development could worsen this situation because of the type of residents it will attract. Boarding houses typically cater for people with substance abuse, mental health issues etc.*

Comment: These concerns appear to relate more to a "traditional"/historical type of boarding house. As noted elsewhere in this report, the applicant's DA documentation indicates that this development is to be for student housing administered by Macquarie University.

**18. Property devaluation.** *Concerns are raised that the development will de-value neighbouring property values.*

Comment: Development Application applicants have a right, under the provisions of the Environmental Planning and Assessment Act, 1979, to apply for developments that achieve the aim of orderly and economic use and development of land. Concerns about possible decreases in surrounding property values do not constitute a valid town planning consideration. This position has been reinforced by planning and development decisions in the Land and Environment Court.

**ITEM 2 (continued)**

**19. Fear for safety.** *Elderly residents of the adjoining Leisure Lea Gardens Retirement Village will be unsure of safety when walking past the boarding house.*

Comment: This concern is considered to be based on perception, and is not a valid town planning consideration as part of the DA.

**20. Garbage collection and noise.** *The development will cause excessive numbers of bins on collection night, as well as excessive noise.*

Comment: This is considered to be a valid issue of concern, see further discussion in the “Referrals” (Environmental Health Comments) section of this report.

**21. Stormwater disposal.** *Concern is raised that such a large development will cause stormwater problems for neighbouring properties.*

Comment: Generally, stormwater would be required to be collected from all hard-surfaces and piped into Council’s underground drainage system to avoid any impact on neighbouring properties. Council’s Development Engineer has assessed the proposal and found it to be unsatisfactory as presently submitted – see the “Referrals” section of this report.

**22. Fire Safety.** *Concern is raised that such a large number of people living in the building will cause potential issues and dangers for the occupants in terms of fire safety and egress etc.*

Comment: These concerns also relate more to unauthorised uses of an existing building, which have sometimes proven to involve illegal conversions or building works to create additional boarding rooms. The proposal as submitted in this DA has been assessed by Council’s Building Inspectors as being satisfactory in terms of fire safety and egress for occupants, and if Council decides to approve the development, appropriate conditions of consent could be imposed.

**23. Australia Post Box.** *The Australia Post box in Dayman Place is frequently used by residents of the Leisure Lea Gardens Retirement Village, and the driveway may hinder access to the post box or require it to be removed.*

Comment: The Australia Post box in Dayman Place (shown in photo below) is located in the footpath area close to where the driveway of the development is to be situated. If the development proceeds, it is considered that the post box would need to be relocated, because there would not be sufficient room between the driveway and the post box for a post van to park during collection time. The post box could be relocated some 20-30m to the north, subject to consultation with Australia Post to ensure that their requirements are met – which should occur prior to lodgement of any amendments regarding this DA or any further DA for this site.

**ITEM 2 (continued)**



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

None required.

**9. Policy Implications**

**Relevant Provisions of Environmental Planning Instruments etc:**

**(a) Ryde Local Environmental Plan 2010**

Under Ryde LEP 2010, the property is zoned R4 High Density Residential. "Boarding houses" are permissible with consent within this zoning.

**(b) Relevant SEPPs**

**State Environmental Planning Policy (Affordable Rental Housing) 2009**

The AHSEPP first came into effect on 31 July 2009. Clause 8 of the AHSEPP states (in relation to relationship with other environmental planning instruments) that if there is an inconsistency between the AHSEPP and any other environmental planning instrument, whether made before or after the commencement of the AHSEPP, the AHSEPP prevails to the extent of the inconsistency.

**ITEM 2 (continued)**

The following Table contains an assessment of the proposal against the provisions of the AHSEPP:

<b>Provision</b>	<b>Proposed</b>	<b>Compliance</b>
<b>Accessible area</b> means land that is within:		
(a) 800m walking distance of a public entrance to a railway station or a wharf from which a Sydney Ferries ferry service operates, <b>or</b>	None within the specified distance	N/A
(b) 400m walking distance of a public entrance to a light rail station or, in the case of a light rail station with no entrance, 400 metres walking distance of a platform of the light rail station, <b>or</b>	None within the specified distance	N/A
(c) 400m walking distance of a bus stop used by a regular bus service (within the meaning of the <u>Passenger Transport Act 1990</u> ) that has at least one bus per hour servicing the bus stop between 06.00 and 21.00 each day from Monday to Friday (both days inclusive) and between 08.00 and 18.00 on each Saturday and Sunday.	The site is approx 100m of bus stops for buses operating in both directions along Vimiera Road and Epping Road for routes 140, 258, 290, 292, 293, and 295 services. These services operate at the required frequency both during weekdays and on weekends.	Yes

Section 30 and 30A sets out standards and criteria for boarding houses and Council must not consent to a boarding house unless it is satisfied with each of the following:

<b>30 Standards for boarding houses</b>
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**ITEM 2 (continued)**

<b>Standard</b>	<b>Proposed</b>	<b>Compliance</b>
<p>A consent authority must not consent to development to which this Division applies unless it is satisfied of each of the following:</p>		
<p>(a) if a boarding house has 5 or more boarding rooms, at least one communal living room will be provided,</p>	<p>This boarding house contains 77 boarding rooms and 1 manager's residence. The development includes a total of 12 designated communal living rooms (including kitchen, dining and lounge areas) – comprising 5 at ground level, 5 at first floor level, 2 at the "attic" level.</p>	<p>Yes</p>
<p>(b) no boarding room will have a gross floor area (excluding any area used for the purposes of private kitchen or bathroom facilities) of more than 25 square metres,</p>	<p>The largest of the self-contained rooms have gross floor area of 16-20m<sup>2</sup> – excluding the ensuite bathrooms</p>	<p>Yes</p>
<p>(c) no boarding room will be occupied by more than 2 adult lodgers.</p>	<p>Under the SEPP, rooms for more than 1 lodger need to be 16m<sup>2</sup> or over. There are a total of 20 rooms identified as "double rooms".</p> <p>Can be addressed via condition.</p>	<p>Yes</p>
<p>(d) adequate bathroom and kitchen facilities will be available within the boarding house for the use of each lodger,</p>	<p>The proposed development contains a range of boarding rooms – including self-contained rooms with ensuites and both double and single rooms (without ensuites).</p>	<p>Yes</p>

**ITEM 2 (continued)**

<b>30 Standards for boarding houses</b>		
<b>Standard</b>	<b>Proposed</b>	<b>Compliance</b>
	<p>The identified communal rooms (12 in total) all have kitchen facilities.</p> <p>There are a total of 18 communal bathroom facilities (containing shower, toilet and hand-basin) on the ground and 1<sup>st</sup> floor of the building.</p> <p>The kitchen and common bathroom facilities are spread throughout the floor layout such that they are in close proximity to the boarding rooms.</p> <p>Council's Environmental Health Officer and Building Surveyor have raised no objection to the proposed bathroom and kitchen facilities.</p>	
(e) if the boarding house has capacity to accommodate 20 or more lodgers, a boarding room or on site dwelling will be provided for a boarding house manager,	<p>In accordance with the provisions of the AHSEPP this boarding house has a maximum capacity of 77 boarding rooms and 97 adult lodgers.</p> <p>One on-site manager is proposed – which complies with the AHSEPP.</p>	Yes
(f) (repealed)	NA	NA
(g) if the boarding house is on land zoned primarily for commercial purposes, no part of the ground floor of the boarding	The site is within the R4 High Density Residential zone.	N/A



**ITEM 2 (continued)**

<b>30 Standards for boarding houses</b>		
<b>Standard</b>	<b>Proposed</b>	<b>Compliance</b>
house that fronts a street will be used for residential purposes unless another environmental planning instrument permits such a use,		
(h) at least one parking space will be provided for a bicycle, and one will be provided for a motorcycle, for every 5 boarding rooms.  <b>Proposal:</b> 77 boarding rooms = 15.4 say 16 bicycle and 16 motorcycle spaces required	Basement parking area contains 16 bicycle and 16 motorcycle parking spaces.	Yes
<b>30A Character of local area</b>		
A consent authority must not consent to development to which this Division applies unless it has taken into consideration whether the design of the development is compatible with the character of the local area.	See detailed discussion below.	Yes

Character of the Area (clause 30A of the AHSEPP)

As noted above, clause 30A of the AHSEPP requires Council to consider whether the design of the development is compatible with the character of the local area.

## ITEM 2 (continued)

The applicant has provided comment on this issue as follows:

*The area has two primary characteristics:*

- *The adjacent buildings are residential in character and low rise.*
- *Directly opposite is a large stand of remnant blue gum forest.*

*The proposal fits within the allowable height limit. It is also designed to appear as two storeys with an attic. In this way the general bulk of the proposal is in accord with the bulk that is characteristic of the surrounding development. The form and articulation of the building along with its heights is within the character displayed by the surrounding properties.*

*With regard to the blue gum forest directly opposite the site, this area has the greatest bearing on the character of the area as it is the dominant visual form in the street. The proposal has a substantial setback to Dayman Place providing a wide deep soil planting zone in which species compatible with the existing trees in the reserve. Given the visual dominance of the reserve, it is the predominant determinant of the character of the area. In light of this the planting of appropriate species will contribute to this character.*

Assessing Officer's comment: In addition to the applicant's submission, the following comments are made in regard to the overall character of the area.

This "local area" in this case is predominantly residential in nature, with 2 distinct residential densities on either side of Epping Road, which is a major 6-lane arterial road that effectively separates the 2 residential areas and also forms a boundary in terms of residential density. On the southern side of Epping Road is a predominantly low-density residential area (zoned R2 Low Density Residential under Ryde LEP 2010), and on the northern side is a medium-high density residential area comprising various types of medium-higher density residential developments, including town house developments, residential flat buildings, and a retirement village/nursing home complex (Leisure Lea Gardens Retirement Village).

Dayman Place is a relatively short street (approx. 100m in length) linking Vimiera Road and Epping Road. It only contains one other development – 2-storey residential flat building (above basement/at grade parking) at No 1 Dayman Place (see photo below), whilst it does also provide vehicle access to the Leisure Lea Gardens Retirement Village (201-207 Epping Road) which immediately adjoins the site to the south-east.

**ITEM 2 (continued)**



In terms of built form, the proposal appears to be similar to a residential flat building. It is to be 3 storeys in height (2 storeys plus mansard "attic" which counts as a 3<sup>rd</sup> storey), with an overall height (top of roof = RL100.4) slightly lower than the adjoining residential flat building at No 1 Dayman Place (top of roof = RL100.63).

The front setback of the development ranges from 7.5m to 11m and is staggered along the length of the building facing Dayman Place. This compares to the adjoining residential flat building which has front setbacks of 9.5m to 11m (with 2 of the balconies at 7.5m). As discussed elsewhere in this report, the setbacks of the development, as currently proposed, are an issue of concern however they could be addressed via amended plans. The setbacks are thus not considered to be a "fatal" issue when considering character of the area.

On the south-eastern side of this site is the Leisure Lea Gardens Retirement Village. This adjoining development has a large site area (overall 1.429 hectares), contains approximately 128 units within several buildings generally 2 storeys in height (some above basement/at grade parking levels). In regard to the buildings on the adjoining site immediately adjacent to the subject site, although these are at a lower level than the subject site (due to topography), they are approximately 7-9m in overall height and are of a similar built form to the subject development (retirement village units in 2 storey buildings), see photo below.

**ITEM 2 (continued)**



Overall, the development is generally considered to be consistent with the character of the area, both in terms of the predominant style of residential development on the northern side of Epping Road, and in terms of the developments immediately adjoining the subject site.

**Standards that cannot be used to refuse consent**

Clause 29 of the AHSEPP specifies the following standards that the consent authority cannot use to refuse consent for a boarding house if the development complies with these standards:

**ITEM 2 (continued)**

Standards that cannot be used to refuse consent	Comment
<p><b>Floor Space Ratio</b>            A consent authority must not refuse consent to development to which this Division applies on the grounds of density or scale if the density and scale of the buildings when expressed as a floor space ratio are not more than:</p> <p>(c) if the development is on land within a zone in which residential flat buildings are permitted and the land does not contain a heritage item that is identified in an environmental planning instrument or on the State Heritage register – the existing maximum FSR for any residential accommodation permitted on the land, plus:</p> <p>(i) 0.5:1, if the existing maximum FSR is 2.5:1 or less, or            (ii) 20% of the existing maximum FSR, if the existing maximum FSR is greater than 2.5:1.</p> <p>(irrelevant parts of the AHSEPP re: FSR are deleted from this table)</p>	<p>See calculation below.</p>
<p><b>For this site:</b></p> <ul style="list-style-type: none"> <li>• Residential Flat Buildings permissible with consent, thus clause (c) applies.</li> <li>• Maximum FSR under RLEP 2010 is 0.75:1 (as identified on the Ryde LEP 2010 Maps)</li> <li>• AHSEPP FSR standard as per (c)(ii) above is therefore 0.75 + 0.5:1</li> <li>• Maximum FSR = 1.25:1</li> </ul>	<p><u>Floor Space Calculation</u></p> <ul style="list-style-type: none"> <li>• Ground Floor: 680.3m<sup>2</sup></li> <li>• 1<sup>st</sup> Flr: 676.3m<sup>2</sup></li> <li>• 2<sup>nd</sup> Flr (“attic”): 447.5m<sup>2</sup></li> <li>• Total GFA = 1804.1m<sup>2</sup></li> <li>• Site = 1723m<sup>2</sup></li> <li>• <b>FSR = 1.047:1</b></li> </ul> <p>Complies.</p>

**ITEM 2 (continued)**

<b>Standards that cannot be used to refuse consent</b>	<b>Comment</b>
<b>In addition a consent authority must not refuse consent to development to which this Division applies on any of the following grounds:</b>	
<p><b>Building height</b> if the building height of all proposed buildings is not more than the maximum building height permitted under another environmental planning instrument for any building on the land,</p> <p><b>For this site:</b> The Height of Buildings Map under Ryde LEP 2010 prescribes a 9.5m maximum height</p> <p><b>(NOTE: Maximum number of storeys not specified)</b></p>	<p><b>For this development:</b></p> <p>Eastern Wing: Top of roof = RL 98.6 Existing Natural GL below = 89.5 to 90.6 <b>Overall height = 8.0m to 9.1m</b></p> <p>Western Wing: Top of roof = RL 100.4 Existing Natural GL below = 91.0 to 92.1 <b>Overall height = 8.3m to 9.4m</b></p> <p>Lift Over-run: Top of roof: RL101 Existing Natural GL below: 90.9 <b>Overall Height = 10.1m</b></p> <p>Complies – except lift over-run.</p>
<p><b>Landscaped area</b> if the landscape treatment of the front setback area is compatible with the streetscape in which the building is located,</p>	<p>This street contains one adjoining development, to the north, which is a 2 storey residential flat development with an established landscaped area within the front setback.</p>

**ITEM 2 (continued)**

<b>Standards that cannot be used to refuse consent</b>	<b>Comment</b>
	<p>The landscaping plan for the proposed development shows that the front setback area will be provided with a mixture of trees and shrubs which will ensure compatibility with the streetscape – in particular the remnant bushland opposite the site.</p> <p>Complies.</p>
<p><b>Solar access</b> where the development provides for one or more communal living rooms, if at least one of those rooms receives a minimum of 3 hours direct sunlight between 9am and 3pm in mid-winter,</p>	<p>There are a total of 12 communal rooms in the development of various orientations in terms of solar access. The location and window placement to these communal rooms will ensure that the required amount of solar access can be provided to meet the requirements of the AHSEPP.</p> <p>Complies.</p>
<p><b>Private open space</b> if at least the following private open space areas are provided (other than the front setback area):</p> <ul style="list-style-type: none"> <li>(i) one area of at least 20 square metres with a minimum dimension of 3 metres is provided for the use of the lodgers</li> </ul>	<p>(i) the area at grade on the northern side of the development (within the “v-shape” between the 2 “wings”) of the building is identified as a private open space area, provided with a mix of turf and tiled surface for use for residents.</p> <p>The area of this space is 75m<sup>2</sup> (not including the other side setback areas shown as being landscaped garden areas)</p>

**ITEM 2 (continued)**

<b>Standards that cannot be used to refuse consent</b>	<b>Comment</b>
<p>(ii) if accommodation is provided on site for a boarding house manager—one area of at least 8 square metres with a minimum dimension of 2.5 metres is provided adjacent to that accommodation,</p>	<p>(ii) A boarding house manager is required as there are more than 20 boarding rooms. The manager’s room is provided on the ground floor level, with a separate, designated courtyard of 12m<sup>2</sup>.</p> <p>Complies.</p>
<p><b>Parking</b> if not more than:</p> <p>(i) in the case of development in an accessible area—at least 0.2 parking spaces are provided for each boarding room, and</p> <p>(ii) in the case of development not in an accessible area—at least 0.4 parking spaces are provided for each boarding room, and</p> <p>(iii) in the case of any development—not more than 1 parking space is provided for each person employed in connection with the development and who is resident on site.</p> <p><b>For this site:</b></p> <ul style="list-style-type: none"> <li>• Located within an “accessible area” as defined under the AHSEPP.</li> <li>• 77 boarding rooms require 15.4 say 16 parking spaces @ 0.2 spaces per boarding room.</li> <li>• Plus not more than 1 parking space for on-site resident manager.</li> <li>• 17 parking spaces required.</li> </ul>	<p>16 resident spaces PLUS 1 space identified as manager’s parking is provided in the development.</p> <p>Complies.</p>
<p><b>Accommodation size</b> if each boarding room has a gross floor area (excluding any area used for the purposes of private kitchen or bathroom facilities) of at least:</p> <p>(i) 12m<sup>2</sup> in the case of a boarding room intended to be used by a single lodger, or</p> <p>(ii) 16m<sup>2</sup> in any other case.</p>	<p>All of the proposed boarding rooms comply with the minimum area requirements proposed for both single lodger and double lodger rooms.</p>



**ITEM 2 (continued)**

<b>Standards that cannot be used to refuse consent</b>	<b>Comment</b>
<p>A boarding house may have private kitchen or bathroom facilities in each boarding room but is not required to have those facilities in any boarding room.</p>	<p>Noted.</p> <p>Some of the boarding rooms have ensuite bathrooms (including shower, toilet and wash-basin).</p> <p>There are no kitchen facilities within any of the boarding rooms.</p>
<p>A consent authority may consent to development to which this Division applies whether or not the development complies with the standards set out in subclause (1) or (2).</p>	<p>Noted.</p>

**(c) Any draft LEPs**

None relevant.

**(d) The provisions of any Development Control Plan applying to the land**

Under the provisions of DCP 2010 Council does not have any development controls which specifically relate to the use of premises as boarding houses (other than the car parking requirement contained in Part 9.3, detailed below).

Ryde DCP 2010 Part 3.4 Residential Flat Buildings and Multi Dwelling Housing (not within the Low Density Residential Zone)

This Part of the DCP is considered to be relevant to the proposed development because the development has a built form similar to a residential flat building. However, it should be noted that the AHSEPP over-rides many of the controls in this Part of DCP 2010. If there is an inconsistency between the controls in the DCP and those in the AHSEPP, then the AHSEPP prevails, even if there is a non-compliance with the DCP controls.

An assessment of the proposal against the controls in this Part of the DCP appears in the following Table. Where any control in the DCP is over-ridden by the AHSEPP, these are also identified in the table below:

**ITEM 2 (continued)**

Control/Requirement	Proposed	Compliance
<b>2.0 Density and Height</b>		
<b>2.1 Density – NOTE: Over-riden by AHSEPP (clause 29(1))</b>		
a. The maximum number of dwellings which can be erected on a particular site shall be calculated in accordance with the density requirements contained in Clause 4.5B of Ryde Local Environmental Plan 2010 – which states:  <b>Area 2 (site is within “Area 2” in the Ryde LEP Residential Density Area Maps):</b> 1br dwelling – 100m <sup>2</sup> per dwelling 2br dwelling – 150m <sup>2</sup> per dwelling 3+ dwelling – 220m <sup>2</sup> per dwelling  <b>78 x 1 bedroom dwellings requires a site area of 7800m<sup>2</sup></b>	Site Area = 1723m <sup>2</sup>	<b>No (over-riden by AHSEPP)</b>
b. The number of small (1br) dwellings in any development shall not exceed 50% of the total number of dwellings on site.	All boarding rooms are 1 “bedroom” (ie 100%)	<b>No (over-riden by AHSEPP)</b>
<b>2.2 Height – NOTE: Over-riden by AHSEPP (clause 29(2(a)))</b>		
a. A residential flat building must comply with Ryde LEP 2010 Height of Buildings Map <b>AND</b> must not exceed the number of storeys contained in table 1 (Figure 3.4.01).  Ryde LEP 2010 Height of Buildings Map: Area “J” = Maximum 9.5m	Height Varies: East wing: 8.0m to 9.1m (except lift over-run 10.1m)	Yes – except lift over-run portion of building.

