

**28 NOVEMBER 2013**

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**NOTICE OF MEETING**

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You are advised of the following meeting:

**TUESDAY 3 DECEMBER 2013.**

**Planning and Environment Committee Meeting No. 18/13**

**Committee Room 2, Level 5, Civic Centre, 1 Devlin Street, Ryde - 5.00pm**

**Meeting Date:** Tuesday 3 December 2013  
**Location:** Committee Room 2, Level 5, Civic Centre, 1 Devlin Street, Ryde  
**Time:** 5.00pm

**NOTICE OF BUSINESS**

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**1 CONFIRMATION OF MINUTES - Meeting held on 19 November 2013**

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**Report prepared by:** Meeting Support Coordinator**File No.:** CLM/13/1/3/2 - BP13/1562

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**REPORT SUMMARY**

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

**RECOMMENDATION:**

That the Minutes of the Planning and Environment Committee 17/13, held on Tuesday 19 November 2013, be confirmed.

**ATTACHMENTS**

- 1 Minutes - Planning and Environment Committee - 19 November 2013

**ITEM 1 (continued)**

**ATTACHMENT 1**

Planning and Environment Committee  
**MINUTES OF MEETING NO. 17/13**

**Meeting Date:** Tuesday 19 November 2013  
**Location:** Committee Room 2, Level 5, Civic Centre, 1 Devlin Street, Ryde  
**Time:** 5.05pm

**Councillors Present:** Councillors Etmekdjian (Chairperson), Chung, Laxale, Pickering, Salvestro-Martin and Yedelian OAM.

**Apologies:** Nil.

**Staff Present:** Group Manager – Environment and Planning, Service Unit Manager – Assessment, Acting Service Unit Manager – Environmental Health and Building, Senior Development Engineer, Team Leader – Major Development Team, Team Leader – Assessment, Team Leader – Fast Track Team, Business Support Coordinator – Environment and Planning and Meeting Support Coordinator.

**DISCLOSURES OF INTEREST**

Councillor Laxale disclosed a Less than Significant Non-Pecuniary Interest in Item 3 – 47 Gaza Road, West Ryde – LDA2012/0352 for the reason that he knows a family that attends the school.

Councillor Pickering disclosed a Less than Significant Non-Pecuniary Interest in Item 3 – 47 Gaza Road, West Ryde – LDA2012/0352 for the reason that both his children attended St. Michaels School 10 years ago.

**1 CONFIRMATION OF MINUTES - Meeting held on 5 November 2013**

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

That the Minutes of the Planning and Environment Committee 16/13, held on Tuesday 5 November 2013, be confirmed.

**Record of Voting:**

For the Motion: Unanimous

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

**ITEM 1 (continued)**

**ATTACHMENT 1**

**ADDITIONAL SPEAKERS**

**RESOLUTION:** (Moved by Councillors Chung and Salvestro-Martin)

That the following speaker who submitted a late request to address the Committee regarding Item 2 be allowed to address the meeting, the time being 5.28pm.

**Record of Voting:**

For the Motion: Unanimous

Name	Topic
Matt Groves (on behalf of Body Corporate – 29 Gladstone Avenue, Ryde)	<b>Item 2</b> – 684-686 Victoria Road, Ryde. LDA2013/0179

**2 684 - 686 VICTORIA ROAD, RYDE. LOT 71 and 72 DP 633178. Local development application for the construction of a 3 storey residential flat building containing 18 apartments, basement parking for 22 vehicles and subdivision. LDA2013/0179.**

Note: Deanne Hinton and Amanda White (objectors), Dan Hinton (objector), Stacey Ireland (objector), Matt Groves (objector on behalf Body Corporate – 29 Gladstone Avenue, Ryde) and Andrew Martin (on behalf of the applicant) addressed the Committee in relation to this Item.

**RECOMMENDATION:** (Moved by Councillors Pickering and Salvestro-Martin)

(a) That Local Development Application No. 2013/0179 at 684 to 686 Victoria Road, Ryde being LOTS 71 and 72 DP633178 be approved with the following amendments to:

- Condition 1 – Deferred Commencement Condition deleted; and
- Condition 16 – Construction of Boundary Fencing, the condition is to specify the necessary retaining wall is to be fully constructed within the boundary of the subject property, 684 to 686 Victoria Road, Ryde; and

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

**Record of Voting:**

For the Motion: Unanimous

Note: This matter will be dealt with at the Council Meeting to be held on **26 NOVEMBER 2013** as substantive changes were made to the published recommendation and Councillor Pendleton requested that the matter be referred to the next Council Meeting.

**ITEM 1 (continued)**

**ATTACHMENT 1**

**ADDITIONAL SPEAKERS**

**RESOLUTION:** (Moved by Councillors Salvestro-Martin and Laxale)

That the following speakers who submitted late requests to address the Committee on Item 3 be allowed to address the meeting, the time being 6.07pm.

**Record of Voting:**

For the Motion: Unanimous

<b>Name</b>	<b>Topic</b>
Stephen Tople (on behalf of St. Michael's Parish, Meadowbank)	<b>Item 3</b> – 47 Gaza Road, West Ryde. LDA2012/0352
Brian Story	<b>Item 3</b> – 47 Gaza Road, West Ryde. LDA2012/0352

**3 47 GAZA ROAD, WEST RYDE - LOT 13 SECTION 5 DP 3646  
Development Application for construction of a car park and associated  
drainage works for St Michael's Catholic Church and School.  
LDA2012/0352.**

Note: Councillor Laxale disclosed a Less than Significant Non-Pecuniary Interest in this Item for the reason that he knows a family that attends the school.

Note: Councillor Pickering disclosed a Less than Significant Non-Pecuniary Interest in this Item for the reason that both his children attended St. Michaels School 10 years ago.

Note: Frank Krstic (objector), Stephen Tople (on behalf of St. Michael's Parish, Meadowbank) and Brian Story (on behalf of the applicant) addressed the Committee in relation to this Item.

Note: A document provided by Stephen Tople was tabled in relation to this Item and a copy is ON FILE.

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

- (a) That LDA2012/0352 at 47 Gaza Road, West Ryde being LOT 13 Section 5 DP 3646 be approved subject to the conditions in **Attachment 1** with the deletion of Condition 48 – Footpath Paving Construction so that no new footpaths are required.
- (b) That the persons who made submissions be advised of Council's decision.

**ITEM 1 (continued)**

**ATTACHMENT 1**

**Record of Voting:**

For the Motion: Unanimous

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

**4 2 BLUE GUM DRIVE, EAST RYDE. LOT 51 DP 810946. Section 96(2) application to amend the approved alterations and additions to dwelling and new inground swimming pool (LDA2011/0424 / MOD2013/0125)**

Note: Jennie Minifie (objector) and Tony Saba (applicant) addressed the Committee in relation to this Item.

Note: Correspondence dated 19 November 2013 from Ms Minifie was tabled in relation to this Item and a copy is ON FILE.

**RESOLUTION:** (Moved by Councillors Pickering and Salvestro-Martin)

(a) That the application for modification of Local Development Application No. LDA2009/0129 be modified as follows:

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

Document Description	Reference / Job No.	Sheet / Drawing No.	Issue / Revision	Dated
Architectural Plans:				
▪ Basix Sheet	109	1	F	30.09.2013
▪ Basix Sheet	109	2	F	30.09.2013
▪ Site Plan	109	A100	F	30.09.2013
▪ Lower Ground Floor Plan	109	A101	F	30.09.2013
▪ Ground Floor Plan	109	A102	F	30.09.2013
▪ First Floor Plan	109	A103	F	30.09.2013
▪ Roof Plan	109	A104	F	30.09.2013
▪ South-West Elevations	109	A200	F	30.09.2013
▪ South-East Elevations	109	A201	F	30.09.2013
▪ North-East Elevation	109	A202	F	30.09.2013
▪ North-West Elevation	109	A203	F	30.09.2013
▪ Section A-A	109	A300	F	30.09.2013
▪ Pool Section & Plan	109	A301	F	30.09.2013
	2BG/LP	2BG/LP/01/B	B	30.09.2013
Landscape Plans:				

**ITEM 1 (continued)**

**ATTACHMENT 1**

b) **Lighting.** Lighting of the rear terraces and deck areas are to be designed and constructed to reduce light spill into the public domain and adjoining private properties so that there will be no offensive glare onto adjoining residents.

3. Compliance with all commitments listed in BASIX Certificate No. A113718\_02 dated 24 July 2013.

(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.

The meeting closed at 6.51pm

CONFIRMED THIS 3RD DAY OF DECEMBER 2013.

Chairperson



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**2 58 - 60 FALCONER STREET, WEST RYDE. LOT 1 DP 953646 and LOT 2 DP102049. Demolition of 2 dwellings and construction of infill development under the Affordable Housing State Environmental Planning Policy - 10 strata titled town houses. LDA2012/0124.**

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**Report prepared by:** City Plan Strategy and Development

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

**Report dated:** 18/11/2013

**Previous Items:** 3 - 58 - 60 FALCONER STREET, WEST RYDE. LOT 1 DP 953646 and LOT 2 DP102049. Development Application for demolition, and construction of 10 strata titled town houses under the Affordable Housing State Environmental Planning Policy. LDA2012/0124. - Planning and Environment Committee - 7 May 2013

**File Number:** GRP/09/5/6/2 - BP13/1695

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## 1. Report Summary

**Applicant:** Urban Link Pty Ltd.

**Owners:** Fadia Tohme.

**Date lodged:** 3 May 2012.

**Amended Plans lodged:** 10 September 2012

This report considers a proposed development that has previously been considered by Council at its meeting held on 14 May 2013 (Meeting No. 10/13). The report that was previously submitted to Council recommended refusal for various reasons; however Council resolved to defer determination of the application, for the applicant to provide amended plans to address relevant issues.

Amended plans were subsequently lodged on 14 August 2013 and then again on 10 September 2013. Notification of the amended plans was undertaken.

A summary of the amended plans, in comparison to the plans previously considered by Council, is as follows:

- Reduction in proposed town houses from ten (10) units to nine (9) units;
- Reduction in Gross Floor Area (GFA) from 931m<sup>2</sup> to 882m<sup>2</sup> (reduction of 49m<sup>2</sup>);
- An increased setback from the north eastern boundary (adjoining 56 Falconer Street) from a minimum of 4m to a minimum of 4.9m to the wall of the building;
- Increase of private open space area for the units;
- An increased minimum rear boundary setback (addresses Linton Lane) from 0.2m to 3m;
- Amendments to the south western elevation including the provision of open carports for units 2-8 along the building (as opposed to roller door garages as previously proposed);
- Reduction in car parking spaces from 19 (16 resident and 3 visitor) spaces to 15 spaces (14 resident and 1 visitor);

**ITEM 2 (continued)**

- Internal layout of proposed units has altered;
- Unit 1 (addressing Falconer Street) is now attached to the building containing other units 2-4.
- An increase of bedrooms from 26 to 27; previous plans consisted of six (6) x (3) three bedroom units, and four (4) x (2) two bedroom units.

The proposed development (as amended) involves the demolition of two (2) existing single storey dwellings and the construction of an infill development under the Affordable Housing State Environmental Planning Policy comprising of nine (9) strata titled x 3 bedroom townhouses; two (2) of the proposed units are to be dedicated as affordable rental housing.

The proposed development consists of two blocks, separated mid site. Unit 1, which addresses Falconer Street, is two storey; the remainder of the proposed units are 'single' storey with accommodation at attic level.

The site is located in an area that is currently under transition. The predominant development pattern is detached dwellings, though a number of multi housing developments have been completed in the vicinity of the site in recent years. The development generally complies with the relevant planning controls in the Ryde Local Environmental Plan 2010 with the exception of the density control. As the development is being pursued under the SEPP (Affordable Rental Housing) 2009 (SEPPARH), this control is not applicable to the proposed development. The development, however, complies with the numeric requirements in SEPPARH. For this reason the DA is recommended for approval.

Variations are being sought to a number of the requirements of the RDCP 2010 in relation to setbacks, fencing, location of Private Open Space (POS) and dwelling mix. The development, however, complies with the numeric requirements in SEPPARH.

For this reason the DA is recommended for approval.

**Reason for Referral to Planning and Environment Committee:** At Council's meeting held on 14 May 2013 the Council resolved:

- (a) *That Local Development Application No. 2012/0124 at 58-60 Falconer Street, West Ryde be deferred for amended plans to be submitted to address all issues as identified in the assessment officer's report and raised by objectors including consideration being given to reducing the overall number and size of units and addressing non-compliances with Council's Planning Controls.*
- (b) *That the amended plans are renotified to the community including all persons who made submissions and that following this process a further report be presented to Planning and Environment Committee.*

Amended plans have been provided and renotified.

**ITEM 2 (continued)**

**Public Submissions:** Four (4) submissions were received objecting to the amended scheme; one of which consisted of a petition signed by 57 residents.

It should be noted that a total of three (3) submissions were received for the previous plans, one of which consisted of a petition signed by 29 residents.

**Clause 4.6 RLEP 2010 objection required?** No. Whilst the development fails to comply with the minimum site area requirements under Clause 4.5A of the RLEP (a minimum site area of 300m<sup>2</sup> per unit), an objection under Clause 4.6 of the RLEP is not required as the applicant is seeking to develop the site under the SEPP (Affordable Rental Housing) 2009 and to use Clause 14(1)(b) of same (Standards that cannot be used to refuse consent) to overcome this deficiency.

**Value of works?** The estimated cost of work was \$2,400,000.00.

A full set of the plans is **CIRCULATED UNDER SEPARATE COVER** as additional information provided to Councillors - subject to copyright provisions. A copy of the previous assessment report which recommended refusal is also attached (See Attachment 1).

**RECOMMENDATION:**

- (a) That Local Development Application No. 2012/0124 (as amended) at 58 to 60 Falconer Street, West Ryde being LOT 1 DP 953646 and LOT 2 DP102049 be approved subject to the **ATTACHED** conditions (Attachment 2).
- (b) That the persons who made submissions be advised of Council's decision.

**ATTACHMENTS**

- 1 Previous Report
- 2 Draft Conditions
- 3 Compliance Tables
- 4 Map
- 5 A4 Plans
- 6 A3 Plans - subject to copyright provisions - CIRCULATED UNDER SEPARATE COVER

Report Prepared By:

**Michael Watson Planning Consultant  
City Plan Strategy and Development**

Report Approved By:

**Liz Coad  
Manager Assessment**

**Dominic Johnson  
Group Manager - Environment & Planning**

**ITEM 2 (continued)**

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

**Address** : 58 – 60 Falconer Street, West Ryde  
Lot 1 DP 953646 and Lot 2 DP 102049



**Site Area** : 2220m<sup>2</sup> site area

- 26.82 metre frontage to Falconer Street (western site boundary)
- 84.22 metre northern / side site boundary
- 81.763 metre southern / side site boundary
- 26.935 metre frontage to Linton Lane (eastern / rear site boundary)

**Topography and Vegetation** : The site is generally level with a gradual incline from west to east. Along Falconer Street, the ground level rises by approximately 0.75m whilst the change in ground level over the length of the site is approximately 1.2 – 1.9m. There are a 6 mature trees on the site that would be affected by the proposed development.

**Existing Buildings** : The site includes two single storey buildings, two fibro garages and a metal shed which are proposed to be demolished as part of the proposal.

**Planning Controls** : R2 Low Density Residential Use  
Local Environmental Plan 2010  
**Zoning** : State Environmental Planning Policy (Affordable Rental Housing)  
**Other** : 2009

**ITEM 2 (continued)**

Seniors Living Policy: Urban Design Guidelines for Infill Development  
 State Environmental Planning Policy 55 – Remediation of Land  
 State Environmental Planning Policy (Building Sustainability Index: BASIX)  
 Deemed State Environmental Planning Policy Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005  
 Development Control Plan 2010  
 Draft Local Environmental Plan 2011

**3. Councillor Representation**

Name of Councillor:	Councillor Pendleton
Nature of the representation:	Called up to the Planning & Environment Committee
Form of the representation:	Email to helpdesk on 19/2/2013
On behalf of applicant or objectors?:	Objector
Any other person (e.g. consultants) involved in or part of the representation:	No

Name of Councillor:	Councillor Salvestro Martin
Nature of the representation:	Called up to the Planning & Environment Committee
Form of the representation:	Email to helpdesk on 11/3/2013
On behalf of applicant or objectors?:	Objector
Any other person (e.g. consultants) involved in or part of the representation:	No

Name of Councillor:	Councillor Petch
Nature of the representation:	Called up to the Planning & Environment Committee
Form of the representation:	Email to the Group Manager Environment and Planning on 25/3/2013
On behalf of applicant or objectors?:	Objector
Any other person (e.g. consultants) involved in or part of the representation:	No

**4. Political Donations or Gifts**

Any political donations or gifts disclosed? No disclosures.

**ITEM 2 (continued)****5. Proposal**

The proposal seeks approval to demolish two (2) existing single storey dwellings and to construct an infill development under State Environmental Planning Policy (Affordable Rental Housing) 2009 comprising of nine (9) x three (3) bedroom strata titled townhouses. Two (2) of the subject units are to be designated as 'affordable housing'.

It should be noted that there are inconsistencies on the amended plans regarding the number of bedrooms in the units; in particular units 2 and 9 say that they are two (2) bedroom units, however, it is apparent that there is three (3) bedrooms in each of these units. For the purpose of this report, these units are considered to be three (3) bedroom units.

The development consists of two detached blocks, separated by a central common area: The block located towards the front of the allotment addressing Falconer Street contains units 1-4. The block at the rear of the allotment consists of units 5-9.

The proposed access is via a stencilled concrete driveway adjacent to the south western site boundary. The driveway is set back 1.2m from the boundary with a small pocket of common open space at the end of the internal driveway. The units are located on the northern side of the driveway which are provided with open covered carports for units 1-8, and garages for units 1 and 9. The units front onto areas of private open space adjacent to the northern site boundary. Unit 9 gains vehicular access from Linton Lane. A common area which provides seating is located centrally on the site between the two buildings.

There are 14 resident car parking spaces and 1 visitor space provided. Waste (garbage and recycling) storage facilities are located on the southern side of the development in front of each unit; clothes drying lines and rain water tanks are provided in the private amenity space of each unit.

The development will connect to Council's stormwater infrastructure on Falconer Street via a gravity fed system, incorporating an Onsite Detention System (OSD) located under the driveway.

It is proposed to consolidate the two existing allotments (Lot 1 DP 953646 and Lot 2 DP 102049) into one allotment, and strata subdivide the proposed units into nine (9) separate titles.

**ITEM 2 (continued)**



**Figure 1: Existing streetscape**

Source: Googlemaps streetview



**Figure 2 - Proposed Layout**



**Figure 3 - Elevation onto Falconer Street**



**Figure 4 - Northern elevation**



**Figure 5 - Southern elevation**

## ITEM 2 (continued)



Figure 6 – Elevation onto Linton Lane

### 6. Background

- The original LDA was lodged with Council on 3 May 2012 for demolition of two existing dwellings and the construction of twelve townhouses (in two terraced blocks with two storey elements fronting onto Falconer Street and Linton Lane).
- Following a preliminary assessment of the application, various non-compliance issues were identified; as such, a letter to the applicant (dated 24 May 2012) was issued raising concern of the development.
- Amended plans were received by Council on 14 August 2012. The amended plans decreased the number of units from twelve to ten, whilst reducing the height of units so that only units 1 and 10 are two storeys and the remainder appear to be single storey (but have accommodation at attic level). The garage/carport/bedroom arrangement on the ground floor was also altered. An access path was proposed through the POS to provide pedestrian access to each of the units from Falconer Street. The separation distance between the two blocks was decreased marginally and communal bin facilities located here. Correspondence submitted with the amended plans suggested that some, though not all, of the issues raised by Council were addressed.
- The amended plans of 14 August 2012 were not notified. The amended plans were assessed by Council staff, and a further request for additional information issued on 11 October 2012. Whilst some of the issues raised in the initial letter remained outstanding and were again addressed, a number of new issues were also raised.
- On 27 November 2012, the applicant was issued a third letter advising that if the requested information was not submitted within 7 days the application would be determined on the details submitted.



**ITEM 2 (continued)**

- Amended plans were received by Council on 27 November 2012. As in the plans submitted on 14 August, the number of dwellings remained at ten. Unit 10 facing onto Linton Lane was reduced to single storey (though again with accommodation at attic level). The garage/car parking space arrangement was again altered to provide for single garage to all units but unit 1, and some uncovered car parking spaces to provide for visitor and resident parking. This has allowed for a realignment of the driveway and the provision of a landscaped strip along the southern boundary of the site between the driveway and the adjoining site. The access path through the POS was realigned to run along the northern boundary of the site with the length of the access path from the common area between the blocks to site 9 formed by stepping stones to allow this section to be considered pervious. Unit 10 is located closer to Linton Lane with vehicular access to the garage serving unit 10 off the lane. The relocation of unit 10 closer to Linton Lane allows for an increase in the separate distance between the two blocks. The communal bin storage area has been removed by providing bin facilities in the individual Private Open Spaces.
- Revised landscaping plans and a site & roof drainage plan was submitted by applicant on 15 January 2013. The application was advertised.
- Revised shadow diagrams were submitted by the applicant on 7 February 2013.
- The submission period closed on 27 February 2013. 3 submissions were received during this period; one being a petition with 29 signatories.
- The amended plans submitted to Council on 27 November 2012, as supplemented by additional plans submitted on 15 January 2013 and 7 February 2013, were the plans presented to Council's meeting dated 14 May 2013. As previously indicated, the report recommended refusal for a variety of reasons (outlined later in this section), however, Council resolved to defer the determination of the development, and for the applicant to provide amended plans addressing the previous issues.
- In response to Council's determination the applicant provided (on 10 September 2013) a revised proposal, which is subject of this report.

**Previous Concerns**

The manner in which the amended proposal responds to the reasons for refusal within the report to Council on 14 May 2013 is addressed below:

**Issue 1**

*"The proposal is contrary to Section 79C(1)(a)(i) of the Environmental Planning and Assessment Act 1979 as it fails to meet the objectives of the R2 Low Density Residential Zone in the Ryde Local Environmental Plan 2010.*

**ITEM 2 (continued)**Particulars

- a) *The proposal does not ensure that "the general low density nature of the zone is retained and that development for the purposes of dual occupancy (attached) and multi dwelling housing (attached) do not significantly alter the character of a location or neighbourhood".*
- b) *The proposal does not ensure that "new development complements or enhances the local streetscape."*

Comments

The amended plans have reduced the scale of the development from ten (10) units to nine (9) units; increased setbacks on the northern and eastern boundaries; increased the separation between the two building blocks (increasing the common area space located between); and improved the southern elevation of the development. Whilst the proposal represents higher density development than the predominant development pattern, the amended plans provide a more acceptable development that, given its general compliance with most other elements of the LEP and lack of significant impacts, represents an improvement and is now recommended for approval.

**Issue 2**

*"The proposal is contrary to Section 79C(1)(a)(i) of the Environmental Planning and Assessment Act 1979 as it is inconsistent with the provisions of State Environmental Planning Policy (Affordable Rental Housing) 2009.*

Particulars

- a) *The proposal is contrary to Clause 14(1) Deep soil zones*
- b) *The proposal is contrary to Clause 16A in that it is incompatible with the streetscape and character of the local area in terms of established pattern of development, setbacks, building width and landscaping.*
- c) *The proposal is inconsistent with Clause 15(1) in terms of compliance with the provisions of the Department of Planning "Seniors Living Policy: Urban Design guidelines for infill development" in relation to responding to the context of the local area, site planning and design, impacts on streetscape, impacts on neighbours and internal site amenity."*

Comments

The area of deep soil zones have not been clearly indicated on the amended plans; drawing No. DA 12 states an area of 913.7m<sup>2</sup>, whilst drawing No. DA 22 states an area of 875.7m<sup>2</sup>. Furthermore, calculations appear to include tiled areas and areas less than 3m in dimension. Despite the inconsistencies, it would appear sufficient area exists to satisfy the requirements under the SEPP.

**ITEM 2 (continued)**

The applicant has not altered the width of the building or the front setback which is forward of the adjoining established setback by approximately 1.5m. The applicant states that the setback could be increased to align with adjoining properties, but, this would reduce the internal amenity of the site to the developments residents. The DCP provisions allow for a setback not less than 7.5m and 6.5m (each being 50% of the development) where Council considers that the streetscape is likely to change. The applicant has provided additional information that demonstrates that there is not a consistent setback along Falconer Street, with various existing setbacks ranging between 5m and 9.2m. As such, it is evident that the streetscape is subject to change and it is considered appropriate to allow the proposed minimum front setback as provided above. The proposed setback is 7.93m and 7.5m, therefore complies with the controls. The applicant has provided landscaping within the front setback area, which will assist in reducing the visual impact of the development. As such, the setback proposed will not have an adverse impact to the character of the area.

As the overall proposal provides a more acceptable design and will not have a substantial impact on the character of the area, these issues are considered adequate.

An amended landscaping plan was submitted, and Council's Consultant Landscape Architect has not objected to the development; the referral recommended various conditions that have been attached.

As indicated in the table of compliance report (**attached**), the development is generally consistent with the Seniors Living Policy. The amended plans provide a more suitable development than previously proposed.

**Issue 3**

*"The proposal is contrary to Section 79C(1)(a)(ii) of the Environmental Planning and Assessment Act 1979 as it fails to satisfy the provisions of the Draft Ryde Local Environmental Plan 2011.*

Particulars

a) *The proposal is contrary to Clause 4.3(2C) Height of Buildings in Zone R2"*

Comments

The amended plans are still contrary to this part. The proposal exceeds the 5m height limit set by the DRLEP for parts of the development that do not have street frontage. The proposal has an approximate height ranging between 5.5m to 6.5m. However, the proposal satisfies the existing height limits under the current LEP.

**ITEM 2 (continued)****Issue 4**

*“The proposal is contrary to Section 79C(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 as it fails to satisfy the requirements of the Ryde Development Control Plan 2010.*

Particulars

- a) *The proposal is contrary to the objectives of Part 3.5 - Multi Dwelling Housing (attached) within the Low Density Residential Zone of the RDCP as it will:
  - Not complement existing development and streetscape;
  - Result in a housing development that is not designed to a high aesthetic standard;
  - Adversely affect the amenity of occupants of adjoining land; and
  - Result in a multi dwelling housing (attached) development of a scale that is not related to the character of the area*
- b) *The proposal does not comply with the minimum floor to ceiling height requirement of Part 3.5 of the RDCP.*
- c) *The proposal does not comply with the side and rear setback and second street frontage setback requirements of Part 3.5 of the RDCP.*
- d) *The proposal does not comply with the minimum private open space area requirements of Part 3.5 of the RDCP.*
- e) *The garage and car parking layout dominates the development and is contrary to the provisions of Part 3.5 of the RDCP.*
- f) *The proposal does not comply with the car parking manoeuvrability or the driveway requirements of Part 3.5 of the RDCP.*
- g) *The proposal is unsatisfactory with regard to the overshadowing and access to sunlight requirements in Part 3.5 of the RDCP.*
- h) *The proposal has not demonstrated compliance with the accessibility requirements of Parts 3.5 or 9.2 of the RDCP.*
- i) *The proposal is unsatisfactory with regard to the with the Building Form requirements of Part 3.5 of the RDCP.*
- j) *The proposal does not comply with the fencing requirements of Part 3.5 of the RDCP.*
- k) *The proposed stormwater disposal method for the site does not meet the requirements of Part 8.2 of the RDCP.”*

Comment

- a) The proposed landscaping will assist in softening the appearance of the development as viewed from the street. The proposed amendments and the building represent a marginal improvement on the aesthetic qualities of the development.