**ITEM 2 (continued)**

<b>Control/Requirement</b>	<b>Proposed</b>	<b>Compliance</b>
Number of Storeys (Table 1 in DCP): "Area 2" in Residential Density Area – maximum 2 storeys	West wing: 8.3m to 9.4m  3 storeys.	<b>No (over-ridden by AHSEPP)</b>
<b>3.0 Setbacks</b>		
<b>3.1 Front Side and Rear Setbacks</b>		
Varies according to number of storeys. For a 3 storey building:		
To a road other than a main or county road: Front Setback = 11m	7.5m to 11m – see "encroachments" below.	See below
Side Setback = 6m	"Side" setback is to northern boundary – and varies between 2.95m to 4.5m at closest points – see "encroachments" below.	See below
Rear Setback = 6m	"Rear" setback is to eastern boundary – and varies between 3.5m to 4.6m – see "encroachments" below.	See below
<b>3.2 Encroachments to side setbacks</b>		
<b>3.2.1 Front Setbacks</b>		
a. Encroachments on the specified front setback are permitted, provided such encroachments does not exceed 0.5m – 1 storey building, 1.5m – 2 or 3 storey building.  Permitted Front Setback = 9.5m (11m required minus 1.5m)	Front setback = 7.5m to 11m	<b>No</b>

**ITEM 2 (continued)**

<b>Control/Requirement</b>	<b>Proposed</b>	<b>Compliance</b>
<b>3.2.2 Side and Rear Setbacks</b>		
a. Encroachments on specified side and rear setback are permitted, provided The portion of the external wall and/or balcony so set back does not encroach more than 25% on the specified setback.  Permitted side/rear setback = 4.5m	“Side” setback is to northern boundary – and varies between 2.95m to 4.5m at closest points (600mm to basement).  “Rear” setback is to eastern boundary – and varies between 3.5m to 4.6m (1000mm to basement).	<b>No</b>
<b>3.3 Internal Setbacks</b>		
a. Windows of habitable rooms should not be located less than 10m from windows of habitable rooms of adjacent dwellings, on the site or on adjoining properties, unless overlooking is prevented by the type or location of windows, or by permanent screening between windows to the satisfaction of Council.	Windows are sometimes located within 10m of other windows on this and adjoining sites, but overlooking is prevented by permanent screening	Yes
<b>5.0 Parking – NOTE: Over-ridden by AHSEPP (clause 29(2)(e))</b>		
<b>5.1 Quantity</b>		
1.0 per one bedroom 1.4 per two bedroom 1.6 per three bedroom 1.0 per four dwellings for visitor parking.  <b>This development requires:</b> 77 parking spaces (at 1 space per unit) 19.25 (say 20) visitor spaces (at 1 space per 4 units) Total 96.25 say 97 parking spaces required.	17 car spaces (plus 16 motorcycle and 16 bicycle spaces).	<b>No (over-ridden by AHSEPP)</b>

**ITEM 2 (continued)**

<b>Control/Requirement</b>	<b>Proposed</b>	<b>Compliance</b>
<b>5.2 Design of Parking Areas</b>		
b. All parking spaces provided on ground level shall comprise either uncovered parking spaces or carports, which are suitably screened from roads, public reserves and public places.	Located in basement – behind building line	Yes
d. All parking spaces and manoeuvring areas shall be designed so vehicles may freely enter and leave the property in a forward direction.	Concerns re vehicle manoeuvring – See Development Engineer's advice.	<b>No</b>
e. All parking areas shall be drained, by gravity, to Council's stormwater drainage system.	Concerns re stormwater drainage, See Development Engineer's advice.	<b>No</b>
f. All parking must be designed to be in accordance with the relevant Australian Standards.	Designed to comply with relevant Australian Standards.	Yes
<b>5.3 Parking under Buildings</b>		
a. All parking areas located beneath a residential flat building shall be located such that:		
ii. the ceiling height does not exceed an average of 1.5m above natural ground level along the appropriate elevation;	Maximum ceiling height above NGL is 1m at south-east elevation	Yes
iv. where the parking area encroaches within the specified front, side or rear setbacks, the height of the roof of the parking area does not exceed 0.75m above natural ground level at the boundary with adjoining	Parking area encroaches within the prescribed setbacks but not to any greater extent than the building above (ie basement structure not discernible by	Yes

**ITEM 2 (continued)**

<b>Control/Requirement</b>	<b>Proposed</b>	<b>Compliance</b>
property.	itself). Acceptable.	
c. All parking areas under buildings shall be ventilated, either naturally or by mechanical means, in accordance with Council's standards.	Ventilation provided. Full details required at construction certificate stage.	Yes
<b>5.4 Driveways</b>		
b. The maximum grade of any driveway shall be 1 in 6. Suitable transitional grades to Council's satisfaction shall be required at changes of grade.	Driveway gradients satisfactory, as per Development Engineer advice.	Yes
c. All driveways are to be suitably paved. Preference should be given to natural or earth coloured paving materials. The extent of driveways should be minimised to avoid excessive amounts of hard paved surfaces. Details regarding all hard paved areas will be required to be submitted to and approved by Council prior to the release of the Construction Certificate.	Concrete driveway provided	Yes
<b>5.6 Visitor Car Parking</b>		
a. Consideration should be given to the location of visitor car parking spaces in order that any security which may be required for residents' parking can be installed without impeding access to visitors' parking.	Visitor parking within basement, accessed via security intercom	Yes

**ITEM 2 (continued)**

<b>Control/Requirement</b>	<b>Proposed</b>	<b>Compliance</b>
<b>6.0 Landscaping – NOTE: Over-ridden by AHSEPP (clause 29(2)(b))</b>		
<b>6.1 Quantity</b>		
a. The minimum landscaped area within each development shall be calculated in accordance with the landscaping requirements contained in the table below (Figure 3.4.04).		
<b>Area 2 (site is within “Area 2” in the Ryde LEP Residential Density Area Maps):</b> a. 1 bedroom unit – 50m <sup>2</sup> b. 2 bedroom unit – 75m <sup>2</sup> c. 3 or more bedroom unit – 110m <sup>2</sup>  <b>77 x 1br boarding rooms requires 3850m<sup>2</sup></b>	A total of approx. 708m <sup>2</sup> of landscaped areas have been provided on the subject site.	<b>No (over-ridden by AHSEPP)</b>
<b>6.2 Landscaping Treatment</b>		
a. Landscaping should be an integral part of the overall design of the development. The whole of the allotment external to buildings should be landscaped to Council’s satisfaction in accordance with a plan to be submitted with the DA.	All of the area external to the building (except loading area at front) has been landscaped via a mix of deep-soil plantings, turfed areas and tiled terraces	Yes

<b>Control/Requirement</b>	<b>Proposed</b>	<b>Compliance</b>
<b>6.4 Common Landscape Area</b>		
a. A portion of the landscaped area should be provided behind the front building line as communal open space. Preferably this space should be so located to provide dwellings within the development with an internal aspect.	Communal area provided on northern side of site, between the 2 “wings” of the building.	Yes

**ITEM 2 (continued)**

<b>Control/Requirement</b>	<b>Proposed</b>	<b>Compliance</b>
<b>7.0 Contribution for Public Service and Public Amenity (Section 94 and Local Road Facilities)</b>		
Section 94 contributions and conditions of consent regarding Local Road facilities (eg construction of kerb and gutter when required) will be applied to new developments	<p>Section 94 contributions are applicable to the development – a condition would be imposed if Council decides to approve the DA</p> <p>Construction of kerb &amp; gutter, footpath paving etc would be required by Council's Development Engineer</p>	Yes
<b>8.0 General Requirements</b>		
<b>8.1 Materials</b>		
a. Details of all finished surface materials, including colour and texture to be used in construction are to be submitted to Council with the Development Application	Documentation provided on DA plans are satisfactory	Yes
b. Preference should be given to materials with natural textures and colouring.	Plan No DA402 shows materials will be a mix of split face brickwork, rendering and painting, aluminium windows, aluminium louvres and zinc roof with dormer windows	Yes
<b>8.2 Fencing</b>		
a. The site is to be fenced in accordance with a plan indicating the height, the type of material and construction and extent of all fencing is to be approved prior to construction.	<p>The submitted documentation does not detail any fences.</p> <p>Details re fencing could be required as a condition of consent.</p>	Yes (condition)



**ITEM 2 (continued)**

<b>Control/Requirement</b>	<b>Proposed</b>	<b>Compliance</b>
b. A wall, fence or kerb shall be constructed along the front alignment of the property. Fences within the front setback shall not be of paling construction or exceed 1m in height. Boundary fences should not exceed 1.8m in height.	See above comments.	Yes (condition)
<b>8.3 Clothes Drying Facilities</b>		
a. Adequate clothes drying facilities shall be provided for each dwelling. These facilities can be provided either in the form of mechanical dryers or external clothes lines. Where external clothes lines are provided, they shall be suitably screened from view from any street, public place or adjoining property.	A "drying court" has been provided on the northern side of the site. Also there is a laundry provided in the basement area with sufficient space for clothes dryers.	Yes
<b>8.4 Noise</b>		
b. All noise producing plant such as ventilation equipment, swimming pool motors, air conditioners and the like are to be installed to Councils satisfaction.	Most noise-generating equipment is located within the basement (eg lift motor room etc)	Yes
<b>8.5 Services</b>		
a. All water services are to be in copper or another non-corrosive material.	Such detail to be provided at construction certificate stage	Yes
b. All drainage pipes, except downpipes, are to be concealed in ducts.	Concealed in ducts	Yes
c. All power and telephone lines shall be underground from the street alignment. All developments should have sufficient electricity capacity to accommodate	Such detail to be provided at construction certificate stage	Yes

**ITEM 2 (continued)**

<b>Control/Requirement</b>	<b>Proposed</b>	<b>Compliance</b>
the likely future needs of the occupants of that development.		
d. All dwellings are to be connected by gravity flow to the Sydney Water sewer to the satisfaction of the Council and the Board before occupation.	To Sydney Water requirements.	Yes
e. Only one external television antenna shall be provided for each residential flat building with multiple point connections for each dwelling.	Condition	Yes
f. An outdoor lighting system for the illumination of all common vehicular and pedestrian accessways is to be provided to the satisfaction of Council for all developments.	Condition	Yes
<b>8.7 Strata Subdivision</b>		
a. If Strata subdivision is to occur, each Strata Lot is to comprise a dwelling and at least 1 car space. Car spaces are not to be given separate Strata Lot numbers. All visitors' spaces are to be included in common property.	No strata subdivision proposed	NA
b. All private landscaped area attached to a dwelling shall be identified on the Strata Plan as forming part of the lot of the appropriate dwelling unit.	No strata subdivision proposed	NA
c. All common landscaped areas, drying areas, driveways, visitors' car parking spaces and the like, shall be	No strata subdivision proposed	NA

**ITEM 2 (continued)**

<b>Control/Requirement</b>	<b>Proposed</b>	<b>Compliance</b>
included on the Strata Plan as common property.		
<b>9.0 Engineering Requirements</b>		
<b>9.1 Service Alterations</b>		
a. All mains, services, poles, etc. of public utility which require alteration shall be altered at the applicant's cost. The restoration of disturbed road or footway areas shall be at the applicant's expense.	Could be addressed via condition	Yes
<b>9.3 Vehicle Crossings</b>		
a. A separate application shall be lodged for prior approval to all proposed entrances and crossings, the locations, design and construction of which shall conform to the requirements of Council, and, where applicable, to the Roads and Traffic Authority and the Police Department.	Could be addressed via condition	Yes
b. Kerbs are not to be returned to the alignment line.	Could be addressed via condition	Yes
c. Crossings shall be constructed in reinforced concrete, in accordance with the specifications and requirements of Council's Group Manager of Public Works.	Could be addressed via condition	Yes
d. Bridge and pipe crossings are not permitted.	None proposed	Yes
<b>9.9 Stormwater Management</b>		
a. For all stormwater requirements see Part 8.2 Stormwater Management of this DCP.	See Development Engineer comments	<b>No</b>

**ITEM 2 (continued)**

Control/Requirement	Proposed	Compliance
<b>9.10 Kerb and Gutter Works</b>		
a. The applicant shall, at his own expense, construct kerb and gutter and paved road shoulders where same does not exist across the entire frontage of the land adjacent to the proposed development, in order to protect the carriageway from damage by the discharge of surface water or, alternatively, to protect any property from the flow of stormwater from a public road; this work shall be carried out according to the requirements of Council.	Could be addressed via condition	Yes
<b>9.11 Footpath Paving and Construction</b>		
a. The applicant shall, at his own expense, construct concrete footpath paving across the entire frontage of the development. All work shall be carried out to the requirements and satisfaction of Council.	Could be addressed via condition	Yes
<b>9.12 Footway Works</b>		
a. The applicant shall at his own expense excavate or fill the footway in the public road adjacent to the proposed development so that the level of the footway at the property line will be 100mm above the level of the centre line of the road or top of kerb as applicable and the costs of adjusting any services that may be affected shall be borne by the applicant.	Could be addressed via condition	Yes

**ITEM 2 (continued)**

<b>Control/Requirement</b>	<b>Proposed</b>	<b>Compliance</b>
b. All work shall be carried out in accordance with the requirements and specifications of the Group Manager of Public Works.	Compliance with this control would be enforced as part of any forthcoming consent for the proposal.	Yes
<b>9.13 Advice to the Applicant concerning condition of Existing Roads, Gutters, Footways, etc</b>		
a. Where road shoulders, kerbing and guttering or footpath paving is not constructed, it will be necessary for the developer, at his own expense, to provide the road shoulder, kerbing and guttering and footpath paving, as the case may be, adjacent to the property.	Could be addressed via condition	Yes
<b>10.0 Health requirements</b>		
f. The floors of storage areas and minimum 1 metre wide access paths to the front boundary of the property must be in concrete or other approved material, suitably graded and drained.	Satisfactory	Yes

**Notes from Table Above:**

The above Table indicates that the proposal has a number of areas of non-compliance with DCP 2010 Part 3.4. These are discussed in more detail in the following section.

**1. Density:**

DCP 2010 Part 3.4 contains a density requirement which states the maximum number of dwellings which can be erected on a particular site shall be calculated on the basis of 100m<sup>2</sup> per 1 bedroom dwelling. Using this calculation, the minimum site area for this 78 room development (77 boarding rooms PLUS 1 manager's residence) would need to be 7800m<sup>2</sup>. The subject site area is 1723m<sup>2</sup>.

## ITEM 2 (continued)

This Part of DCP 2010 also states that the number of small (1br) dwellings in any development shall not exceed 50% of the total number of dwellings on site – all (ie 100%) of the boarding rooms in this proposal are 1 bedroom.

It is noted that clause 29 of the AHSEPP contains a standard regarding density and scale which cannot be used to refuse consent if the development complies with that standard – and this standard over-rides the density controls in Council's DCP 2010. The AHSEPP standard is a maximum floor space ratio (FSR) control of 1.25:1 (for this site). The FSR of this development is 1.047:1 which complies.

It is also noted that the boarding rooms in this development are more like individual bedrooms for 1-2 people with communal kitchens and living rooms. This is different from 1 bedroom units in a typical residential flat development, which are normally self-contained flats with bedrooms, kitchens, bathrooms, laundries etc.

## 2. Height:

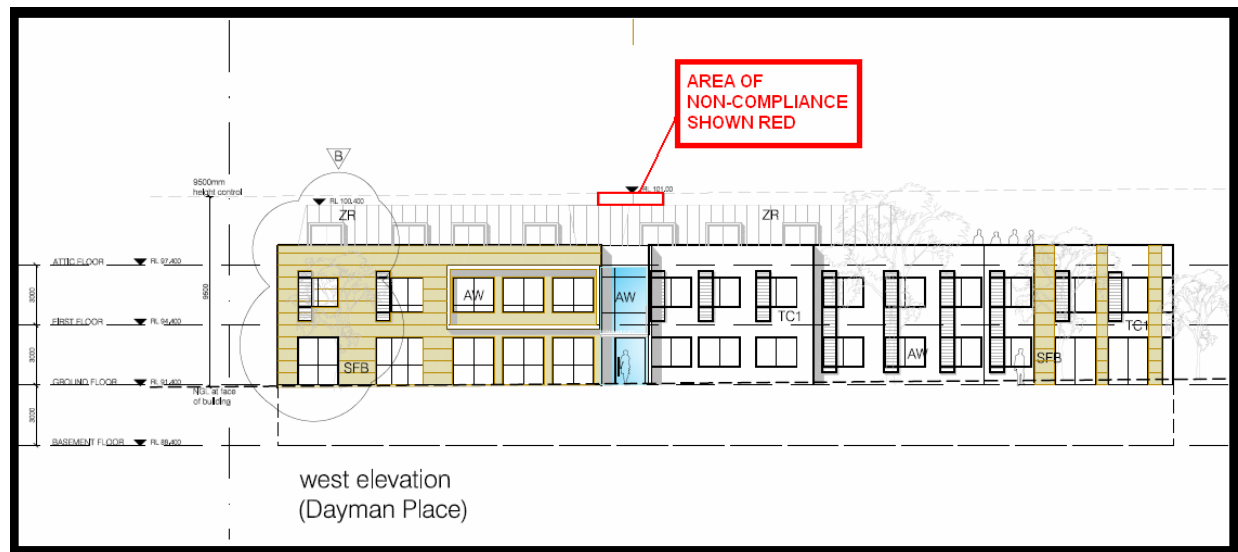
DCP 2010 Part 3.4 contains a height requirement measured both in metres (maximum 9.5m in "Area J" under Ryde LEP 2010 which includes this site), and storeys (maximum 2 storeys in "Area 2" under Ryde DCP 2010 which includes this site).

The proposed development has a height ranging from 8.2m to 9.4m (except lift over-run which is 10.1m at that point of the development). The number of storeys is noted by the applicant as being 2 storeys plus attic, however the "attic" is considered to be a storey in its own right and therefore the development has 3 storeys, which does not comply.

Clause 29 of the AHSEPP contains a standard regarding building height which cannot be used to refuse consent if the development complies with that standard – and this standard over-rides the height controls in Council's DCP 2010. The AHSEPP standard is "... *not more than the maximum building height permitted under another environmental planning instrument for any building on the land.*" In this regard, the maximum building height permitted under Ryde LEP 2010 is 9.5m.

The development fully complies with the maximum 9.5m except for the lift over-run which is 10.1m at that point of the site. Therefore technically this standard could be used to refuse consent. The following is the front elevation drawing which shows the location and size of the non-compliance:

## ITEM 2 (continued)



It is considered that the development as currently presented, is acceptable despite non-compliance with the maximum 9.5m height requirement for the following reasons:

- the portion of the building which exceeds the 9.5m maximum height is a very small part of the overall built form of the building;
- the amount of the non-compliance (600mm) is numerically very minor;
- this portion is located at the centre of the building and so it will have negligible impact on any adjoining property or the street (in terms of visual bulk or overshadowing).

However it is noted that the height of the development could be affected by any required amendment to the proposed stormwater drainage for this development. Council's Development Engineer has advised that the level of the on-site detention (OSD) would need to be raised by at least 600mm and therefore the basement floor level would need to be raised by a similar amount. Such an increase in the height of the basement floor level could require the floor levels above to also be raised which could cause a non-compliance to the height requirements in the AHSEPP.