**ITEM 2 (continued)**

- b) Floor to ceiling height has not altered; the DCP requires a minimum floor to ceiling height of 2.7m. The previous primary concern related to the floor to ceiling height of the 1<sup>st</sup> floor (attic level) which had a height of approximately 2.4m, which then tapered lower as a result of the roof/ceiling pitch. It is considered adequate to waive the 2.7m height requirement providing the development complies with the BCA standards; as such, a condition has been recommended to ensure the development complies with the BCA.
- c) The amended proposal now satisfies the northern boundary setback. The second street frontage setback does not comply with the requirement of 4.5m; however, the applicant has increased the proposed setback from a minimum of 0.2m to a minimum of 3m. The proposed setback is considered adequate due to sufficient space for Private Open Space (POS) requirements, and minimal impact as a result of the non-compliance.
- d) POS requirements for all units are satisfied as per the DCP.
- e) The applicant has amended plans to include open carports, and reduced the number of car parking spaces to accommodate additional landscaping. The amended southern elevation provides a more acceptable solution.
- f) Council's Senior Development Engineer does not object to the proposal;
- g) The previous plans did not indicate shadowing impacts from adjoining development to the proposal. The amended plans have, again, not provided this information. The increased setback from the northern boundary will improve solar access to the development, and is considered adequate (refer to **Section 10** of this report for further discussion).
- h) The amended plans have not addressed the accessibility issue. A condition of consent will be attached to ensure the development complies with relevant standards.
- i) The development partially complies. The amended plans propose a more satisfactory appearance to the southern elevation. The proportions of the buildings have altered to represent two (2) separate building blocks from the previous appearance of three (3) building blocks).
- j) Proposed fencing has not altered. Whilst it is not consistent in regard to height and materials used, it is considered satisfactory. Refer to Table of compliance for further discussion.
- k) Council's Senior Development Engineer does not object to the proposal. The engineer has recommended various conditions of consent to ensure the stormwater plan complies with relevant standards and Councils policies.

**Issue 5**

*“Pursuant to Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, it is considered that the proposed development, which fails to comply with requirements of Australian Standard AS2890.1-2004 with regard to the driveway width at the entrance to the development, driveway gradients, manoeuvrability in and out of garages and sightline requirements for pedestrians, would result in conflict between pedestrian and vehicular traffic and would give rise to a traffic hazard.”*

**ITEM 2 (continued)**Comment

The amended plans have altered the parking space layout, by reducing car parking spaces and providing carports rather than garages.

Council's Senior Development Engineer, in the referral dated 11 October 2013, has no objection to this revised arrangement. A condition of consent is recommended that requires the development to comply with the subject standards and Council's relevant DCP requirements.

**Issue 6**

*"Pursuant to Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, the cumulative impacts of the proposed development's failure to comply with the provisions and requirements of the State Environmental Planning Policy (Affordable Rental Housing) 2009, the Ryde LEP 2010 and the Ryde DCP 2010 will result in a development whose scale, form, density and design is inconsistent with existing development in the area and detract from the character and the amenity of the locality."*

Comment

For reasons as discussed above, it is considered that the overall development, as amended, provides a more satisfactory design. The proposal does provide a development that is inconsistent with immediate development in the area, however, is considered to be compatible and will not have an adverse impact on the character of the area or adjoining properties. The proposal is generally compliant with the provisions of the LEP and DCP, and it satisfies the provisions of SEPPARH.

**Issue 7**

*"Pursuant to Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979, the proposed development is not in the public interest as the development is inconsistent with the scale and intensity of development that the community can reasonably expect to be provided on this site."*

Comment

Refer to this section of the report (section 12).

**Issue 8**

*"Pursuant to Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979, the proposed development is not in the public interest, pertaining to the number of objections that have been received in relation to the proposal."*

**ITEM 2 (continued)**Comment

Refer to this section of the report (section 12).

**7. Submissions**

The amended plans were advertised and notified during the period between 26 September 2013 till 23 October 2013.

During this period, four (4) submissions were received; one submission was a petition that involved 57 signatories.

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

1. *The proposal is not consistent with the character of the area and does not complement the streetscape.*

Comment

As discussed throughout this report, the character of the area is defined by residential dwellings that range between single storey detached dwellings to multi dwelling housing; the predominant form of development consisting of single storey dwellings. The predominant elements of the area consist of pitched and tiled roofing, established setbacks which are planted to provide a garden setting, and dwellings that address the street (i.e. Falconer Street). In this regard the development has a pitched and tiled roof, has provided landscaping in the front setback, and unit 1 addresses Falconer Street. Whilst the height of the units are higher than the adjoining properties, it is within the required height limit (as set by the current LEP) and will not have any significant adverse impacts.

The development is larger in terms of scale and density to surrounding development. As viewed from the street, the development represents a two storey dwelling, however, is considered compatible with the existing built fabric and will not have any adverse impacts. The amended plans have provided a more desirable design. Furthermore, the subject development type is permissible within the zone.

2. *Access and carparking arrangements are not appropriate in regards to:*
  - *Number of spaces provided is not sufficient to cater for the development, and will impact on Falconer Street;*
  - *Primary access to unit 9 via Linton Lane is not appropriate;*
  - *Arrangements for unit 9 regarding waste and pedestrian movements as there is no access to Falconer Street to this unit.*

## ITEM 2 (continued)

### Comment

SEPPARH requires a minimum of 13.5 car parking spaces for the development; it is proposed to provide 15 car parking spaces (14 residential and 1 visitor). The development satisfies the parking provisions required by the SEPP. As the development exceeds the car parking requirements, this cannot be used as a reason for refusal. It is noted that the plans do not indicate any pedestrian access to unit 9 to the remainder of the development; as such a condition of consent is recommended to address this issue (refer to **condition 45**).

3. *Some of the plans are inconsistent regarding numbering of units;*

### Comment

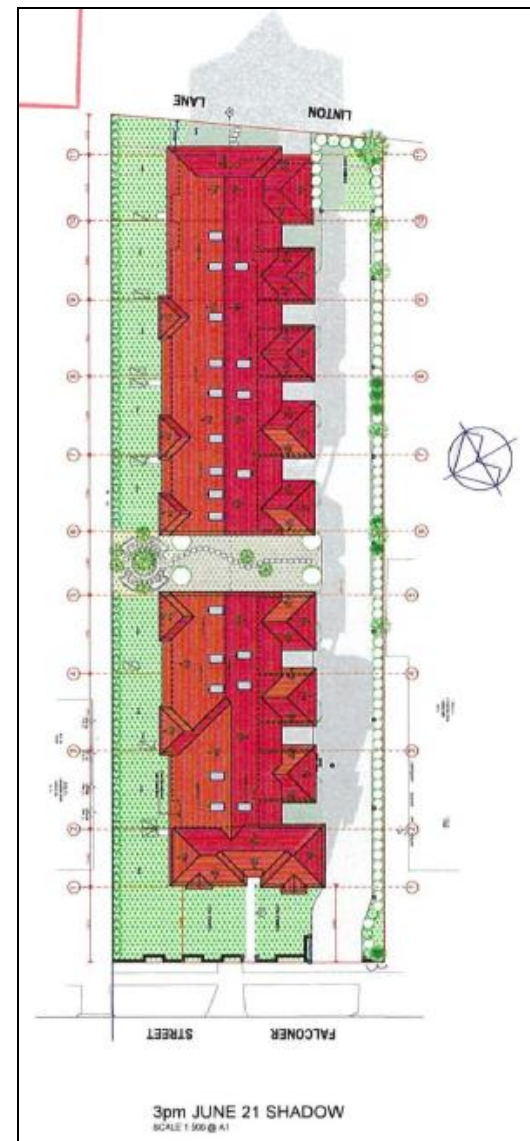
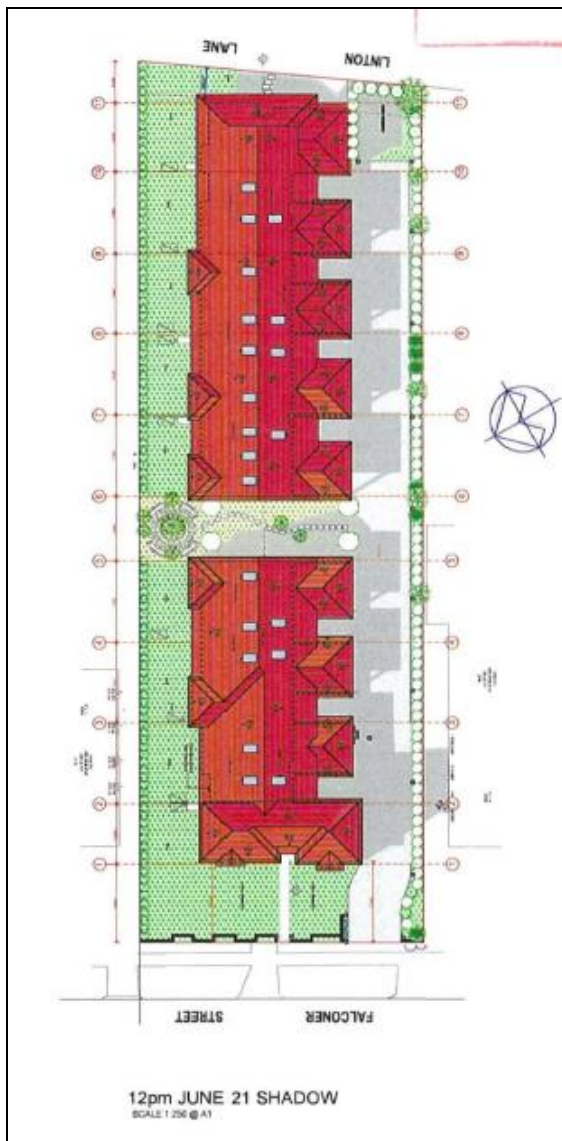
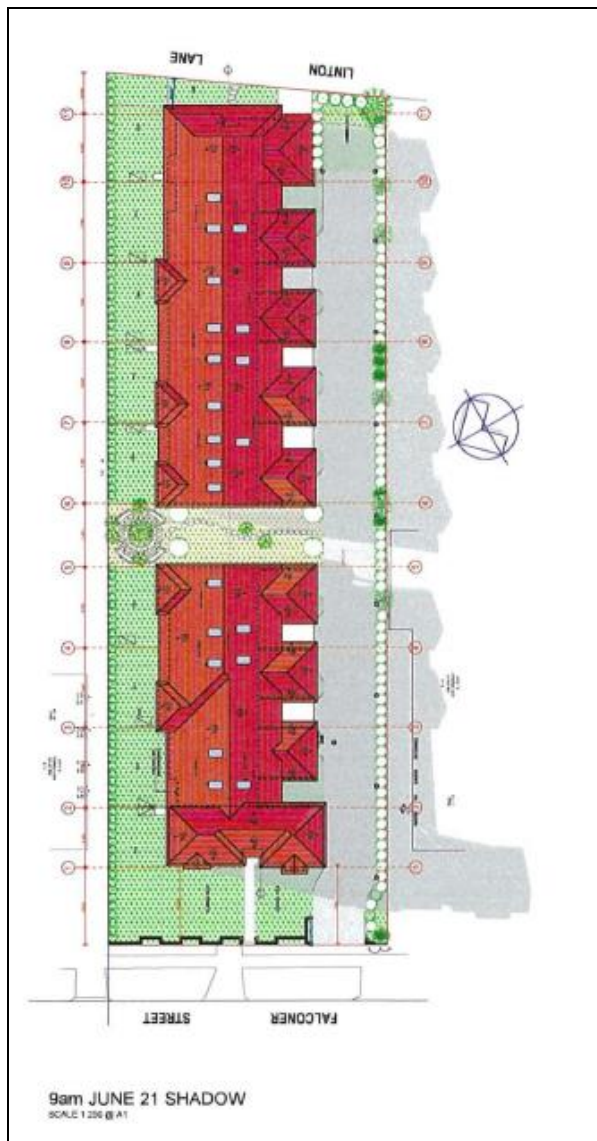
It is noted that there are minor inconsistencies on the subject plans; in particular bedroom numbering of units. This has not affected the assessment of the development application.

4. *Overshadowing of adjoining properties;*

### Comment

The proposed development will cause minor overshadowing to 62 Falconer Street and to Linton Lane. The extent of overshadowing is demonstrated in the following diagrams.





At 9am mid-winter the adjoining dwelling and part of the rear yard will be affected by overshadowing. This impact will not occur by midday. By 3pm, shadow will occur across Linton Lane.

Council's DCP for Dwelling Houses and Duplex Buildings requires that neighbouring properties receive:

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

The above shadow diagrams demonstrate that 62 Falconer Street complies with these requirements. The extent of overshadowing is considered acceptable.

5. *Privacy impacts from unit 9 overlooking Linton Lane.*

Comment

Unit 9 has proposed a living room and bedroom window on the ground floor and a bedroom window on the first floor. (Note this room is located within the roof space of the development). A 1.8m high boundary fence is proposed to be erected on the rear boundary. This will ensure that no overlooking will occur from the ground floor windows. Any overlooking from the bedroom window on the first floor is unlikely to result in a material loss of impact to any adjoining property.

6. *Amenity concerns regarding impacts from proposed lighting, vehicular movements and noise from plant and servicing equipment.*

Comment

Conditions relating to light spill, fencing and landscaping have been recommended to ensure noise and lighting emissions do not cause undue amenity impacts to adjoining properties. (See **condition numbers 12, 41, 42, 44 and 74**).

7. *Cumulative impact to adjoining properties;*

Comment

The development represents an increase of 8 additional dwellings that will adjoin each allotment to the north and south. Land to the north will be joined by the POS areas of all of the units and common area between the two buildings; land to the south will be bound by the driveway that services the development. There will be a minor increase of noise from these areas. It is considered necessary to provide adequate fencing and landscaping along these boundaries

**ITEM 2 (continued)**

to ensure reasonable amenity is maintained to the affected properties. The applicant has proposed landscaping of the property boundaries, however, it is not clear if the applicant intends on fencing the common boundaries; as such, an appropriate condition is attached that addresses this issue. Any fencing will be at the applicant's expense. (See **condition 74**). Furthermore, the landscape referral has recommended that the proposed landscaping along the southern boundary needs to be amended to include a more appropriate species (refer to **condition 42**)

8. *Concerns related to demolition works and the impact it may have on adjoining properties.*

Comment

Conditions have been attached to ensure demolitions works are undertaken to relevant standards and at appropriate times (refer to **condition 5, 17 and 18**). Condition 17 requires the applicant to notify Council as well as adjoining residents 7 days prior to any demolition works commencing.

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

The proposal seeks variation to one of the applicable planning controls in the RLEP 2010. The variation relates to Clause 4.5A Density, which is discussed in more detail further in the report. The applicant is relying on the Affordable Rental Housing State Environmental Planning Policy (SEPPARH) to overcome this non-compliance. Under the SEPP, the density of development for the site is controlled by a FSR. In this case the maximum FSR for the site is 0.72:1 under the SEPP; the proposal has an FSR of 0.397:1. Therefore, the proposal satisfies this provision of the SEPP and a SEPP1 (or clause 4.6 RLEP 2010) objection is not required to be submitted.

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

The site is zoned R2 Low Density Residential Development under the provisions of the LEP 2010. Multi-dwelling housing is permitted in this zoning with consent.

**ITEM 2 (continued)**

The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone. As set out in Clause 2.3 of the RLEP, the objectives for the R2 Low Density Residential are as follows:

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

The compliance with the objectives are discussed as follows:

- The proposed development provides seven (7) additional dwellings to the surrounding area of West Ryde.
- The proposal maintains the residential use of the subject land.
- The overall scale and density of the development is not consistent with the predominant existing surrounding development in the area, which consists of single storey detached dwellings. It is noted that there are existing multi dwelling units located along Falconer Street, as well as two (2) storey dwellings.

The proposed development provides a two (2) storey unit (unit 1) which addresses Falconer Street, with the remainder of the development representing single storey development (despite all units containing an upper level). Whilst unit 1 is larger than the dwellings located on the adjoining sites, it does not adversely impact on the character of the area. The remainder of the development will be located behind the Falconer Street elevation, which will assist in reducing the visibility of development. Furthermore, the southern elevation, which will be visible in areas due the driveway extending along the southern boundary, has incorporated landscaping areas and open carports which break up the building façade. The overall development, whilst representing a higher density development, is considered to be reasonably compatible with the existing built fabric and surrounding area.

**ITEM 2 (continued)**

- The development has included pitched and tiled roofing, landscaping within the front setback area and unit 1 addresses the street; all of which complement the existing streetscape.
- The proposal maintains the residential use of the subject land. The proposed development is considered to be reasonably compatible with the surrounding area.

**Mandatory Requirements**Clause 4.3(2A) Height of Buildings

The maximum height of multi dwelling housing (attached) in Zone R2 Low Density Residential is: 6.5 metres for dwellings in the building that do not have a frontage to the street and 8 metres for dwellings with a frontage to the street (where the adjoining lots contain dwelling houses that are less than 9.5 metres high). The proposal complies with this control.

Clause 4.4(2) and 4.4A(1) Floor Space Ratio

The maximum FSR for the site is 0.5:1. However, Clause 4.4A(1) clarifies that in Zone R2 Low Density Residential this maximum FSR applies only to development for the purposes of a dwelling house or dual occupancy (attached); as such this clause is not applicable to this proposal.

For information only, the FSR of the proposed development is now 0.397:1; this has been reduced from 0.42:1 from the previous development.

Clause 4.5A Density Controls for R2

Clause 4.5A states:

***“Density controls for Zone R2 Low Density Residential***

- (1) *The consent authority must not consent to the erection of multi dwelling housing (attached) on land in Zone R2 Low Density Residential unless:*
  - (a) *the site area for the building is not less than:*
    - (i) *for each 1, 2 or 3 bedroom dwelling—300 square metres, and*
    - (ii) *for each 4 or more bedroom dwelling—365 square metres, and*
  - (b) *each dwelling will have its own contiguous private open space and separate access to that space from an unbuilt portion of the site.”*

The site, with an area of 2,220m<sup>2</sup>, would have a maximum density yield of 7.4 (3 bedroom) units. The proposal provides 9 units, which would require a minimum site area of 2,700m<sup>2</sup> to comply with this control; the non-compliance in the site area would result in a shortfall of 480m<sup>2</sup> or 17.8% of the required minimum site area. As previously discussed the applicant relies upon SEPPARH for the proposal, which overrides this clause of the LEP.

**ITEM 2 (continued)**Clause 5.9 Preservation of Trees or Vegetation

This clause applies to species or kinds of trees or other vegetation that are prescribed in the DCP and which a person must not ringbark, cut down, lop, remove, injure or wilfully destroy without the authority conferred by development control or a permit granted by the Council. The original application was accompanied by an arboricultural report which details three trees on the site which are to be removed to accommodate the proposed development, however, there are a number of additional mature trees on the site which have not been included or addressed in the arboricultural report.

The amended plans have been revised by the Consultant Landscape Architect's commissioned by Council to assess landscaping and vegetation matters on its behalf. The consultants have no objection to the removal of the trees detailed in the arboricultural report. The consultants have noted that the original deficiencies in the arboricultural report have not been addressed, nor has the applicant made any comments in regards to this matter. The consultants have however concluded that the three (3) trees not identified in the report are '*considered acceptable for removal*'.

**(b) Relevant SEPPs****i. State Environmental Planning Policy (Affordable Rental Housing) 2009**

Under **Clause 10 of Division 1 of Part 2** of the SEPP, (which relates to the provision of In-fill affordable housing), the provisions of this Division apply to the proposed development as such a development (multi-dwelling housing) is permitted with consent under the RLEP 2010 and is in an accessible area. In accordance with Clause 4(1) of the SEPP, an accessible area means land that is within:

- “(a) 800 metres walking distance of a public entrance to a railway station or a wharf from which a Sydney Ferries ferry service operates, or*
- (b) 400 metres 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, or*
- (c) 400 metres walking distance of a bus stop used by a regular bus service (within the meaning of the Passenger Transport Act 1990) 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.”*

As the site is situated 750m from West Ryde Train station and less than 400m from bus stops on Victoria Road, Hermitage Road and Parkes Road, it is located within an area that is classified as accessible and, as such, the provisions of Division 1, Part 2 Infill affordable housing applies.

**ITEM 2 (continued)**

**Clause 13** of the SEPP permits a maximum FSR of 0.72:1 for the site; the proposed development has an FSR of 0.397:1. Therefore, the proposal complies with this standard.

**Clause 14** of the SEPP sets out specific standards in relation to site area, landscaped area, deep soil zones, solar access, parking and dwelling size, which consent authorities cannot use to refuse consent provided these standards are met. In this regard, it is to be noted that the proposed development fails to comply with the minimum requirements with regard to dwelling size; in addition, the deep soil area proposed is unclear.

It should be noted that **Clause 14(3)** of the SEPP states that Council may consent to development whether or not the development complies with the standards set out under this division. The following comments are provided to address the above matters.

Deep soil zones

Clause 14(a)(d) states that a consent authority cannot refuse consent where the deep soil zones is not less than 15% of the site area, each area forming part of the deep soil zone zone has a minimum dimension of 3m; and if practicable, at least two thirds of the deep soil zone is located at the rear of the site area (if practical).

On the Site Analysis Plan (DA-12), the applicant states that the deep soil zone is 913.7m<sup>2</sup> (41.2% of the site area) but the Landscape Calculations Plan (DA-22) indicates that the deep soil area is calculated at 875.7m<sup>2</sup>. Furthermore, the applicant has not specifically indicated on any plans the areas for deep soil plantings, their calculations appear to take in areas less than 3m in dimension (minimum required), and the calculations do not take into consideration the tiled areas located in the POS areas of the units.

Regardless of the discrepancies between the two plans, it would appear that there is sufficient area for deep soil plantings to easily satisfy the 15% of site area minimum (i.e. 333m<sup>2</sup>) with dimensions of 3m. Furthermore, the amended plans have increased the area available for deep soil plantings by increasing the setback of the development from the northern and eastern boundaries.

Due to the narrow width of the allotment that restricts this scale of development to be orientated along the length of the site, it is difficult and impractical to locate two thirds of the deep soil areas to the rear of the site, as encouraged by the SEPP.

As such, it is considered that the proposal satisfies this provision of the SEPP.

**ITEM 2 (continued)**Dwelling size

Clause 14(2)(b) excludes the refusal of consent as a result of dwelling size where each dwelling has a GFA of at least 50m<sup>2</sup> in the case of a dwelling having 1 bedroom, 70m<sup>2</sup> in the case of a dwelling having 2 bedrooms or 95m<sup>2</sup> in the case of a dwelling having 3 or more bedrooms.

Units 1-7 satisfy the minimum dwelling size requirements, however, units 8 and 9 are below the minimum requirement; unit 8 is below by 8.2m<sup>2</sup> (i.e. 8.63%), and unit 9 is below by 2.8m<sup>2</sup> (i.e. 2.95%). However it is noted that the shortfall is minimal and Clause 14(3) states that a Consent authority may consent to a development whether or not the development complies with the above standards. In this regard the minimal shortfall for dwelling size is not considered a significant issue.

**Clause 15(1)** states that a consent authority must not consent to an infill affordable development under the SEPP unless it has taken into consideration the provisions of the *Senior Living Policy; Urban Design Guidelines* to the extent that those provisions are consistent with the SEPP. Despite some design inconsistencies, the amended plans have provided a development that is acceptable in regards to the guidelines. Refer to **Table 3** which provides a detailed assessment against the guidelines.

**Clause 16A** states that a consent authority must not consent to development under Division 1 (Infill affordable housing) unless it has taken into consideration whether the design of the development is compatible with the character of the local area.

In this regard the character of the area is defined by residential development that is predominantly in the form of single storey detached dwellings. However, there are established multi dwelling units and two storey dwellings in the area and along Falconer Street.

The amended plans have reduced the overall scale of the proposed development from ten (10) units to nine (9) units; it should be noted that the original plans proposed twelve (12) units. The amended plans also include increased setbacks (north and south boundaries), provide a more acceptable solution to the southern elevation, has increased the building separation of the two buildings, provided additional landscaping, and increased deep soil zones. As such, the proposed development, as amended, is considered reasonably compatible with the character of the area.

For a full assessment of the proposal relative to the provisions of the SEPPARH, refer to **Table 2** of the attached Compliance Tables.



**ITEM 2 (continued)****ii. State Environmental Planning Policy (Building Sustainability Index: BASIX)**

The development is identified under the Environmental Planning and Assessment Regulation 2000 as a BASIX Affected Building. As such, an amended BASIX Certificate has been prepared (BASIX Cert 377272M\_04 dated 13 August 2013) which provides the development with a satisfactory target rating.

**iii. State Environmental Planning Policy No 55 – Remediation of Land**

The requirements of State Planning Policy No. 55 – Remediation of Land apply to the subject site. In accordance with Clause 7 of SEPP 55, Council must consider if the land is contaminated, if it is contaminated, is it suitable for the proposed use and if it is not suitable, can it be remediated to a standard such that it will be made suitable for the proposed use.

The applicant states that the site is currently, and has historically been, in residential use, that there is minimal evidence of contamination of the site and that further assessment will be provided during the Construction Certificate stage. As such no preliminary contamination testings or assessment has been carried out on the site.

As stated above, there is no evidence to indicate that the site may be contaminated and there is no requirement for preliminary contamination testing at this stage of the assessment.

**iv. Deemed State Environmental Planning Policy Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005**

Deemed SEPP Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 applies to the subject site. The amended plans do not alter the previous assessment which concluded that it satisfies the aims and objectives of the planning instrument.

**(c) Any draft LEPs****i. Draft Ryde Local Environmental Plan 2011**

A Section 65 Certificate enabling the formal exhibition of Draft Local Environmental Plan 2011 was issued by the Department of Planning and Infrastructure on 23 April 2012. The Draft Plan was placed on public exhibition between 30 May 2012 and 13 July 2012 and adopted by Council at its meeting held on 12 March 2013. Whilst not yet gazetted, the Draft LEP 2011 is considered to be certain and imminent and is a consideration for the application.