The issues regarding the stormwater design and any consequential amendment to the design of the building could be resolved via amended plans, however these amendments could be significant. The design of the development as currently submitted is unsatisfactory and cannot be supported by Council officers. It is recommended that the DA be deferred to enable the applicant to submit amended plans and additional information which address this issue.

## ITEM 2 (continued)

### 3. Setbacks:

DCP 2010 Part 3.4 requires front, side and rear setbacks for a 3 storey residential flat building as follows:

- Front setback – from a road that is not a main or county road: 11m  
Encroachment of 1.5m for a 2-3 storey building (ie down to 9.5m) is permitted to produce irregular elevations – provided such encroachment does not exceed 50% of the length of the elevation.

Front setback proposed = 7.5m to 11m (does not comply).

- Side and rear setback – 6m.  
Encroachment of up to 25% of the required setback (ie down to 4.5m) is permitted to produce irregular elevations – provided such encroachment does not exceed 50% of the total length of the wall adjacent to the respective boundary.

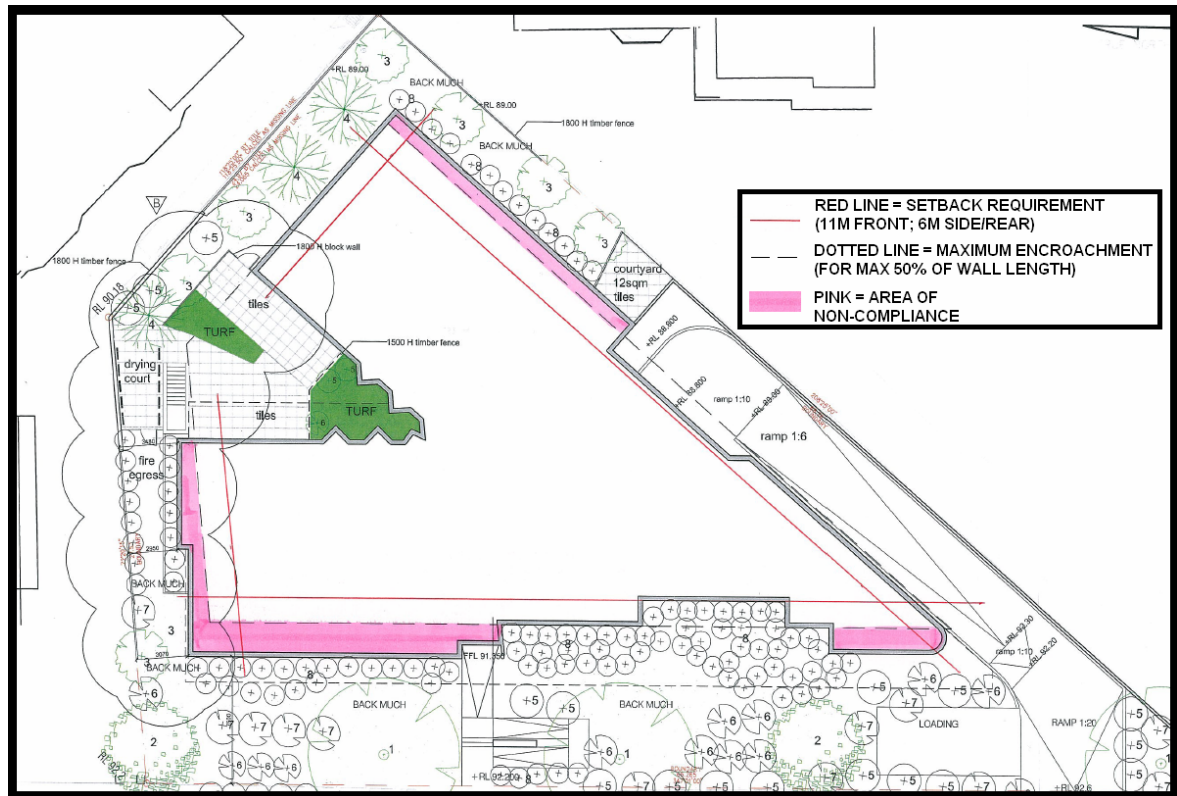
Side setback (to northern boundary) proposed = 2.95m to 4.5m (600mm to basement) (does not comply).

Rear setback (to south-eastern boundary) proposed = 3.5m to 4.6m (1000mm to basement, not including ramp to basement) (does not comply).

The following drawing shows (in pink) the portions of the building which encroach within the minimum permitted front and side/rear setbacks. It is noted that other parts of the building also do not comply with the “maximum 50%” encroachment rule as specified above:



**ITEM 2 (continued)**



It is clear from the DA documentation (Statement of Environmental Effects) that the applicant considers this development to be a 2 storey building and has claimed that the development is compliant with the DCP setback requirements (except for a “minimal” breach of the front setback and the north elevation of the western “wing”). This is not correct as the development is 3 storeys (including the mansard “attic” which is a 3<sup>rd</sup> storey). The DCP controls for a 3 storey building are as specified above.

Although some of the issues of concern arising from this non-compliance have been addressed through design modifications/details (eg privacy has been addressed via the relocation of some of the windows that previously faced neighbouring properties and provision of vertical louvres privacy screens to windows), it is considered that the concerns regarding bulk, scale and massing when viewed from neighbouring properties are valid and could only be addressed via an increase in the side setback (or removal of the mansard “attic” level).

Although it may be possible to satisfactorily address this issue via design amendments, the design of the development as currently submitted is unsatisfactory and cannot be supported by Council officers. It is recommended that the DA be deferred to enable the applicant to submit amended plans and additional information which address the issue of front, side and rear setbacks.

## ITEM 2 (continued)

### 4. Parking

DCP 2010 Part 3.4 would require a total of 96.25 say 97 parking spaces at 1 space per 1 bedroom unit and 1 visitor space per 4 dwellings. This development proposes 17 parking spaces (plus 16 motorcycle and 16 bicycle spaces).

Clause 29 of the AHSEPP contains a standard regarding parking which cannot be used to refuse consent if the development complies with that standard – and this standard over-rides the parking controls in DCP 2010. The AHSEPP parking standard is 0.2 spaces per boarding room (ie 15.4 say 16 spaces required) + PLUS 1 space for each resident employee (manager), for a total of 16.4 say 17 spaces. The 17 car spaces in this development complies with the AHSEPP.

As noted previously, the boarding rooms in this development are more like bedrooms rather than as individual, self-contained flats such as in a residential flat development, hence the lower parking requirement for boarding houses when compared with a typical residential flat development.

Also, one of the assumptions for the parking requirements of the AHSEPP is that, given the demographic profile of the average boarding house lodger and the semi-permanent nature of their occupation, as well as the location of the site, car ownership and usage is relatively low.

### 5. Landscaped Area:

DCP 2010 Part 3.4 would require a total landscaped area of 3850m<sup>2</sup> (at 50m<sup>2</sup> per 1 bedroom unit). The development proposes a total of approximately 708m<sup>2</sup> throughout the site.

Clause 29 of the AHSEPP contains a standard regarding landscaped area which cannot be used to refuse consent if the development complies with that standard – and this standard over-rides the landscaped area controls in DCP 2010. The AHSEPP landscaped area standard is *“that the landscape treatment of the front setback area is compatible with the streetscape in which the building is located.”*

The “streetscape” of Dayman Place is dominated by the land opposite the subject property which is a remnant bushland. The landscaping plan for the development shows that the front setback area will be planted using a range of trees and shrubs including *Eucalyptus saligna* (Sydney Blue Gum) to embellish the vegetation found in the remnant bushland opposite the site (see photo below).

**ITEM 2 (continued)**



Ryde DCP 2010 Part 9.3 Car Parking

Amendments to this Part 9.3 of DCP 2010 took effect on 14 December 2011, and include a new parking rate for boarding houses as follows:

*Boarding Houses – accessible area:*

- *at least 0.2 parking spaces / dwelling containing 1 bedroom,*
- *at least 0.5 parking spaces / dwelling containing 2 bedrooms and*
- *at least 1 parking space / dwelling containing 3 or more bedrooms.*

It is noted that “accessible area” (above) has the same meaning as it does in the AHSEPP, and the site is within an “accessible area” as explained in the Section of this report regarding compliance with the AHSEPP.

The parking rate for dwellings containing 1 bedroom (0.2 spaces per dwelling) is the same as the AHSEPP parking rate. The development complies with the car parking requirement in both Part 9.3 DCP 2010 and the AHSEPP, and thus car parking cannot be used as grounds for refusal of the DA.

## **ITEM 2 (continued)**

### Section 94 Contributions Plan 2007

Council's current Section 94 Contributions Plan (as amended on 16 March 2011) requires a contribution for the provision of various additional services required as a result of new developments. In the case of boarding house developments, the contribution is calculated based on the number of boarding rooms there are in the development proposal, with a rate of \$6230 per boarding room.

A condition of consent requiring the payment of a Section 94 contribution would be imposed on any consent issued for this development. The amount of Section 94 contributions payable for a development of 78 boarding rooms (including manager's residence) would be \$488,702.37.

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

All relevant issues regarding the likely impacts of the development have been discussed throughout this report. In summary, it is generally considered that although this property would be suitable for a medium-high density boarding house/student housing proposal (consistent with the R4 High Density Residential zoning of the property and the proximity to Macquarie University, as well as various public transport options), the design of the building as currently presented is unacceptable and cannot be supported. In particular, the specific issues of concern with the current proposal are:

- insufficient/unsatisfactory details regarding stormwater drainage;
- insufficient/unsatisfactory details regarding vehicular access;
- front, side and rear setbacks of the building;
- privacy/overlooking issues particularly from the "roof garden"/terrace on the 3<sup>rd</sup> floor of the building;
- garbage bin storage arrangements;
- the height of the building could also become an issue of concern if any design amendments addressing the concerns about stormwater drainage (such as raising floor levels) results in increase to the building height.
- the position of the Australia Post box, which would need to be relocated in accordance with the requirements of Australia Post as part of any design amendments.

### **11. Suitability of the site for the development**

A review of Council's Land Information mapping system shows that there are no constraints (such as overland stormwater flow, bushfire affectation etc) that would render the land as unsuitable for the proposed development.

## ITEM 2 (continued)

### 12. The Public Interest

The intent of the AHSEPP is to provide affordable housing options to address the significant shortage that currently exists in NSW. A recent Department of Housing survey (October 2010) on the need for affordable housing places Ryde in the highest category of need for affordable housing. The wider interests of the public to have access to affordable housing is served through approval of boarding house developments.

### 13. Consultation – Internal and External

#### Internal Referrals

**Development Engineer:** The following comments have been provided by Council's Development Engineer:

*The issues of concern raised regarding the original proposal from an Engineering perspective were:*

#### *Drainage*

- a. *The proposal indicated a proposed connection to an existing pit located at the rear of the site without any indication of where this pit is connected to. The applicant is to submit detailed information regarding the existing drainage system draining this pit including evidence of any drainage easement via LPI search in favour of the subject property for SW connection.*
- b. *The SW design will be subjected to back water flow from the rear pit surface RL 88.59. Accordingly, will not function as designed. Additionally there is no natural overland escape route for surcharge flow from the OSD tank to the rear as the top of tank is located lower than the raised courtyard area. Accordingly, surcharge flow will flood the basement and hence not considered acceptable.*

#### *Access*

- a. *To minimise conflict and improved sight distances the entrance to the garage will need to be modified as shown in red on the attached plan with line marking and mountable median provided as shown. Accordingly, the carparking layout is to be amended where required to comply with AS 2890.1-2004.*

## **ITEM 2 (continued)**

- b. *The applicant is to provide information regarding the loading bay in relation to its purpose including the proposed size of vehicle serving its purpose as per AS 2890. Additionally, the driveway area near it and adequate manoeuvring areas are to be provided to ensure it can enter & exit the site in a forward direction. Turning paths are to be provided.*

*I have now reviewed the amended architectural and stormwater drainage plans for the proposed development and unfortunately cannot recommend approval on an engineering perspective due to:*

### **Drainage**

*The applicant's engineer revised design has not satisfactorily resolved the backwater flow issue from the existing pit. Accordingly, in high rainfall event water will back up the outlet pipe from the OSD tank and surcharge out of the tank's grate and flood the basement. As the proposed development has occupied large portion of the site, it would appear difficult to provide an alternative drainage solution that will not impact on the architectural proposal. One option would be to raise the OSD tank by at least 600mm and hence the basement floor level by the same amount. However, this would have a major implication on planning perspective.*

*Additionally, the applicant has not submitted any information regarding the pipe size and pits system presumed to be running through the downstream neighbouring property, including details demonstrating the subject site has legal right to drain into this existing drainage system.*

### **Access**

*The architectural plans have not been amended to address the access problem at the entry to the basement as specified in the original sketch. The alternative amendments proposed are considered superficial as it has not provided the critical requirement of enlarging the entry throat to 5.5m wide.*

*The proposed loading bay at the entry to the site has not been sized for a minimum*

*Small Rigid Vehicle and also its location at the entry will cause traffic conflict between vehicles entering and exiting the driveway.*

Assessing Officer's Comment: Whilst the issues of concern above could be resolved via amendments to the technical details (stormwater drainage) it is likely that such changes could cause unacceptable outcomes in terms of town planning considerations (eg increased height – if any increase to the basement level leads to a commensurate increase in floor levels above).

## ITEM 2 (continued)

**Building Surveyor:** The following comments have been provided by Council's Team Leader – Building Compliance:

*A review of the details provided would suggest that the requirements of the BCA can be achieved.*

Conditions of consent could be imposed to ensure that the building is satisfactory with regard to the Building Code of Australia if it is decided to approve the application.

**Environmental Health Officer:** The following comments have been provided:

*Waste will be stored in an area in the basement prior to collection. Council's draft DCP would require 60L/person/week for garbage and 20L/person/week for recycling, equating to a total 5.8m<sup>3</sup> and 1.9m<sup>3</sup> respectively. The storage area would appear to be of adequate size. It would need to be properly constructed so that the bins could be maintained in a clean condition.*

*The provision of common areas, sanitary facilities and kitchens appears to exceed the minimum previously required in similar sized approved boarding houses.*

*No plan of management appears to have been submitted. This will need to be in place as it will form the basis in controlling the behaviour of the boarders and any consequential issues such a noise.*

Assessing Officer's Comment: Concerns are raised regarding the garbage bin storage and collection arrangements. Using the rates provided above, and the potential occupancy of this development (up 97 people based on 57 x single and 20 x double rooms), the development would need to provide up to 42 x 140 litre bins for garbage, and 8 x 240 litre bins for recycling.

Such a large number of bins on the kerb each collection night is considered excessive. Consultation with Council's Waste Services Section indicates that larger (1100 litre) bins can be provided to "residential flat" developments and shared between many occupants, which may be more appropriate for a development of this type. Such a provision on site could be made, but there would need to be amendments to the proposed garbage room to ensure it is a suitable size, location and accessible for collection by Council's contractor, as well as arrangements made for the actual collection to occur.

Although it may be possible to satisfactorily address this issue via design amendments, the proposal as currently submitted is unacceptable and thus is recommended that the DA be deferred to enable the applicant to submit amended plans and additional information which address these issues.

## **ITEM 2 (continued)**

**Landscape Architect:** Has provided the following comments:

*The site was accessed and inspected on the 10<sup>th</sup> November, 2011. I have also reviewed a landscape plan prepared by Weir and Philips Architects, Issue A, dated 14<sup>th</sup> July, 2011. As can be seen from the aerial photo the site contains numerous established trees and shrubs, however, I was advised by the owners that the majority have been planted over the last 20 years, and as such there are no trees on the site that are regarded as having high amenity or retention value. The site is opposite the northern triangular fragment of Stewart Park, which is considered scheduled remnant bushland, however there are no occurrences of species from the endangered Sydney Turpentine Ironbark Forest (STIF) community on the development site, which consists of approximately 40 mixed native trees and shrubs including specimens of:*

- *Bottlebrushes*
- *Banksias*
- *Eucalyptus*
- *Lilly Pilly*
- *Brushbox*
- *Native Frangipani*
- *Wattles*

*The landscape plan has nominated key canopy species selected from the STIF community, including 3 Sydney Blue Gums and 2 Smooth-Bark Apples. These trees should be at least 100 litre bag size at the time of planting. The shrub and groundcover planting design requires further resolution, in terms of suitable plant groupings and arrangements. The plan should also provide for functional outdoor spaces for boarding house residents, which has been highlighted in the attached conditions.*

### **Conclusion**

*No objections to the development subject to the following condition.*

### **Conditions**

*The removal of trees and shrubs is permitted subject to their replacement with 100 litre size specimens shown in the locations along the Dayman Place frontage on the landscape plan Issue A dated 14<sup>th</sup> July 2011. The plan should be prepared by a suitably qualified landscape consultant and address the shrub and groundcover planting design, in terms of the suitability of plant selection, groupings and arrangements, and include the provision of functional outdoor spaces, linkages and facilities for residents.*

## **14. Critical Dates**

None relevant.



## **ITEM 2 (continued)**

### **15. Financial Impact**

Nil.

### **16. Other Options**

It is considered that there are 3 options available in the consideration and determination of this application:

#### **A. Deferral:**

The preferred option is to defer consideration of this DA to enable the applicant to submit amended plans. Although it is considered that the site is suitable for a student housing development as it is zoned for high density residential developments under Ryde LEP 2010, the design of the development as currently submitted is unsatisfactory and cannot be supported by Council officers for the reasons and issues enunciated in this report.

Upon receipt of the amended plans, it would be necessary to re-notify neighbours and all previous objectors. A further report would be then prepared to the Planning & Environment Committee within 3 months after the receipt of amended plans.

#### **B. Refusal:**

If it is decided to formally determine the DA at this stage, it is recommended that the DA be refused because of the issues of concern with the current design as discussed throughout this report.

If the DA is to be refused, then the following are suggested as reasons for refusal:

1. The proposal is unsatisfactory in terms of stormwater disposal – specifically the issue of backwater flow from the existing pit, and insufficient information has been submitted regarding the pipe size and pits system presumed to be running through the downstream neighbouring property, including details demonstrating the subject site has legal right to drain into this existing drainage system.
2. The proposal is unsatisfactory in terms of vehicle access – specifically in regard to the entry to the basement and also the potential vehicle conflicts at the front of the site caused by the “loading area”.
3. The proposal is unsatisfactory in terms of boundary setbacks, in particular the front boundary setback to Dayman Place, the northern side boundary setback and the rear setback to the south-east.

## **ITEM 2 (continued)**

4. The proposal is unsatisfactory in terms of privacy and overlooking, particularly from the “roof garden”/terrace which could overlook the adjoining property to the south-east.
5. The proposal is unsatisfactory in terms of garbage disposal – specifically the garbage storage room is an insufficient size for the large number of bins that would be required for the development, and there would be unacceptable amenity impacts from a large number of bins left on the street for weekly collection.
6. In the circumstances of the case, approval of the development is not in the public interest.

### **C. Approval:**

The option of approving the DA is available, however not recommended because of the issues of concern with the current design as discussed throughout this report.

## **17. Conclusion**

Although it is generally considered that the site is suitable for student housing given that it is zoned for high density residential developments (R4 – High Density Residential under Ryde Local Environmental Plan (LEP) 2010 – and boarding houses are permissible with consent within this zoning), the design of the development as currently submitted is unsatisfactory and cannot be supported by Council officers. The specific issues of concern with the current proposal are as listed in the recommendation below.

The design of the development as currently submitted is unsatisfactory and cannot be supported by Council officers. It is recommended that the DA be deferred to enable the applicant to submit amended plans and additional information which address these issues. Upon receipt of this information, it will be necessary to re-notify neighbours and all previous objectors. A further report will be prepared to the Planning & Environment Committee after the completion of this process.

ITEM 2 (continued)

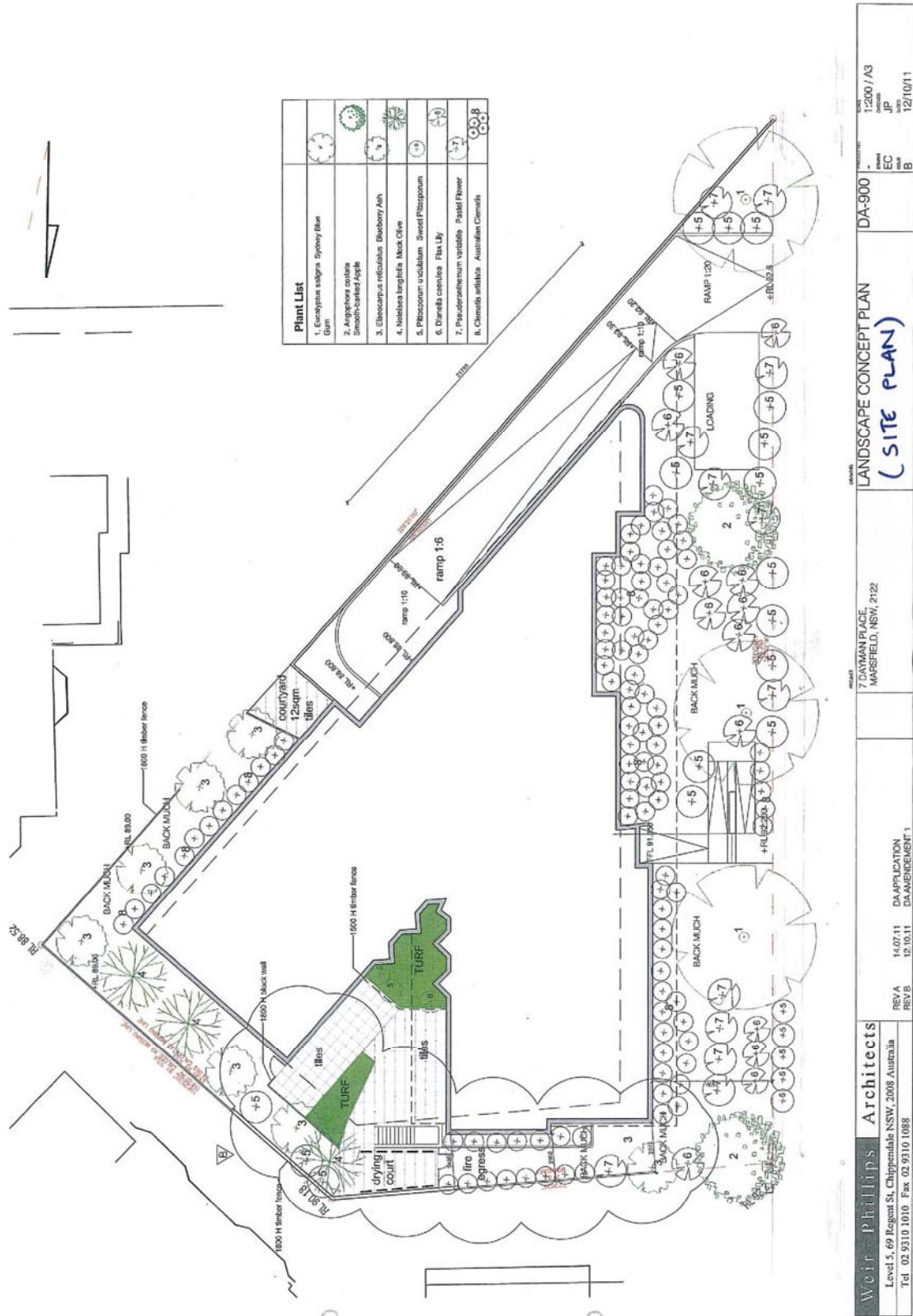
ATTACHMENT 1

● Indicates submissions received  
(other submissions outside area, multiple submissions received from some properties)



ITEM 2 (continued)

ATTACHMENT 2



ITEM 2 (continued)

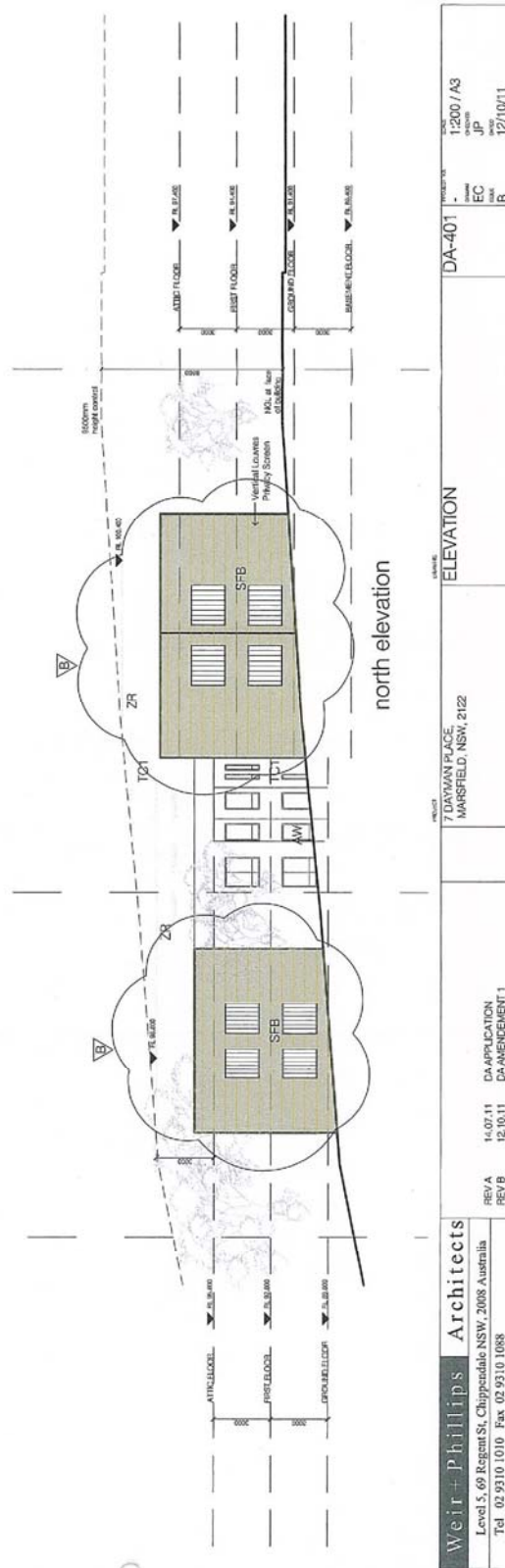
ATTACHMENT 2



<b>Weir Phillips Architects</b> Level 5, 69 Regent St, Chippendale NSW, 2008 Australia Tel: 02 9310 1010 Fax: 02 9310 1088		REV/A 14.07.11 DA APPLICATION REV/B 12.10.11 DA AMENDMENT 1	PROJECT: DAYMAN PLACE MASSFIELD, NSW, 2122	ELEVATIONS	DA-400	PROJECT NO: 1:200 / A3 DRAWN BY: JP CHECKED BY: EC DATE: 12/10/11
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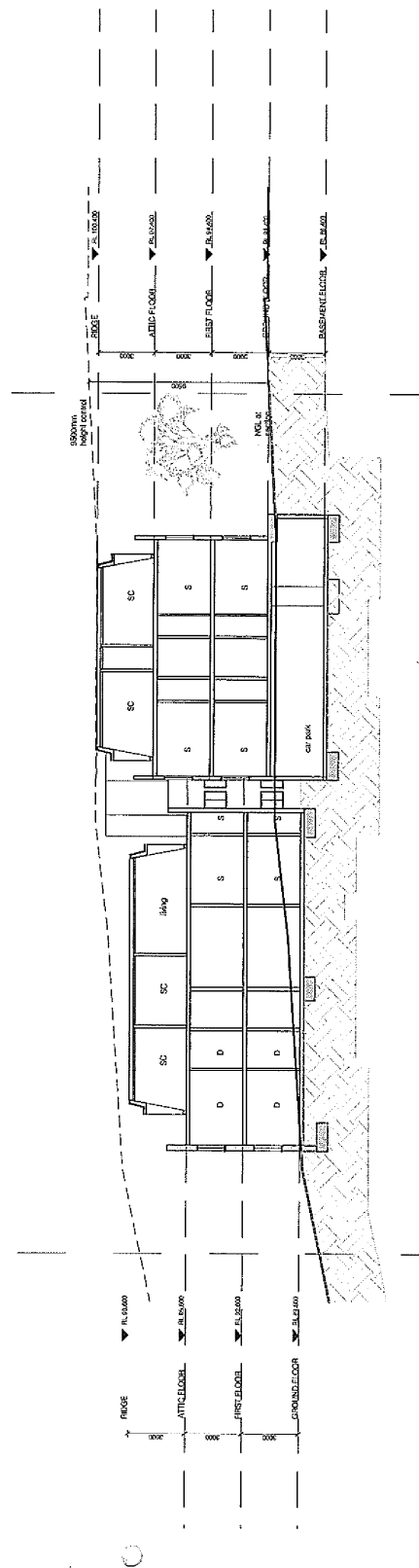
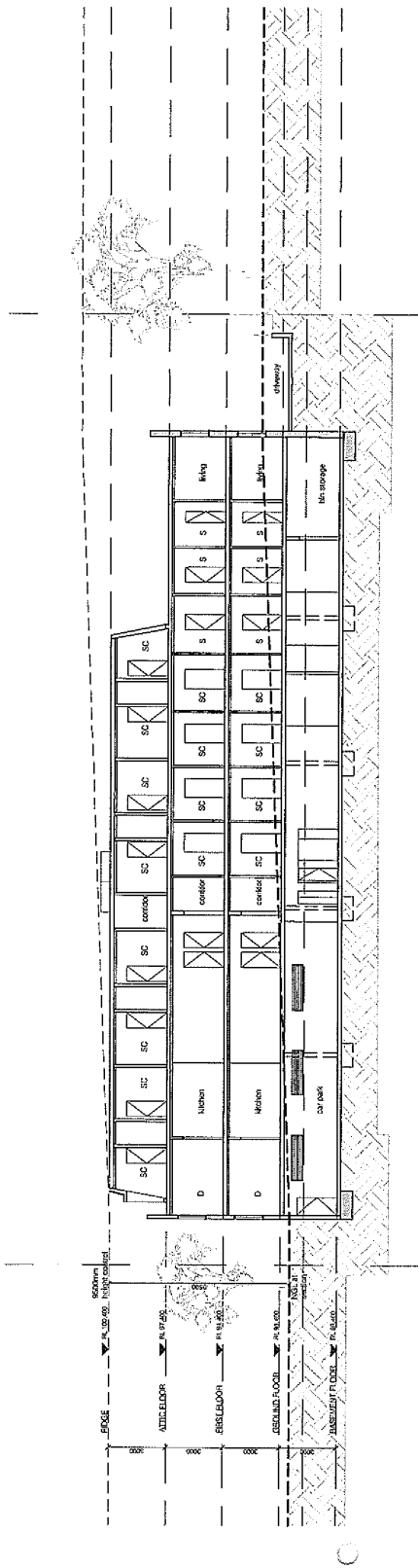
ITEM 2 (continued)

ATTACHMENT 2



**ITEM 2 (continued)**

**ATTACHMENT 2**



<b>Weir-Phillips Architects</b> Level 5, 69 Regent St, Chippendale NSW 2008 Australia Tel: 02 9510 1010 Fax: 02 9510 1088	REVA 14.07.11 DA APPLICATION	PROJECT 71 WYMAN PLACE MASSFIELD NSW, 2122	DRAWING NO. DA-300	PROJECT NO. 1:200/A3 DRAWN JP CHECKED EC DATE 14/07/11
	SECTION SECTIONS			

**3 35 BUENA VISTA AVENUE, DENISTONE. LOT 79 DP 16433. Local Development Application for Alterations and additions to dwelling including new inground swimming pool. LDA2011/0337.**

**INSPECTION: 4.35pm**  
**INTERVIEW: 5.00pm**

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**Report prepared by:** Team Leader - Assessment

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

**Report dated:** 1/02/2012

**File Number:** grp/11/3/6/9 - BP12/66

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**1. Report Summary**

**Applicant: Mr M and Mrs V Nasr**

**Owner: Mr M and Mrs V Nasr**

**Date lodged: 30 June 2011 (amended plans received 5 October 2011)**

This report considers a development application (DA) for alterations and additions to the existing dwelling, including a first floor addition, additions and internal alterations to ground floor and an inground swimming pool.

The DA is recommended for approval.

The site is located within the Denistone Character Area, and the proposal as originally lodged with Council had a number of areas of concern in terms of compatibility with the Denistone Character Area – namely:

- provision of a large 2-storey portico/1st floor balcony;
- the proposed use of sandstone/"granosite" and cement rendered finish;
- the wall of the 1<sup>st</sup> floor addition was to be in line with the wall below – which would have created a visually-dominant appearance when viewed from the street;
- provision of bay-windows and associated roofing detail on the 1<sup>st</sup> floor level;
- roof detailing and windows that were not considered proportional or sympathetic to the existing dwelling.

During the processing of the DA, amended plans were lodged to address the issues of concern. The major changes to the plans have included deletion of the 2<sup>nd</sup> storey portico/1<sup>st</sup> floor balcony, recessing the 1<sup>st</sup> floor addition back behind the existing front setback (by 4m as requested by Council's Heritage Officer) and providing good articulation, deletion of 1<sup>st</sup> floor bay windows and associated roofing details; and a revised scheme for external colours and materials. In respect of these amended plans, Council's Team Leader – Strategic Planning has advised that the applicants have addressed the previously raised issues of concern.

The DA has been notified to neighbouring properties in accordance with DCP 2010 (Part 2.1 – Notification of Development Applications). There were **16 submissions** received regarding the original DA plans, which mostly raised concerns about



### **ITEM 3 (continued)**

compatibility of the design with the Denistone Character Area, as well as the height and visual dominance of the proposal when viewed from the street.

After the amended plans were received, these were re-notified to the neighbours, and a further **2 submissions** were received. These further submissions noted that the amended plans had largely addressed the issues of concern regarding the original design, but requested clarification on particular design issues. These issues can be resolved via conditions of consent.

The proposal has been assessed in terms of DCP 2010, and there are some minor areas of non-compliance in terms of minimum deep soil area, the amount of cut and fill (associated with the rear alfresco area), the amount of hard-paving within the front setback and garage design requirements. The last 2 of these requirements relate to the existing garage and driveway which is an existing situation not proposed to be altered in this application.

**Reason for Referral to Planning and Environment Committee:** Requested by Councillor Perram.

Public Submissions: **18 submissions** were received objecting to the development – **16 submissions** received regarding the original DA plans, and a further **2 submissions** were received regarding the amended DA plans.

SEPP 1 (or clause 4.6 RLEP 2010) objection required? None required.

Value of works? \$340,000

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

### **RECOMMENDATION:**

- (a) That Local Development Application No. 2011/337 at 35 Buena Vista Ave, Denistone being Lot 79 DP 16433 be approved subject to the **ATTACHED** conditions.
- (b) That the persons who made submissions be advised of Council's decision.

### **ATTACHMENTS**

- 1 Proposed conditions of consent
- 2 Map
- 3 Plans
- 4 Schedule of finishes
- 5 A3 plans - subject to copyright provisions - **CIRCULATED UNDER SEPARATE COVER**

**ITEM 3 (continued)**

Report Prepared By:

**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** : 35 Buena Vista Ave Denistone

**Site Area** : 714.9m<sup>2</sup>.  
Frontage 13.715m  
Depth 49.875m/52.16m

**Topography and Vegetation** : The site has a significant slope up from the street (rises 7m over 52 metres from the street frontage to the rear north west corner). The site has mature landscape with a number of small shrubs and trees both in the front yard and in the back yard.

**Existing Buildings** : Dwelling House

#### Planning Controls

**Zoning** : R2 Low Density Residential – Ryde LEP 2010

**Other** : DCP 2010



**ITEM 3 (continued)**



**3. Councillor Representations**

Name of Councillor: Councillor Perram

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

Date: 20 July 2011

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

On behalf of applicant or objectors? Objectors.

Any other persons (e.g. consultants) involved in or part of the representation: Unknown.

**4. Political Donations or Gifts**

None disclosed.

**5. Proposal**

The development proposes alterations and additions to the existing dwelling, including a first floor addition, additions and internal alterations to ground floor and an inground swimming pool.

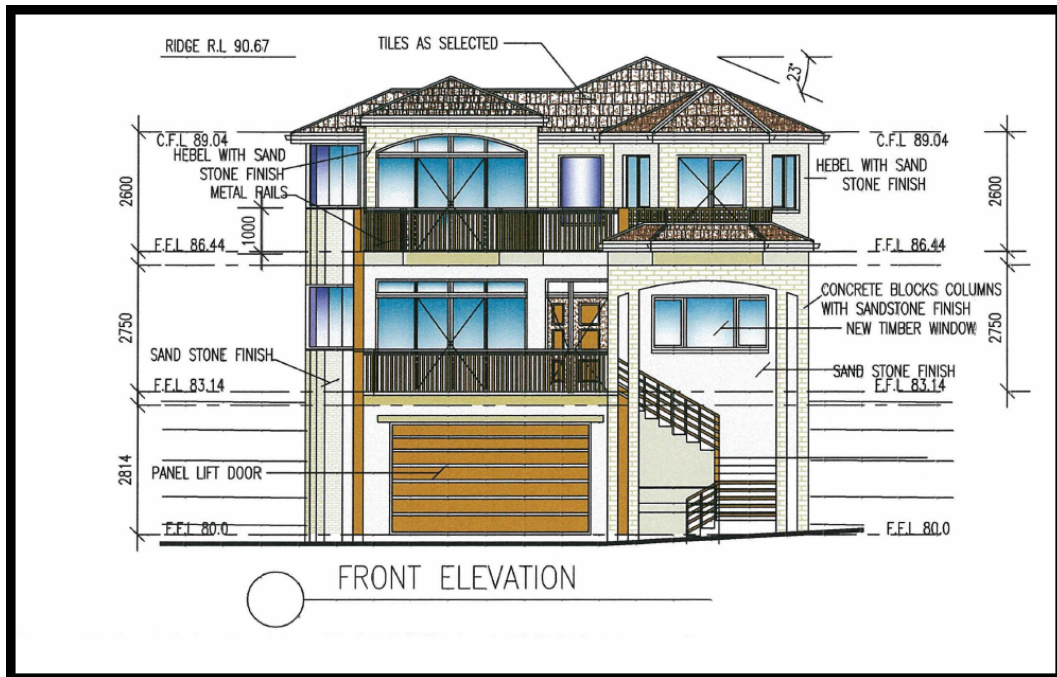
**ITEM 3 (continued)**

Original Proposal

The proposal as originally submitted contained a number of design features that raised issues of concern in terms of conformity with the Denistone Character Area, including:

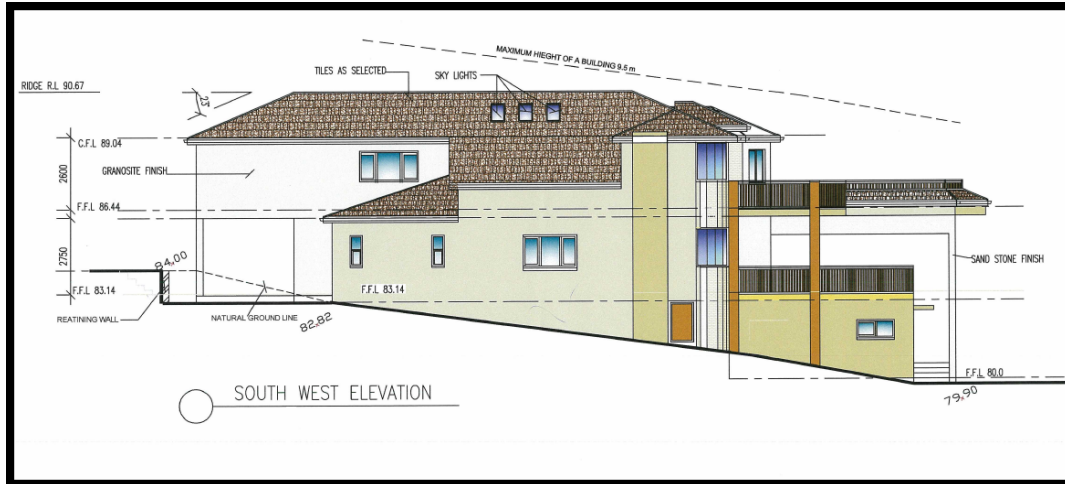
- provision of a large 2-storey portico/first floor balcony;
- the proposed use of sandstone/"granosite" and cement rendered finish;
- the wall of the 1<sup>st</sup> floor addition was to be in line with the wall below – which would have created a visually-dominant appearance when viewed from the street;
- provision of bay-windows and associated roofing detail on the 1<sup>st</sup> floor level;
- roof detailing and windows that were not considered proportional or sympathetic to the existing dwelling.