**ITEM 2 (continued)**

Under this Draft LEP, the zoning of the site remains as R2 Low Density Residential and the proposed development is permissible with consent. The objectives of the zone are:

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

The proposal is considered to be generally consistent with these objectives. The provisions of the Draft LEP generally accord with those in the current RLEP however the following provisions have relevance to the proposal:

**4.1C Minimum Lot sizes for dual occupancy and multi-dwelling housing**

This clause which applies to the R2 Low Density Residential Zone, and states that development consent may be granted for multi dwelling housing on a lot if the area of the lot is equal to or greater 900m<sup>2</sup>, and the road frontage of the lot is equal to or greater than 20 metres. The proposal would comply with this control.

**4.3 Height of building**

The Height of Buildings clause has been amended in the Draft LEP. In general, the maximum height limit for the site, as indicated on the Height of Buildings map, is 9.5m (an increase from 8.5m in the current LEP). However, Clause 4.3(2C) specifies that dwellings within a multi dwelling development that do not have street frontage have a maximum height limit of 5m.

Therefore whilst the control in the RLEP restricting the height at street frontage to 8.5m would be removed (and 9.5m would be permissible here), the height of units 2-9 would be restricted to 5m. As the proposed height for units 2-9 range between an approximate height of 5.5m to 6.5m, the development would not comply with the height restrictions of the Draft LEP.

Despite the above, the proposed development satisfies the current height controls. The proposed height will not have a detrimental impact on the future character of the area.

**4.4A Residential zoned – floor space ratio**

This clause excludes multi dwelling housing developments in Zone R2 Low Density Residential from having to comply with the maximum FSR as shown on the Floor Space Ratio Map.

**ITEM 2 (continued)**

This would not affect the amended development as proposed.

**Clause 4.5A Density Controls for R2**

The density controls are the same as the existing LEP; as such, the application would be inconsistent with this provision of the DLEP (refer to discussion under section 8)

**(d) Any DCP****i. Ryde DCP 2010**

The proposal has been assessed against the relevant objectives and controls of the RDCP 2010 at **Table 4** of the attached compliance checklist. There are various non-compliances throughout the DCP, however, the majority of the variations have otherwise been considered satisfactory, or are controlled by a condition of consent.

Primary issues of non-compliance with the DCP relate to:

**Dwelling Mix**

The amended plans have provided nine (9) units all of which are three (3) bedrooms; there is no variety in the number of dwelling types provided. The DCP requires 75% of dwellings should have the same number of bedrooms. This is considered adequate given the proposed development provides two units that will be designated as affordable housing, which supports the intent of the provision to provide a variety of dwellings to encourage affordability for various types of people.

**Front Setback**

The front setback (from Falconer Street) is forward of the established setback of existing adjoining development by approximately 1.5m. The DCP requires a setback to be consistent with at least one adjoining property, or if the Council consider the area to change it can adopt a minimum setback not less than 7.5m and 6.5m (each being 50% of the development). The proposed setback is 7.93m and 7.5m. The applicant has provided additional supporting information that demonstrates that, whilst the development does not align with adjoining development, there is not a consistent setback along Falconer street as there is a variety of setbacks; as such, it is considered that the streetscape is subject change. As such, with the proposed landscaping, and the demonstrated varied setback along Falconer Street, it is considered that the proposed setback is satisfactory and will not have a detrimental impact on the character of the area, and is considered acceptable.

**ITEM 2 (continued)****Rear Setback**

The rear setback does not satisfy the minimum requirement of 4.5m. The amended plans have increased this setback from a minimum of 0.2m to a minimum of 3m. Whilst it does not comply with the requirement, the increase is an improvement and considered satisfactory given the minimal impact of the encroachment, there the POS area between the dwelling and the fencing is functional, and the amenity of the unit is maintained.

**Private Open Space (POS)**

The proposal provides POS for unit 1 in the front setback; the DCP stipulates that no POS area is to be forward of the front building line. The POS area does not dominate or detract from the façade of the Falconer elevation, and the applicant has provided adequate landscaping to soften the visual impact of the POS area.

The above issues have been considered satisfactory. Refer to **Table 4** for a more detailed assessment of the relevant DCP controls.

**10. Likely impacts of the Development****Context and Settings**

The character of the area is defined by residential development that is predominantly single storey detached dwellings; however, there are existing multi dwelling housing and two storey development located along Falconer Street. Prominent features of the area include pitched and tiled roofing, and consistent setbacks that provide a garden setting with various types of vegetation. Existing dwellings are generally situated on single allotments, which have minimal side setbacks.

The proposed development provides a two (2) storey development (fronting Falconer Street), and single storey development (with an attic level) as the remainder of the development, that will be built across two existing allotments.

Whilst the proposal has a higher density than that which is predominant in the area, the amended plans provide a development that is more responsive to the site and compatible with the surrounding area. On balance, it is considered that the development will not have an adverse impact on the character of the area.

**Access, Transport and Traffic**

Units 1-8 will rely on the primary access to the site via Falconer Street. Unit 9 will gain vehicular access via Linton Lane which adjoins the site at the rear of the allotment.

**ITEM 2 (continued)**

The proposal provides an additional seven (7) dwellings to the subject site. Council's Senior Development Engineer has not raised any concerns regarding traffic impacts, and considers the minor increase of traffic trips from the site as a result of the development from 18 to 36 daily vehicle trips will not impact adversely on the surrounding road network. Furthermore, the low volume of traffic generated from the development is unlikely to impose on pedestrian safety.

Existing development to the south of the site (62 Falconer Street) will be subject to an increase of noise levels as a result of increased traffic generated by the proposed development. A condition of consent is recommended to ensure sufficient fencing is established/maintained along this common boundary.

There is no individual pedestrian access to the site, except for unit 1 which has a pathway to its entrance provided on the Falconer Street (north west elevation). Pedestrians/residents will need to share the driveway with vehicles, which is considered acceptable due to sufficient width.

**Heritage**

The subject site does not contain any heritage items, nor is it located in a heritage conservation zone.

**Water**

The proposed stormwater and drainage plan provides a gravity fed system that directs water to Falconer Street via an on-site detention tank. Council's Senior Development Engineer is satisfied with the proposed design, however, has noted some discrepancies in the plans. In addition the engineer has concluded the proposed butterfly inlet is insufficient and the developer will be required to construct a new kerb in-let downstream of the development. Conditions of consent have been provided by the engineer to ensure the development complies with Council standards.

**Flora and Fauna**

There have been no identified species on Council's mapping, and an inspection of the *Atlas of NSW Wildlife* revealed no sightings of protected species. As such, it is considered that the proposed development will not have any adverse flora and fauna impacts.

There are various trees across the site that are to be removed as a result of the proposal. The amended plans were reviewed by Council's Landscape Architects, who did not object to the proposal subject to various conditions.

**ITEM 2 (continued)****Waste**

The applicant has provided an erosion and sedimentation control plan, and a demolition plan; which are adequate. A condition of consent is attached to ensure demolition works are in accordance with relevant standards.

The amended plans have provided waste storage facilities for each unit on the southern side of the development. The DCP requires these facilities to be positioned in the POS areas for the units. However, as there were previous concerns with the pedestrian access path provided along the northern boundary to these areas, which would provide a pathway to navigate the bins to the street, the pathway was removed and is not proposed as part of the amended plans. As such, it is considered satisfactory to locate the bin storage areas in the proposed location.

**Noise**

A condition of consent has been attached to ensure demolition and construction works are undertaken at appropriate times, and at appropriate levels to ensure the amenity of the surrounding area is retained.

The increase of traffic to and from the site will result in an increase of noise to the property adjoining the site to the south (62 Falconer Street). Fencing conditions are recommended to prevent unacceptable noise levels. This will also assist in maintain privacy to 56 Falconer Street.

**Safety, Security and Crime Prevention**

The previous plans put forward to Council involved a walkway along the northern boundary of the site. Safety issues were identified with the design, as such the applicant has removed it from the plans.

Common areas throughout the development are not provided with direct views from habitable rooms. However, an adequate level of surveillance is considered acceptable for a development of this relatively small size.

The applicant has provided bollard lighting along the southern side of the development. This will assist in lighting the driveway and surrounding common areas. A condition of consent is recommended to ensure adequate lighting is installed to prevent unnecessary light spill to adjoining properties.

The Consultant Landscape Architect's referral has identified that the proposed species of tree to be located in the common area between the buildings may prevent appropriate visual surveillance of the area; as such has recommended an appropriate tree to be substituted, which is addressed via a condition.

**ITEM 2 (continued)****11. Suitability of the site for the development**

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

As indicated in the previous assessment report, there is concern regarding the proximity of the site to existing multi-dwelling developments in a low density residential area. However, as the linear separation provision for this is to be removed from the DCP, this is not considered reasonable grounds for refusal.

**12. The Public Interest**

The proposal is in the public interest as it provides additional residential accommodation to the Ryde LGA, and has dedicated two (2) units as affordable rental housing.

The amended plans have provided a more adequate design to reduce the impacts to surrounding properties. On balance, the social benefits of the proposal and lack of significant impacts outweigh any concern related to the form and density of the proposal.

**13. Consultation – Internal and External****Internal Referrals**Engineering

The Senior Development Engineer in his report of 11 October 2013 does not object to the overall development. The engineer notes that the proposed plans do not address the following issues:

1. Design does not cater for overland flow in the event the OSD system fails; the engineer states a kerb along the southern edge of the driveway will be sufficient to address this issue.
2. The maximum discharge rates is unsuitable for direct discharge onto Falconer Street, and recommends that it be directed to Council's in-ground drainage infrastructure.
3. The inlet pit the applicant proposes to relocate and replace with a gully pit is not suitable; the engineer requires that the applicant is to construct a new kerb inlet pit downstream of the existing.

**ITEM 2 (continued)**

The engineer concluded that the amended plans comply with all aspects of the off-street carparking arrangements comply with AS 2890.1. The engineer indicated that the proposed development does not comply with Council's parking rates, however, concluded that there is sufficient on-street parking available to accommodate the non-compliance, and that is unlikely to not have any adverse impacts on parking availability to the surrounding residents due to the low demand for onstreet parking along Falconer Street. Council's DCP for medium density development would require the provision of 16 resident spaces and 3 visitor spaces (rounded up from 2.25 spaces). This development has been submitted to Council under SEPP (Affordable Rental Housing) 2009. This SEPP provides a different car parking requirement than Council's DCP. For the purposes of calculating car parking, the SEPP is the relevant planning instrument rather than Council's DCP. As the development complies with car parking, this cannot be used as a reason for refusal.

In addition, the engineer has concluded that the proposed development will increase traffic generation from 18 daily vehicle trips to 36 daily vehicle trips. The increase is unlikely to impact the surrounding road network and is considered that the low volume will not impose on pedestrian safety.

The engineer has provided various conditions to address the issues identified.

**Consultant Landscape Architect**

Moir Landscape Architecture acting on behalf of Council assessed the proposal with regard to landscaping proposals, deep soil zones and the preservation of trees on the site. Moir reports that there are insufficient detail on the plans to provide a detailed assessment; as such, have recommended an amended set of plans be provided prior to the issue of a construction certificate. The details to be provided include:

- *Detailed set of proposed retaining walls including proposed top of wall (TOW) heights and material selection;*
- *Existing surface levels and proposed finished levels, including storm water inlet levels;*
- *Trees to be removed;*
- *Proposed trees shown planted into turf. It is recommended they be planted into a mulched ring as a minimum;*
- *Proposed trees are to be off-set a minimum of 3m from property boundaries;*
- *Landscape and all other consultants plans should be considered to reflect each other. To avoid conflict between proposed landscaping and other site infrastructure.*

The consultants also reiterated that the arborist report did not consider all trees that are required to be removed from the development; however, has concluded that the additional trees not mentioned in the report are considered satisfactory to be removed.



**ITEM 2 (continued)**

The proposed trees along the southern boundary are not suitable, and the consultants recommend a more suitable hedging species is to be located along this boundary.

The consultants have raised concern over the accessibility to the units via the proposed stepping stones; as such, a condition of consent has been attached addressing this issue. (See condition 12).

In general, the consultants did not object to the overall development and have included various conditions to address the identified issues.

**External Referrals**

There have been no comments received from any external bodies.

**14. Section 94 Contribution Plan**

Development Contributions Plan – 2007 (2010 Amendment) allows Council to impose a monetary contribution on developments that will contribute to increased demand for services as a result of increased development density / floor area.

The proposed development will result in the following Section 94 contributions being payable.

<b>Contribution Plan</b>	<b>Contributions</b>
Community and Cultural Facilities	\$21,419.06
Open Space and Recreation Facilities	\$52,729.26
Civic and Urban Improvements	\$17,934.52
Roads and Traffic Management Facilities	\$2,446.62
Cycleways	\$1,528.06
Stormwater Management Facilities	\$4,857.77
Plan Administration	\$411.98
<b>Grand Total</b>	<b>\$101,327.27</b>

Condition 26 has been imposed in respect of the Section 94 contribution.

**15. Critical Dates**

There are no critical dates or deadlines to be met.

**16. Financial Impact**

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

**ITEM 2 (continued)****17. Conclusion**

The current proposal relates to amended plans for a development application the subject of a previous deferral resolution of Council that required review of the previous proposal to address unit numbers and concerns raised in the original assessment report and in public submissions.

The amended development application was publicly notified and has generated a total of four (4) letters of objection; one of which has 57 signatories.

The proposal does not comply with the LEP in regards to density. However, the density control under *State Environmental Planning Policy (Affordable Rental Housing) 2009* (SEPPARH), which over-rides the LEP control, has been satisfied.

The proposal is generally compliant with the provisions of SEPPARH, with exceptions to dwelling sizes. Council can grant consent to development whether or not it complies with the standard. The variation to the dwelling size is numerically small and will not affect the amenity of the dwellings.

The development does not comply with all areas of the DCP. The main areas of concern are associated with the rear and front setbacks. The proposed development is considered satisfactory in this regard.

Overall, the amended proposal reduces the number of units by one, reduces some of the earlier non-compliances with controls and makes some qualitative improvements to the earlier scheme. It remains however a less than optimal development, but in the context of the general compliance with quantitative controls, consistency with the overarching controls and intent of SEPPARH and lack of significant adverse external impacts, it would be difficult to sustain a recommendation for refusal on the basis only of its qualitative inadequacies.

Therefore, after consideration of the development against section 79C of the Environmental Planning and Assessment Act 1979 and the relevant statutory and policy provisions, approval of the proposal is on balance considered to be in the public interest. It is recommended that the application be approved.

**ITEM 2 (continued)**

**ATTACHMENT 1  
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**3 58 - 60 FALCONER STREET, WEST RYDE. LOT 1 DP 953646  
and LOT 2 DP102049. Development Application for demolition ,  
and construction of 10 strata titled town houses under the  
Affordable Housing State Environmental Planning Policy.  
LDA2012/0124.**

***INTERVIEW***

**Report prepared by:** City Plan Strategy and Development

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

**Report dated:** 19/04/2013

**File Number:** grp/09/5/6/2 - BP13/604

**1. Report Summary**

**Applicant:** Urban Link Pty Ltd.

**Owners:** Fadia Tohme.

**Date lodged:** 3 May 2012.

This report considers a proposal to demolish two (2) existing single storey dwellings and to construct an infill development under the Affordable Housing State Environmental Planning Policy (SEPPARH) comprising ten (10) strata titled townhouses consisting of six (6) x three (3) bedroom and four (4) x two (2) bedroom dwellings.

The proposed development consists of two terrace blocks, each with three (3) x three (3) bedroom and two (2) x two (2) bedroom units. Unit 1 which fronts onto Falconer Street is two storey. The remainder of the proposed units are 'single' storey with accommodation at attic level.

The site is located in an area that is currently under transition. The predominant development pattern is detached dwellings, though a number of multi housing developments have been completed in the vicinity of the site in recent years. The development generally complies with the relevant planning controls in the Ryde Local Environmental Plan 2010 with the exception of the density control, and so the development is being pursued under the SEPP (Affordable Rental Housing) 2009 (SEPPARH).

During the notification period, a total of three submissions objecting to the development were received (one of which included a petition signed by 29 local residents). A further fourth submission was received after the closing date.

The issues raised in these submissions can be broadly grouped as follows:

- Overdevelopment of the area and consequent social problems
- Overconcentration of multi-dwelling developments within a limited area in what is a low residential density zone

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**ITEM 2 (continued)**

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- Non-compliance with SEPPARH
- Non-compliance with Part 3.5 of the RDCP 2010 (Multi-dwelling developments)
- Proposed development is of a scale and bulk that is inconsistent with existing development
- Safety, security and privacy issues
- Impact of the development on adjoining properties
- Creation of substandard residential development
- Traffic generation and car parking demand arising from the development would result in a traffic hazard and
- Concerns with regard to devaluation of property as a result of the development.

The development application is recommended for refusal. It is considered that the proposal is not compatible with surrounding urban environment in terms of its relationship with the surrounding space, the loss of the regular rhythm of spaces (building and void) along the streetscape and the loss of existing vegetation. The development fails to satisfy the implied requirements that the design of the development is compatible with the character of the local area in SEPPARH.

Variations are being sought to a number of the requirements of the Development Control Plan 2010 in relation to deep soil zones, private open space, setbacks, fencing, stormwater drainage, access and driveway width and gradient.

It is considered that whilst many of the non-compliances with the quantitative standards in the RDCP 2010 are minor in scale, or are based on merit assessments of non-quantifiable criteria, the development represents an overdevelopment of the site in a low density residential area.

The collective extent of the minor variations sought to the controls would cumulatively result in a substandard development that fails to meet the minimum recommended deep soil zone provision of the SEPPARH and many of the qualitative and quantitative controls set out in the RDCP. The layout and design of the proposed development would result in a poorly planned development where the driveway, car parking spaces and garages would be visually dominant on the site. There is a lack of clarity and definition in the layout and design of the units as to which is the front and the back facade of the units. The pedestrian walkway, isolated from the development by 1.8m high fences with no public lighting would give rise to a safety concern. Inadequate setbacks, limited private open space and insufficient information on potential overshadowing raises concerns with regard to overshadowing of private open space. The elevations of the proposed development generally have poor void to solid ratios which would detract from the character of the area and would set an undesirable precedent for future residential development.

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**ITEM 2 (continued)**

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**Reason for Referral to Planning and Environment Committee:** Called up by Councillor Pendleton, Councillor Salvestro-Martin and the Mayor, Councillor Petch. A petition was also received objecting to the development.

**Public Submissions:** Three submissions were received objecting to the development, one of which was a representation from an MP on behalf on an objector and another which included a petition signed by 29 local residents.

**Clause 4.6 RLEP 2010 objection required?** No. Whilst the development fails to comply with the minimum site area requirements under Clause 4.5A of the RLEP (a minimum site area of 300m<sup>2</sup> per unit), an objection under Clause 4.6 of the RLEP is not required as the applicant is seeking to develop the site under the SEPP (Affordable Rental Housing) 2009 and to use Clause 14(1)(b) (Standards that cannot be used to refuse consent) to overcome this deficiency.

**Value of works?** The initial estimated cost of work was \$2,400,000.00. However as there have been modifications to the original layout and number of units (a reduction from twelve units to ten units), the actual cost of work may now be lower.

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

**RECOMMENDATION:**

- (a) That Local Development Application No. 2012/0124 at 58 - 60 Falconer Street, West Ryde, being LOT 1 of Deposited Plan 953646 and LOT 2 of Deposited Plan 102049 be REFUSED for the following reasons:
1. The proposal is contrary to Section 79C(1)(a)(i) of the *Environmental Planning and Assessment Act 1979* as it fails to meet the objectives of the R2 Low Density Residential Zone in the Ryde Local Environmental Plan 2010.

**Particulars**

- a) The proposal does not ensure that *"the general low density nature of the zone is retained and that development for the purposes of dual occupancy (attached) and multi dwelling housing (attached) do not significantly alter the character of a location or neighbourhood"*.
  - b) The proposal does not ensure that *"new development complements or enhances the local streetscape."*
2. The proposal is contrary to Section 79C(1)(a)(i) of the *Environmental Planning and Assessment Act 1979* as it is inconsistent with the provisions of State Environmental Planning Policy (Affordable Rental Housing) 2009.

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**ITEM 2 (continued)**

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**Particulars**

- a) The proposal is contrary to Clause 14(1) Deep soil zones.
  - b) The proposal is contrary to Clause 16A in that it is incompatible with the streetscape and character of the local area in terms of established pattern of development, setbacks, building width and landscaping.
  - c) The proposal is inconsistent with Clause 15(1) in terms of compliance with the provisions of the Department of Planning “*Seniors Living Policy: Urban Design guidelines for infill development*” in relation to responding to the context of the local area, site planning and design, impacts on streetscape, impacts on neighbours and internal site amenity.
3. The proposal is contrary to Section 79C(1)(a)(ii) of the *Environmental Planning and Assessment Act 1979* as it fails to satisfy the provisions of the Draft Ryde Local Environmental Plan 2011.

**Particulars**

- a) The proposal is contrary to Clause 4.3(2C) Height of Buildings in Zone R2
4. The proposal is contrary to Section 79C(1)(a)(iii) of the *Environmental Planning and Assessment Act 1979* as it fails to satisfy the requirements of the Ryde Development Control Plan 2010.

**Particulars**

- a) The proposal is contrary to the objectives of Part 3.5 - Multi Dwelling Housing (attached) within the Low Density Residential Zone of the RDCP as it will:
  - Not complement existing development and streetscape
  - Result in a housing development that is not designed to a high aesthetic standard
  - Adversely affect the amenity of occupants of adjoining land and
  - Result in a multi dwelling housing (attached) development of a scale that is not related to the character of the area
- b) The proposal does not comply with the minimum floor to ceiling height requirement of Part 3.5 of the RDCP.
- c) The proposal does not comply with the side and rear setback and second street frontage setback requirements of Part 3.5 of the RDCP.
- d) The proposal does not comply with the minimum private open space area requirements of Part 3.5 of the RDCP.
- e) The garage and car parking layout dominates the development and is contrary to the provisions of Part 3.5 of the RDCP.

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**ITEM 2 (continued)**

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- f) The proposal does not comply with the car parking manoeuvrability or the driveway requirements of Part 3.5 of the RDCP.
  - g) The proposal is unsatisfactory with regard to the overshadowing and access to sunlight requirements in Part 3.5 of the RDCP.
  - h) The proposal has not demonstrated compliance with the accessibility requirements of Parts 3.5 or 9.2 of the RDCP.
  - i) The proposal is unsatisfactory with regard to the Building Form requirements of Part 3.5 of the RDCP.
  - j) The proposal does not comply with the fencing requirements of Part 3.5 of the RDCP.
  - k) The proposed stormwater disposal method for the site does not meet the requirements of Part 8.2 of the RDCP.
5. Pursuant to Section 79C(1)(b) of the *Environmental Planning and Assessment Act 1979*, it is considered that the proposed development, fails to comply with requirements of Australian Standard AS2890.1-2004 with regard to the driveway width at the entrance to the development, driveway gradients, manoeuvrability in and out of garages and sightline requirements for pedestrians. The proposal would result in conflict between pedestrian and vehicular traffic and would give rise to a traffic hazard.
6. Pursuant to Section 79C(1)(b) of the *Environmental Planning and Assessment Act 1979*, the cumulative impacts of the proposed development's failure to comply with the provisions and requirements of State Environmental Planning Policy (Affordable Rental Housing) 2009, Ryde LEP 2010 and Ryde DCP 2010 will result in a development whose scale, form, density and design is inconsistent with existing development in the area and detract from the character and the amenity of the locality.
7. Pursuant to Section 79C(1)(e) of the *Environmental Planning and Assessment Act 1979*, the proposed development is not in the public interest as the development is inconsistent with the scale and intensity of development that the community can reasonably expect to be provided on this site.
8. Pursuant to Section 79C(1)(e) of the *Environmental Planning and Assessment Act 1979*, the proposed development is not in the public interest, pertaining to the number of objections that have been received in relation to the proposal.
- (b) That the persons who made submissions be advised of Council's decision.

**ITEM 2 (continued)**

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**ATTACHMENTS**

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

Report Prepared By:

**Valerie Conway Planning Consultant  
City Plan Strategy and Development**

Report Approved By:

**Liz Coad  
Manager Assessment**

**Dominic Johnson  
Group Manager - Environment & Planning**



**ITEM 2 (continued)**

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

**Address** : 58 – 60 Falconer Street, West Ryde



**ITEM 2 (continued)**

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- Topography and Vegetation** : The site is fairly level with a gradual incline from west to east. Along Falconer Street, the ground level rises by approximately 0.75m whilst the change in ground level over the length of the site is approximately 1.2 – 1.9m There are a total of six mature trees on the site that would be affected by the proposed development. It is noted that the arboricultural report submitted with the application fails to include several mature trees on the site.
- Existing Buildings** : The site includes two single storey buildings, two fibro garages and a metal shed which are proposed to be demolished as part of the proposal.
- Planning Controls Zoning** : R2 - Low Density Residential
- Other** : Local Environmental Plan 2010  
State Environmental Planning Policy (Affordable Rental Housing) 2009  
Seniors Living Policy: Urban Design Guidelines for infill development  
State Environmental Planning Policy 55 – Remediation of Land  
State Environmental Planning Policy (Building Sustainability Index: BASIX)  
Deemed State Environmental Planning Policy Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005  
Development Control Plan 2010

**3. Councillor Representation**

- Name of Councillor: Councillor Pendleton
- Nature of the representation: Called up to the Planning & Environment Committee
- Form of the representation: Email to helpdesk on 19/2/2013
- On behalf of applicant or objectors?: Objector
- Any other person (e.g. consultants) involved in or part of the representation: No

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**ITEM 2 (continued)**

**ATTACHMENT 1  
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Name of Councillor:	Councillor Salvestro-Martin
Nature of the representation:	Called up to the Planning & Environment Committee
Form of the representation:	Email to helpdesk on 11/3/2013
On behalf of applicant or objectors?:	Objector
Any other person (e.g. consultants) involved in or part of the representation:	No
Name of Councillor:	The Mayor, Councillor Petch
Nature of the representation:	Called up to the Planning & Environment Committee
Form of the representation:	Email to the Group Manager Environment and Planning on 25/3/2013
On behalf of applicant or objectors?:	Objector
Any other person (e.g. consultants) involved in or part of the representation:	No

**4. Political Donations or Gifts**

Any political donations or gifts disclosed? No disclosures.

**5. Proposal**

The proposal is seeking approval to demolish two (2) existing single storey dwellings and to construct an infill development under the Affordable Housing State Environmental Planning Policy comprising of ten (10) strata titled townhouses consisting of six (6) x three (3) bedroom and four (4) x two (2) bedroom dwellings.