Below are the front elevation and side (south-west) elevation drawings of the original proposal:



**Front Elevation (original proposal)**

**ITEM 3 (continued)**



**South-West Elevation (original proposal)**

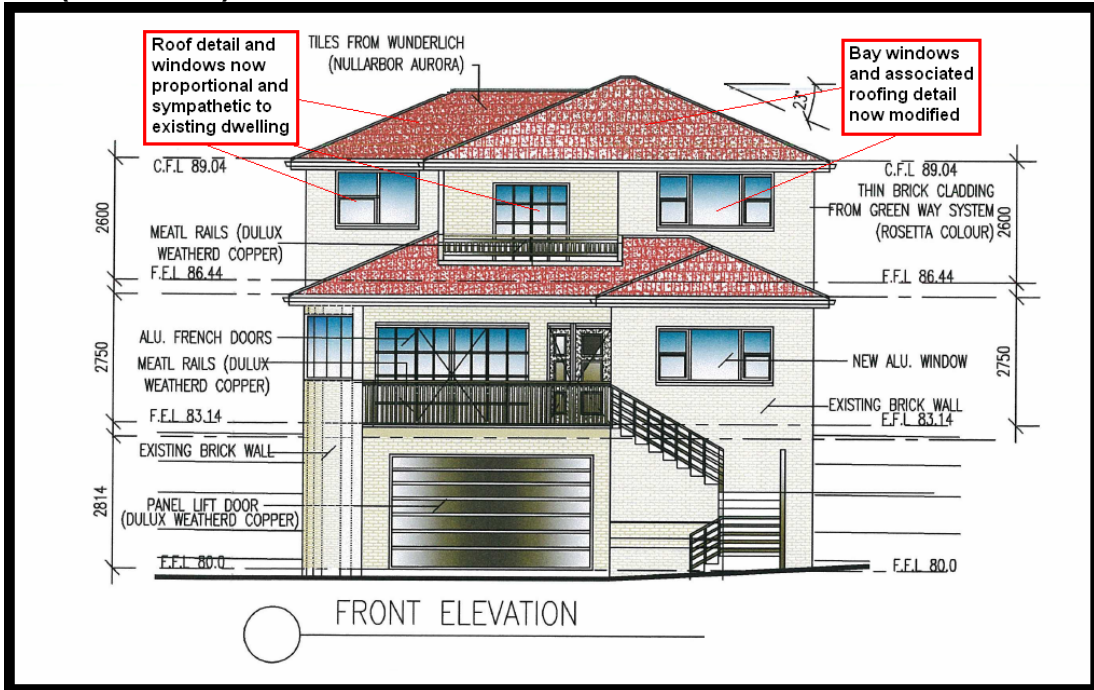
Amended Proposal (amended plans received 5 October 2011)

The applicant submitted amended plans on 5 October 2011 which include the following amendments:

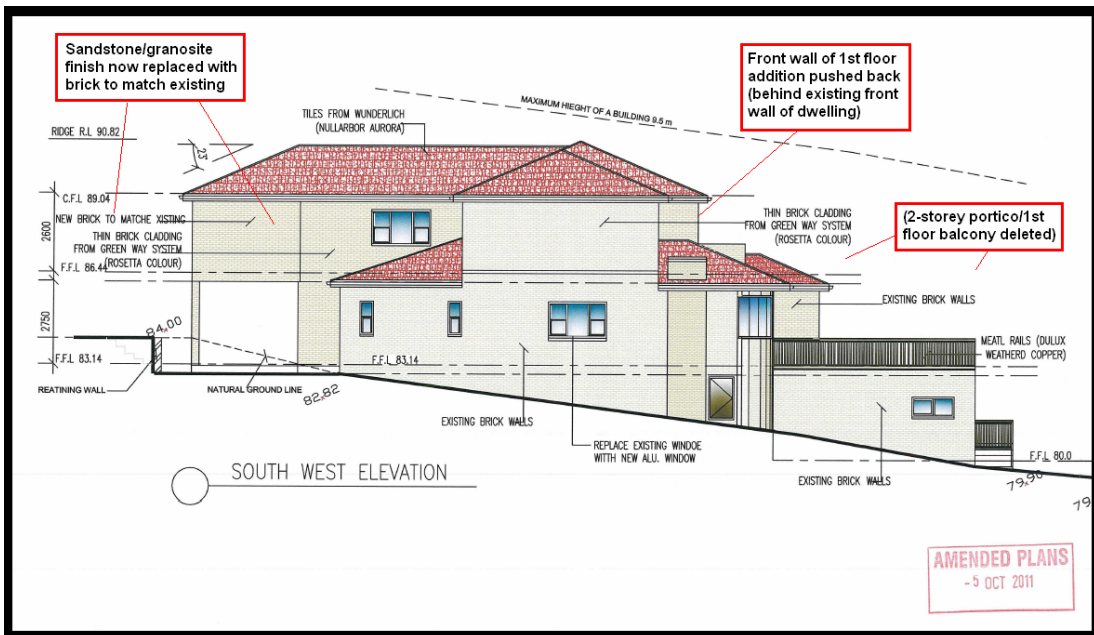
- deletion of the 2<sup>nd</sup> storey portico/1<sup>st</sup> floor balcony;
- increased setback of proposed 1<sup>st</sup> floor level
- deletion of 1<sup>st</sup> floor bay windows and associated roofing details;
- various changes to window sizes and types to the proposed 1<sup>st</sup> floor addition;
- revised colour scheme.

Below are the front elevation and side (south-west) elevation drawings of the amended plans received 5 October 2011. The amendments are highlighted on the elevational drawings below:

ITEM 3 (continued)



Front Elevation (amended plans)



South-west elevation (amended plans)

6. Background

The DA was lodged 30 June 2011. Shortly afterwards it underwent a preliminary check, referral to other Council officers, neighbour notification and advertising (closing date for submissions = 25 July 2011) and allocation to the Assessment Officer. **16 submissions** were received as discussed in the Submissions section of this report.

### ITEM 3 (continued)

On 20 July 2011, comments were received from Council's Heritage Officer (see "Referrals" Section of this report), raising significant issues regarding the design of the proposal.

On 11 August 2011, Council officers wrote to the applicant to advise of the status of the DA and to request various design amendments to address concerns raised by Council's Heritage Officer and in the submissions received from neighbouring properties:

#### Design Amendments Required

*Your proposal has been assessed in terms of Council's DCP (Development Control Plan 2010 (Part 3.3 Dwelling Houses and Dual Occupancy (Attached))). Your proposal has also been referred to Council's Heritage Officer for review and comment because of the location of your property within the Denistone Character Area.*

*There are several aspects of the proposal which cannot be supported and Council officers could not currently recommend a favourable determination of your application to the Planning & Environment Committee.*

*You are required to submit amended plans which address the following items:*

- (a) To address concerns regarding streetscape impact and scale when viewed from the street, and proportion of the additions with the existing dwelling house – you are requested to step the proposed first floor extension back behind the existing front building line/ building footprint. A minimum 4m setback of the 1<sup>st</sup> floor addition from the front building line is recommended.*
- (b) Delete the combined two-storey portico/1<sup>st</sup> floor balcony. A front verandah/patio may be appropriate within the area where the proposed first floor is to be setback behind the existing front building line (refer to the point raised above). This includes the removal of the decorative roofing details around the perimeter of this proposed elevated patio/portico.*
- (c) Delete the 2 x bay windows and associated roofing details on the proposed first floor.*
- (d) Provide a revised colour scheme articulating the original features of the property and the neighbouring Inter-war period dwellings. Specifically – the Denistone Character Area controls (Clause 3.2 of Part 3.3 DCP 2010) state that the "key characteristics" are face brickwork on visible facades and tiled roofs with colours consistent with the existing predominant colours.*

*Your proposed use of sandstone/"granosite" and cement render finish is not consistent with the Denistone Character Area requirements and is not supported.*



### ITEM 3 (continued)

- (e) *Ensure roof detailing is geometric and sympathetic to the original proportions of the dwelling house.*
- (f) *Ensure all windows are proportional in scale to the existing windows.*

A meeting was held between the applicants and Council's Team Leader – Assessment and Heritage Officer on 22 August 2011 to discuss the issues of concern with the application.

On 5 October 2011, amended plans were received, incorporating the design amendments described in the "Proposal" section of this report. These were re-notified to neighbouring properties (closing date for submissions = 27 October 2011), and a further **2 submissions** were received.

### 7. Submissions

The proposal was notified to adjoining owners in accordance with Development Control Plan 2010 – Part 2.1, Notification of Development Applications 8 July 2011 to 25 July 2011. Upon receipt of amended plans (5 October 2011), the DA was re-notified to neighbours from 12 October until 27 October 2011.

**16 submissions** were received regarding the original DA plans. Upon re-notification of the amended plans, **a further 2 submissions** were received. The issues raised in the submissions are summarised and discussed as follows.

#### Submissions regarding original notification:

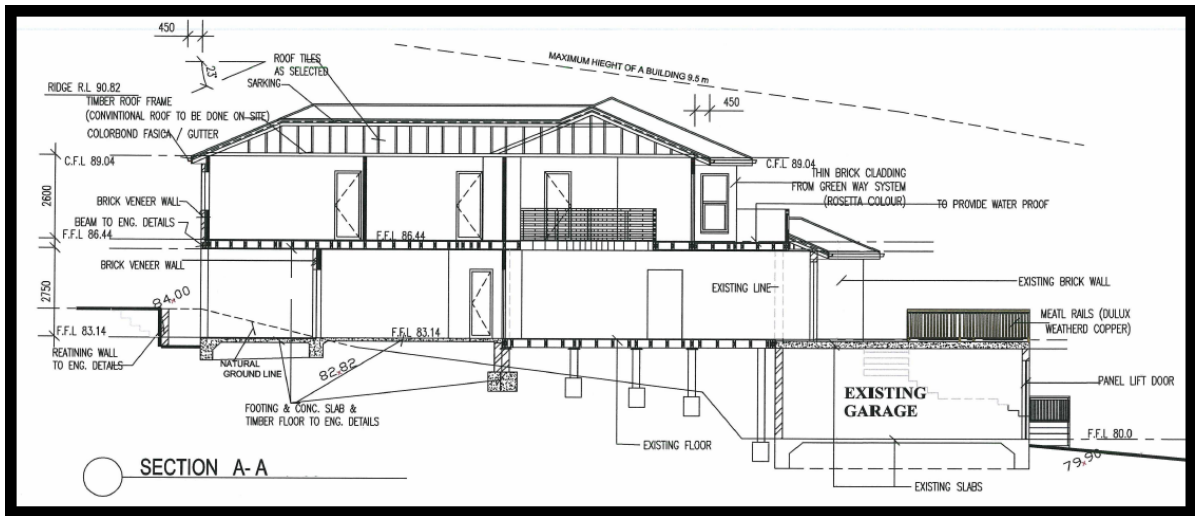
1. **Denistone Character Area.** *The proposal is inconsistent with the controls for the Denistone Character Area – in particular the 2-storey portico/balcony, the use of sandstone and aluminium windows as external finishes, and the projection of the front façade forward of neighbouring properties are all considered to be design features that are inconsistent with the Denistone Character Area. One of the requirements of the Denistone Character Area controls is "to ensure new development is compatible with the positive characteristics of the existing streetscape", and "large block-like forms are not acceptable".*

Comment: Agreed. The proposal as originally submitted was considered to be inconsistent with the Denistone Character Area controls, and was not supported by Council's Assessment and Heritage Officers. The amended plans have satisfactorily addressed the concerns previously raised regarding consistency with the Denistone Character Area.

2. **Bulk, scale and massing.** *The development is too large for the block and compared to surrounding properties. The building appears to be 3 storeys at the front (4 storeys compared to street level).*

**ITEM 3 (continued)**

Comment: These issues of concern have also been addressed in the amended plans. In particular, the front wall of the 1<sup>st</sup> floor addition has been set back (3m – 4m) compared to the existing ground floor wall, and this recessing has reduced the visual dominance when viewed from the street. Although the front elevation appears to show 3 “levels”, the design of the dwelling is stepped so that there is no more than 2 consecutive levels (ie one on top of the other) when viewed in section – refer to section below:



- 3. Privacy.** *The large terrace (1<sup>st</sup> floor balcony) which protrudes several metres beyond the building alignment will overlook the front terrace and into bedrooms of neighbouring properties.*

Comment: These concerns are also valid, and have been addressed via the deletion of the 1<sup>st</sup> floor balcony in the amended plans. The amended plans contain a front balcony but it is much smaller (2.8m x 3.95m) than the original proposal and does not extend beyond the roof of the ground floor level below.

- 4. Privacy.** *The 2 western windows in the 1<sup>st</sup> floor addition will overlook the kitchen and dining area of No 42 Trelawney St (to the rear). These rooms have no window treatments as they were designed to take advantage of easterly views and are therefore vulnerable to overlooking.*

Comment: The design at the rear of the dwelling has not been amended from the original DA plans – and the 2 rooms in question are bedrooms 3 and 4. It is a well-established planning principle that privacy impacts from bedrooms are minimal, as these are not primary living areas and are mostly only used when the occupants are asleep. The rear wall of the dwelling also has a rear setback ranging from 11.593m to 12.671m (to the rear boundary), with a further 18m (approximately) to the rear wall of the adjoining dwelling to the rear. There will be a distance of approximately 30m between the rear wall of the proposed

**ITEM 3 (continued)**

development and the adjoining dwelling at No 42 Trelawney St. Overall, privacy impacts from the proposed development are considered acceptable.

- 5. Noise.** *The 1<sup>st</sup> floor balcony will most likely be used as an entertainment area, resulting in considerable noise to neighbouring properties. Also – concern is raised regarding noise from the use of the swimming pool at the rear.*

Comment: As noted above, the balcony is much smaller in the amended plans and is therefore less likely to be used for entertaining. It is also located off a hallway between the upstairs TV room and main bedroom and adjacent to the stairs, so the location does not lend itself to entertaining or congregating as if it was off a main living area.

In terms of noise from the swimming pool, it is a normal and expected consequence that some noise would result from the use of a private domestic swimming pool on a residential property.

- 6. Compliance with Dwelling House/Dual Occupancy (Attached) DCP.** *The proposal appears to not comply with various aspects of Council's DCP – including hard surface area (deep soil areas), floor space ratio, excavation, height of retaining walls, 2 storey portico.*

Comment: These were also issues of concern with the original proposal, and have been largely resolved in the amended plans. A full assessment of the proposal in terms of DCP 2010 appears later in this report. There are some minor areas of non-compliance in terms of minimum deep soil area, the amount of cut and fill (associated with the rear alfresco area), the amount of hard-paving within the front setback and garage design requirements. The last 2 of these requirements relate to the existing garage and driveway which is an existing situation not proposed to be altered in this application. These issues are not considered to be fatal to the application. Overall the proposal is considered acceptable for approval subject to conditions.

- 7. Stormwater disposal.** *Concerns are raised that the large size of the dwelling and the large scale of excavation will cause stormwater disposal concerns for neighbouring properties.*

Comment: Issues regarding stormwater disposal have been addressed by Council's Development Engineer and found to be satisfactory subject to conditions of consent. In particular, the drainage plans have been reviewed in conjunction with the applicant's geotechnical report (required because of the site's affectation by slope instability). The drainage design involves collection of water from all roofed areas of the new development and disposal to Council's kerb and gutter in Buena Vista Ave via a below-ground on-site detention tank at the front of the site. There are some minor issues regarding levels and orifice sizes which can be addressed via conditions of consent.

### ITEM 3 (continued)

- 8. Side setback.** *The adjoining owner (No 37) has questioned the side setback, as there is no fencing in place.*

Comment: The development does not involve any construction that would bring the existing dwelling closer to the south (the direction of No 37). The 1<sup>st</sup> floor addition is to line up with the existing ground floor side setback on the southern side. In terms of accuracy of the setback, normal construction practice involves setting out the building works in accordance with survey plans prior to commencement, which accurately determines the position of the building relative to the boundary, regardless of whether or not there is existing fencing.

#### Amended Plans 5 October 2011:

The amended plans received 5 October 2011 were re-notified to neighbouring properties and all previous objectors from 12 October to 27 October 2011. A further **2 submissions** were received. The issues in these further submissions are summarised and discussed as follows:

- 9. Visual Bulk.** *Although in the amended plans the 1<sup>st</sup> storey is set back, the vertical alignment of the first floor addition will still give the impression of bulk when viewed from the street.*

Comment: The topography of this side of Buena Vista Ave is such that the properties rise significantly from the street towards the rear, and thus the dwellings are significantly (eg 3-4m) above street level. With such a topography, it is unavoidable that the dwellings will appear to be "bulky" when viewed from the street. By setting the 1<sup>st</sup> floor level back from the front of the existing dwelling (in the amended plans), the applicants have addressed concerns about visual bulk to a satisfactory level.

- 10. Materials – window and French-door frames.** *The amended plans show that the front façade windows and French doors are to be of aluminium framing. The French doors are now shown as being multi-paned. Both of these features are at variance with the intent of the Denistone Character Area. The wooden-framed, single panel French doors and wooden framed windows as shown in the original plans are preferred.*

Comment: Agreed. Council's Team Leader – Strategic Planning has also noted that these design features from the original plans should be reinstated to better fit the significant character features of the Denistone Character Area. A condition of consent (1(b)) will be imposed to address this issue.

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

Not required.

**ITEM 3 (continued)**

**9. Policy Implications**

**Relevant Provisions of Environmental Planning Instruments etc:**

**(a) Ryde LEP 2010**

**Zoning**

R2 Low Density Residential – the proposal is permissible with Council’s consent.

**Mandatory Requirements**

The following mandatory requirements under the Ryde LEP apply to the development:

Clause 4.3(2) – Height: This clause prescribes a maximum building height of 9.5m in this instance. The maximum height of the development is 8.82m, which complies with this clause.

Clause 4.4 and 4.4A – Floor Space Ratio: These clauses prescribe a maximum FSR of 0.5:1. The FSR for this development has been calculated to be 0.39:1, which complies with this clause.

**(b) Relevant SEPPs (including REPs)**

None relevant.

**(d) Any draft LEPS**

None relevant.