The development consists of two terrace blocks, each with three (3) x three (3) bedroom and two (2) x two (2) bedroom units. Unit 1 which fronts onto Falconer Street is two storey. The remainder of the units are single storey with accommodation at attic level.

**ITEM 2 (continued)**

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The site is accessed by a 6m wide driveway which runs west to east across the site. The driveway is set back 1.2m from the southern site boundary with a small pocket of common open space at the end of the internal driveway. The units are located to the north of the driveway with single garages (except for unit 1 which has a double garage) and uncovered car parking spaces accessed from the driveway. The units front onto areas of private open space which are accessed from a 0.9m wide access path which runs along the northern boundary of the site. This common access path which is enclosed by 1.8m high fencing runs from Falconer Street to Unit no 9. There is a pedestrian access and vehicular access to unit no 10 from Linton Lane.

The three bedroom units have two car parking spaces (double garage or single garage and uncovered car parking space) while the two bedroom units have a single garage. There are three visitor car parking spaces giving a total car parking provision of nineteen spaces. Waste (garbage and recycling) storage facilities and clothes drying lines are to be provided in the private amenity space of each unit.



**Figure 1: Existing streetscape**

Source: Googlemaps streetview

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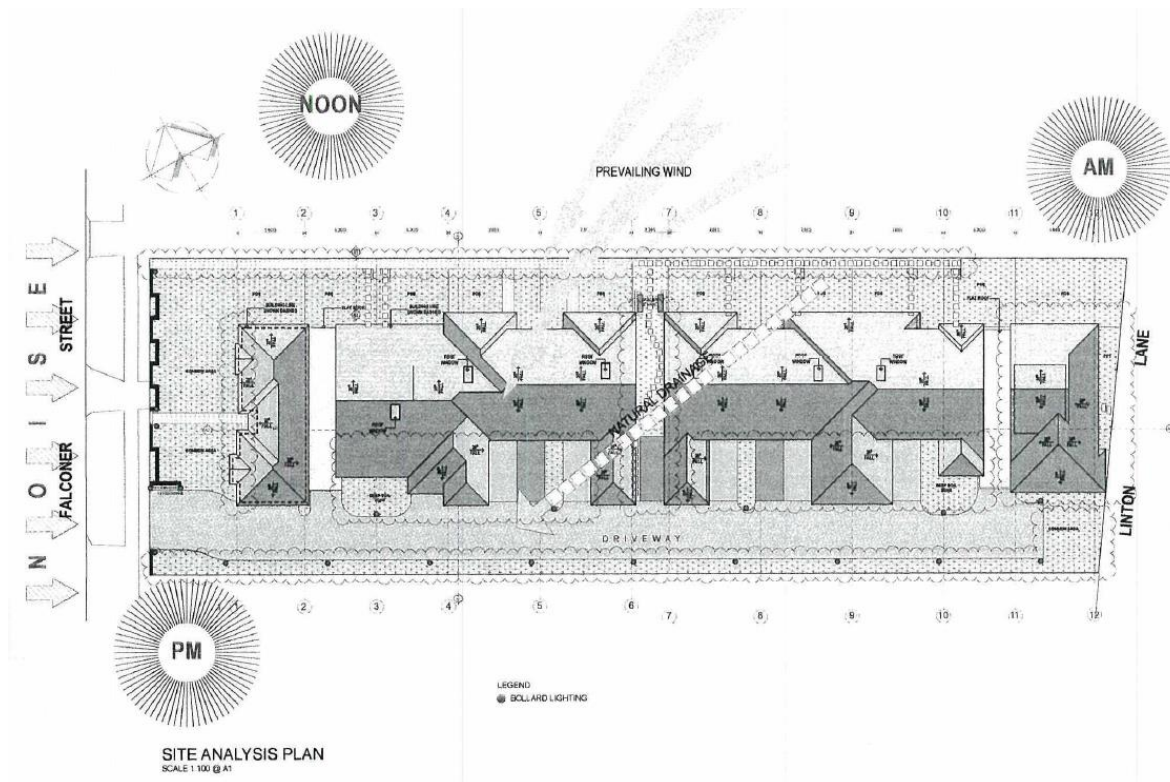


Figure 2 - Proposed Layout



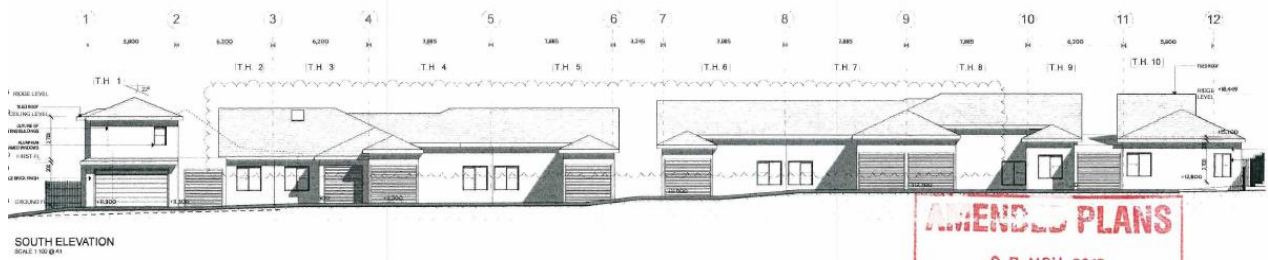
Figure 3 - Elevation onto Falconer Street



Figure 4 - Northern elevation

**ITEM 2 (continued)**

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**Figure 5 – Southern elevation**



**Figure 6 – Elevation onto Linton Lane**

The current plans are the result of a series of amendments to the original plans submitted on 3 May 2012 in which twelve dwellings (two storey and single storey) were proposed. The current proposal relates to ten units – one x two storey unit fronting onto Falconer Street and nine single storey units (with attic accommodation).

## **6. Background**

There is no evidence of any pre-lodgement meetings in relation to this development.

The subject LDA was lodged with Council on 3 May 2012. The original application was for demolition of two existing dwellings and the construction of twelve townhouses (in two terraced blocks with two storey elements fronting onto Falconer Street and Linton Lane).

Following a preliminary assessment of the application, various non-compliances were identified. The following issues were raised via a letter to the Applicant dated 24 May 2012 (which included a compliance checklist).

### RLEP 2010

- Height and FSR exceed LEP.
- Site area discrepancies between Council records and applicant's survey.

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**ITEM 2 (continued)**

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SEPPARH

- Landscape area < 50%.
- Deep soils zone not located in rear 2/3 of site.
- Proposal out of context with area, particularly both two storey elements.
- Housing mix not adequate.
- Landscaping on both sides of driveway inadequate.
- Setback inconsistent.
- Privacy/ overlooking issues.
- Location of garages relative to bedrooms.
- Entries to dwellings off driveway poorly designed.
- Design incompatible with character of the local area – dwellings 2-4 & 9-12 should be single storey. Many exceed height requirements.

RDCP Part 3.5 - Multi Dwelling Housing (for Low Density Residential Zone)

- Linear separation from villa/duplex/urban housing development.
- Excessive density.
- Dwelling mix 83% while 75% allowable.
- Height and storeys exceed controls.
- Site coverage & pervious area calculations questionable.
- Front setback 6m (9.2m or 6.5m – 7.6m at Council discretion).
- Northern boundary setback 3.2m (3m – 4.5m required).
- Private Open Space inadequate.
- No separate access to POS for eight dwellings.
- Inadequate landscaping along driveway.
- No visitor parking – 4 spaces required.
- Driveway paving excessive.
- Balconies on first floor prohibited.
- Eaves overhang less than 300mm.
- Hip on front elevation where gable required.
- Front fence materials not clear.
- Details of rear and side fences not clear, elevation of rear fence required
- Waste (garage and recycling) facilities not provided.
- Reference made to Moscaritolo v City of Ryde which does not support the building form proposed or the two storey element of the development at the rear of the site.

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**ITEM 2 (continued)**

**ATTACHMENT 1  
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Engineering details required:-

- Driveway width should be widened to 5.5m at boundary to a point 6m into the site.
- All dimensions should be provided including width of the driveway at various locations.
- Demonstrate adequate turning areas into and out of garages, particularly for unit 12.
- Stormwater pit on Falconer St needs to be relocated – Drainage plan to show details.
- Correct location of the power pole adjoining driveway on drainage plan to be shown. Amount of runoff directed to the kerb is excessive and exceeds 30l/s. Pipe should be connected to the pit. The outlet pipe cannot be directed to a lay back.
- Volume of the OSD tank to be increased to accommodate the total impervious & pervious runoff directed into the tank.
- Levels across the footpath are excessive. Applicant to contact Council's Public works Department to get driveway crossing levels & show on plans. This must be done prior to the submission of any amended plans as it will affect driveway levels.
- Runoff from the upstream catchment to be directed to the street separately or basin should be designed to accommodate the additional runoff.
- Courtyard pergolas are proposed at the back and there is a likelihood that the owners will install paving under these area - question as to whether these are needed or whether the area should be included in the pervious areas calculations.
- Despite the BASIX's exclusion of water tanks, consideration to be given to providing a water tank for each dwelling for water reuse.

Amended plans were received by Council on 14 August 2012. The amended plans decrease the number of units from twelve to ten, whilst reducing the height of units so that only units 1 and 10 are two storeys and the remainder appear to be single storey (but have accommodation at attic level). The garage/carport/bedroom arrangement on the ground floor was also altered. An access path was proposed through the private open space to provide pedestrian access to each of the units through the POS. The separation distance between the two blocks was decreased marginally and communal bin facilities located here. Correspondence submitted with the amended plans suggested that some, though not all, of the issues raised by Council Officers were addressed.



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**ITEM 2 (continued)**

**ATTACHMENT 1  
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The amended plans of 14 August 2012 were not notified. The amended plans were assessed by Council Officers and the applicant was issued with a further request for additional information on 11 October 2012. Some of the issues raised in the initial letter remained outstanding.

Council's letter of 11 October 2012 (which included an updated compliance checklist) raised the following issues of non-compliance/deficiencies in the application:

RLEP 2010

- Site area discrepancies between Council records and applicant's survey (Council's records show a total site area of 2188m<sup>2</sup>).

SEPPARH

- Units available for Affordable housing not indicated on the amended plans.
- Landscape area only 22.37% by Council calculations (<30% required). Calculations to be provided.
- Deep soils zone not located in rear 2/3 of site but to the north of the site where likely to overshadow living areas and courtyards.
- Number of two and three bedroom units below the minimum dwelling size.
- Proposal out of context with area, particularly the two storey element fronting the land and the minimal separation of the buildings. The rear land should be treated as a rear entrance and not a secondary frontage that mostly applies to corner allotments. Consideration to be given to single storey building, close to Linton Lane (its garage could be off the lane) with its main access from Falconer Street. If the building was moved closer to the Linton Lane it would provide a better separation between dwellings 5 & 6.
- Rear 2/3 of development not single storey.
- Communal garbage area poorly located and not roofed. Consideration to be given to individual storage in courtyards or garages.
- Landscaping on both sides of driveway inadequate, driveway visually dominant.
- Communal pathway along northern side of site must be excluded from individual dwellings & form part of common property. The feature requires reconsidering as in its present form it impacts on solar access especially if it is to be planted with tall growing vegetation, reduces courtyard size and security issues.

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RDCP Part 3.5 - Multi Dwelling Housing (for Low Density Residential Zone)

- Linear separation.
- Excessive density.
- Site coverage possibly complies as Council estimate 39.77% and applicant 40% - calculations to be shown on plan.
- Pervious areas should be 35% - Council calculate it to be 22.37% and applicant 35.69%. Pervious area calculations include paths – only acceptable if pervious (50% allowance).
- Many courtyards have less area than required. The common path on the north side to be excluded.
- Landscaping along driveway is inadequate, driveway paving excessive, not visually broken up by landscaping.
- No visitor parking – 3 spaces required.
- Balconies on first floor prohibited.
- Disability access details inadequate. Two dwellings shown as disabled but other aspects of disabled accessibility not clear.
- Front fence materials not clear whether 70% open.
- Details of fence along Linton Lane missing.
- Waste (garage and recycling) bin facilities not in suitable location. Consider individual courtyards or garages.

BASIX

- Updated certificate required.
- Relevant details to be shown on plans.

Subdivision

- The details on the subdivision plans do not appear to match the site plan. Applicant requested to clarify if the open space areas off the driveway were included in the adjoining dwelling. This may assist in addressing courtyard areas. The subdivision outline should be shown on a site plan.

On 27 November 2012, the applicant was issued a third letter and advised that since Council's letters of 24 May 2012 and 11 October 2012, satisfactory details were not submitted. The applicant was advised that if the requested information was not submitted within seven days the application would be assessed on the information/details in with Council.

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Amended plans were received by Council on 27 November 2012. As in the plans submitted on 14 August, the number of dwellings remains at ten. Unit 10 facing onto Linton Lane has been reduced to single storey (again with accommodation at attic level). The garage/car parking space arrangement was amended to provide for single garage to all units but unit 1 with some uncovered car parking spaces to provide for visitor and resident parking. This has allowed for a realignment of the driveway and the provision of a landscaped strip along the southern boundary of the site between the driveway and the adjoining site (62 Falconer). Unit 10 is located closer to Linton Lane with vehicular access to the garage serving unit 10 off the lane. The relocation of unit 10 closer to Linton Lane allows for an increase in the separate distance between the two blocks. The communal bin storage area has been removed by providing bin facilities in the private open space of each of the units. An access path is proposed along the northern boundary.

The applicant advised that:

- The site area is now 2220m<sup>2</sup>.
- Units 3 and 4 are available for Affordable Housing.
- 30% landscape area demonstrated.
- Deep soil zone maximised in the rear 2/3 of site.
- Dwellings sizes meet minimum area required under AHSEPP.
- Unit 10 reduced to single storey and relocated closer to Linton Lane.
- Separation distance between blocks increased to approximately 3m.
- Bins relocated to rear private open space.
- Landscaping on both sides of driveway increased with 1.2m setback from boundary.
- Communal access path excluded from POS and now forms part of common area.
- 40% site coverage achieved by minimising garage floor space.
- 35% pervious areas.
- 3 visitor car parking spaces provided.
- Balconies on the first floor removed.
- Disability access details shown on the amended plans.
- 1.8m high fence proposed along Linton Lane boundary.
- A revised BASIX certificate and strata plan submitted.

Revised landscaping plans and Site & Roof Drainage plan was submitted by applicant on 15 January 2013. The application was advertised/notified and the amended plans referred to Council's Consultant Development Engineer and Council's Consultant Landscape Architects.

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Revised shadow diagrams were submitted by the applicant on 7 February 2013.

The submission period closed on 27 February and three submissions were received during this period. One of these submissions included a petition signed by 29 signatures.

The amended plans submitted to Council on 27 November 2012 and supplemented by additional plans submitted on 15 January 2013 and 7 February 2013, are those currently under consideration.

## **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 6 February 2013. Notification of the proposal was from 5 February 2013 to 27 February 2013.

During this period, three submissions were received, one of which was an MP's referral of a resident's objection, which was also made separately. The third objection included a petition signed by 29 local residents. A fourth submission was received after the closing date.

The issues raised in the submissions are discussed below.

- *Compatibility with SEPPARH and the Seniors Living Policy; Urban Design Guidelines for Infill Development*

The objection notes that the development does not comply with Clauses 15 or 16A of the SEPP which requires an assessment of the development relative to the provisions of *Seniors Living Policy; Urban Design Guidelines for Infill Development* and the character of the local area. It states that the SEPPARH standards in relation to deep soil zones are also not satisfied.

### **Response:**

Clause 16A of the SEPPARH requires a consideration as to whether the design of the development is compatible with the character of the local area. In *McKees Project Management Pty Ltd v Warringah Council (2012) NSWLEC 1213*, it was submitted that the question of "compatibility" under the SEPPARH could be considered having regard to the following matters:

- *Determine the local area.*
- *Identify the desirable elements of the character of the local area.*
- *Identify how the design of the development responds to or reinforces those desirable elements.*

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- *Understand the expectations created by the Council's controls relating to built form and character.*
- *Consider the expectations created by the SEPP and how that affects the question of compatibility.*

It is considered that this is a reasonable approach to address the question of compatibility with the character of a local area as required under the SEPPARH. Set out hereunder is an assessment of these matters:

*What is the local area?*

Having regard to the street hierarchy, the residential nature of the area and the block and lot sizes, the local area can be reasonably considered to be primary visual catchment of the site.

*What are the desirable elements of the character of the local area?*

The existing character of the 'local area' is predominantly one storey detached dwellings with pitched roofs in a garden setting. It also includes two multi unit dwelling developments of one and two storeys. Existing single storey dwellings are being replaced with larger two storey dwellings along Falconer Street and nearby Parkes Street.

The desirable elements of the existing character include front setbacks containing gardens and buildings dispersed amongst landscaped settings and an established lot pattern with a regular rhythm of buildings and landscaping.

*How does the design of the development respond to or reinforce those desirable elements?*

In this regard, McKees Project Management Pty Ltd v Warringah Council has regard to the planning principles in *Project Venture Developments Pty Ltd v Pittwater Council* [2005] NSWLEC 191 (Refer to an assessment of the proposal below having regard to the principles set out in this case wherein it is considered that the proposed development does not respond to the essential elements of the existing character of the 'local area' by virtue of its mass and width when viewed from the street, setbacks and subsequent disruption to the lot and development patterns and the loss of landscaping).

*What are the expectations created by the Council's controls relating to built form and character?*

The area is undergoing transition to the extent that existing, generally small/modest, mainly single storey dwellings are being replaced by larger, mainly two storey dwellings which have a greater scale and tend to be more prominent in the landscape. Despite this change in dwelling scale, the desired future character in Low Density Residential Area as sought by Council in its expression of the R2 zone

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objectives in the RLEP 2010 is one which seeks to “ensure that the general low density nature of the zone is retained and that development for the purposes of dual occupancy (attached) and multi dwelling housing (attached) do not significantly alter the character of a location or neighbourhood”. Therefore whilst the RLEP allows for multi-dwelling developments in Low Density Residential Areas, the expectation is that they would be dispersed. This proposal concentrates multi-dwelling developments in a local area.

*What are the expectations created by the SEPP and how that affects the question of compatibility?*

The proposal does not comply with the recommended minimum provision of deep soil zones as set out in Clause 14(1)(d) of SEPPARH. In accordance with Clause 15(i) of SEPPARH, the Senior Living Policy; Urban Design Guidelines applies to the development. A discussion of the extent of non-compliance of the proposal with these Guidelines is detailed in **Table 3** of the Compliance Tables.

It is therefore considered that the design of the proposed development and the resultant changes to the streetscape in terms of massing, setbacks and landscaped settings, is not compatible with the character of the ‘local area’. The degree of incompatibility arising from the proposed design and layout is such that the development application should be refused.

*Compatibility in the urban environment - Project Venture Developments Pty Ltd v Pittwater Council [2005] NSWLEC 191*

The meaning of ‘compatible’ in this context is taken to be ‘capable of existing together in harmony.’ The principle notes that compatibility is different from sameness, and that where compatibility between a building and its surroundings is desirable, its two major aspects are physical and visual impact. To test whether a development is compatible with its context, two questions should be asked:

- Are the proposal’s physical impacts on surrounding development acceptable?
- Is the proposal’s appearance in harmony with the buildings around it and the character of the street?

The Planning Principle recognizes that the physical impacts such as noise, overshadowing, etc can be assessed objectively. In this case they are identified in the Compliance Tables attached to this report (noise impact on adjoining properties as a result of vehicular and pedestrian traffic, etc). The acceptability of such impacts on neighbouring properties is addressed below.

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In contrast, it is acknowledged that determining whether a new building appears to be in harmony with its surrounding is a more subjective test. However, it was put forward in *Project Venture Developments Pty Ltd v Pittwater Council* [2005] NSWLEC 191 that analysing the existing context and then testing the proposal against it can reduce the degree of subjectivity involved.

The Planning Principle states that “*for a new development to be visually compatible with its context, it should contain, or at least respond to, the essential elements that make up the character of the surrounding urban area.*” In the absence of planning instruments or urban design studies which describe the urban character, the Planning Principle states that the most important contributor to urban character is “*the relationship of the built form to surrounding space, a relationship that is created by building height, setbacks and landscaping.*”

Building Height

The proposal complies with the maximum building height provisions set out in the RLEP 2010 (though not in the Draft LEP 2011 – Refer to Section 9(c)i). Whilst Unit 1 which fronts onto Falconer Street is two storey, it is not considered that the height differential between it and the adjoining developments is such that would render in incompatible in the streetscape.

Setbacks

The development is proposed to be set back from Falconer Street such that it will lie 1.6-1.7m forward of the adjoining dwellings. The regular rhythm of spaces (building and void) along the streetscape will be disrupted by a layout which proposes to centre the new development in what is currently two regular sized lots whereby increasing both the mass and width of the development and the width of the void. Whilst the RLEP does not discourage the amalgamation of lots, the width of the site here is such that the pattern of development will erode the desired elements of the character of the area.

Landscaping

Whilst there is some on-street tree planting along Falconer Street, there are no significant trees to the front of the site.

It is proposed that much of the onsite planting and tree cover would be removed to accommodate the proposed development, including that along the site boundaries. Whilst it is proposed to provide a landscaping strip along the southern boundary of the site, the limited area and the proximity to the driveway, will preclude the planting of canopy trees or significant landscaping there. Equally, despite the request from Council Officers that a walkway be provided along the northern site boundary, it is considered that its layout and boundary treatment is such that it will preclude the provision of any landscaping at this location.

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**Figure 7: Existing landscaping visible from the public domain.**

In this regard, it is worth referring to *Wombarra Pty Ltd v Wollongong City Council* (2003) NSWLEC 268 which established the following principle for assessing compatibility of a medium density development in a low density area: “*where a site has existing characteristics that assist in reducing the visual dominance of development, these characteristics should be preserved*” and “*it is preferable to preserve existing vegetation around a site’s edges to destroying it and planting new vegetation.*” Applying this principle, if the existing pattern of vegetation was preserved, the proposal’s dominance would be reduced. The proposal involves the removal of most of the site’s vegetation and even with replanting, which may take years to establish, will render the development incompatible in terms of the existing landscape patterns in the area.

**Building Width**

*Wombarra Pty Ltd v Wollongong City Council* (2003) NSWLEC 268 also establishes the principle that where the size of a development is much greater than the other buildings in the street, it should be visually broken up so that it does not appear as one building. Whilst the applicant has broken the development up across the length of the site, the width of the unit at the street frontage is significantly greater than that of adjoining buildings. The alteration to the established setbacks exacerbates the streetscape impact.

**Compatibility**

It is considered that the proposal has not responded to the surrounding context or pattern of development - with regard to its compatibility with the streetscape or character of the area in terms of setback, rhythm of development or landscape setting.



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Whilst the precedent has been established for multi unit developments in the immediate vicinity of the site, there are concerns that further lot consolidation and sub-optimal multi-unit development in close proximity to these existing developments, will erode the predominant lot pattern in the area and detract from the low density character of the area.

- *Planning precedent and Land & Environment Court Principles*

The objector considers that the proposal fails the test of compatibility established in *Project Venture Developments Pty Ltd v Pittwater Council (2005) NSWLEC 191* at (points) 22-31 for reasons outlined in the submission and in regard to design and impact on neighbouring properties established in *Pafburn v North Sydney Council (2005) NSWLEC 44* at (point) 26.

**Response:**

Test of compatibility with the Character of the Local Area.

The test of compatibility established in *Project Venture Developments Pty Ltd v Pittwater Council (2005) NSWLEC 191* referred to here is addressed above in relation to the compliance of the proposal with the SEPPARH above.

Criteria for the assessment of impacts on neighbouring properties

The second principle to which the objection refers; *Pafburn v North Sydney Council (2005) NSWLEC 44*, related to criteria for the assessment of impacts on neighbouring properties. It identifies five common themes that run through previous planning principles which can be applied to the assessment of impacts on neighbouring properties.

*“The first theme is that change in impact may be as important as the magnitude of impact.”*

*“The second theme is that in assessing an impact, one should balance the magnitude of the impact with the necessity and reasonableness of the proposal that creates it. An impact that arises from a reasonable or necessary proposal should be assessed differently from an impact of the same magnitude that arises from an unreasonable or unnecessary proposal.”*

*“The third theme is that in assessing an impact one should take into consideration the vulnerability of the property receiving the impact.”*

*“The fourth theme is that the skill with which a proposal has been designed is relevant to the assessments of its impacts. Even a small impact should be avoided if a more skilful design can reduce or eliminate it.”*

*“The fifth theme is that an impact that arises from a proposal that fails to comply with planning controls is much harder to justify than one that arises from a complying proposal. People affected by a proposal have a legitimate expectation that the development on adjoining properties will comply with the planning regime.”*

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The Planning Principle sets out a set of questions that are generally relevant to the assessment of all forms of impact in neighbouring properties:

- How does the impact *change* the amenity of the affected property? How much sunlight, view or privacy is lost as well as how much is retained?
- How necessary and/or reasonable is the proposal causing the impact?
- How vulnerable to the impact is the property receiving the impact? Would it require the loss of reasonable development potential to avoid the impact?
- Does the impact arise out of poor design? Could the same amount of floor space and amenity be achieved for the proponent while reducing the impact on neighbours?
- Does the proposal comply with the planning controls? If not, how much of the impact is due to the non-complying elements of the proposal?

To assess the proposal in terms of the themes outlined above, particularly with regard to its potential impact on 62 Falconer Street (the adjoining southern property) the impacts of the development (traffic noise, overshadowing of dwelling and private amenity space, the creation of a sense of enclosure by being surrounded on two sides by medium density development) were considered against:

- The change in the amenity of the property (increase in overshadowing of dwelling and private open space, likely increase in noise intrusion, perceived sense of enclosure by medium density developments, etc)
- the necessity for and reasonableness of the proposal;
- the skill and consideration in designing a proposal to reduce adverse impacts;
- its degree of compliance of the proposal with the planning controls; and
- the vulnerability of the site in terms of its potential location between two medium density developments.

In this regard, it is considered that the proposed development fails to demonstrate that the potential impacts on neighbouring properties are acceptable.

- *Detrimental to the character of the area*

The objectors state that the proposal is out of character with the area which accommodates predominantly single storey dwellings, with some multi-dwelling developments which have been developed in accordance with Council's Guidelines. It fails to add to the amenity of the community by:

- Replacing two Federation style dwellings with a building of unprecedented scale and density.
- Failing to comply with Council's Guidelines.
- Providing only two affordable rental housing units in a development designed for maximum commercial benefit and
- Reduces resident safety and increases the potential for crime and antisocial behaviour.

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**Response:**

As outlined above in response to the question of compliance of the proposal with the SEPPARH and in **Table 3** of the Compliance Tables, the proposed development is considered to be out of character the local area. The density of the development is excessive, a fact which is further exacerbated by the proximity of the site to two existing multi-dwelling developments.