**(e) The provisions of any Development Control Plan applying to the land**

Ryde DCP 2010:

The following is an assessment of the proposal (amended plans received 5 October 2011) in terms of DCP 2010:

DCP 2010	PROPOSED	COMPLIANCE
<b><i>Part 3.3 – Dwelling Houses and Dual Occupancy (attached)</i></b>		
<b>Desired Future Character</b>		
Development is to be consistent with the desired future character of the low density residential areas.	The amended plans are considered to be satisfactory in terms of being consistent with the desired future character of the area (Denistone Character Area).	Yes

**ITEM 3 (continued)**

DCP 2010	PROPOSED	COMPLIANCE
<b>Dwelling Houses</b>		
<ul style="list-style-type: none"> <li>- To have a landscaped setting which includes significant deep soil areas at front and rear.</li> </ul>	Front and rear gardens largely unchanged. Front garden compromised by existing driveway and steps	Yes
<ul style="list-style-type: none"> <li>- Maximum 2 storeys.</li> </ul>	Two storeys – existing basement at lower level is further forward than proposed 2 levels above. Maximum 2 storeys at any point through section.	Yes
<ul style="list-style-type: none"> <li>- Dwellings to address street</li> </ul>	Front entry and lounge room window faces street.	Yes
<ul style="list-style-type: none"> <li>- Garage/carports not visually prominent features.</li> </ul>	Garage is visually prominent – however existing situation	Acceptable
<b>Alterations and Additions</b>		
<ul style="list-style-type: none"> <li>- Design of finished building appears as integrated whole.</li> </ul>	Design does appear as an integrated whole	Y
<ul style="list-style-type: none"> <li>- Development to improve amenity and liveability of dwelling and site.</li> </ul>	Improves amenity and liveability of the dwelling and site.	Y
<b>Dual Occupancy – Linear Separation</b>		
<ul style="list-style-type: none"> <li>- 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?</li> </ul>	NA	NA
<b>Public Domain Amenity</b>		
<ul style="list-style-type: none"> <li>• <b>Streetscape</b></li> </ul>		
<ul style="list-style-type: none"> <li>- Front doors and windows are to face the street. Side entries to be clearly apparent.</li> </ul>	Front entry and living room window faces street	Yes
<ul style="list-style-type: none"> <li>- Single storey entrance porticos.</li> </ul>	The 2 storey portico/balcony in the original plans has been deleted. Entry portico now single storey in amended plans.	Yes
<ul style="list-style-type: none"> <li>- Articulated street facades.</li> </ul>	Articulated street facade	Yes
<ul style="list-style-type: none"> <li>• <b>Public Views and Vistas</b></li> </ul>		
<ul style="list-style-type: none"> <li>- 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. Landscaping</li> </ul>	No water views	NA

**ITEM 3 (continued)**

<b>DCP 2010</b>	<b>PROPOSED</b>	<b>COMPLIANCE</b>
is not to restrict views. Garages/carports and outbuildings are not to be located within view corridor if they obstruct view. Fence 70% open where height is >900mm		
<ul style="list-style-type: none"> <li>• <b>Pedestrian &amp; Vehicle Safety</b></li> <li>- Car parking located to accommodate sightlines to footpath &amp; road in accordance with relevant Australian Standard.</li> <li>- Fencing that blocks sight line is to be splayed.</li> </ul>	Garage existing.  No new front fencing proposed.	Yes  Yes
<b>Site Configuration</b>		
<ul style="list-style-type: none"> <li>• <b>Deep Soil Areas</b></li> <li>- 35% of site area min.</li> <li>- Min 8x8m deep soil area in backyard.</li> <li>- Front yard to have deep soil area (only hard paved area to be driveway, pedestrian path and garden walls).</li> <li>- Dual occupancy developments only need 1 of 8 x 8m area (doesn't have to be shared equally).</li> </ul>	230.96m <sup>2</sup> approx (32.3% of site area). 12m x 9m provided  Front yard area deep soil area is maximised. Existing driveway and steps. No additional impervious area. NA	No Yes Yes NA
<ul style="list-style-type: none"> <li>• <b>Topography &amp; Excavation</b></li> <li>Within building footprint:</li> <li>- Max cut: 1.2m</li> <li>- Max fill: 900mm</li> <li>Outside building footprint:</li> <li>- Max cut: 900mm</li> <li>- Max fill: 500mm</li> <li>- No fill between side of building and boundary or close to rear boundary</li> <li>- Max ht retaining wall 900mm</li> </ul>	Max cut: 1.36m (including alfresco) Max fill: Nil  Max cut: 1.36m (retaining wall) Max fill: Nil No fill proposed  1.36m to alfresco	No Yes No Yes Yes No
<b>Floor Space Ratio</b>		
- Garage (lower level)	34.61m <sup>2</sup>	
- Ground floor	156.49m <sup>2</sup>	

**ITEM 3 (continued)**

<b>DCP 2010</b>	<b>PROPOSED</b>	<b>COMPLIANCE</b>
<ul style="list-style-type: none"> <li>- First floor</li> <li>- Detached car parking structures</li> <li>- Outbuildings (incl covered pergolas, sheds etc)</li> <li>- Total (Gross Floor Area)</li> <li>- Less 36m<sup>2</sup> (double) <b>or</b> 18m<sup>2</sup> (single) allowance for parking</li> <li>- Total minus parking allowance</li> <li>- Site Area</li> </ul> <p><b>FSR (max 0.5:1)</b></p> <p>Note: Excludes wall thicknesses, lifts/stairs; basement storage/vehicle access/garbage area; terraces/balconies with walls &lt;1.4m; void areas.</p>	<p>124.67m<sup>2</sup> Nil Nil 315.77m<sup>2</sup> 36m<sup>2</sup> 279.77m<sup>2</sup> 714.9m<sup>2</sup> <b>0.39:1</b></p>	<p>Yes</p>
<b>Height</b>		
<ul style="list-style-type: none"> <li>- 2 storeys maximum (storey) incl basement elevated greater than 1.2m above EGL).</li> </ul> <p>Wall plate (Ceiling Height) NB: <i>TOW = Top of Wall</i> <i>EGL = Existing Ground Level</i> <i>FGL = Finished Ground Level</i></p>	<p>Two storeys – existing basement at lower level is further forward than proposed 2 levels above. Maximum 2 storeys at any point through section. TOW RL: 89.04 FGL below (lowest point): RL: 84.5 FGL below (highest point): RL: 81.66</p>	<p>Yes</p>
<p><b>7.5m max above FGL</b></p> <ul style="list-style-type: none"> <li>- 9.5m Overall Height</li> </ul> <p><i>NB: EGL – Existing ground Level</i></p>	<p><b>TOW Height (min) = 4.54m</b> <b>TOW Height (max) = 7.38m</b> Max point of dwelling RL: 90.82 EGL below ridge RL: 82.0 (approx – underneath existing dwelling)  Overall Height (max)= 8.82m</p>	<p>Yes  Yes</p>
<ul style="list-style-type: none"> <li>- Habitable rooms to have 2.4m floor to ceiling height (min).</li> </ul>	<p>2.6m – 2.75m min room height</p>	<p>Yes</p>
<b>Setbacks</b>		
<ul style="list-style-type: none"> <li>• <b>Side</b> <ul style="list-style-type: none"> <li>○ <b>First floor addition</b></li> </ul> </li> </ul>		
<ul style="list-style-type: none"> <li>- 1500mm to wall, includes balconies etc.</li> </ul>	<p>N side: 1.552m S side: 1.5m to 1.614m</p>	<p>Yes</p>



**ITEM 3 (continued)**

<b>DCP 2010</b>	<b>PROPOSED</b>	<b>COMPLIANCE</b>
<ul style="list-style-type: none"> <li>○ Side setback to <b>secondary frontage</b> (cnr allotments): 2m to façade and garage/carports</li> <li>● <b>Front</b> <ul style="list-style-type: none"> <li>- 6m to façade (generally)</li> <li>- Garage setback 1m from the dwelling facade</li> <li>- Wall above is to align with outside face of garage below.</li> <li>- Front setback free of ancillary elements e.g. RWT,A/C</li> </ul> </li> <li>● <b>Rear</b> <ul style="list-style-type: none"> <li>- 8m to rear of dwelling <b>OR</b> 25% of the length of the site, whichever is greater.</li> </ul> </li> </ul> <p><b>Note: Site length is 49.875m (N side) and 52.16m (S side). 25% = 12.46m/13.04m</b></p>	<p>No secondary frontage</p> <p>Front setback unchanged – 12.4m to wall of garage</p> <p>Garage projects 5.1m forward of wall of br 1 – existing situation unchanged.</p> <p>Does not align</p> <p>Front setback is free of such elements</p> <p>Varies from 11.593m to 12.671m</p>	<p>NA</p> <p>Yes</p> <p>No</p> <p>No</p> <p>Yes</p> <p>No</p>
<b>Car Parking &amp; Access</b>		
<ul style="list-style-type: none"> <li>● <b>General</b> <ul style="list-style-type: none"> <li>- Dwelling: 2 spaces max, 1 space min.</li> <li>- Where possible access off secondary street frontages or laneways is preferable.</li> <li>- Max 6m wide or 50% of frontage, whichever is less.</li> <li>- Behind building façade.</li> </ul> </li> <li>● <b>Garages</b> <ul style="list-style-type: none"> <li>- Garages set back 1m from façade.</li> <li>- 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.</li> <li>- Garage windows are to be at least 900mm away from boundary.</li> </ul> </li> </ul>	<p>Existing garage = 2 spaces</p> <p>No secondary street frontage</p> <p>Existing garage external width: 5.559m</p> <p>Existing garage – located in front of building facade</p> <p>Setback from façade: 5.1m in front of façade (existing situation)</p> <p>Width of opening: 4.369m</p> <p>Door setback: 0mm</p> <p>Windows setback: 2.437m from S boundary</p>	<p>Yes</p> <p>NA</p> <p>Yes</p> <p>No</p> <p>No</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>

**ITEM 3 (continued)**

DCP 2010	PROPOSED	COMPLIANCE
<ul style="list-style-type: none"> <li>- Materials in keeping or complimentary to dwelling.</li> <li>• <b>Parking Space Sizes (AS)</b> <ul style="list-style-type: none"> <li>Double garages: 5.4m (min)</li> </ul> </li> <li>- Internal length: 5.4m (min)</li> <li>• <b>Driveways</b> <ul style="list-style-type: none"> <li>- Extent of driveways minimised</li> </ul> </li> </ul>	<p>External finishes now amended to be in keeping with existing dwelling</p> <p style="text-align: center;">5.559m internal 6.617m internal</p> <p>Existing driveway, no additional hard-paved area</p>	<p style="text-align: center;">Yes</p> <p style="text-align: center;">Yes</p> <p style="text-align: center;">Yes</p> <p style="text-align: center;">Yes</p>
<b>Swimming Pools &amp; Spas</b>		
<ul style="list-style-type: none"> <li>- Must comply with all relevant Acts, Regulations and Australian Standards.</li> <li>- Must at all times be surrounded by a child resistant barrier and located to separate pool from any residential building and/or outbuildings (excl cabanas) and from adjoining land.</li> <li>- No openable windows, door or other openings in a wall that forms part of barrier</li> <li>- Spa to have lockable lid.</li> <li>- Pools not to be in front setback</li> <li><b>Pool coping height</b></li> <li>- 500mm maximum above existing ground level</li> </ul> <p><i>(only if no impact on privacy)</i></p> <ul style="list-style-type: none"> <li>• <b>Pool Setback</b> <ul style="list-style-type: none"> <li>- 900mm min from outside edge of pool coping, deck or surrounds to allow sufficient space for amenity screen planting</li> <li>- Screen planting required for pools located within 1500mm,</li> </ul> </li> </ul>	<p style="text-align: center;">Condition</p> <p>Does fence isolate pool area from dwelling and outbuildings? Yes</p> <p>Is gate location/swing shown? Yes – opens outwards</p> <p>Are there any windows/doors within pool area? No</p> <p>No spa At rear</p> <p>Pool coping RL: 84.6</p> <p>EGL (lowest point below coping): RL: 86</p> <p>EGL (highest point below coping): RL: 84.5</p> <p>Coping Height (min)= 1400mm cut</p> <p>Coping Height (max)= 100mm fill</p> <p>Setback (min): 950mm</p> <p>Amendments to landscaping plan required – plantings specified for</p>	<p style="text-align: center;">Yes</p> <p style="text-align: center;">Yes</p> <p style="text-align: center;">Yes</p> <p style="text-align: center;">Yes</p> <p style="text-align: center;">Yes</p> <p style="text-align: center;">Yes</p> <p style="text-align: center;">Yes</p> <p style="text-align: center;">Yes</p> <p style="text-align: center;">Yes</p> <p style="text-align: center;">Condition 4</p>

**ITEM 3 (continued)**

<b>DCP 2010</b>	<b>PROPOSED</b>	<b>COMPLIANCE</b>
min bed width of 900mm for the length of the pool. Min ht 2m, min spacing 1m. - Pool setback 3m+ from tree >5m height on subject or adjacent property. - Pool filter located away from neighbouring dwellings, and in an acoustic enclosure.	within 1500mm of boundary only grow to 1.5m.  No tree within 3m of proposed pool  Location not specified. Condition.	  Yes  Yes
<b>Landscaping</b>		
<ul style="list-style-type: none"> <li>• <b>Trees &amp; Landscaping</b> <ul style="list-style-type: none"> <li>- Major trees retained where practicable.</li> <li>- Physical connection to be provided between dwelling and outdoor spaces where the ground floor is elevated above NGL e.g. stairs, terraces.</li> <li>- Obstruction-free pathway on one side of dwelling (excl cnr allotments or rear lane access).</li> <li>- Front yard to have at least 1 tree with mature ht of 10m min and a spreading canopy.</li> <li>- Backyard to have at least 1 tree with mature ht of 15m min and a spreading canopy.</li> <li>- Hedging or screen planting on boundary mature plants reaching no more than 2.7m.</li> <li>- OSD generally not to be located in front setback unless under driveway.</li> <li>- Landscaped front garden, with max 40% hard paving.</li> </ul> </li> <li>• <b>Landscaping for lots with Urban Bushland or Overland Flow constraints</b> <ul style="list-style-type: none"> <li>- Where lot is adjoining bushland protect, retain and use only native indigenous vegetation for distance of 10m from building adjoining</li> </ul> </li> </ul>	  No major trees.  Alfresco area provided  Pathway provided northern side.  Not specified. Condition.  Amendment required – 5m-10m proposed.  Hedging <2.7m  No OSD proposed  Total hard-paved area of front yard = 81.69m <sup>2</sup> Total front yard area = 164.58m <sup>2</sup> = <b>49.6%</b>  Does not adjoin urban bushland.	  Yes  Yes  Yes  Yes  Yes  Yes  No  Yes

**ITEM 3 (continued)**

DCP 2010	PROPOSED	COMPLIANCE
<p>bushland.</p> <ul style="list-style-type: none"> <li>- No fill allowed in overland flow areas.</li> <li>- Fences in Overland Flow areas must be of open construction so it doesn't impede the flow of water.</li> </ul>	<p>No fill proposed. Cut only (at rear) Not in overland flow.</p>	<p>Yes Yes</p>
<b>Dwelling Amenity</b>		
<ul style="list-style-type: none"> <li>• <b>Daylight and Sunlight Access</b> <ul style="list-style-type: none"> <li>- Living areas to face north where orientation makes this possible.</li> <li>- 4m side setback for side living areas where north is to the side allotment boundary.</li> </ul> </li> </ul> <p><u>Subject Dwelling:</u></p> <ul style="list-style-type: none"> <li>- Subject dwelling north facing windows are to receive at least 3 hrs of sunlight to a portion of their surface between 9am and 3pm on June 21.</li> <li>- Private Open space of subject dwelling is to receive at least 2 hours sunlight between 9am and 3pm on June 21.</li> </ul> <p><u>Neighbouring properties are to receive:</u></p> <ul style="list-style-type: none"> <li>- 2 hours sunlight to at least 50% of adjoining principal ground level open space between 9am and 3pm on June 21.</li> <li>- 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.</li> </ul> <ul style="list-style-type: none"> <li>• <b>Visual Privacy</b> <ul style="list-style-type: none"> <li>- Orientate windows of living areas, balconies and outdoor living areas to the front and rear of dwelling.</li> </ul> </li> </ul>	<p>Dwelling generally oriented east-west. Family room located on north-western side. Main family room window is to the alfresco on western side. The northern side windows are secondary.</p> <p>N facing windows receive the required amount of sunlight</p> <p>POS – receives 6 hours sunlight between 9am and 3pm (unaffected by proposal)</p> <p>6 hours of sunlight to adjoining principal open space – shadow diagrams show shadows fall on the adjoining dwelling and not the private open space areas. 3 hours of sunlight to adjoining living area windows</p> <ul style="list-style-type: none"> <li>- Windows to the GF family and kitchen are to the rear &amp; dining/lounge are to the front. Windows to the side of these rooms are smaller. Acceptable</li> </ul>	<p>Yes Acceptable Yes Yes Yes Yes Yes</p>

**ITEM 3 (continued)**

DCP 2010	PROPOSED	COMPLIANCE
<ul style="list-style-type: none"> <li>- Windows of living, dining, family etc. placed so there are no close or direct views to adjoining dwelling or open space.</li> <li>- Side windows offset from adjoining windows.</li> <li>- Terraces, balconies etc. are not to overlook neighbouring dwellings/private open space.</li> <li>• <b>Acoustic Privacy</b></li> <li>- 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.</li> <li>• <b>View Sharing</b></li> <li>- The siting of development is to provide for view sharing.</li> <li>• <b>Cross Ventilation</b></li> <li>- Plan layout is to optimise access to prevailing breezes and to provide for cross ventilation.</li> </ul>	<ul style="list-style-type: none"> <li>- 1st floor TV room only has a window at the front, no overlooking over neighbouring sites.</li> <li>As above.</li> <li>Side windows are generally small and would not cause adverse privacy.</li> <li>Rear alfresco is cut below NGL Acceptable.</li> <li>1<sup>st</sup> flr balcony not supported for reasons discussed above.</li> <li>Single dwelling</li> <li>Minimal impacts re views</li> <li>Acceptable.</li> </ul>	<ul style="list-style-type: none"> <li>Yes</li> <li>Yes</li> <li>Yes</li> <li>NA</li> <li>Yes</li> <li>Yes</li> </ul>
<b>External Building Elements</b>		
<ul style="list-style-type: none"> <li>• <b>Roof</b></li> <li>- Articulated.</li> <li>- 450mm eaves overhang minimum.</li> <li>- Not to be trafficable Terrace.</li> <li>- Skylights to be minimised and placed symmetrically.</li> <li>- Front roof plane is not to have both dormer windows and skylights.</li> </ul>	<ul style="list-style-type: none"> <li>Sufficient articulation 300mm – 450mm (variable) overhang. Acceptable given that a compliant BASIX certificate has been supplied.</li> <li>No trafficable terrace provided to roof.</li> <li>Skylights provided to roof, rear elevation. No objection</li> <li>None proposed to front elevation</li> </ul>	<ul style="list-style-type: none"> <li>Yes</li> <li>Acceptable</li> <li>Yes</li> <li>Yes</li> <li>Yes</li> </ul>

**ITEM 3 (continued)**

<b>DCP 2010</b>	<b>PROPOSED</b>	<b>COMPLIANCE</b>
<ul style="list-style-type: none"> <li>• <b>Attic Dormer Windows</b></li> <li>- Max 2 dormer windows with a max total width of 3m.</li> <li>- Highest point to be 500mm min below roof ridge and 1m min above the top of gutter.</li> <li>- Total roof area of attic dormer: 8m<sup>2</sup>.</li> <li>- Front face to be set back 1m min back from external face of wall below.</li> <li>- Balconies set into roof not permitted.</li> </ul>	<p>None proposed.</p> <p>NA</p> <p>NA</p> <p>NA</p> <p>No balcony set into roof.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
<b>Fencing</b>		
<ul style="list-style-type: none"> <li>• <b>Front/return:</b></li> <li>- To reflect design of dwelling.</li> <li>- To reflect character and height of neighbouring fences.</li> <li>- Max 900mm high for solid (picket can be 1m).</li> <li>- Max 1.8m high if 50% open (any solid base max 900mm).</li> <li>- Retaining walls on front building max 900mm.</li> <li>- No colourbond or paling Max pier width 350mm.</li> <li>• <b>Side/rear fencing:</b></li> <li>- 1.8m max o/a height.</li> </ul>	<p>No front/return fencing proposed. Existing brick retaining wall shown on plans, no proposal to alter.</p> <p>NA</p> <p>NA</p> <p>NA</p> <p>As per existing</p> <p>NA</p> <p>Not specified.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
<b>Special requirements for Battleaxe Lots</b>		
<ul style="list-style-type: none"> <li>o Must be set back from rear boundary of front allotment 8m min (in addition to having an 8m/25% rear setback). Single storey garage or carport may be within setback.</li> </ul>	<p>NA/not a battleaxe</p>	<p>Yes</p>
<ul style="list-style-type: none"> <li>o Must have hard paved area in front setback for turning, so vehicles can enter and exit in a forward direction.</li> </ul>	<p>NA</p>	<p>Yes</p>
<ul style="list-style-type: none"> <li>o View corridor to water co-ordinated with that of front</li> </ul>	<p>NA</p>	<p>Yes</p>

**ITEM 3 (continued)**

<b>DCP 2010</b>	<b>PROPOSED</b>	<b>COMPLIANCE</b>
allotment or along access handle.		
<b>Part 7.1 – Energy Smart, Water Wise (only if BASIX not required)</b>		
<b>• Insulation</b>		
- Walls: R1.5 - Ceiling: R3.0	Over-ridden by BASIX requirements.	NA
<b>• Hot Water System</b>		
- Any hot water system/s installed as part of a development or as a replacement must consider the most efficient option available to minimise greenhouse gas emissions.	Over-ridden by BASIX requirements.	NA
<b>• Water Fixtures, Fitting and Appliances</b>		
- 3 star shower heads; 4 star dual flush toilet; 4 star taps (other than bath outlets and garden taps); aerators to bathroom/kitchen taps.	Over-ridden by BASIX requirements.	NA
<b>• External Clothes Drying Area</b>		
- External yard space or sheltered ventilated space for clothes drying.	Over-ridden by BASIX requirements.	NA
<b>• Water Efficient Labelling &amp; Standards (WELS)</b>		
- Minimum WELS rating of 4.5 stars for new or replacement dishwashers and washing machines.	Over-ridden by BASIX requirements.	NA
<b>Part 7.2 – Waste Minimisation &amp; Management</b>		
Submission of a Waste Management Plan	Satisfactory Waste Management Plan submitted	Yes
<b>Part 8.2 – Stormwater Management</b>		
<b>• Stormwater</b>		
- Drainage is to be piped in accordance with Part 8.2 – Stormwater Management.	See Development Engineer comments.	Yes
<b>Part 9.2 – Access for People with Disabilities</b>		
Accessible path required from the street to the front door, where the level of land permits.	Existing access arrangements apply. Significant slope from front boundary to front door, numerous steps. Acceptable.	Yes

**ITEM 3 (continued)**

DCP 2010	PROPOSED	COMPLIANCE
<b>Part 9.4 – Fencing</b>		
<ul style="list-style-type: none"> <li>• <b>Front &amp; Return Fences</b></li> <li>- Front and return fences that exceed 1m in height are to be 50% open.</li> </ul>	No front fencing proposed.	Yes
<b>Part 9.6 – Tree Preservation</b>		
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.	Proposal involves no tree removal on this site, or any impacts on trees on neighbouring sites.	Yes

Notes from Table Above:

**(a) Deep Soil Area:**

DCP 2010 contains a requirement that sites are to have a deep soil area of at least 35% of the site. This development has been calculated to have a total deep soil area of 230.96m<sup>2</sup> (or 32.3%) which does not comply with this requirement.