Whilst unlit walkways enclosed by 1.8m high fences, common areas which are not overlooked by dwellings and pedestrian access onto an unlit narrow lane may not be optimal in terms of CPTED, there is nothing to suggest that the development would encourage anti-social behaviour and resident/visitor safety. The number of affordable housing units is consistent with the SEPP.

- *Ryde Draft LEP 2011*

The objectors note that the application or the Statement of Environmental Effects does not address the provisions of the Draft RLEP 2011. They state that the pertinent provision of the DLEP that would affect the proposal is the requirement that dwellings in a multi-dwelling development not having a street frontage would have a maximum height of not more the 5m (Clause 4.3(2C)). The objector notes that units 2 to 10 would all exceed this proposed control.

**Response:**

As noted by the objector, it would appear that the motivation behind the proposed change to the maximum building height in such circumstances is to limit the mass and height of dwellings set back from the street frontage and to eliminate or reduce the potential for overlooking or overshadowing. Consideration of the proposal under the Draft RLEP 2011 is set out below in Section 9(c)(i).

- *Proposal does not comply with Council's Multi-housing DCP 2010.*

The objectors note that the development, regardless of any layout changes, can never comply with the Council's control in relation to the separation of medium density development (Control 2.4 Separation of medium density developments in the Residential A zone (Linear Separation)).

**Response:**

It is noted that the SEPPARH explicitly allows for this type of development in this location and overrides the Council controls in the event of any inconsistency.

It is further noted that with the recent adoption of the Draft RLEP by Council, which is now certain and imminent, this provision, which is not included in the Draft DCP, is no longer a relevant consideration for this DA as Council has effectively abandoned this provision.

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- *Density*

The objectors contend that the replacement of two federation style dwellings with a development incorporating 26 bedrooms and 19 car parking spaces is an overdevelopment of the site.

**Response:**

Whilst the Density controls in the LEP (4.5A) are being breached (a minimum site area of 3,000m<sup>2</sup> is required for a development of 10 units, yet the site area is only 2,220m<sup>2</sup>), the applicants are seeking to rely on the provisions of SEPPARH to overcome this issue. The SEPP sets out a number of controls which cannot be used to refuse consent for a development in which at least 20% of the development is being made available for affordable rental housing (clause 14). One such reason relates to site area, being that the Consent authority cannot refuse consent where the site area is at least 450m<sup>2</sup>.

However this does not overcome the issue of potential overdevelopment of a site. Based on the current design, the subject site simply does not have the capacity to accommodate ten units which meet the minimum requirements for the site in relation to minimum private open space, deep soil zones, setbacks, etc. In this design, the driveway and car parking provision dominate the layout, the deep soil zones are inadequate incidental areas left over after the car parking and access requirements are met. It is therefore considered that the proposal is an overdevelopment of the site.

- *Overdevelopment of site and resultant impact on 62 Falconer Street*

The residents of 62 Falconer Street note that they have a development of six villas to the south of their property and, if the current proposal is approved, will have a development of an additional ten units to the north, being effectively 'sandwiched' between two medium density developments in what is a low density residential area.

**Response:**

As the Draft RLEP 2011 has recently been adopted by Council and the corresponding Draft DCP omits the control requiring a minimum linear separation between multi dwelling developments in a low density residential area, there is no longer a quantifiable distance between multi-dwelling developments which is considered acceptable. Rather each case must be assessed on its merits.

As outlined above, the criteria for the assessment of impacts on neighbouring properties identified as a Planning Principle in *Pafburn v North Sydney Council (2005) NSWLEC 44* indicates that the proposed development would have an adverse impact on the residential amenity of 62 Falconer Street, including the perceived sense of isolation as a result of being located between two medium density within a

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low density residential zone. Property owners or occupants have a reasonable expectation that future development would comply with the zone objectives which includes seeking to “*ensure that the general low density nature of the zone is retained and that development for the purposes of dual occupancy (attached) and multi dwelling housing (attached) do not significantly alter the character of a location or neighbourhood*”.

- *Overshadowing and secondary issues*

The objectors note that shadow diagrams show overshadowing of 62 Falconer Street during the mornings which will have an effect on passive heating of the dwelling. The secondary issue relates to the bulk of the proposed development and the insufficient landscaping which the objectors state will result in a loss of privacy and requirement on them to provide landscaping to screen the development.

**Response:**

Whilst the shadow diagrams do show overshadowing of 62 Falconer Street at 9am, it appears that the dwelling will still have access to a minimum of 3 hours of solar access between 9am and 3pm on 21 June (mid winter).

Of more concern, is the impact of noise transmission and light pollution resulting from the proximity of the proposed driveway and associated lighting to the adjoining property. The applicants have not demonstrated that adequate mitigation measures would be put in place, in terms of landscaping, noise proofing of boundary treatments or light standard height, angle or placement, to ensure that the residential amenity of the adjoining property is not eroded as a result of noise intrusion or light trespass. These issues could however be mitigated by condition if consent were to be granted.

- *Safety, Security and Privacy issues*

The objectors state that insufficient attention has been paid to preserving the privacy and security of 62 Falconer Street which will be compromised as a result of the adjacent (higher level) driveway separated from their property by standard fencing and a low level, narrow landscaping strip. The owners of 62 Falconer Street also have concerns with regard to the effects of noise and headlights from traffic using the proposed driveway which they state will impact on their bedrooms and living areas. The lack of dwelling entries from this driveway raises concerns in relation to surveillance and subsequently safety and security.

**Response:**

The issue of the impact of the proposed driveway on No 62 Falconer Street is addressed above (*Overshadowing and secondary issues*). The concerns in relation to the lack of interconnectivity and potential for surveillance between the proposed driveway and the dwellings is noted and considered to be a reasonable concern.

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- *Development on Linton Lane*

The objectors claim that the proposal to address one of the units onto Linton Lane (which is unlit, without a footpath and primarily used for vehicular access to garages) further demonstrates the security and poor design issues associated with the development.

**Response:**

Whilst there are a number of dwellings fronting onto Linton Lane, they are located closer to the junctions of Linton Lane with Herbert Street and Parkes Street. Therefore the precedent of dwellings fronting onto this lane has been established. However, if consideration were to be given to the development of the site with a dwelling fronting onto this lane (which appears to be primarily used for vehicular access to garages and the rear of site), the dwelling should be set back further from the site boundary/road edge, the 1.8m high fencing would need to be revised and pedestrian access from the dwelling back thorough the site onto Falconer Street should be provided. The current proposal results in a dwelling effectively isolated from the remainder of the site, enclosed by 1.8m high fences setback just 1.1m to 2.2m from the front elevation of the dwelling (and living area windows), accessing onto a narrow lane with no footpath or public lighting.

- *Compliance of attic level accommodation with BCA requirements and minimum floor to ceiling heights.*

The objection notes that bedroom provision at attic levels in units 2-10 will be substandard in terms of floor space, floor to ceiling height, solar access and ventilation.

**Response:**

The information provided in relation to floor to ceiling heights at attic level is scant, but it is apparent that a number of the units have attic floor to ceiling heights of less than 2.7m. Without clear cross sections through the attic level demonstrating floor to ceiling height, it is not clear if a floor-to ceiling height of 2.2m can be achieved for no less than 2/3 of the floor area (as required by the BCA). Having regard to low pitch of the roof (25 degrees) there are concerns that sufficient head room can be achieved.

In the absence of any details on the roof lights at attic level the objectors' concerns in relation to inadequate solar access and ventilation are reasonable.

- *Plan Deficiencies*

The objection notes that there are discrepancies between plans and supporting documentation particularly with regard to the site area which impacts on landscaped area, deep soil zones and floor space ratio.

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**Response:**

The discrepancies are noted. For the purposes of calculating landscaped area, deep soil zones and FSR, a site area of 2,220m<sup>2</sup> has been used. (Refer to Compliance Tables for further details on discrepancies in terms of landscaped area, deep soil zones and private amenity area calculations).

- *Assessment of DA*

The objection questions whether the DA should have been refused initially having regard to the number of changes to the plans and the time elapsed between lodgement and notification.

**Response:**

This is noted.

- *Car parking and traffic generation*

One objection considers that the car parking provision to be excessive and contrary to the principles of the SEPPARH which encourages public transport usage, whilst another has concerns that the development will give rise to car parking demand over that proposed onsite, which they consider will impact on the demand for on-street car parking. The latter objection also relates to concern with traffic generation from the development and the resultant traffic hazard which would be created.

**Response:**

The point in relation to car parking provision is noted. Whilst the extent and layout of the car parking provision dominates the site and what should be the activation zone between the dwellings and the driveway, it is noted that the applicant was requested to provide visitor car parking in a previous request for further information and this request was complied with.

In terms of traffic generation, it is noted that Council's Consultant Development Engineer, whilst having objections to the development in terms of traffic safety as a result of manoeuvrability in and out of garage, driveway gradients and driveway width at the entrance, has not raised any concerns in relation to traffic capacity on the adjoining road network.

- 8. Clause 4.6 RLEP 2010) objection required?** No – whilst the proposal does not comply with Clause 4.5A Density under RLEP 2010, the proposal is submitted under the provisions of the Affordable Rental Housing State Environmental Planning Policy (SEPPARH).

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Clause 4.5A states

*“4.5A Density controls for Zone R2 Low Density Residential*

- (1) The consent authority must not consent to the erection of multi dwelling housing (attached) on land in Zone R2 Low Density Residential unless:*
- (a) the site area for the building is not less than:*
    - (i) for each 1, 2 or 3 bedroom dwelling—300 square metres, and*
    - (ii) for each 4 or more bedroom dwelling—365 square metres, and*
  - (b) each dwelling will have its own contiguous private open space and separate access to that space from an unbuilt portion of the site.”*

Compliance with the control would require a minimum site area of 3,000m<sup>2</sup>, however only 2,220m<sup>2</sup> is being provided.

The non-compliance in the site area would result in a significant shortfall of 780m<sup>2</sup> or 26% of the required minimum site area. However, the applicant is relying on the Affordable Rental Housing State Environmental Planning Policy (SEPPARH) to overcome this non-compliance. The applicant is seeking to overcome this breach having regard to Clause 14(1)(b) of the SEPPARH, which states that site area cannot be used as a reason for refusal where the site area on which it is proposed to carry out the development is at least 450m<sup>2</sup>. Therefore a Clause 4.6 RLEP 2010 objection is not required to be submitted.

## **9. Policy Implications**

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

#### **(a) Local Environmental Plan**

##### **i. Ryde Local Environmental Plan 2010**

#### **Zoning**

The site is zoned R2 Low Density Residential Development under the provisions of the LEP 2010. Multi-dwelling housing is permitted in this zoning with consent.

The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone. As set out in Clause 2.3 of the RLEP, the objectives for the R2 Low Density Residential are as follows:

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



**ITEM 2 (continued)**

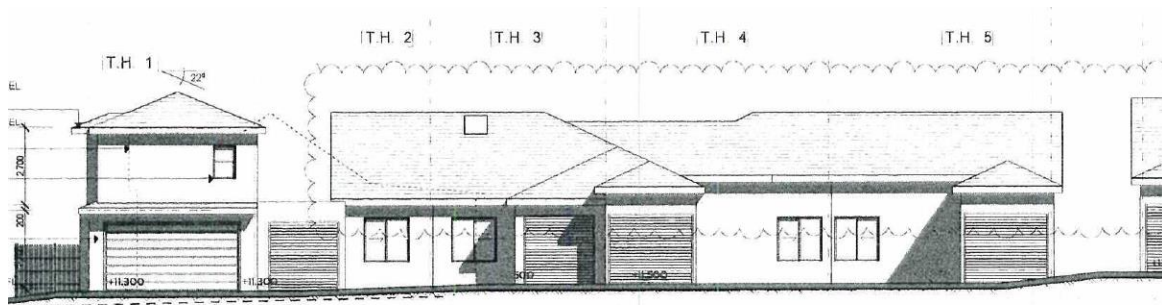
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- *To ensure that the general low density nature of the zone is retained and that development for the purposes of dual occupancy (attached) and multi dwelling housing (attached) do not significantly alter the character of a location or neighbourhood.*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

Whilst the development would provide for the housing needs of the community, it is considered that the development is generally not compliant with the above objectives.

The development is not a low density development and nor will it retain the low density nature of the area. Though the character of the area is changing with the introduction of some two storey structures into the streetscape, it is further considered that the development will neither complement nor enhance the streetscape. Furthermore the layout of the development, where the driveway and car parking provision dominates the public domain would do little to contribute to the streetscape character.

The design of the units, particularly from the southern elevation, presents a weak internal facade to the development with a poor solid to void ratio and where garage doors dominate the facade.



**Figure 8: Southern elevation of development which faces onto the proposed driveway.**

**Mandatory Requirements**

Clause 4.3(2A) Height of Buildings

In accordance with this clause the maximum height of multi dwelling housing (attached) in Zone R2 Low Density Residential is 6.5 metres for dwellings in the building that do not have a frontage to the street and 8 metres for dwellings with a frontage to the street (where the adjoining lots contain dwelling houses that are less than 9.5 metres high). The proposal (as amended) complies with this control.

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Clause 4.4(2) and 4.4A(1) Floor Space Ratio

In accordance with Clause 4.4(2) the maximum FSR for the site is 0.5:1. Clause 4.4A(1) clarifies that in Zone R2 Low Density Residential this maximum FSR applies only to development for the purposes of a dwelling house or dual occupancy (attached).

The FSR of the proposed development (which originally consisted of 12 units but was subsequently reduced to 10 units) is now 0.42:1.

Clause 4.5A Density Controls for R2

The matter of non-compliance of the proposed development with this control is addressed in Section 8 above.

Clause 5.9 Preservation of Trees or Vegetation

This clause applies to species or kinds of trees or other vegetation that are prescribed in the DCP and which a person must not ringbark, cut down, lop, remove, injure or wilfully destroy without the authority conferred by development control or a permit granted by the Council.

The application is accompanied by an arboricultural report which details three trees on the site which are to be removed to accommodate the proposed development, however, there are a number of additional mature trees on the site which have not been included or addressed in the arboricultural report. Council's Consultant Landscape Architects has reviewed the proposal and have no objection to the removal of the trees detailed in the arboricultural report however they recommend that the report be revised to include the mature trees located on 58 Falconer Street.

Notwithstanding this, as noted in Section 7 above, in relation to the Planning Principles set out in *Wombarra Pty Ltd v Wollongong City Council (2003) NSWLEC 268* "where a site has existing characteristics that assist in reducing the visual dominance of development, these characteristics should be preserved" and the "it is preferable to preserve existing vegetation around a site's edges to destroying it and planting new vegetation." The proposal involves the removal of most of the site's vegetation and even with replanting, which may take years to establish, will render the development incompatible in terms of the existing landscape patterns in the area.

**(b) Relevant SEPPs**

State Environmental Planning Policy (Affordable Rental Housing) 2009

The aims of this Policy are as follows:

- "(a) to provide a consistent planning regime for the provision of affordable rental housing,

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- (b) to facilitate the effective delivery of new affordable rental housing by providing incentives by way of expanded zoning permissibility, floor space ratio bonuses and non-discretionary development standards,*
- (c) to facilitate the retention and mitigate the loss of existing affordable rental housing,*
- (d) to employ a balanced approach between obligations for retaining and mitigating the loss of existing affordable rental housing, and incentives for the development of new affordable rental housing,*
- (e) to facilitate an expanded role for not-for-profit-providers of affordable rental housing,*
- (f) to support local business centres by providing affordable rental housing for workers close to places of work,*
- (g) to facilitate the development of housing for the homeless and other disadvantaged people who may require support services, including group homes and supportive accommodation.”*

Under Clause 10 of Division 1 of Part 2 of the SEPP (which relates to the provision of In-fill affordable housing), the provisions of this Division apply to the proposed development as such a development (multi-dwelling housing) is permitted with consent under the RLEP 2010 and is in an accessible area.

In accordance with Clause 4(1) of the SEPP an accessible area means land that is within:

- “(a) 800 metres walking distance of a public entrance to a railway station or a wharf from which a Sydney Ferries ferry service operates, or*
- (b) 400 metres 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, or*
- (c) 400 metres walking distance of a bus stop used by a regular bus service (within the meaning of the Passenger Transport Act 1990) 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.”*

As the site is situated 750m from West Ryde Train station and less than 400m from bus stops on Victoria Road, Hermitage Road and Parkes Road, it is located within an area that is classified as accessible and, as such, the provisions of Division 1, Part 2 Infill affordable housing applies.

As the proposed FSR of the development complies with the maximum FSR set out in the RLEP 2010, the application does not need to avail of the additional FSR bonus which may be sought under Clause 13 of the SEPP.

Clause 14 of the SEPP sets out specific standards in relation to site area, landscaped area, deep soil zones, solar access, parking and dwelling size, which consent authorities cannot use to refuse consent provided these standards are met.

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In this regard, it is noted that the proposed development fails to comply with the minimum requirements with regard to deep soil zones and dwelling size.

Deep soil zones

Clause 14(a)(d) states that a consent authority cannot refuse consent where the deep soil zones is not less than 15% of the site area, each area forming part of the deep soil zone has a minimum dimension of 3m; and if practicable, at least two thirds of the deep soil zone is located at the rear of the site area.

On the Site Analysis Plan (DA-12), the applicant states that the deep soil zone is 795m<sup>2</sup> (35.8% of the site area) but the Landscape Calculations Plan (DA-22) shows the total landscaped area within the site as only 788m<sup>2</sup>. Furthermore it is noted that whilst four areas are identified on the Ground Floor plan (DA-13) as deep soil zones, only 36.21m<sup>2</sup> of this area has a minimum 3m x 3m dimension (being only 1.6% of the site area).

Dwelling size

Clause 14(2)(b) states a consent authority must not refuse consent if the each dwelling has a GFA of at least 50m<sup>2</sup> for a one bedroom dwelling, 70m<sup>2</sup> for 2 bedrooms dwelling or 95m<sup>2</sup> in the case of a dwelling having three or more bedrooms. Whilst the majority of the units meet the minimum dwelling size, unit 6 does not comply with the minimum required GFA being 94.5m<sup>2</sup>, where 95m<sup>2</sup> is required. However it is noted that the shortfall is minimal and Clause 14(3) states that a Consent authority may consent to a development whether or not the development complies with the above standards. In this regard the dwelling size is not considered a significant issue.

Design Requirements - Senior Living Policy; Urban Design Guidelines

Clause 15(1) states that a consent authority must not consent to an infill affordable development under the SEPP unless it has taken into consideration the provisions of the *Senior Living Policy; Urban Design Guidelines* to the extent that those provisions are consistent with the SEPP.

As detailed in **Table 3** of the Compliance Tables, the proposed development fails to comply with the provisions of the Design Guidelines with regard to:

- Responding to the surrounding street layout and hierarchy, the predominant block and lot patterns and the existing built environment that contributes positively to the neighbourhood character.
- Site Planning and Design in terms of optimising internal amenity and minimising impacts on neighbours, location of the built form on the site relative to the street, provision of adequate deep soil zones and private open space and the retention of trees and planting.

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- Impacts on streetscape in terms of the location and design of development to be sympathetic to existing streetscape patterns and setbacks, and avoiding unrelieved long straight driveways that are visually dominant.
- Internal Site Amenity in terms of maximising solar access to living areas and private open space of the proposed units, designing dwelling entries so that they are clear and identifiable from the street or driveways, locating habitable rooms away from driveways and parking areas, ensuring adequate consideration is given to safety in terms of overlooking of common open space areas, provision of private open space and the identification of garbage collection areas.

Character of the local area

Clause 16A states that a consent authority must not consent to development under Division 1 (Infill affordable housing) unless it has taken into consideration whether the design of the development is compatible with the character of the local area. As previously discussed in Section 7 of this report, it is considered that the proposal has not responded to the surrounding context, pattern of development or character of the area in terms of setback, rhythm of development and landscape setting.

For these reasons, it is recommended that the application be refused.

For a full assessment of the proposal relative to the provisions of the SEPPARH, refer to **Table 2** of the attached Compliance Tables.

State Environmental Planning Policy (Building Sustainability Index: BASIX)

The development is identified under the Environmental Planning and Assessment Regulation 2000 as a BASIX Affected Building. As such, a BASIX Certificate has been prepared (BASIX Cert 377272M\_03 dated 26 November 2012) which provides the development with a satisfactory target rating.

Note: There are a number of discrepancies in the Certificate in terms of Lot numbers identified, incorrect bedroom numbers and the gross floor area of the proposed development. Amended BASIX Certificate would be required to satisfactory address these discrepancies should the application be supported.

State Environmental Planning Policy No 55 – Remediation of Land

The requirements of State Planning Policy No. 55 – Remediation of Land apply to the subject site. In accordance with Clause 7 of SEPP 55, Council must consider if the land is contaminated, if it is contaminated, is it suitable for the proposed use and if it is not suitable, can it be remediated to a standard such that it will be made suitable for the proposed use.

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The applicant states that site is currently and has historically been in residential use and there is minimal evidence of contamination of the site.

As stated above, there is no evidence to indicate that the site may be contaminated and there is no requirement for preliminary contamination testing at this stage of the assessment.

Deemed State Environmental Planning Policy Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

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

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

**(c) Any draft LEPs**

**Draft Ryde Local Environmental Plan 2011**

A Section 65 Certificate enabling the formal exhibition of Draft Local Environmental Plan 2011 was issued by the Department of Planning and Infrastructure on 23 April 2012. The Draft Plan was placed on public exhibition between 30 May 2012 and 13 July 2012 and adopted by Council at its meeting held on 12 March 2013.

Under this Draft LEP, the zoning of the site remains as R2 Low Density Residential and the proposed development is permissible with consent. The objectives of the zone are:

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

The proposal is considered to be generally in compliance with these objectives. The provisions of the Draft LEP generally accord with those in the current RLEP however the following provisions have relevance to the proposal:

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4.1C Minimum Lot sizes for dual occupancy and multi-dwelling housing

This clause states that development consent may be granted for multi dwelling housing on a lot if the area of the lot is equal to or greater 900m<sup>2</sup> and the road frontage of the lot is equal to or greater than 20 metres. The proposal would comply with this control.

4.3 Height of buildings

As outlined earlier in the assessment of the objections to the development, the Height of Buildings clause has been amended in the Draft LEP such that Clause 4.3(2C) specifies that *“despite subclause (2) (which relates to the Height of Buildings Map), the maximum height of multi dwelling housing in Zone R2 Low Density Residential is for dwellings in the building that do not have a frontage to the street 5 metres.”*

Therefore whilst the control in the RLEP restricting the height at street frontage to 8.5m would be removed (and 9.5m would be permissible here), the height of units 2-10 would be restricted to 5m. As such the development as proposed would not comply with the height restrictions of the Draft LEP.

4.4A Residential zone – floor space ratio

This Clause excludes multi dwelling housing developments in Zone R2 Low Density Residential from having to comply with the maximum FSR as shown on the Floor Space Ratio Map.

This would not affect the development as proposed.

It is therefore considered that though the proposed development would be generally consistent with the objectives of the Draft LEP, it would result in development that would be at variance with Council’s desired building height for multi-dwelling developments in low density residential areas. Whilst this issue could be resolved through the redesign of the units or by condition, the existing deficiencies in the design in terms of the inadequate floor to ceiling height of some of the units, would be likely to reduce the units to one bedroom units, thereby changing the proposed unit mix.

**(d) Any DCP**

**Ryde DCP 2010**

The proposal has been assessed against the relevant objectives and controls of the RDCP 2010 in **Table 4** of the attached compliance checklist.

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Part 3.5 - Multi-dwelling housing for Low Density Residential zone

The objectives of Part 3.5 Multi-dwelling housing for Low Density Residential zone is to:

- *Multi dwelling housing (attached) developments complement existing development and streetscape*
- *Dispersal of multi dwelling housing (attached) developments occurs within neighbourhoods throughout City of Ryde.*
- *Multi dwelling housing (attached) developments are designed to the highest possible aesthetic standard*
- *Multi dwelling housing (attached) developments meet the needs of all households, including older people*
- *A mix of housing types are provided throughout the City of Ryde;*
- *Multi dwelling housing (attached) designs promote security and safety of residents*
- *Land used for multi dwelling housing (attached) development has adequate provision of daylight, privacy, landscaping and car parking*
- *The amenity of occupants of adjoining land is not adversely affected by an multi dwelling housing (attached) development;*
- *The scale of any Multi dwelling housing (attached) development is related to the character of the area.*
- *Heritage significant buildings and those identified as contributing to the character of Ryde are retained.*
- *Multi dwelling housing (attached) developments occur in suitable areas only, that is areas where the development meets the needs of all residents, does not have adverse environmental impact or an adverse impact on the character of an area.*

The proposal does not satisfy a number of the objectives for multi-dwelling housing in the low Density Residential Zone. In this regard it fails to:

- Complement existing development and streetscape by virtue of its bulk, scale and density.
- Disperse multi dwelling housing developments within the neighbourhood as it is located in close proximity to two existing medium density multi-dwelling developments.
- Achieve the highest possible aesthetic standard.
- Promote security and safety of residents.
- Protect the amenity of occupants of adjoining lands and be of a scale that relates to the character of the area.



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Issues of concern or non-compliance with the controls of the DCP relate to:

- Inadequate solar access to proposed living areas and private amenity areas. The ground floor bedroom window of Unit 10 is less than 1.5m from a 1.8m high boundary fence.
- Insufficient floor to ceiling heights at attic level.
- Inadequate setback provisions.
- Inadequacy provision of private open space.
- Inadequate landscaping.
- Inability of the development to comply with Australian Standard AS 2890.1-2004 with regard to driveway width and gradients, manoeuvrability in and out of garages and sightline requirements for pedestrians.
- Noise intrusion and light pollution to both the future residents of the development (if permitted) and the occupants of existing adjoining properties.
- Accessibility.
- Lack of surveillance of common areas and the pedestrian walkway and
- Failure to comply with Part 8.2 - Storm water Management of the DCP or address the concerns raised by Council's Consultant Development Engineer in his report of 28 May 2012.

Refer to **Table 5** for a more thorough assessment of the relevant DCP controls. Whilst some of these could be resolved through conditions of consent however as it is recommended for refusal no such conditions are identified at this stage.

**10. Likely impacts of the Development**

The likely impacts of the development have already been addressed in this report.

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

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

However as outlined in this report, having regard to the proximity of the site to existing multi-dwelling developments in a low density residential area, the impact that additional medium density development would have on the character of the area and the residential amenity of adjoining properties, it is considered that the site is not suitable for a development of this scale or nature.