The objectives of this requirement are to ensure that land retains its ability to absorb rainwater to reduce stormwater runoff and to increase the moisture level of the soil for the use of trees and other vegetation; to provide space for tree growth and provide for the retention of mature trees and other vegetation; to retain and enhance vegetation corridors; and to enable the movement of fauna along vegetation corridors.

This is a minor non-compliance, caused in part by the existing driveway and adjacent steps at the front of the site which is wider than usual. The rear yard area still provides adequate deep soil area (which meets the minimum required 8m x 8m dimension), and the swimming pool and rear addition has been minimised in scale to provide as much rear yard area as possible. It is considered that the proposal is acceptable in terms of deep soil area despite the numerical non-compliance with the DCP controls.

**(b) Topography and excavation:**

DCP 2010 contains maximum requirements for excavation – generally a maximum of 1.2m of cut within the building footprint, and maximum 900mm excavation outside the building footprint, and a maximum retaining wall height of



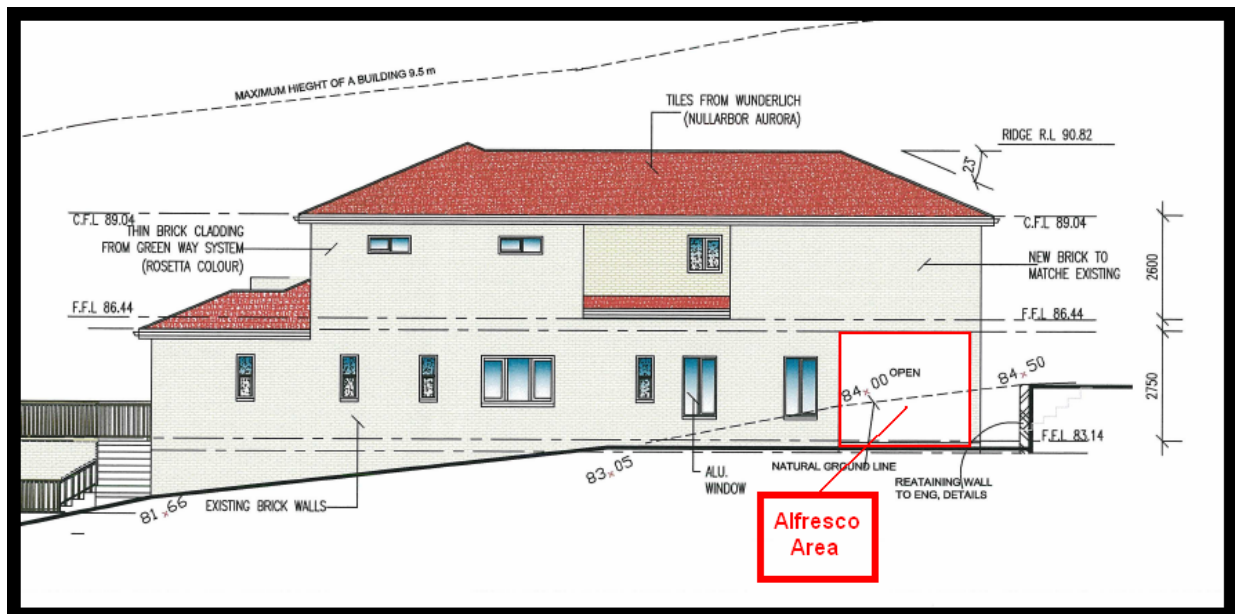
**ITEM 3 (continued)**

900mm. This development does not comply with these requirements, as it involves an alfresco area at the rear which is to be some 1.36m below natural ground level.

The objectives of the control are to retain natural ground levels and existing landform; to create consistency along streetscapes; to minimise the extent of excavation and fill; and to ensure that excavation and fill does not result in an unreasonable loss of privacy or security for neighbours.

The alfresco area is located at the rear of the dwelling, so it does not have any streetscape impact. It is also cut in (1.36m) below natural ground level and so it will not have any adverse impact in terms of privacy or overlooking of neighbouring properties. It is proposed to be as an extension to the new family room immediately adjoining, and at the same level, and so the amount of proposed excavation is necessary to provide a levelled outdoor space outside the family room without the need to provide steps up to the alfresco.

No objections are raised to the amount of cut and height of retaining walls despite the non-compliance with the DCP. The following is the north-elevation showing the location and extent of the cut and retaining walls associated with the rear alfresco area:



**(c) Garage must be located 1m behind dwelling façade:**

DCP 2010 contains a requirement that garages are to have a minimum setback of 1m behind the main dwelling façade. At this site, the existing garage is located some 5.1m in front of the façade of the dwelling which does not comply.

**ITEM 3 (continued)**

This non-compliance is caused by the location of the existing garage constructed many years ago, in a design which projects significantly forward of the existing dwelling on the land. Given that this is an existing situation, no objections are raised despite the non-compliance with the DCP.

**(d) Front Setbacks:**

Within the Front Setback controls of DCP 2010 is a requirement which states "the outside face of a wall built above a garage which faces the street is to align with the outside face of the garage wall below".

As noted in (c) above, this is a technical non-compliance caused by the existing garage. Given that this is an existing situation, no objections are raised despite the non-compliance with the DCP.

The actual front setback of this development (12.4m to garage) fully complies with the minimum setback in the DCP (generally 6m).

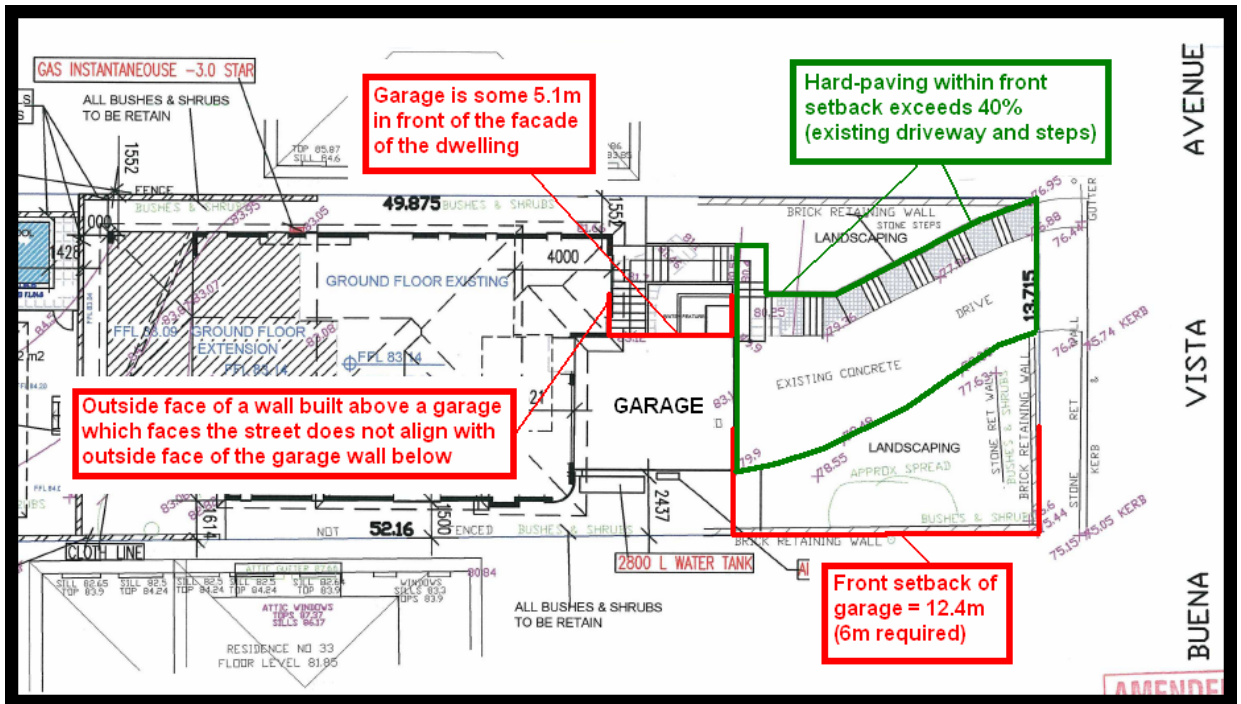
**(e) Hard paving within front setback:**

DCP 2010 contains a requirement that hard-paved areas are to be a maximum of 40% of front yard areas. In this development, the hard-paved area within the front setback is calculated to be approximately 49.6% which does not comply.

This non-compliance is caused by the existing driveway and steps leading to the garage and front door, which takes up a considerable portion of the front yard area. Given that this is an existing situation, no objections are raised despite the non-compliance with the DCP.

Below is an extract of the site plan showing the various issues discussed above (garage in front of dwelling façade, front setback of development and amount of hard-paving within front setback):

ITEM 3 (continued)



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

The likely impacts of the development have been considered throughout this report, in particular the "Submissions" section and assessment under DCP 2010. It is generally considered that the amended proposal is acceptable in terms of likely impacts.

11. Suitability of the site for the development

A review of Council's maps of Environmentally Sensitive Areas indicates that the land is affected by the following constraints:

Slope Instability/Land Slip: See discussion in the "Referrals" section of this report.

Urban Bushland: The rear of the site is identified as being within an area of urban bushland. The development does not involve any impact on existing vegetation.

Denistone Character Area: This issue has been fully considered by Council's Heritage Officer as discussed in the "Referrals" section of this report.

## ITEM 3 (continued)

### 12. The Public Interest

As discussed throughout this report, the original proposal had several issues of concern regarding design, particularly conformity with the Denistone Character Area. However these have been addressed satisfactorily and reviewed by Council's Team Leader – Strategic Planning. As such, approval of the development is in the public interest.

### 13. Consultation – Internal and External

#### Internal Referrals

**Development Engineer:** Council's Development Engineer has advised that the proposal is acceptable for approval subject to conditions.

**Heritage Officer:** In regard to the original DA plans, Council's Heritage Officer had provided the following comments:

***Heritage Controls:***

*LEP2010 Clause 5.10 Heritage Conservation.*

*DCP Denistone Character Area*

*The key characteristics are:*

- *Face brickwork on visible facades, and tiled roofs.*
- *Well defined front facades displaying modulation.*
- *Consistent front setbacks.*
- *Geometrically regular simple hipped roofs of a moderate slope and with a modest eaves overhang.*
- *Low front fences which complement the design and materials of the house they front.*
- *Predominantly Inter-war period housing*

***Existing Conditions:***

*No. 35 is a 1940-50's styled blonde brick dwelling with a prominent garage at the lower level containing a substantial front verandah/patio above. The subject site is located on the steep section of Buena Vista with significant changes in levels from the front boundary to the rear boundary, therefore the house is situated prominently within the streetscape.*

*The surrounding dwellings are a mix of styles some of which are not representative of the Denistone Character Area particularly No. 33 and 31. No.37 directly to the north of the subject site is an inter-war styled dwelling that has been modified but does contain period features.*

### **ITEM 3 (continued)**

*The surrounding street/s comprises a mix of older styled bungalow housing with newer styles of development scattered throughout the Denistone Character Area.*

#### **Proposal:**

*It is proposed to significantly alter the exterior of the existing dwelling and construct a new first floor extension including:*

- *Constructing a protruding 2-storey portico over the proposed entrance stairs;*
- *Constructing a disproportional and large front patio on the new first floor extension, it would protrude forward (approx. 1 m) and over the existing front patio at the lower level. This 2 storey patio forms part of the 2-storey entrance portico. Decorative roofing details have been added to the perimeter of the raised patio mirroring the proposed bay window design.*
- *Construct a new two storey extension which sits directly above the existing building footprint and above the front building line of the existing dwelling house containing 2 x bay windows with matching roof details.*

#### **Assessment of Heritage Impact.**

*It is considered that the proposed alterations and additions to the front of the dwelling would be detrimental to the streetscape and the predominant character of the area. The design is contrived and does not address the objectives for the DCP Denistone Character Area.*

*The characteristics of this Denistone Character Area is an early 20<sup>th</sup> century hillside subdivision featuring a strong pattern of single detached brick and tile dwellings from predominantly from the Inter-war period. The houses characteristically sit within large setbacks from the street and established gardens. The houses that remain from this period display similar architectural features consistent with the Inter-war period. Preservation of the character and features of this area are promoted within the DCP objectives for the Denistone Character Area.*

*The following recommendation section addresses various details of the design that should be revised to ensure compliance with the DCP Denistone Character Area.*

#### **Recommendations**

*It is recommended that the following items be addressed and re-submitted in a revised plan to the Heritage Planner/Council for further review;*

- *Step the proposed first floor extension back behind the existing front building line/ building footprint. Thereby reducing the scale and retaining the original front façade and proportions of the dwelling house - a minimum 4 m setback would be appropriate;*
- *Delete the combined two-storey portico and proposed front patio. A front verandah/patio may be appropriate within the area where the proposed first floor is to be setback behind the existing front building line (refer to the point raised above). This includes the removal of the decorative roofing details around the perimeter of this proposed elevated patio/portico;*

### ITEM 3 (continued)

- *Delete the 2 x bay windows and associated roofing details on the proposed first floor;*
- *Provide a revised colour scheme articulating the original features of the property and the neighbouring Inter-war period dwellings;*
- *Ensure roof detailing is geometric and sympathetic to the original proportions of the dwelling house; and*
- *Ensure all windows are proportional in scale to the existing windows.*

*The applicants should be aware that the amended design should adopt the Denistone Character Area DCP objectives.*

As discussed in the "Background" section of this report, subsequent to these comments being received, Council advised these issues of concern to the applicants. A meeting was held between the applicants and Council's Team Leader – Assessment and Heritage Officer to discuss the issues of concern in more detail.

On 5 October 2011, amended plans were received which incorporated the design changes as specified in the "Proposal" section of this report. These amended plans were referred to Council's Team Leader – Strategic Planning, who has provided the following comments:

*The applicants have addressed the matters previously raised in their submission of 5 October 2011. However they have deleted the timber windows and doors on the street frontage. These should be reinstated in order to better fit the significant character features of the Denistone Character Area.*

#### External Referrals

**Consultant Structural Engineer:** The applicant's *Geotechnical Investigation Report* (by Aargus Australia) has been referred to Council's Consultant Structural Engineer for assessment. The following comments have been provided:

*The revised geotechnical report addresses both pre and post development risks with respect to potential slope instability and advises that these are both low to moderate.*

*The geotechnical report by Aargus Australia dated 29 November 2011 recommends procedures to be adopted so that the risks of potential site instability are appropriate controlled and minimised.*

*Cardno assess that the revised Argus report dated 29 November 2011 satisfies Council's normal requirements for developments on sites at potential risk of slope instability.*

### **ITEM 3 (continued)**

*Should Council decide to approve this application, then Cardno suggest that this approval be conditioned such that all works are carried out in full compliance with the recommendations as contained in the Aargus report dated 29 November 2011.*

See condition 1 (Aargus Report to be listed as part of the approved plans/documentation with which the development must be carried out).

#### **14. Critical Dates**

There are no critical dates or deadlines to be met.

#### **15. Financial Impact**

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

#### **16. Other Options**

None relevant.

#### **17. Conclusion**

The proposal has been assessed using the heads of consideration listed in Section 79C of the Environmental Planning & Assessment Act 1979 and is generally considered satisfactory for approval subject to conditions. The issues of concern identified in terms of the design of the proposal as originally submitted have been satisfied via the amended plans (received 5 October 2011).

Although there were a large number (16) of submissions from local residents to the original plans, Council received only 2 further submissions to the notification of the amended plans, raising relatively minor design issues which can be addressed via conditions of consent.

The proposal is recommended for approval subject to the conditions contained in the recommendation.

**ITEM 3 (continued)**

**ATTACHMENT 1**

**DRAFT CONDITIONS OF CONSENT  
 ALTERATIONS AND ADDITIONS – 35 BUENA VISTA AVE DENISTONE  
 LDA2011/337**

**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:

<b>Document Description</b>	<b>Date</b>	<b>Plan No/Reference</b>
Site Plan	5 Oct 2011	586 Sheet 1 Revision A
Proposed Extension And Alteration Floor Plan	5 Oct 2011	586 Sheet 3 Revision A
Proposed First Floor Addition Plan	5 Oct 2011	586 Sheet 4 Revision A
Front and Rear Elevations	5 Oct 2011	586 Sheet 5 Revision A
South-West Elevation	5 Oct 2011	586 Sheet 6 Revision A
North-East Elevation	5 Oct 2011	586 Sheet 7 Revision A
Section A-A	5 Oct 2011	586 Sheet 8 Revision A
Section B-B	5 Oct 2011	586 Sheet 9 Revision A
Landscaping Plan	5 Oct 2011	586 Sheet 13 Revision A
Hydraulic and Sediment Control Plan	20 Nov 2011	Sheet 1 of 1
Geotechnical Report – Aargus Australia	29 Nov 2011	Report No GS4565
Schedule of Materials and Finishes	30 Sep 2011	(stamped approved by Council)

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

- (a) Various amendments to the hydraulic and sediment control plan (including orifice sizes and levels – as marked in red on the approved plans);
- (b) The front façade windows shall be provided with timber frames (not aluminium). The French doors shall be provided with wooden frames and single-panels;
- (c) The landscaping plan shall be amended to comply with condition 4 of this consent below.