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**12. The Public Interest**

The public interest is served by permitting the orderly and sustainable development in a manner that is sensitive to the surrounding environment and having regard to the reasonable amenity expectations of surrounding land users. In view of the foregoing analysis, it is considered that the development:

- has failed to satisfactorily address the relevant planning objectives under all the applicable legislations, State Environmental Planning Policies and Local Environmental Planning Controls
- would result in a substandard residential development that fails to meet the minimum standards of Council with regard to private amenity space provision, landscaping, solar access and setbacks
- Would set an undesirable precedent for poorly designed developments in which vehicular access and parking dominates the layout resulting in a pedestrian unfriendly environment with potential safety and security concerns and
- In respect of the above, does not result in a development that is sensitive to the surrounding environment or result in an appropriate level of amenity to surrounding land users.

It is therefore considered that the proposal is not in the public interest.

**13. Consultation – Internal and External**

Internal Referrals

**Development Engineer: 9 April 2013:** Council's Consultant Development Engineer has reviewed the proposal and has made the following comments:

- 1) *The drainage details submitted do not address the issues raised in previous memo dated 28/5/12. The details on landscape and drainage plans submitted are not consistent;*
- 2) *The drainage plan as submitted do not comply with Council's DCP 2010 Part 8.2 for Storm water Management; and*
- 3) *The driveway width at the entrance, driveway gradients, manoeuvring in and out of garages and sight line requirements for pedestrians do not comply with Australian Standard AS 2890.1 -2004.*

As such, the proposal is not supported by Council's Consultant Development Engineer.

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**Consultant Landscape Architect:** Council's Consultant Landscape Architect has advised that there are inconsistencies between the Landscape Plan, the Landscape planting plan and the architectural plans. They also found deficiencies in the arboricultural report submitted with the application which fails to include several mature trees on 58 Falconer Street. It was recommended that the landscape plan and the arboricultural report be revised to address the deficiencies outlined in their report.

Concerns were also raised about the inadequacies of the private amenity space provision, the unsuitability of proposed tree species/locations and the safety risks associated with the proposed walkway.

External Referrals

The proposal was not required to be referred to any external bodies.

**14. Critical Dates**

There are no critical dates or deadlines to be met.

**15. Financial Impact**

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

**16. Conclusion**

Three submissions have been received, including a petition containing 29 signatures, objecting to the proposal. The issues raised in these letters involved concerns in respect of the impact of the development on the character of the local area, an overconcentration of multi-dwelling developments in a low residential density area, impacts on the residential amenity of adjoining properties, non-compliance with SEPPARH and the substandard development that would result from the failure to comply with the controls set out in the SEPPARH and the RLEP 2010. These issues are considered to be valid.

For this reason, the development application is recommended for refusal.

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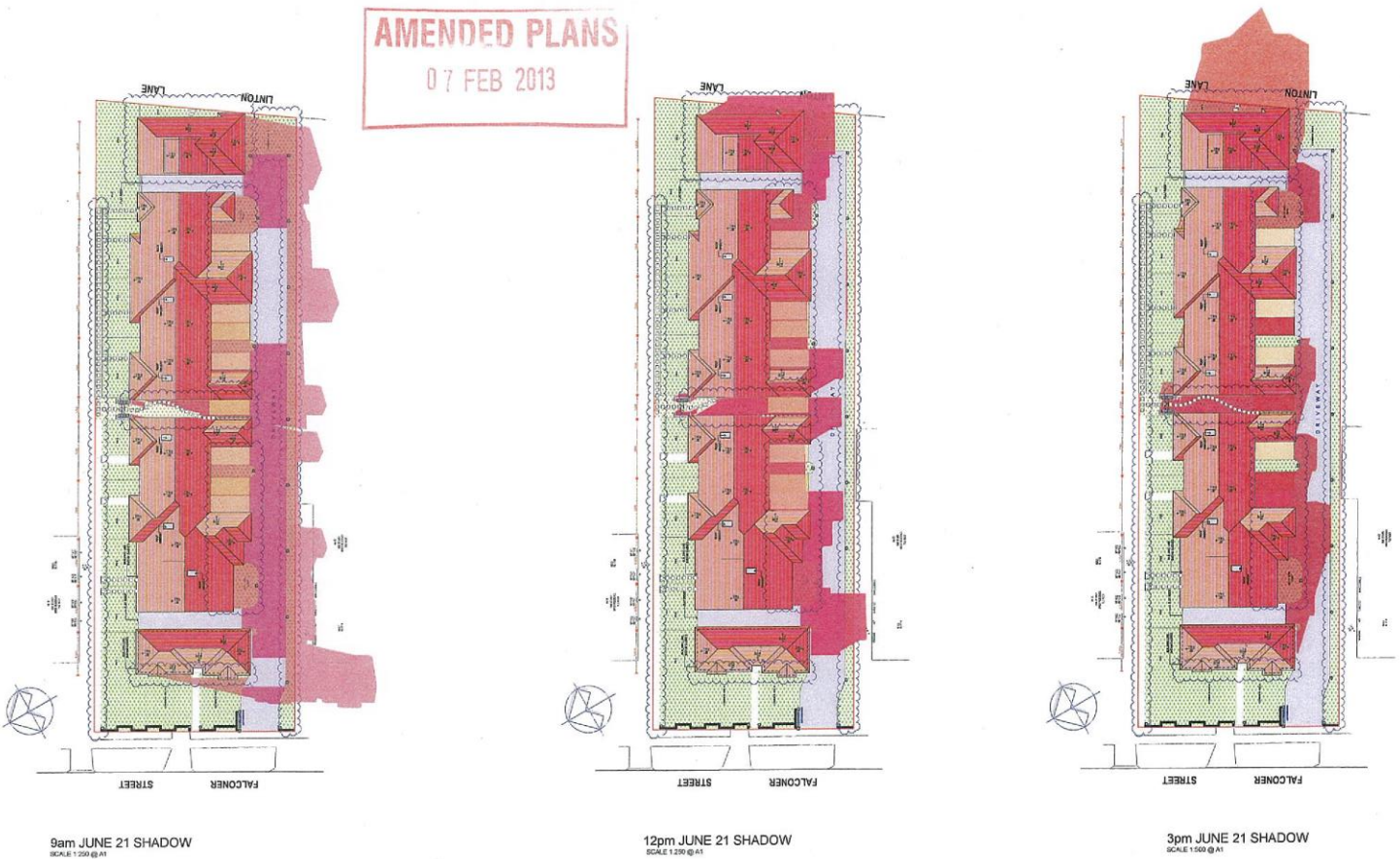
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12pm JUNE 21 SHADOW  
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3pm JUNE 21 SHADOW  
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ATTACHMENT 2

**RECOMMENDED CONDITIONS OF CONSENT**

**Property: 58-60 Falconer Street, West Ryde – LDA2012/124**

**GENERAL**

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

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

Document Description	Date	Plan No/Reference
Site Analysis Plan	05/09/2013	DA-12
Ground Floor Plan	05/09/2013	DA-13
First Floor Plan	05/09/2013	DA-14
Roof Plan	05/09/2013	DA-15
Section and Elevations	05/09/2013	DA-16
Elevations	05/09/2013	DA-17
Section	05/09/2013	DA-18
Shadow Analysis	05/09/2013	DA-19
Demolition Plan	05/09/2013	DA-20
Subdivision Plan	05/09/2013	DA-21
Landscape Calculations	05/09/2013	DA-22

2. **Building Code of Australia.** All building works approved by this consent must be carried out in accordance with the requirements of the Building Code of Australia.
3. **BASIX.** Compliance with all commitments listed in BASIX Certificate(s) numbered 377272M\_04, dated 13 August 2013.
4. **Support for neighbouring buildings.** If the development involves excavation that extends below the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
  - (a) Protect and support the adjoining premises from possible damage from the excavation, and
  - (b) Where necessary, underpin the adjoining premises to prevent any such damage, in accordance with relevant Australian Standards.
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.

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**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. Development to be within site boundaries.** The development must be constructed wholly within the boundaries of the premises. No portion of the proposed structure shall encroach onto the adjoining properties.

**8. Public space.** The public way must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances, without prior approval from Council.

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

**10.** All plumbing and drainage work must be carried out in accordance with the requirements of Sydney Water Corporation.

**11. Trees to be removed**

All trees located within the site and shown on the site plan contained within the Arborist report (Appendix C, page 11) are to be removed.

The trees to be removed, as per the Arborist report, are:

- Tree 1 - Callisternon viminalis (Bottlebrush)
- Tree 2 - Callisternon viminalis (Bottlebrush)
- Tree 3 - Callisternon viminalis (Bottlebrush)

Other trees located across the proposed development site, not included in the Arborist report, are considered acceptable for removal. All trees should be removed by a suitably qualified Arborist with a minimum AQF level 2 qualification. All work is to be carried out in accordance with NSW Workcover Code of Practice.

**12. Landscape Plan**

- a) Landscape works are to be carried out in accordance with the Landscape plan prepared by Michael Siu Landscape Architects (Revision D, 5th September), except if amended by any of the conditions contained in this consent.
- b) Stepping stones are considered to be an unsuitable material for footpaths. All footpaths are to be of a continuous material such as concrete to conform with accessibility requirements. Details of this change are to be submitted with the construction certificate documentation.



**ITEM 2 (continued)**

**ATTACHMENT 2**

- c) The driveway access is to conform with the requirements of Australian Standards (AS1428 Disability Access). Particular attention is to be given to the access from Falconer Street, to Townhouse 3, Townhouse 4 and the communal open space. Details are to be submitted on the construction certificate documentation.

**13. Street Trees**

Street trees are to be placed along Falconer Street. A suitable species are to be nominated and approved by the City of Ryde Street Tree Officer. A semi advanced pot size is required (ie, minimum of 75 Litre pot size). The stock is to conform to the requirements of NATSPEC.

- 14. 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.

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

- 16. 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.

**DEMOLITION CONDITIONS**

The following conditions are imposed to ensure compliance with relevant legislation and Australian Standards, and to ensure that the amenity of the neighbourhood is protected.

A Construction Certificate is not required for Demolition.

- 17. Provision of contact details/neighbour notification.** At least 7 days before any demolition work commences:
- (a) Council must be notified of the following particulars:
    - (i) The name, address, telephone contact details and licence number of the person responsible for carrying out the work; and
    - (ii) The date the work is due to commence and the expected completion date
  - (b) A written notice must be placed in the letter box of each property within a 50m radius of the subject site advising of the date the work is due to commence.

**ITEM 2 (continued)**

**ATTACHMENT 2**

18. **Compliance with Australian Standards.** All demolition work is to be carried out in accordance with the requirements of the relevant Australian Standard(s).
19. **Excavation**
  - (a) All excavations and backfilling associated with the development must be executed safely, properly guarded and protected to prevent the activities from being dangerous to life or property and, in accordance with the design of a structural engineer.
  - (b) A Demolition Work Method Statement must be prepared by a licensed demolisher who is registered with the Work Cover Authority, in accordance with AS 2601-2001: *The Demolition of Structures*, or its latest version. The applicant must provide a copy of the Statement to Council prior to commencement of demolition work.
20. **Asbestos.** Where asbestos is present during demolition work, the work must be carried out in accordance with the guidelines for asbestos work published by WorkCover New South Wales.
21. **Asbestos – disposal.** All asbestos wastes must be disposed of at a landfill facility licensed by the New South Wales Environmental Protection Authority to receive that waste. Copies of the disposal dockets must be retained by the person performing the work for at least 3 years and be submitted to Council on request.
22. **Waste management plan.** Demolition material must be managed in accordance with the approved waste management plan.
23. **Disposal of demolition waste.** All demolition waste must be transported to a facility or place that can lawfully be used as a waste facility for those wastes.
24. **Imported fill – type.** All imported fill must be Virgin Excavated Natural Material as defined in the *Protection of the Environment Operations Act 1997*.

**PRIOR TO CONSTRUCTION CERTIFICATE**

A Construction Certificate must be obtained from a Principal Certifying Authority to carry out the relevant building works approved under this consent. All conditions in this Section of the consent must be complied with before a Construction Certificate can be issued.

Council Officers can provide these services and further information can be obtained from Council's Customer Service Centre on 9952 8222.

Unless an alternative approval authority is specified (eg Council or government agency), the Principal Certifying Authority is responsible for determining compliance with the conditions in this Section of the consent.

**ITEM 2 (continued)**

**ATTACHMENT 2**

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

25. **Details of BASIX Commitments** - The Construction Certificate plans and specifications are to detail all of the 'CC plan' commitments of the BASIX Certificate.
26. **Section 94.** A monetary contribution for the services in Column A and for the amount in Column B shall be made to Council prior to the issue of any **Construction Certificate**:

<b>A – Contribution Type</b>	<b>B – Contribution Amount</b>
Community & Cultural Facilities	\$21,419.06
Open Space & Recreation Facilities	\$52,729.26
Civic & Urban Improvements	\$17,934.52
Roads & Traffic Management Facilities	\$2,446.62
Cycleways	\$1,528.06
Stormwater Management Facilities	\$4,857.77
Plan Administration	\$411.98
<b>The total contribution is</b>	<b>\$101,327.27</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.

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>.

27. **Stormwater Management.** To ensure that stormwater runoff from the development is in undertaken manner and without impact to neighbouring properties, detailed stormwater management plans and certification of the stormwater management system must be submitted with the application for a Construction Certificate.

**ITEM 2 (continued)**

**ATTACHMENT 2**

Stormwater runoff on the site shall be collected and piped by gravity flow to Council's kerb inlet pit fronting the site in Falconer Street, generally in accordance with the plans by Urban Link Pty Ltd. (Refer to Project No. 11MB4705 Dwgs D01 & D02 Rev E dated 6 September 2013) subject to the following variation(s);

- A concrete kerb must be provided along the southern side of the driveway its entire length to ensure that all overland flow be directed to drainage infrastructure in Falconer Street.
- The onsite detention volume must be dimensioned in accordance with Council's DCP requirements (refer to simplified method in Part 8-2 (Stormwater Management) of the DCP. Based on the approved plans, this is to be no less than 55m<sup>3</sup>. This may be attained by extending the length of the tank at its eastern end. Any variation to this (due to other conditions of consent) must be accompanied by detailed calculations showing compliance with the aforementioned control in the DCP.

The detailed plans, documentation and certification of the system must be prepared by a chartered civil engineer with NPER registration with Engineers Australia and are to comply with the following;

- The certification must state that the submitted design (including all components such as pump/ sump, absorption, onsite dispersal, charged system) are in accordance with the requirements of AS 3500.3 (2003) and any further detail or variations to the design are in accordance with the requirements of City of Ryde – DCP 2010 Part 8.2 (Stormwater Management).
- The submitted design is consistent with the approved architectural and landscape plan and any revisions to these plans required by conditions of this consent.
- Onsite detention must be incorporated in the stormwater management system. The certification must state that the submitted design provides a total site discharge during the 100yr ARI storm event equivalent to the permissible site discharge and site storage requirement as determined by the simplified method specified in the City of Ryde-DCP 2010 Part 8.2 (Stormwater Management – Technical Manual).

28. **Stormwater Management – Connection to and modification of Council Drainage System.** The connection to and modification of Council's stormwater drainage infrastructure in Falconer Street will require the assessment and approval of Council's Public Works section, in accordance with Section 138 of the Roads Act. The new driveway crossover will also require the reconstruction of an existing kerb inlet pit in Falconer Street. To ensure that the inlet capacity of the in-ground drainage infrastructure is maintained, a new kerb inlet pit must be constructed downstream of the existing pit to be modified. Detailed plans and construction methodology are to be submitted to Council, for the approval of Council's Public Works section prior to the issue of the Construction Certificate.

**ITEM 2 (continued)**

**ATTACHMENT 2**

29. **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.
30. **Driveway Grades.** The driveway access and footpath crossing(s) shall be designed to fully comply with the relevant section of AS 2890.1.-2004 and Council's issued alignment levels. Engineering certification indicating compliance with this condition is to be submitted with the Construction Certificate application.
31. **Vehicle Footpath Crossings.** Concrete footpath crossings shall be constructed at all locations where vehicles cross the footpath, to protect it from damage resulting from the vehicle traffic. The crossing(s) are to be constructed in plain reinforced concrete with location, design and construction shall conform to Council requirements. Prior to the issue of a Construction Certificate, an application shall be made to Council's Public Works division for driveway crossing alignment levels. These issued levels are to be incorporated into the design of the driveway access and clearly delineate on plans submitted with the Construction Certificate application.
32. **Erosion and Sediment Control Plan.** An Erosion and Sediment Control Plan (ESCP) must be prepared by a suitably qualified consultant, detailing soil erosion control measures which shall be implemented during construction. The ESCP must be in accordance with the manual "*Managing Urban Stormwater: Soils and Construction*" by NSW Department – Office of Environment and Heritage and must contain the following information;
- Existing and final contours
  - The location of all earthworks, including roads, areas of cut and fill
  - Location of all impervious areas
  - Location and design criteria of erosion and sediment control structures,
  - Location and description of existing vegetation
  - Site access point/s and means of limiting material leaving the site
  - Location of proposed vegetated buffer strips
  - Location of critical areas (drainage lines, water bodies and unstable slopes)
  - Location of stockpiles
  - Means of diversion of uncontaminated upper catchment around disturbed areas
  - Procedures for maintenance of erosion and sediment controls
  - Details for any staging of works
  - Details and procedures for dust control.

The ESCP must be submitted with the application for a Construction Certificate. This condition is imposed to protect downstream properties, Council's drainage system and natural watercourses from sediment build-up transferred by stormwater runoff from the site.

**ITEM 2 (continued)**

**ATTACHMENT 2**

33. **Compliance with Australian Standards.** The development is required to be carried out in accordance with all relevant Australian Standards. Details demonstrating compliance with the relevant Australian Standard are to be submitted to the Principal Certifying Authority prior to the issue of the **Construction Certificate**.
34. **Structural Certification.** The applicant must engage a qualified practising structural engineer to provide structural certification in accordance with relevant BCA requirements prior to the release of the **Construction Certificate**.
35. **Security deposit.** The Council must be provided with security for the purposes of section 80A(6) of the *Environmental Planning and Assessment Act 1979* in a sum determined by reference to Council's Management Plan prior to the release of the **Construction Certificate**. (category: other buildings with delivery of bricks or concrete or machine excavation)
36. **Fees.** The following fees must be paid to Council in accordance with Council's Management Plan prior to the release of the **Construction Certificate**:
- (a) Infrastructure Restoration and Administration Fee
  - (b) Enforcement Levy
37. **Alignment Levels.** The applicant is to apply to Council, pay the required fee, and have issued site specific alignment levels by Council prior to the issue of the **Construction Certificate**.
38. **Long Service Levy.** Documentary evidence of payment of the Long Service Levy under Section 34 of the Building and Construction Industry Long Service Payments Act 1986 is to be submitted to the Principal Certifying Authority prior to the issuing of the **Construction Certificate**.
39. **Sydney Water – quick check.** The approved plans must be submitted to a Sydney Water Quick Check agent or Customer Centre, prior to the release of the **Construction Certificate**, to determine whether the development will affect any Sydney Water assets, sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. Plans will be appropriately stamped.

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.

**ITEM 2 (continued)**

**ATTACHMENT 2**

40. **Reflectivity of materials.** Roofing and other external materials must be of low glare and reflectivity. Details of finished external surface materials, including colours and texture must be provided to the Principal Certifying Authority prior to the release of the **Construction Certificate**.
41. **Proposed Tree Planting**  
The proposed trees are to be offset a minimum of 3 metres (where possible), from the respective boundaries/structures and provided as a minimum 75 litre pot size. The stock is to conform to the requirements of NATSPEC. Details are to be submitted on the construction certificate documentation.
42. **Screen Planting**  
The screen planting nominated along the site boundaries is to be installed amended to delete reference to Tristaniopsis and understory planting. These species are to be replaced with a more appropriate hedging style plant such as *Murraya Paniculata*. These are to be planted at the recommended spacing. Details are to be submitted on the construction certificate documentation.
43. **Retaining Walls and Site Levels**  
Levels on the boundary of the adjoining properties must be maintained. All retaining walls are to be designed by a suitably qualified Civil Engineer, details of the retaining walls are to be provided for Construction Certificate and locations/heights should be reflected on the landscape plans.
44. **Lighting of common areas (driveways etc).** Details of lighting for internal driveways, visitor parking areas and the street frontage shall be submitted for approval prior to issue of the **Construction Certificate**. The details to include certification from an appropriately qualified person that there will be no offensive glare onto adjoining residents.
45. A secured gate is to be provided on the fencing adjacent to Unit 9, and a suitable footpath installed so that residents of unit 9 can access the remainder of the development. Details to be shown on the Construction Certificate plans.
46. **Parking Spaces:** Fourteen (14) parking spaces are to be provided for residents and one (1) parking space for visitors. The car parking spaces are to be clearly linemarked with the visitor spaces clearly marked "Visitor Parking". Details to be shown on the Construction Certificate plans.

**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.

**ITEM 2 (continued)**

**ATTACHMENT 2**

**47. Site Sign**

- (a) A sign must be erected in a prominent position on site, prior to the commencement of construction:
  - (i) showing the name, address and telephone number of the Principal Certifying Authority for the work,
  - (ii) showing the name of the principal contractor (if any) or the person responsible for the works and a telephone number on which that person may be contacted outside working hours, and
  - (iii) stating that unauthorised entry to the work site is prohibited.
- (b) Any such sign must be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

- 48. Safety fencing.** The site must be fenced prior to the commencement of construction, and throughout demolition and/or excavation and must comply with WorkCover New South Wales requirements and be a minimum of 1.8m in height.

**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.

- 49. Traffic Management.** Any traffic management procedures and systems must be in accordance with *AS 1742.3 1985* and City of Ryde, Development Control Plan 2010: - Part 8.1; Construction Activities. This condition is to ensure public safety and minimise any impacts to the adjoining pedestrian and vehicular traffic systems.
- 50. 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.
- 51. Implementation of Erosion and Sediment Control.** The applicant shall install erosion and sediment control measures in accordance with the approved ESCP at the commencement of works on the site. Suitable erosion control management procedures in accordance with the manual "Managing Urban Stormwater: Soils and Construction" by the NSW Department – Office of Environment and Heritage, must be practiced at all times throughout the construction.
- 52. Critical stage inspections.** The person having the benefit of this consent is required to notify the Principal Certifying Authority during construction to ensure that the critical stage inspections are undertaken, as required under clause 162A(4) of the *Environmental Planning and Assessment Regulation 2000*.



**ITEM 2 (continued)**

**ATTACHMENT 2**

53. **Construction noise.** The L<sub>10</sub> 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.
54. **Sediment/dust control.** No sediment, dust, soil or similar material shall leave the site during construction work.
55. **Use of fill/excavated material.** Excavated material must not be reused on the property except as follows:
- (a) Fill is allowed under this consent;
  - (b) The material constitutes Virgin Excavated Natural Material as defined in the *Protection of the Environment Operations Act 1997*;
  - (c) the material is reused only to the extent that fill is allowed by the consent.
56. **Construction materials.** All materials associated with construction must be retained within the site.
57. **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.
58. **Site maintenance**  
The applicant must ensure that:
- (d) approved sediment and erosion control measures are installed and maintained during the construction period;
  - (e) building materials and equipment are stored wholly within the work site unless an approval to store them elsewhere is held;
  - (f) the site is clear of waste and debris at the completion of the works.
59. **Work within public road.** At all times work is being undertaken within a public road, adequate precautions shall be taken to warn, instruct and guide road users safely around the work site. Traffic control devices shall satisfy the minimum standards outlined in Australian Standard No. AS1742.3-1996 "Traffic Control Devices for Work on Roads".
60. **Rubbish removal.** During the demolition and construction process, all rubbish is to be stored and contained on site and is to be disposed of in an environmentally acceptable manner.
61. **Lighting.** All lighting is to comply with the following requirements:
- a. Lighting is to be designed and installed in accordance with the relevant Australian and New Zealand Lighting Standards.
  - b. Lighting is to be provided to all common areas including all car parking levels, stairs and access corridors, and the communal open space areas.
  - c. Lighting is to be automatically controlled by time clocks and where appropriate, sensors for energy efficiency and a controlled environment

**ITEM 2 (continued)**

**ATTACHMENT 2**

- d. External lighting to the premises must be designed and located so as to minimise light-spill beyond the property boundary or cause a public nuisance.

**PRIOR TO OCCUPATION CERTIFICATE**

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

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

Unless an alternative approval authority is specified (eg Council or government agency), the Principal Certifying Authority is responsible for determining compliance with conditions in this Part of the consent. Details to demonstrate compliance with all conditions, including plans, documentation, or other written evidence must be submitted to the Principal Certifying Authority.

62. **Stormwater Management - Work-as-Executed Plan.** A Work-as-Executed plan (WAE) of the as constructed Stormwater Management System must be submitted with the application for an Occupation Certificate. The WAE must be prepared and certified (signed and dated) by a Registered Surveyor and is to clearly show the constructed stormwater drainage system (including any onsite detention, pump/ sump, charged/ siphonic and onsite disposal/ absorption system) and finished surface levels which convey stormwater runoff.
63. **Stormwater Management – Positive Covenant(s).** A Positive Covenant must be created on the property title pursuant to Section 88 E of the Conveyancing Act (1919), providing for the ongoing maintenance of the onsite detention components incorporated in the approved Stormwater Management system. This is to ensure that the drainage system will be maintained and operate as approved throughout the life of the development, by the owner of the site. The terms of the 88 E instrument are to be in accordance with the Council's draft terms for these systems as specified in City of Ryde DCP 2010 - Part 8.4 (Title Encumbrances) - Section 7, and to the satisfaction of Council, and are to be registered on the title prior to the release of any Occupation Certificate.
64. **Redundant Driveway Crossover.** The existing driveway crossovers fronting the site which are not accessing approved vehicle access points must be removed. The applicant must remove the existing driveway crossover and access ramp to the boundary alignment and restore verge and footway to match the existing adjoining sections. All new levels must be flush and consistent with adjoining and all costs are to be borne by the applicant. The works must be completed to Council's satisfaction, prior to the issue of the Final Occupation certificate.