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



## ITEM 3 (continued)

## ATTACHMENT 1

### Prescribed Conditions

2. All building works approved by this consent must be carried out in accordance with the requirements of the Building Code of Australia.
3. Compliance with all commitments listed in BASIX Certificate(s) numbered 377515S, dated 20 May 2011.
4. Landscaping Requirements:
  - (a) One (1) Australian native tree with a minimum size of 35litres to be planted in the rear garden, to reach a height of 15m at maturity. Details are to be submitted to and approved by the Principal Certifying Authority prior to the issue of a **Construction Certificate**.
  - (b) One (1) Australian native tree with a minimum size of 35litres to be planted in the front garden, to reach a height of 10m at maturity. Details are to be submitted to and approved by the Principal Certifying Authority prior to the issue of a **Construction Certificate**.
  - (c) Privacy screen planting is required for between the swimming pool and the northern and western boundary – to achieve a minimum height of 2 metres and a maximum spacing of 1m.

An amended landscaping plan shall be submitted to and approved by the Principal Certifying Authority prior to the issue of the **Construction Certificate**.

### 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.
  - (b) Any hoarding, fence or awning erected pursuant this consent is to be removed when the work has been completed.
7. Any public place affected by works must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.
8. 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.

**ITEM 3 (continued)**

**ATTACHMENT 1**

9. 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**

10. 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.
11. 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.
12. The applicant is to apply to Council, pay the required fee, and have issued site specific alignment levels by Council prior to the issue of the **Construction Certificate**.

**Swimming Pools/Spas**

13. The pool fence is to be erected in accordance with the approved plans and conform with the provisions of the *Swimming Pools Act 1992* and *Swimming Pools Regulation 2008*. Details of compliance are to be reflected on the plans submitted with the **Construction Certificate**.
14. The pool/spa pump/filter must be enclosed in a suitable ventilated acoustic enclosure to ensure the noise emitted therefrom does not exceed 5dB(A) above the background noise level when measured at any affected residence.
15. Water depth markers are to be displayed at a prominent position within and at each end of the swimming pool.
16. The spa/pool shall be connected to the Sydney Water sewer for discharge of wastewater.

Engineering Conditions

17. **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.
18. **Service Alterations.** All mains, services, poles, etc., which require alteration shall be altered at the applicant's expense.
19. **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

**ITEM 3 (continued)**

**ATTACHMENT 1**

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.

20. **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.

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

21. 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.

**Structural certification**

22. The applicant must engage a qualified practising structural engineer to provide structural certification in accordance with relevant BCA requirements.
23. 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)
24. The following fees must be paid to Council in accordance with Council's Management Plan:
- (a) Infrastructure Restoration and Administration Fee
  - (b) Enforcement Levy

### ITEM 3 (continued)

### ATTACHMENT 1

25. 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**.

#### Sydney Water

26. 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.

Please refer to the website [www.sydneywater.com.au](http://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.

#### Road Opening Permit

27. The Council must be provided with evidence that there has been compliance with all matters that are required by the Road Opening Permit issued by Council as required under section 139 of the Roads Act 1993 to be complied with prior to issue of the **Construction Certificate**.

#### Reflectivity of Materials

28. Roofing and other external materials must be of low glare and reflectivity. Details of finished external surface materials, including colours and texture must be provided to the Principal Certifying Authority.

#### Fencing

29. 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

30. **Stormwater Disposal.** Stormwater runoff from all roof impervious areas of the site shall be collected and piped by gravity flow to the public road via underground rainwater tanks and a **reinforced concrete or similar impermeable OSD tank system** designed to comply with BASIX (where applicable) and the City of Ryde, Development Control Plan 2010: - Part 8.2; Stormwater Management. *Runoff from other low lying impervious areas are also to be collected and piped directly to the public road, via the OSD system.*

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

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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 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.
33. **Safe pedestrian sight distance.** To facilitate safe pedestrian sight distance at the driveway entry to the site, all front boundary fencing and walls are required to have a maximum solid height of 900mm. Plans demonstrating compliance with this condition are to be submitted with the Construction Certificate application.

**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.

**Prescribed Conditions**

**34. 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.

**ITEM 3 (continued)**

**ATTACHMENT 1**

- (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.

35. 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.

36. 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).

**37. Excavation adjacent to adjoining land**

- (a) If an excavation extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation must, at their own expense, protect and support the adjoining premises from possible damage from the excavation, and where necessary, underpin the adjoining premises to prevent any such damage.
- (b) The applicant must give at least seven (7) days notice to the adjoining owner(s) prior to excavating.
- (c) An owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this condition, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

**Safety Fencing**

38. 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.

**ITEM 3 (continued)**

**ATTACHMENT 1**

Engineering Conditions

39. **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.
40. **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 2010: - Part 8.1; Construction Activities.

**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.

**Critical stage inspections**

41. The person having the benefit of this consent is required to notify the Principal Certifying Authority to ensure that the following critical stage inspections are undertaken, as required under clause 162A(4) of the *Environmental Planning and Assessment Regulation 2000*:
- (a) after excavation for, and prior to the placement of, any footings, and
  - (b) prior to pouring any in-situ reinforced concrete building element, and
  - (c) prior to covering of the framework for any floor, wall, roof or other building element, and
  - (d) prior to covering waterproofing in any wet areas, and
  - (e) prior to covering any stormwater drainage connections, and
  - (f) after the building work has been completed and prior to any occupation certificate being issued in relation to the building.

**Noise and vibration**

42. 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. 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.

**ITEM 3 (continued)**

**ATTACHMENT 1**

**Survey of footings and walls**

44. 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.
45. No sediment, dust, soil or similar material shall leave the site during construction work.
46. 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.
47. All materials associated with construction must be retained within the site.

**48. 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.

**49. 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.
50. 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".

**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.



**ITEM 3 (continued)**

**ATTACHMENT 1**

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.

**Prescribed Condition**

- 51. The submission of documentary evidence of compliance with all commitments listed in BASIX Certificate(s) numbered 377515S, dated 20 May 2011.
- 52. All landscaping works approved by condition 1 are to be completed.
- 53. The submission of documentary evidence to Council of compliance with all matters that are required by the Road Opening Permit issued by Council under Section 139 of the *Roads Act 1993* in relation to works approved by this consent.

**Letterboxes and street/house numbering**

- 54. All letterboxes 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

- 55. **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 the site drainage 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.
- 56. **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.
- 57. **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

**ITEM 3 (continued)**

**ATTACHMENT 1**

Management. An approved plate may be purchased from Council's Customer Service Centre on presentation of a completed City of Ryde OSD certification form.

58. **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.
59. **Drainage Construction.** The stormwater drainage on the site is to be constructed in accordance with the construction certificate version of plan concept stormwater plans prepared by M.M. Farah, sheet 1 dated 20/11/11 as amended in red.

ITEM 3 (continued)

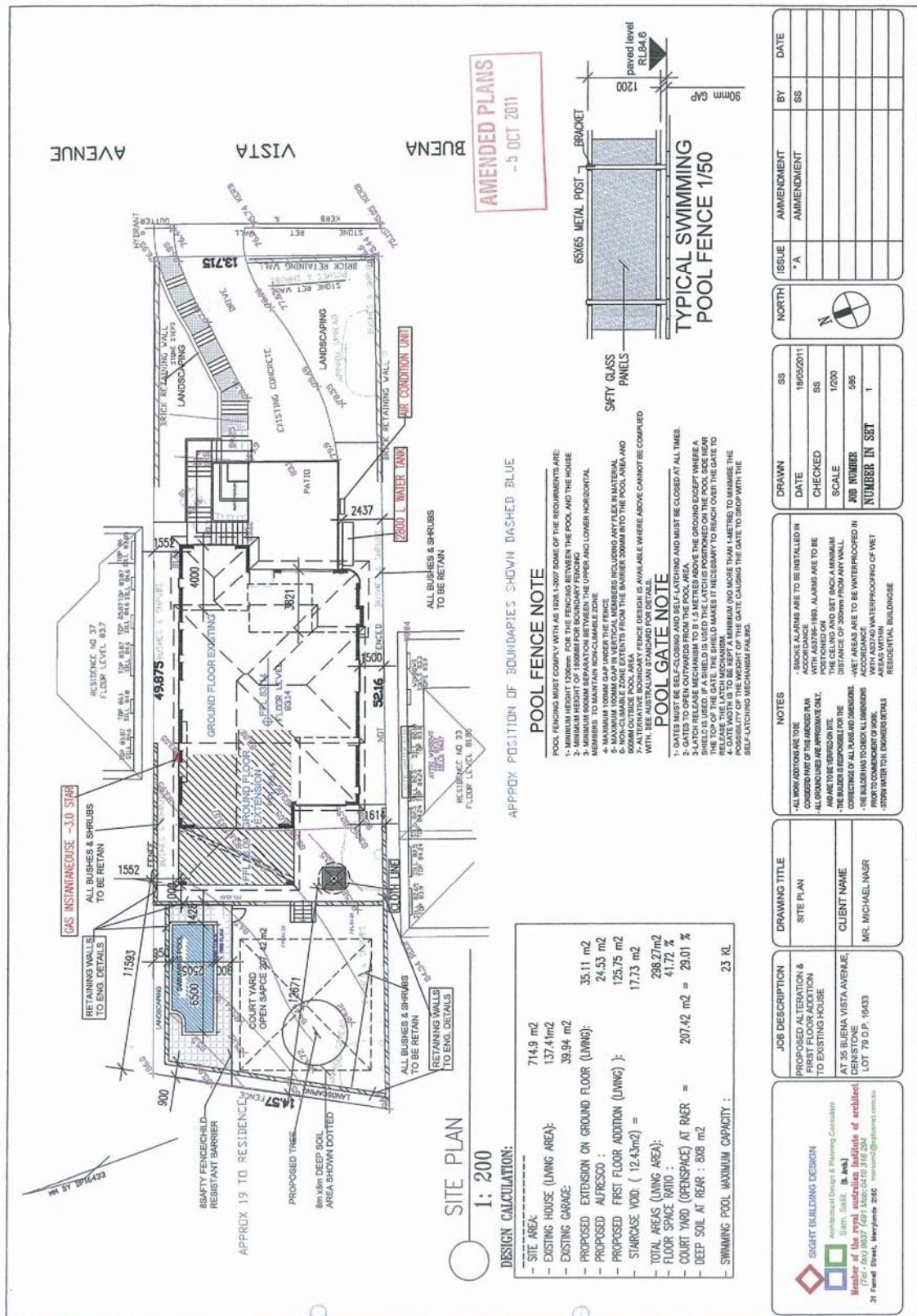
ATTACHMENT 2

● Indicates submissions received  
● Other submissions out of map area



ITEM 3 (continued)

ATTACHMENT 3



ITEM 3 (continued)

ATTACHMENT 3

**AMENDED PLANS**  
- 3 OCT 2011

DRAWN	SS	ISSUE	AMENDMENT	BY	DATE
DATE	18/05/2011	* A	AMENDMENT	SS	5/10/2011
CHECKED	SS				
SCALE	1/100				
JOB NUMBER	595				
NUMBER IN SET	5				

NORTH

NOTES

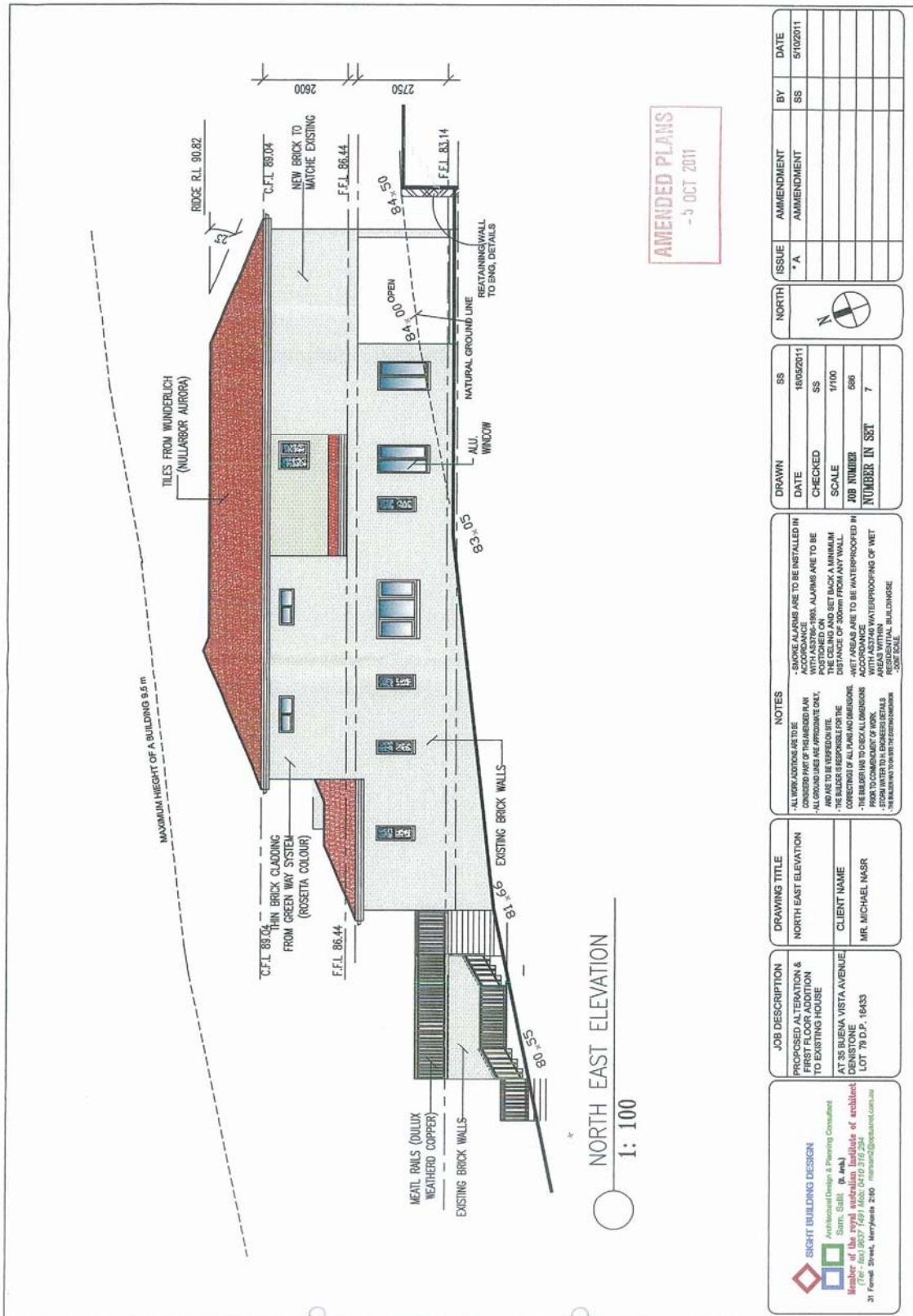
- ALL WORK AREAS ARE TO BE INSTALLED IN ACCORDANCE WITH AS 2798:1997. ALARMS ARE TO BE POSITIONED ON THE EXTERIOR WALLS AT A MINIMUM DISTANCE OF 300MM FROM ANY WALL.
- THE BUILDER IS RESPONSIBLE FOR THE CORRECTING OF ALL PLANS AND DIMENSIONS PRIOR TO COMMENCEMENT OF WORK.
- THE BUILDER IS TO WATERPROOF ALL WET AREAS IN ACCORDANCE WITH THE RESIDENTIAL BUILDING CODE.

JOB DESCRIPTION	DRAWING TITLE	NOTES	DRAWN
PROPOSED ALTERATION & FIRST FLOOR ADDITION TO EXISTING HOUSE AT 35 BUENA VISTA AVENUE, DENISTONE, LOT 79 D.P. 19433	FRONT + REAR ELEVATIONS	<ul style="list-style-type: none"> <li>- ALL WORK AREAS ARE TO BE INSTALLED IN ACCORDANCE WITH AS 2798:1997. ALARMS ARE TO BE POSITIONED ON THE EXTERIOR WALLS AT A MINIMUM DISTANCE OF 300MM FROM ANY WALL.</li> <li>- THE BUILDER IS RESPONSIBLE FOR THE CORRECTING OF ALL PLANS AND DIMENSIONS PRIOR TO COMMENCEMENT OF WORK.</li> <li>- THE BUILDER IS TO WATERPROOF ALL WET AREAS IN ACCORDANCE WITH THE RESIDENTIAL BUILDING CODE.</li> </ul>	SS
	CLIENT NAME		CHECKED
	MR. MICHAEL NASR		SS



ITEM 3 (continued)

ATTACHMENT 3



<p><b>NOTES</b></p> <ul style="list-style-type: none"> <li>- ALL WORK ACCORDS TO THE CODE OF PRACTICE FOR THE CONSTRUCTION OF BUILDINGS (AS 1684) AND THE NATIONAL BUILDING REGULATIONS (AS 1926).</li> <li>- ALL CONCRETE WORK IS TO BE DONE IN ACCORDANCE WITH AS 3600-2009.</li> <li>- THE CEILING AND SET BACK A MINIMUM DISTANCE OF 300mm FROM ANY WALL.</li> <li>- NET AREAS ARE TO BE WATERPROOFED IN ACCORDANCE WITH THE WATERPROOFING OF NET AREAS WITHIN RESIDENTIAL BUILDINGS (AS 1552).</li> <li>- THE BUILDER HAS TO CHECK ALL DIMENSIONS AND CORRECTING OF ALL WORK AND DIMENSIONS.</li> <li>- FROM WATER TO ALL EXTERIOR DETAILS.</li> <li>- TO BE BACKFILLED TO THE EXISTING GROUND LEVEL.</li> </ul>	<p>DATE: 18/05/2011</p> <p>CHECKED: SS</p> <p>SCALE: 1/100</p> <p>JOB NUMBER: 586</p> <p>NUMBER IN SET: 7</p>	<p>DATE: 5/10/2011</p> <p>BY: SS</p>
	<p>DRAWING TITLE: NORTH EAST ELEVATION</p> <p>CLIENT NAME: MR. MICHAEL NASR</p>	<p>ISSUE: 'A'</p> <p>AMENDMENT</p>
<p>JOB DESCRIPTION: PROPOSED ALTERATION &amp; ADDITION TO EXISTING HOUSE AT 36 BUENA VISTA AVENUE DENISTONE LOT 79 D.P. 10453</p>	<p>DRAWN: SS</p>	<p>DATE: 5/10/2011</p>

**ITEM 3 (continued)**

**ATTACHMENT 4**

**MATERIALS AND FINISHES -**  
(Colours Charts etc.)

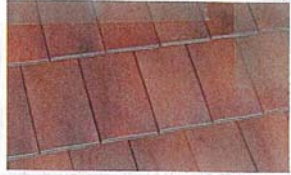
Date: 30/09/2011

AMENDED PLANS

- 5 OCT 2011


**Add:** AT 35 BUENA VISTA AV, , DENISTON WEST

WUNDERLICH




Nullarbor      Aurora


<u>Item</u>	<u>Colour</u>	
- ROOF:	WUNDERLICH	NULLARBOR AURORA
- EXTERNAL WALLS:	BRICKS TO MATCH EXISTING + THIN BRICK FROM GREEN WAYS SYSTEM (ROSETTA)	
- MORTER:	OF WHITE	
- GUTTER & DRAIN PIPE:	DULUX POWDER COATING	WEATHERED COPPER
- FASCIA:	DULUX POWDER COATING	WEATHERED COPPER
- GARAGE DOOR:	DULUX POWDER COATING	WEATHERED COPPER
- INFILL PANELS	BLUE BOARDS	CREAM
- COLUMNS:	BRICKS TO MATCH EXISTING	
- WINDOWS + FRENCH DOORS :	ALU. WINDOWS & DOORS	WEATHERED COPPER
- FRONT DOOR:	DULUX POWDER COATING	WEATHERED COPPER
- BALUSTRADE:	DULUX POWDER COATING	WEATHERED COPPER
- DRIVE WAY:	EXISTING DRIVE WAY	-




Weathered Copper  
33724  
DURALLOY®




AS ABOVE




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