**ITEM 2 (continued)**

**ATTACHMENT 2**

65. **Compliance Certificates – Engineering.** To ensure that all engineering facets of the development have been designed and constructed to the appropriate standards, Compliance Certificates must be obtained for the following items and are to be submitted to the Accredited Certifier prior to the release of any Occupation Certificate. All certification must be issued by a qualified and practising civil engineer having experience in the area respective of the certification unless stated otherwise.
- Confirming that all works associated with the removal and construction of new driveway crossovers have been undertaken in accordance with the City of Ryde DCP 2010, Part 8.3 “Driveways”.
  - Confirming that all components of the parking areas contained inside the site comply with the relevant components of AS 2890. and the City of Ryde DCP 2010, Part 9.3 “Car Parking”.
  - Confirming that the sites Stormwater Management system (including any ancillary components such as onsite detention) servicing the development complies with the City of Ryde DCP 2010, Part 8.2, “Stormwater Management” and will function in accordance with the requirements of all conditions of this consent relating to the discharge of stormwater from the site.
  - 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 - 2003 (National Plumbing and Drainage Code) and the relevant sections of the City of Ryde DCP 2010, Part 8.2 “ Stormwater Management” and associated annexure.
  - Confirming that erosion and sediment control measures were implemented during the course of construction and were in accordance with the manual “*Managing Urban Stormwater: Soils and Construction*“ by the NSW Department – Office of Environment and Heritage and the City of Ryde DCP 2010, Part 8.1 “Construction Activities”.
  - Compliance certificate from Council confirming that all external works in the public road reserve have been completed to Council’s satisfaction.
66. **BASIX.** The submission of documentary evidence of compliance with all commitments listed in BASIX Certificate(s) in condition 3.
67. **Landscaping.** All landscaping works are to be completed prior to the issue of the final **Occupation Certificate**.
68. **Fire safety matters.** At the completion of all works, a Fire Safety Certificate must be prepared, which references all the Essential Fire Safety Measures applicable and the relative standards of Performance (as per Schedule of Fire Safety Measures). This certificate must be prominently displayed in the building and copies must be sent to Council and the NSW Fire Brigade.

**ITEM 2 (continued)**

**ATTACHMENT 2**

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

Each year the Owners must send to the Council and the NSW Fire Brigade an annual Fire Safety Statement which confirms that all the Essential Fire Safety Measures continue to perform to the original design standard.

69. **Sydney Water – Section 73.** A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation. Application must be made through an authorised Water Servicing Co-ordinator. Please refer to the Building Developing and Plumbing section of the web site [www.sydneywater.com.au](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.

70. **Letterboxes and street/house numbering.** All letterboxes and house numbering are to be designed and constructed to be accessible from the public way. Council must be contacted in relation to any specific requirements for street numbering.
71. **Waste Collection Services.** Arrangements must be made with Council for the provision of garbage services to the premises before occupation commences.
72. **BASIX Completion.** Within 2 days of issuing a final Occupation Certificate, the Principle 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 receive is to be placed on the PCA file.
73. **Affordable Housing.**
- (a) The development must be used as affordable housing for ten (10) years from the date of the issue of the occupation certificate:
    - (i) Units 3 and 4 are to be used for the purposes of affordable housing for a continuous period of 10 years from the date of the issue of any Occupation Certificate, and
    - (ii) all accommodation that is used for affordable housing will be managed by a registered community housing provider, and

**ITEM 2 (continued)**

**ATTACHMENT 2**

- (b) A restriction will be registered, before the date of the issue of the occupation certificate, against the title of the property on which development is to be carried out, in accordance with section 88E of the *Conveyancing Act 1919*, that will ensure that the requirements of paragraph (a) are met.

74. **Fencing.** The boundaries that adjoin the site to 56 Falconer Street and 62 Falconer Street are to be fenced to Councils standards as contained in Part 3.5 Fencing of DCP 2010, and are to be 1.8m in height and constructed of timber to a lapped and capped standard at the developer's cost. All fencing is to be at the applicant's expense. Fencing to be finalised prior to release of the Occupation Certificate.

**PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE**

75. **Film Plan of Subdivision.** The submission of a Film Plan of Subdivision plus 5 copies suitable for endorsement by the General Manager pursuant to Section 109C of the Environmental Planning and Assessment Act 1979
76. **Final plan of subdivision – title details.** The final plan of subdivision shall contain detail OF all existing and/or proposed easements, positive covenants and restrictions of the use of land. Drainage easements must be created over any part of the drainage system which conveys stormwater runoff over adjacent lots.
77. **Certification Documents.** The submission of all certification as required under Local Development Consent LDA 2012/124 prior to the release of the Subdivision Certificate.
78. **Certification of Building Works.** If Council is not the PCA then certification that all building works as detailed in Local Development Consent No LDA 2012/124 have been completed in accordance with that consent is to be submitted with the application for the Subdivision Certificate.
79. **Sydney water Certificate.** The applicant shall submit the Section 73 certificate issued by Sydney water.

**OPERATIONAL CONDITIONS**

The conditions in this Part of the consent relate to the on-going operation of the development and shall be complied with at all times.

80. **Wastes.** All wastes generated on the premises must be stored and disposed of in an environmentally acceptable manner.

**ITEM 2 (continued)**

**ATTACHMENT 3**

**Quality Certification  
Assessment of Infill Affordable Housing**

<b>LDA No:</b>	<b>LDA2012/124</b>
<b>Date Plans Rec'd</b>	<b>Amended Plans Received 17 September 2013.</b>
<b>Address:</b>	<b>58 to 60 Falconer Street, West Ryde</b>
<b>Proposal:</b>	Demolition, erection of infill development under Affordable Housing State Environmental Planning Policy comprising 9 strata titled town houses consisting of 9 x 3 bedroom dwellings.
<b>Constraints Identified:</b>	

**COMPLIANCE CHECK**

**Table 1: Ryde LEP 2010**

<b>RYDE LEP 2010</b>	<b>PROPOSAL</b>	<b>COMPLIANCE</b>
<b>2.3 Zoning and Landuse</b>	The site is zoned R2 Low Density Residential under which the multi-dwelling housing is permissible with consent	Yes
<b>4.3(2A) Height<sup>1</sup></b> <ul style="list-style-type: none"> <li>Dwellings with a street frontage – 8m (where adjoining lots have dwellings less than 9.5m)</li> <li>Dwellings without street frontage – 6.5m</li> </ul>	Dwelling 1 that faces Falconer Street is below 8m in height.  Dwellings 2-9 are below 6.5m.	Yes
<b>4.4(2) &amp; 4.4A(1) FSR</b> <ul style="list-style-type: none"> <li>Maximum FSR permissible as per FSR Map - 0.5:1</li> <li>However clause 4.4(2) above only applies to a dwelling or dual occupancy (attached)</li> </ul>	Total GFA= 882m <sup>2</sup> Site Area = 2220m <sup>2</sup> Proposed FSR = 0.397	N/A  Complies with Affordable Rental Housing SEPP
<b>4.5A Density controls for R2</b> <ul style="list-style-type: none"> <li>For multi-dwelling housing the site area must be not less than 300m<sup>2</sup> for 1,2 or 3 bed units</li> <li>Each dwelling must have its own contiguous private open space and separate access to that space from an unbuilt portion of the site</li> </ul>	Minimum site area required – 2,700m <sup>2</sup> Site area – 2220m <sup>2</sup>  Private open space provided for all units. Separate access from an unbuilt portion of the site to each POS area has not been provided.	<b>No</b> (Refer to SEPP Affordable Rental Housing (SEPPARH)) <b>No</b>
<b>5.9 Preservation of trees or vegetation</b> 5.9(2) This clause applies to species or kinds of trees or other vegetation that are prescribed in the DCP 5.9(3) A person must not ringbark, cut down, lop, remove, injure or wilfully destroy any tree of other vegetation to which the DCP applies without the authority conferred by development control or a permit	This also refers to Section 9.6 of the DCP. The Council's Landscape Consultants (Moir Landscape Architecture) in their report of 25 September 2013 note that several mature trees have been omitted from the arboricultural report submitted with the application. The consultants have no objection to	Yes

<sup>1</sup> **Building height (or height of building)** means the vertical distance between ground level (existing) and the highest point of the building, including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like.

**ITEM 2 (continued)**

**ATTACHMENT 3**

RYDE LEP 2010	PROPOSAL	COMPLIANCE
granted by the Council.	the removal of the three mature trees identified in the arboricultural report for removal. Furthermore, they have considered the additional trees not mentioned in the arborists report are “ <i>acceptable for removal</i> ”.	

**Table 2: State Environmental Planning Policy (Affordable Rental Housing) 2009  
Part 2: New Affordable Rental Housing**

Requirement	Proposed	Comply
<b>Division 1 In fill affordable housing</b>		
<b>10 Development to which Division applies</b>		
10(1)(a) Applies to multi housing if permitted with consent under EPI;	Permissible under RLEP 2010	Yes
10(1)(b) Land does not contain a heritage item or interim heritage order	No heritage items or interim heritage orders on site	Yes
10(2) Development is in an accessible area <sup>2</sup>	Site is 750m from West Ryde station and 400m of bus stops on Victoria Road, Hermitage Road and Parkes Road	Yes
<b>13 Floor Space Ratio</b>		
13(1) Applicable if at least 20% of the GFA of the development is used for affordable housing	Units 3 & 4 are to be affordable; with a combined area of 197.8m <sup>2</sup> , 22.4% of the development is designated to be affordable housing.	Yes
13(2) Maximum FSR is existing maximum FSR plus		
(i) 0.5:1 where 50% or more is used for affordable housing or		
(ii) Y:1 where the percentage is less than 50% and Y=AH/100 where AH is the % of GFA used for affordable housing	$AH = (197.8 / 882.2) \times 100 = 22.4\%$ of total GFA  <u>Maximum allowable FSR is 0.5:1 + 0.22:1 = 0.72:1</u> Proposed FSR = <b>0.397:1</b>	Yes
13(3) GFA does not include car parking (including any area used for car parking).		Noted

<sup>2</sup> In accordance with Clause 4(1) of the SEPP, an accessible area means land that is within:

- “(a) 800 metres walking distance of a public entrance to a railway station or a wharf from which a Sydney Ferries ferry service operates, or
- (b) 400 metres 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, or
- (c) 400 metres walking distance of a bus stop used by a regular bus service (within the meaning of the Passenger Transport Act 1990) 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.”

**ITEM 2 (continued)**

**ATTACHMENT 3**

Requirement	Proposed	Comply
<b>14 Standards that cannot be used to refuse consent</b>		
Consent authority must not refuse consent on the following grounds:		
(a) (repealed)		
(b) <b>Site area</b> – if the site area on which it is proposed to carry out the development is at least 450m <sup>2</sup> ;	The site area is 2220m <sup>2</sup> . Therefore the development cannot be refused on the grounds that the site is too small.	Yes
(c) <b>Landscaped area</b> – at least 30% of the site area is to be landscaped	On Site Analysis Plan (DA-12), the applicant states that the Landscaped area = 1,007.7m <sup>2</sup> (45.4%).	Yes
(d) <b>Deep soil zones</b> – There is a deep soil zone of not less than 15% of the site area; <ul style="list-style-type: none"> <li>- Each area forming part of the deep soil zone has a minimum dimension of 3m; and</li> <li>- If practicable, at least two thirds of the deep soil zone is located at the rear of the site area;</li> </ul>	<p>Required 333m<sup>2</sup> (i.e. 15% of site area).</p> <p>On Site Analysis Plan (DA-12), states that the Deep Soil zone is 913.7m<sup>2</sup> (41.2%). On landscape plans (DA 22) the deep soil areas (whilst not specifically indicated) are calculated at 875.7m<sup>2</sup> (39.43%).</p> <p>It should be noted deep soil areas have not been clearly identified, and would appear calculations do not take into account the tiled areas indicated on Landscaping Plans provided by Michael Siu Landscape Architects (Drawing No: L01/2-K16710 and L02/2-K16710).</p> <p>Furthermore, it would appear calculations have included areas that are under 3m in dimension. As such it is difficult to determine calculations of deep soil area in accordance with the SEPP requirements.</p> <p>Despite the above, it would appear that there is sufficient area with minimum dimensions of 3m. The landscape consultants have not raised concern over deep soil areas.</p> <p>Majority of the deep soil areas are located within the POS areas of the units, with other areas being in common areas and the front setback of the development.</p>	Yes



**ITEM 2 (continued)**

**ATTACHMENT 3**

Requirement	Proposed	Comply
(e) <b>Solar Access</b> - If living rooms and private open spaces for a minimum of 70% of the dwellings receive a minimum of 3 hours direct sunlight between 9am and 3pm in mid-winter;	<p>All POS and living room areas are north facing. Whilst overshadowing diagrams have been submitted as part of the amended DA (plans dated 5/09/2013), they only demonstrate the extent of overshadowing arising from the proposed dwellings. It is unclear what the impact of the existing dwelling to the north (56 Falconer St) will have on units 1 – 4 (44.4% of development).</p> <p>The development has a minimum setback of 4.8m to the closest building wall on the northern façade. As a result of the amended plans, solar access has been increased to the POS and living areas.</p>	Satisfactory
(2)(a) <b>Parking</b> – if at least 0.5 parking spaces are provided for each dwelling containing 1 bedroom, at least 1 parking space for each dwelling containing 2 bedrooms and at least 1.5 parking spaces for each dwelling containing 3 or more bedrooms	<p><u>Required:</u> 0.5 x 0 (1 bed) = 0 1 x 0 (2 bed) = 0 1.5 x 9 (3+ beds) = 13.5 <b>Total= 13.5 spaces</b></p> <p><u>Proposed:</u> <b>Total=15</b> (including 1 visitor)</p> <p>The proposed parking rates satisfies the SEPP requirements.</p>	Yes
(b) <b>Dwelling size</b> – if each dwelling has a GFA of at least 50m <sup>2</sup> in the case of a dwelling having 1 bedroom, 70m <sup>2</sup> in the case of a dwelling having 2 bedrooms or 95m <sup>2</sup> in the case of a dwelling having 3 or more bedrooms	<p>Unit 1 (3 bed): 107.1m<sup>2</sup> Unit 2 (3 bed) : 103.7m<sup>2</sup> Unit 3 (3 bed) : 99m<sup>2</sup> Unit 4 (3 bed) : 98.8m<sup>2</sup> Unit 5 (3 bed) : 98m<sup>2</sup> Unit 6 (3 bed) : 98.2m<sup>2</sup> Unit 7 (3 bed) : 98.4m<sup>2</sup> Unit 8 (3 bed) : <b>87.1m<sup>2</sup></b> Unit 9 (3 bed) : <b>92.2m<sup>2</sup></b></p> <p>Units 1-7 comply with the requirements of the SEPP.</p> <p>Units 8 and 9 are below the requirement (95m<sup>2</sup>). Unit 8 is below by 8.2m<sup>2</sup> (i.e. 8.63%); unit 9 is below by 2.8m<sup>2</sup> (i.e. 2.95%).</p> <p>It is considered that the minor variations to the required GFA of the 2 units is satisfactory considering that compliance with the standard will not substantially improve the amenity of the units to the occupants, and that the proposed size is still functional.</p>	<b>Partial</b> Units 8 and 9 do not comply with the minimum required GFA.

**ITEM 2 (continued)**

**ATTACHMENT 3**

Requirement	Proposed	Comply
(3) A Consent authority may consent to a development whether or not the development complies with the above standards.	Noted	Noted
<p><b>15 Design requirements</b></p> <p>(1) A consent Authority must not consent to development to which this division applies unless it has taken into consideration the provisions of the Senior Living Policy; Urban Design Guidelines to the extent that those provisions are consistent with this policy</p> <p>(2) This Clause does not apply to development for the purpose of a residential flat building</p>	Refer to <b>Table 3</b> below. It should be noted that there are several non-compliances with this policy.	Refer to <b>Table 3</b> below.
<p><b>16A Character of local area</b></p> <p>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.</p>	<p>The character of the surrounding area consists of a variety of development that ranges between single storey detached dwellings, to two (2) storey multi dwelling (attached and detached) development; the predominant use consisting of single storey dwellings. The existing subdivision pattern consists of rectangular allotments that have narrow frontage that address the street, with longer perpendicular boundaries.</p> <p>The proposal provides a higher density type of development to the predominant existing development in the area. The proposal also seeks to consolidate two existing allotments into one allotment, which provides a site that has a width greater than the average development along the street.</p> <p>This being said, it is considered that the development is reasonably compatible with the character of the area. The proposal partly represents a two (2) storey residential development fronting Falconer Street which is demonstrated to be compatible in the area as a result of existing two (2) storey development along the street; the remainder of the development has the appearance of a single storey development. The width of the allotment does not have any adverse impacts on the character of the area. The development, in terms of mass and</p>	Yes

**ITEM 2 (continued)**

**ATTACHMENT 3**

Requirement	Proposed	Comply
	<p>scale, has been marginally reduced from previous plans; furthermore, this type of development has been demonstrated to be compatible in the area as a result of existing multi dwelling buildings located along Falconer Street.</p> <p>This is discussed in more detail in <b>Table 3</b> below which tests the development against the proposed development against the character of the surrounding area.</p>	
<p><b>17 Must be used for affordable housing for 10 years</b> Relates to conditions which a consent authority must impose if consent is issued under this Division</p>	<p>Noted A condition has been attached to the consent (if approved) to ensure this occurs.</p>	<p>Noted</p>
<p><b>Clause 18 Subdivision</b> Land on which development has been carried out under this Division may be subdivided with consent</p>	<p>Noted. The applicant has submitted a subdivision plan.</p>	<p>Yes</p>

ITEM 2 (continued)

ATTACHMENT 3

Table 3: Seniors Living Policy: Urban Design guidelines for infill development

Consideration	Comment	Complies
<p><b>ANALYSIS OF NEIGHBOURHOOD CHARACTER</b></p> <p><b>1 Responding to context</b>  <b>Street layout and hierarchy –</b>            What is the pattern and hierarchy of streets in the local area?            Are there opportunities for introducing new streets or lanes            How does the built form vary between different types of street?            What are the patterns of planting in the streets and gardens?            What are the typical front setbacks and building heights?            Where are there anomalies to any of these patterns and why?</p>	<p><b>Street layout and hierarchy</b>            The proposal will not result in the creation on any new public streets or lanes; the proposed driveway does not continue through the site linking Falconer Street and Linton Lane.</p> <p>The bulk and scale of the development is larger than the average development type in the area, however, the development as viewed from the street represents a two (2) storey dwelling and is consistent with existing and perceived development.</p> <p>The majority of the existing vegetation (including the existing six trees) will be removed to accommodate the proposed development. The applicant proposes to landscape the site.</p> <p>Though the dwellings on either side of the site are currently single storey, the frontage of the development is below the maximum building height and the difference in height alone does not render the development incompatible.</p> <p>The proposed setback from Falconer Street will be approximately 1.5m forward of the adjoining dwellings. This is not considered to have any adverse impacts on the character of the area subject to appropriate landscape treatment. It is noted that the POS area of unit 1 is forward of the building line (in the front setback area) by approximately 3m. This is not consistent with surrounding development. However, the applicant proposes to landscape the site including the front setback; the landscaping will reduce the visual impact of the fencing which will help it blend in with the area.</p>	<p>Partial</p>

**ITEM 2 (continued)**

**ATTACHMENT 3**

Consideration	Comment	Complies
<p><b>Block and lots</b>                      What are the predominant block and lot patterns?                      How have these changed over time (for example by subdivision or amalgamation)?                      What are the typical plot sizes, shape and orientation?                      Which lots are better for intensification and which are not?                      Is amalgamation necessary to support future development? Are there any corner sites, sites with two street frontages, or sites that are relatively wide or shallow and are therefore more suitable for intensification?</p>	<p><b>Block and lots</b>                      The lot pattern in the area is characterised by rectangular shaped allotments with narrow frontages and longer perpendicular side boundaries; the majority of the allotments extend from the primary road (in this case Falconer Street) to a rear lane (in this case Linton Lane). It is noted there are various allotments in the area that have been consolidated and/or subdivided.</p> <p>The proposal requires the amalgamation of the two lots to accommodate any more than dual occupancy on the site. Whilst the precedent has been established for multi unit developments in the immediate vicinity of the site, there are concerns that further lot consolidation and multi-unit development in close proximity to these existing developments will alter the predominant lot pattern in the area and marginally change the low density character of the area.</p> <p>However, given the general compliance with the relevant planning controls, the future character of the area may change consistent with those controls.</p>	<p>Partial</p>
<p><b>Built Environment</b>                      Look for buildings that have a good relationship to the street or characteristics that contribute positively to neighbourhood character. Do buildings have a consistent scale and massing?                      Is there a regular rhythm of spaces between them?                      What are the atypical buildings?                      Should particular streetscapes and building types be further developed or discouraged?</p>	<p><b>Built Environment</b>                      Development in the area primarily consists of single storey detached dwellings that address the street, have pitched roofing, a consistent front setback, and minimal side setbacks to boundaries. There are existing two storey and multi dwelling developments in the area.</p> <p>The regular rhythm of spaces (building and void) will be disrupted by the proposed layout which proposes to centre the new development in what is currently two regular sized lots.</p> <p>The proposed development provides a two storey development that fronts the street; unit 1 (fronting Falconer Street) has been designed to address Falconer Street. The development increases the voids</p>	<p>Partial</p>

**ITEM 2 (continued)**

**ATTACHMENT 3**

Consideration	Comment	Complies
<p><b>Trees</b> Where are the significant trees and landscapes in the neighbourhood? Are there street trees, and if so what species and spacing? What are the patterns of planting in the front and rear gardens? Could new development protect and enhance existing vegetation?</p> <p><b>Policy environment</b> What are the key characteristics of the area as identified by the Council? How might these be accommodated in the design of new development for the area? Are there any special character areas, view corridors, vistas, landscaped areas, or heritage buildings or precincts that should be considered?</p>	<p>between side boundaries by locating the development centrally over the two existing allotments; these voids will consist of the POS areas for the units, and the driveway. Whilst the development is not consistent with the existing built form in the immediate area, it is considered it is acceptable given its general consistency with the applicable planning controls.</p> <p><b>Trees</b> There are no significant trees on the street frontage of the site. A number of trees are proposed to be removed, which have been considered by Council's landscape consultants suitable for removal. Given the existing pattern of tree planting on the site, it is not possible to retain the trees and develop the site so intensively.</p> <p><b>Policy environment</b> There are no special character areas, view corridors, vistas, landscaped areas, or heritage buildings in the vicinity of the site.</p>	<p>Yes</p> <p>Yes</p>
<p><b>2. SITE PLANNING AND DESIGN</b></p> <p><b>General</b> Site design should be driven by the need to optimise internal amenity and minimise impacts on neighbours. These requirements should dictate the maximum development yield. Cater for the broad range of need from potential residents by providing a mix of dwelling sizes and dwellings both with and without assigned car parking.</p>	<p><b>General</b> The amended plans have provided an increased setback from the north eastern boundary (increasing solar access to habitable areas of the units and POS areas and helps reduce amenity impacts to adjoining site), reduced the scale of the development from 10 units to 9 units and increased the rear setback from Linton Lane (increasing amenity to unit 9).</p> <p>It is evident that the applicant has made attempts to reduce the scale of the development by responding to the constraints of the site. The design and layout of the development is not ideal, however, given its general consistency with the applicable planning controls, its design limitations are not</p>	<p>Satisfactory</p>

**ITEM 2 (continued)**

**ATTACHMENT 3**

Consideration	Comment	Complies
<p><b>Built form</b> Locate the bulk of development towards the front of the site to maximise the number of dwellings with frontage to a public street. Parts of the development towards the rear should be more modest in scale to limit the impacts on adjoining properties. Design and orient dwellings to respond to environmental conditions; Orient dwellings on the site to maximise solar access to living areas and private open space, locate dwellings to buffer quiet areas within the development from noise.</p>	<p>considered grounds for refusal in themselves.</p> <p><b>Built form</b> Given the limited width of the site and the need to provide an access driveway through the site, it is not possible to provide more than one unit with street frontage. This unit has been orientated to address Falconer Street, and is below the maximum building height and there is a precedent for two storey dwellings adjacent to single storey dwellings on Falconer Street.</p>	<p>Satisfactory</p>
<p><b>Trees, landscaping and deep soil zones</b> Maintain existing patterns and character of gardens and trees:</p> <ul style="list-style-type: none"> <li>- Retain trees and planting on the street and in front setbacks to minimise the impact of new development on the streetscape.</li> <li>- Retain trees and planting at the rear of the lot to minimise the impact of new development on neighbours and maintain the pattern of mid block deep soil plating</li> <li>- Retain large or otherwise significant trees on other parts of the site though sensitive site planning</li> <li>- Where it is not possible or desirable to retain existing trees, replace with new mature or semi-mature trees.</li> </ul> <p>Improve amenity by increasing the proportion of the site that is landscaped area by</p> <ul style="list-style-type: none"> <li>- Increasing the width of landscaped areas between driveways and boundary fences, and between driveways and new dwellings</li> <li>- Providing pedestrian paths</li> <li>- Reducing the width of driveways</li> <li>- Providing additional private open space above the minimum requirements</li> <li>- Providing communal open space</li> <li>- Increasing front, rear and/or rear setbacks</li> <li>- Providing small landscaped areas between garage, dwelling entries, pedestrian paths, driveways, etc</li> </ul>	<p><b>Trees, landscaping and deep soil</b> The existing mature trees are not proposed to be retained (though the Council's Landscape Consultants have no major objection to same subject to replacement planting). The removal of the trees on the south western boundary will have some impact on No 62 Falconer Street.</p> <p>The proportion of the site that is landscaped will be significantly decreased. However, the minimum landscaped area required by SEPPARH (30%) will be provided. The proposal has been supported by landscaping of the site.</p> <p>The Council's Landscape Consultants have indicated that some of the proposed trees along the south western boundary are too large for the deep soil areas provided, and require the applicant to provide an alternate planting; the consultants have recommended a condition of consent to address this issue.</p> <p>The amended plans have provided landscaping elements along the southern side of the buildings, which was previously dominated by car parking spaces.</p>	<p>Satisfactory</p>
<p>Provide deep soil zones for absorption of run-off and to sustain vegetation, including large trees</p> <ul style="list-style-type: none"> <li>- It is preferable that at least 10% of the site area is provided as a single area at</li> </ul>	<p>Deep soil zones have been provided throughout the site.</p>	<p>Satisfactory</p>

**ITEM 2 (continued)**

**ATTACHMENT 3**

Consideration	Comment	Complies
<p>the rear of the site, where there is the opportunity to provide a mid-block corridor of trees within a neighbourhood</p> <ul style="list-style-type: none"> <li>- Where the pattern of neighbourhood development as a deep soil planting at the front of the site, it may be desirable to replicate this pattern.</li> </ul> <p>Minimise the impact of higher site cover on stormwater runoff by:</p> <ul style="list-style-type: none"> <li>- Using semi-pervious materials for driveways, paths and other paved areas</li> <li>- Using of on-site detention to retain stormwater for re-use.</li> </ul> <p><b>Parking, garaging and vehicular circulation:</b></p> <ul style="list-style-type: none"> <li>- Consider centralised parking in car courts to reduce the amount of space occupied by driveways, garages and approaches to garages.</li> <li>- Where possible maintain existing crossings and driveway locations on the street.</li> </ul>	<p><b>Parking, garaging and vehicular circulation:</b></p> <p>The proposed layout is centred on the driveway, with the elevation onto same.</p> <p>Whilst the existing crossings on the street is maintained there is currently no driveway or parking on the site at this location.</p>	<p>Partial</p>
<p><b>3. IMPACTS ON STREETSCAPE</b></p> <p><b>General</b></p> <ul style="list-style-type: none"> <li>- Respond to the desired streetscape character by: <ul style="list-style-type: none"> <li>- Locating and designing new development to be sympathetic to existing streetscape patterns (building siting, height, separation; driveway location, pedestrian entries, etc)</li> <li>- Providing a front setback that relates to adjoining development.</li> </ul> </li> </ul> <p><b>Built Form</b></p> <ul style="list-style-type: none"> <li>- Reduce the visual bulk of a development by: <ul style="list-style-type: none"> <li>- Breaking up the building massing and articulating building facades,</li> <li>- Allowing breaks in rows of attached dwellings</li> <li>- Using variation in material, colours</li> </ul> </li> </ul>	<p><b>General</b></p> <p>Whilst the location of the proposed driveway coincides with the dipped kerb to 60 Falconer Street, the separation between dwellings and the rhythm of building and void will be altered, as will be the front setback.</p> <p>The development does provide an appearance from Falconer Street of a two storey dwelling, which incorporates a pitched roof consistent with existing development. The setback is forward of the adjoining properties but is consistent with the established building line for Falconer Street. Furthermore, some of the POS area for unit 1 is located within this setback. The applicant has proposed landscaping that will help reduce this visual impact.</p> <p><b>Built Form</b></p> <p>Orientating Unit 1 to Falconer Street, will to some degree help to reduce the visual bulk of the overall development in terms of the streetscape. But whilst the height of Unit 1 can be absorbed into the streetscape, the proportions of the</p>	<p>Satisfactory</p> <p>Partial</p>



**ITEM 2 (continued)**

**ATTACHMENT 3**

Consideration	Comment	Complies
<p>and openings (doors, windows and balconies) to other building facades with scale and proportions that respond to the desired contextual character</p> <ul style="list-style-type: none"> <li>- Setting back upper levels behind the front building facade</li> <li>- Where it is common practice in the streetscape, locating second storeys within the roof space and using dormer windows to match the appearance of existing dwelling houses</li> <li>- Reducing the apparent bulk and visual impact of a building by breaking down the roof into smaller roof elements</li> <li>- Using a roof pitch sympathetic to that of existing buildings in the street</li> <li>- Avoiding uninterrupted building facades including large areas of painted render.</li> </ul>	<p>front elevation are at odds with adjoining dwellings.</p> <p>The southern side of the development will be visible from the street from a small portion along Falconer Street. The amended plans have provided open carports along the southern side of the building, and additional landscaping elements between the units (as opposed to the previous design which consisted of an elevation dominated by garage doors and car parking spaces). Furthermore, the applicant has provided landscaping along the south western boundary of the site that will reduce the visual impact of the development when viewed from the street (it is noted the landscape consultants require an amended plan to for a more suitable sized tree).</p>	
<p><b>Trees, landscaping and deep soil zones:</b></p> <ul style="list-style-type: none"> <li>- Retain existing trees and planting in front and rear setbacks and the road reserve: <ul style="list-style-type: none"> <li>- Where this is not possible or not desirable use new planting in front setback and road reserve</li> <li>- Plant in front of front fences to reduce their impact and improve the quality of the public domain.</li> </ul> </li> </ul>	<p><b>Trees, landscaping and deep soil zones:</b></p> <p>It is not proposed to retain existing vegetation on site, however, the applicant has proposed new plantings. Council's landscaped consultants do not object to the amended plans and have recommended conditions that include the requirement for street tree plantings.</p>	Satisfactory
<p><b>Residential Amenity</b></p> <ul style="list-style-type: none"> <li>- Clearly design open space in front setbacks as either private or communal open space</li> <li>- Define the threshold between public and private space, for example by level change, change in materials, fencing, planting and /or signage</li> <li>- Design dwellings at the front of the site to address the street</li> <li>- Provide a high quality transition between public and private domains by: <ul style="list-style-type: none"> <li>- Designing pedestrian entries where possible to be directly off the street</li> <li>- For rear residents, providing a pedestrian entry that is separate from vehicular entries</li> <li>- Designing front fences to provide privacy where necessary, but also to allow for surveillance of the street</li> <li>- Ensuring that new front fences have a</li> </ul> </li> </ul>	<p><b>Residential Amenity</b></p> <p>The area of open space in the front setback has been fenced off from the private open space associated with Unit 1, but the likelihood that this area will be used as a communal area is low given the access path to the door of Unit 1 located through the area and the fact that there is no demarcation between the curtilage of Unit 1 and this common open space area. Pedestrian access will be gained by sharing the common driveway; the previous plans included a separate access, but, safety and amenity concerns were raised and has subsequently been removed. Garbage storage areas are considered adequate.</p>	Partial

**ITEM 2 (continued)**

**ATTACHMENT 3**

Consideration	Comment	Complies
<p>consistent character with front fences in the street</p> <ul style="list-style-type: none"> <li>- Orienting mailboxes obliquely to the street to reduce visual clutter and the perception of multiple dwellings</li> <li>- Locating and treating garbage storage area and switchboards so that their visual impact in the public domain is minimised.</li> </ul> <p><b>Parking, garaging and vehicular circulation</b></p> <ul style="list-style-type: none"> <li>- Avoid unrelieved, long, straight driveways that are visually dominant by: <ul style="list-style-type: none"> <li>- Varying the alignment of driveways to avoid a 'gunbarrel' effect</li> <li>- Setting back garages behind the predominant building line to reduce their visibility from the street</li> <li>- Consider alternative site designs that avoid driveways running the length of the site</li> </ul> </li> <li>- Minimise the impact of driveways on streetscape by: <ul style="list-style-type: none"> <li>- Terminating vistas with trees, vegetation, open space or a dwelling, not garages or parking</li> <li>- Using planting to soften driveway edges</li> <li>- Varying the driveway surface material to break it up into a series of smaller spaces (for example to delineate individual dwellings)</li> <li>- Limiting driveway widths on narrow sites to single carriage with passing points</li> <li>- Providing gates at the head of driveways to minimise visual 'pull' of the driveway</li> </ul> </li> <li>- Locate or screen all parking to minimise visibility from the street</li> </ul>	<p><b>Parking, garaging and vehicular circulation</b></p> <p>Due to the limited area and width of the site, there is little potential for deviation in the design of the driveway, which is long and straight and dominates the development. The car parking spaces are located in front of the building line, however, the location of unit 1 will help reduce their visual impact.</p> <p>The vista of the driveway is somewhat softened by provision of open space and a landscaped verge on the south western boundary. However the usability of this common open space area, is questionable.</p>	<p>Satisfactory</p>
<p><b>4 Impacts on neighbours</b></p> <p><b>Built Form:</b></p> <ul style="list-style-type: none"> <li>- Design the relationship between buildings and open space to be consist with the existing patterns in the block <ul style="list-style-type: none"> <li>- Where possible maintain the existing orientation of dwelling 'fronts and 'backs'</li> <li>- Where the dwelling must be orientated at 90 degrees to the existing pattern of development, be particularly sensitive to the potential for impacts on privacy of neighbours</li> </ul> </li> <li>- Protect neighbours amenity by carefully designed in the bulk and scale of the new</li> </ul>	<p><b>Built Form</b></p> <p>Whilst the relationship between building and open space will be somewhat consistent with that on adjacent multi dwelling developments in the vicinity of the site, it should be noted that as is set out in Part 3.5 of the DCP, it is an objective of the Council to ensure that medium density developments in low density areas are dispersed.</p> <p>The proposed dwellings will be at 90 degrees to those on adjoining</p>	<p>Partial</p>

**ITEM 2 (continued)**

**ATTACHMENT 3**

Consideration	Comment	Complies
<p>development to relate to the existing residential character, for by example:</p> <ul style="list-style-type: none"> <li>- Setting back upper storeys behind the side or rear building line</li> <li>- Reduce the visual bulk of roof forms by breaking down the roof into smaller elements, rather than having a single uninterrupted roof structure</li> <li>- Design second storeys to reduce overlooking or neighbouring properties, for example by               <ul style="list-style-type: none"> <li>- Incorporating them within the roof space and providing dormer windows</li> <li>- Offsetting openings from existing neighbouring windows or doors</li> </ul> </li> <li>- Reduce the impact of unrelieved walls on narrow side and rear setbacks by limiting the length of the walls built to these setbacks.</li> </ul>	<p>lots, though it is unlikely that the roof windows in the attic level will give rise to overlooking of adjoining properties.</p>	
<p><b>Trees, landscaping and deep soil zones</b></p> <ul style="list-style-type: none"> <li>- Use vegetation and mature planting to provide a buffer between new and existing dwellings</li> <li>- Locate deep soil zones where they will provide privacy between new and existing dwellings</li> <li>- Planting in side and rear setbacks can provide privacy and shade for adjacent dwellings</li> <li>- For new planting, if possible, use species that are characteristic of the local area.</li> </ul>	<p><b>Trees, landscaping and deep soil zones</b></p> <p>Whilst a landscaped strip will be provided along the boundaries of the site with 56 and 62 Falconer Street the vehicular driveway running along the full extent of the south western side boundary may have some impact in terms of noise intrusion. Given the limited width of these landscaped strips and the proximity of private open space and the main access drive, these areas will not be deep soil zones; however the applicant has proposed plantings along the boundary and the landscape consultant is satisfied with the proposal (subject to conditions).</p>	<p>Partial</p>
<p><b>Residential amenity</b></p> <ul style="list-style-type: none"> <li>- Protect sun access and ventilation to living areas and provide open space of neighbouring dwellings by ensuring adequate building separation.</li> <li>- Design dwellings so that they do not directly overlook neighbour's private open space or look into existing dwellings</li> <li>- When providing new private open space minimise negative impacts on neighbours, for example by:               <ul style="list-style-type: none"> <li>- Locating it in front setbacks where possible</li> <li>- Ensuring that it is not adjacent to quiet neighbouring uses, for example bedrooms</li> <li>- Design dwellings around internal courtyards</li> </ul> </li> </ul>	<p><b>Residential amenity</b></p> <p>There will be some additional overshadowing on 62 Falconer Street at 9am (June 21) but the dwelling and its private open space will not be impacted between 12pm and 3pm.</p> <p>Neighbouring dwellings or their private open space will not be overlooked, though as stated above, there may be an increase in noise.</p>	<p>Satisfactory</p>

**ITEM 2 (continued)**

**ATTACHMENT 3**

Consideration	Comment	Complies
<ul style="list-style-type: none"> <li>- Providing adequate screening.</li> <li>- Where side setbacks are not large enough to provide useable private open space, use them to achieve privacy and soften the visual impact of new development by planting screen vegetation</li> </ul> <p><b>Parking, garaging and vehicular circulation</b></p> <ul style="list-style-type: none"> <li>- Provide planting and trees between driveways and side fences to screen noise and reduce visual impacts</li> <li>- Position driveways so as to be a buffer between new and existing adjacent dwellings.</li> </ul>	<p><b>Parking, garaging and vehicular circulation</b></p> <p>The development complies with these objectives.</p>	<p>Yes</p>
<p><b>5 Internal Site Amenity</b></p> <p><b>Built Form</b></p> <ul style="list-style-type: none"> <li>- Design dwellings to maximise solar access to living area and private open spaces</li> <li>- In villa or town house style development, provide dwellings with a sense of individual identity through building articulation, roof form and other architectural elements, and through the use of planting and building separation:             <ul style="list-style-type: none"> <li>- Provide buffer spaces and /or barriers between the dwellings and driveways, or between dwellings and communal area</li> <li>- Use trees, vegetation, fencings, or screening devices to establish curtilages for individual dwellings.</li> </ul> </li> <li>- Design dwelling entries so that they:             <ul style="list-style-type: none"> <li>- Are clear and identifiable from the street or driveways</li> <li>- Provide a buffer between public/communal space and private dwellings</li> <li>- Provide a sense of address for each dwelling</li> <li>- Are oriented to not look directly into other dwellings.</li> </ul> </li> </ul> <p><b>Parking, garaging and vehicular circulation</b></p> <ul style="list-style-type: none"> <li>- Locate habitable rooms, particularly bedrooms away from driveways, parking areas and pedestrian paths:             <ul style="list-style-type: none"> <li>- Where this is not possible use physical separation, planting, screening devices or louvres to achieve adequate privacy.</li> </ul> </li> <li>- Avoid large uninterrupted areas of hard surface (driveways, garage, walls). Small areas of planting can break these up and</li> </ul>	<p><b>Built Form</b></p> <p>As previously indicated, it is difficult to ascertain the level of overshadowing of the adjoining development, fencing and landscaping will have on the proposed units; however, given the amended plans have increased the setback from the boundary (with a minimum setback of 4.9m), and the development has been orientated to be north facing, it is considered that the site will be provided with satisfactory solar access.</p> <p>Entries to the dwellings are visible and distinguishable from the driveways. There are no overlooking dwellings</p> <p><b>Parking, garaging and vehicular circulation</b></p> <p>Habitable rooms (bedrooms) adjoin car parking spaces in units 2, 6, 7 and 8.</p> <p>Parking and the long driveway still dominate the southern elevation of the development; however, the amended plans provide a more acceptable design.</p>	<p>Yes</p> <p>Satisfactory</p>

**ITEM 2 (continued)**

**ATTACHMENT 3**

Consideration	Comment	Complies
<p>soften their 'hard edge' appearance.</p> <ul style="list-style-type: none"> <li>- Screen parking from views and outlooks from dwellings</li> <li>- Reduce the dominance of areas for vehicular circulation and parking by considering:               <ul style="list-style-type: none"> <li>- Single rather than double width driveway with passing bays</li> <li>- Communal car courts rather than individual garages</li> <li>- Single rather than double garages</li> <li>- Tandem parking or a single garage with single car port in tandem</li> <li>- The provision of some dwellings without any car parking for residential without cars</li> </ul> </li> </ul>	<p>Given the constraints of the narrow site, it is difficult to provide an alternate driveway to the proposed long uninterrupted driveway; the applicant proposes to landscape the strip between the driveway and the fence to assist in reducing the visual impact.</p>	
<p><b>Residential Amenity</b></p> <ul style="list-style-type: none"> <li>- Provide distinct and separate pedestrian and vehicular circulation on the site:               <ul style="list-style-type: none"> <li>- Where this is not possible shared driveway/pedestrian paths should be wide enough to allow a vehicle and a wheelchair to pass safely</li> <li>- Provide pedestrian routes to all public and semi-public areas including lobbies, dwelling entries, communal facilities and visitor parking space</li> </ul> </li> </ul>	<p><b>Residential Amenity</b></p> <p>The amended plans have removed the proposed pedestrian access to the north; as such, there is no separate pedestrian access, other than through the driveway (excluding unit 1 and 9 that have direct pedestrian access via Falconer Street and Linton Lane). No separate paths have been incorporated in the design to common areas, and pedestrians will need to share the driveway access; which is wide enough to accommodate this.</p>	Satisfactory
<ul style="list-style-type: none"> <li>- Ensure that adequate consideration is given to safety and security by:               <ul style="list-style-type: none"> <li>- Avoiding ambiguous spaces in buildings and dwelling entries that are not obviously designate as public or private.</li> <li>- Minimising opportunities for concealment by avoiding blind or dark spaces between buildings, near lifts or foyers and at the entrance to or within indoor car parks</li> <li>- Clearly defining threshold between public and private spaces (for example by level change, change in materials, fencing, planting and/or signage).</li> </ul> </li> </ul>	<p>Whilst the area to the front of the site has been identified on the site plans as common area, its dissection by the path to Unit 1 may make the distinction between private and public open space unclear. A garden seating area has been provided between units 4 and 5, though there is limited surveillance of this area. The area of common open space adjacent to unit 9 (at the end of the proposed driveway) is also not directly overlooked by any dwelling and is of little usable value. However, surveillance is considered adequate given the size of the development.</p>	Yes
<ul style="list-style-type: none"> <li>- Provide private open space that               <ul style="list-style-type: none"> <li>- Is generous in proportion and adjacent to the main living areas of the dwelling (living room, dining room or kitchen)</li> <li>- Is oriented predominantly north, east or west to provide solar access</li> </ul> </li> </ul>	<p>POS areas are north facing, adequate in size, accessed via living areas, landscaping provided, and will be appropriately screened.</p>	Yes

**ITEM 2 (continued)**

**ATTACHMENT 3**

Consideration	Comment	Complies
<ul style="list-style-type: none"> <li>- Comprises multiple spaces for larger dwellings</li> <li>- Uses screening for privacy but also allows casual surveillance when located adjacent to public or communal area (including streets and driveways)</li> <li>- Provides both paved and planted areas when located at ground level</li> <li>- Retains existing vegetation where practical</li> <li>- Uses pervious pavers where private open space is predominantly hard surfaced, to allow for water percolation and reduced runoff.</li> <li>- Provide communal open space that               <ul style="list-style-type: none"> <li>- Is clearly and easily accessible to all residents and easy to maintain</li> <li>- Incorporate existing mature trees and vegetation to provide additional amenity for all residents</li> <li>- Includes shared facilities such as seating areas and barbeques to permit resident interaction.</li> </ul> </li> <li>- Site and/or treat common service facilities such as garbage collection areas and switchboard to reduce their visual prominence to the street or to any private or communal open space.</li> </ul>	<p>As discussed previously, there is common open space located centrally between the two building blocks; the amended plans have increased this area which is considered more useable. This area provides communal seating and is adequately landscaped.</p> <p>Post boxes have been located so that they are perpendicular to Falconer Street, hidden from direct view. Designated garbage areas have been located on the southern side of the dwellings (as opposed to the POS areas on previous plans), with the exception of units 1 and 9, and are adequately screened from view.</p>	<p>Yes</p> <p>Yes</p>

**ITEM 2 (continued)**

**ATTACHMENT 3**

**Table 4: Ryde DCP**

RDCP 2010 Requirement	Proposal	Comply
<b>Part: 3.5 Multi Dwelling Housing (attached) (for Low Density Residential Zone)</b>		
<b>1.3 Objectives of this Part</b>		
<p>1. Multi dwelling housing (attached) developments complement existing development and streetscape</p>	<p>The existing development adjacent to the site is predominantly single storey detached dwellings, though there are some multi dwelling developments adjacent and some two storey dwellings further north on Falconer Street. Dwellings are characterised by pitched and tiled rooves.</p> <p>The proposed mass and length is significant compared to that of immediately adjacent dwellings. However, unit 1 addresses the street and represents a two (2) storey dwelling. The façade of this unit is the predominant view from Falconer Street and is considered satisfactory. Whilst the driveway is a dominant feature along the south western side of the property, the applicant has incorporated plantings along the boundary to assist in reducing the visual impact.</p>	<p>Yes</p>
<p>2. Dispersal of multi dwelling housing (attached) developments occurs within neighbourhoods throughout City of Ryde.</p>	<p>There are some attached multi-dwellings at 64 Falconer Street (16m from the site) and a detached multi-dwelling development at 50 Falconer Street (26m from the site).</p>	<p><b>No</b></p>
<p>3. Multi dwelling housing (attached) developments are designed to the highest possible aesthetic standard</p>	<p>The width of the site constrains development on the subject site. Given the proposal, the design has been orientated to address Falconer Street. The elevation from Falconer Street represents a two (2) storey dwelling, with the bulk of the remaining development (units 2-9) located behind.</p> <p>Landscaping proposed (when established) will reduce the visual impact of the development, by screening and breaking up the bulk of the development.</p> <p>Given the design and scale of the proposal, access to the site will be gained via a stencilled concrete driveway extending along the south western boundary of the site. Generally, this is not desirable as it is visually un-attractive and increases stormwater run-off generated by a site. However, the applicant has established a 1.2m wide landscaping strip that is to incorporate plantings which will reduce the visual impact. It is noted that</p>	<p>Partial</p>

**ITEM 2 (continued)**

**ATTACHMENT 3**

RDCP 2010 Requirement	Proposal	Comply
	<p>Council's landscape consultants have recommended an amended landscape plan to adopt more suitable tree planting along this boundary.</p> <p>The proposed south western façade is primarily dominated by car parking spaces in the form of car ports for the units, with a double garage for unit 1. Various landscaping elements are proposed in areas not utilised for car parking spaces which will reduce the visual impact of this façade.</p> <p>The amended plans represent an improvement from the original proposal.</p>	
<p>4. Multi dwelling housing (attached) developments meet the needs of all households, including older people.</p>	<p>The development provides two affordable housing units, and seven (7) x three (3) bedroom units.</p>	<p>Yes</p>
<p>5. A mix of housing types are provided throughout the City of Ryde;</p>	<p>As above</p>	<p>Yes</p>
<p>6. Multi dwelling housing (attached) designs promote security and safety of residents:</p>	<p>The proposed dwelling does not create any adverse security risks to the residents. Access to the site is clearly defined via proposed landscaping and fencing along the front boundary. Furthermore, access is restricted to the vehicular access to the units therefore limiting opportunities for unwanted visitors.</p>	<p>Yes</p>
<p>7. Land used for multi dwelling housing (attached) development has adequate provision of daylight, privacy, landscaping and car parking</p>	<p>It is not clear from the shadow diagrams what impact the existing dwelling to the north of the site will have on the provision of daylight to units 1 – 4. However, the living areas and POS areas have been orientated to be north facing to maximise solar access for the development, privacy has been maintained for the future residents and adjoining development, and car parking has been provided for the development in accordance with the provisions of AHSEPP.</p>	<p>Yes</p>
<p>8. The amenity of occupants of adjoining land is not adversely affected by an multi dwelling housing (attached) development;</p>	<p>The existing dwelling at 62 Falconer Street is located close to the site boundary and may experience an increase in noise as a result of the increase in vehicular traffic on the proposed driveway which is located on the south western boundary of the site (adjoining 62 Falconer Street).</p> <p>Privacy of adjoining properties is maintained with appropriate setbacks proposed, and the inclusions of satisfactory fencing and landscaping.</p>	<p><b>Satisfactory</b></p>



**ITEM 2 (continued)**

**ATTACHMENT 3**

<b>RDCP 2010 Requirement</b>	<b>Proposal</b>	<b>Comply</b>
	It is noted that the proposal will result in nine (9) POS areas to be located along the common boundary between the subject site and the property to the north (58 Falconer).	
9. The scale of any Multi dwelling housing (attached) development is related to the character of the area.	<p>The proposed development does not comply with the minimum site area provisions set out in the RLEP 2010 (4.5A) however this is overridden by the SEPPARH.</p> <p>The amended plans represent a reduction in the scale of the development from ten (10) units to nine (9) units, increased setbacks (north and east boundaries) and a widening of the common area.</p> <p>Unit 1 represents a building larger in scale than development in the immediate area, however, is considered compatible with the existing character of the area.</p>	Partial
10. Heritage significant buildings and those identified as contributing to the character of Ryde are retained.	There are no heritage buildings on the site.	Yes
11. Multi dwelling housing (attached) developments occur in suitable areas only, that is areas where the development meets the needs of all residents, does not have adverse environmental impact or an adverse impact on the character of an area.	The area is suitable for multi dwelling housing and the proposal has acceptable environmental impacts and is reasonably consistent with the character of the area.	Yes
<b>2.1 Site Analysis</b>		
<b>Each DA must be accompanied by a site analysis</b>	The Site analysis plan does not address some of the requirements set out in Schedule 1 of this Part, e.g. overshadowing by neighbouring structures, living room windows overlooking the site (particularly those within 9m of the site), etc	Partial
<b>2.2 Minimum allotment size</b>		
Allotments must have a frontage to a road of not less than 20m and an area of not less than 600m <sup>2</sup> .	Road frontage 26.8m Site area of 2220m <sup>2</sup>	Yes
Hatchet shaped allotments not suitable for multi dwelling developments	Regular shaped	Yes
<b>2.3 Non preferred locations</b>		
That Council is satisfied that the site is suited for a form of more intense residential development, that being multi dwelling housing development.	Site is not located in a non preferred location as identified in Schedule 2 of this Part	Yes
<b>2.4 Separation of medium density developments in the Residential A zone (Linear Separation)</b>		
Multi dwelling housing (attached) developments in the Low density Residential zone must be separated from other multi dwelling housing (attached), villa homes, urban housing, duplex building and dual occupancy	Given that the draft RLEP 2011 has recently been adopted by Council, the issue of linear separation will be removed. This is not of itself a reason to refuse the DA.	N/A

**ITEM 2 (continued)**

**ATTACHMENT 3**

<b>RDCP 2010 Requirement</b>	<b>Proposal</b>	<b>Comply</b>
<p>(attached) development in accordance with the following: If a multi dwelling housing (attached) development, villa homes, urban housing, duplex building or dual occupancy (attached) is erected, or is permitted by a development consent, on an allotment with a frontage to a street or road within the low density residential zone, the Council will not consent to another multi dwelling housing (attached) development on another allotment with frontage to that same street or road, in the same street block unless the tow allotments are separated by a distance of at least:</p> <ul style="list-style-type: none"> <li>• Twice the distance of the frontage to the street of the existing or approved urban housing, villa, duplex, dual occupancy or multi dwelling housing (attached) development, or</li> <li>• Twice the distance of the frontage to the street of the proposed multi-dwelling housing (attached) development,</li> </ul> <p>Whichever is the greater distance</p>		
<b>2.5 Retention of Existing dwellings</b>		
Retention of an existing dwelling as part of a new multi dwelling housing development will not be approved	Existing dwellings proposed to be demolished	Yes
<b>2.6 Density</b>		
Refer to Clause 4.5A Density Controls for R2 Low Density Residential in Ryde Local Environmental Plan 2010.	The proposal does not comply with the density requirements contained in Clause 4.5a of RLEP, however the applicant is availing of the standards which cannot be used for refusals in the SEPPARH to overcome this. Refer to <b>Tables 1 and 2</b> of the report for more details in this regard.	<b>No</b> (SEPPARH over rides this control)
<b>2.7 Number of dwellings</b>		
No development shall contain more than 12 dwellings.	Nine (9) units proposed.	Yes
<b>2.8 Type of dwellings</b>		
In development containing 4 or more dwellings not more than 75% of dwellings should have the same number of bedrooms. Where 75% is not a whole number, the number should be rounded down.	All units consist of three (3) bedroom dwellings.	<b>No</b>
<p>The slope of the site, proposed levels, height of dwellings, site coverage, landscaping, setbacks, accessibility and overshadowing must be considered when assessing:</p> <ul style="list-style-type: none"> <li>• Whether development will complement and enhance the existing neighbourhood, and</li> <li>• Whether the development meets the</li> </ul>	<ul style="list-style-type: none"> <li>• slope of the site – not an issue</li> <li>• proposed levels – Council's engineer does not object to the development (Refer to Senior Development Engineer's report of 11 October 2013). A condition has been recommended to ensure driveway gradients comply with Australian Standard AS 2890.1-2004 .</li> <li>• height of dwellings – below maximum</li> </ul>	Yes

**ITEM 2 (continued)**

**ATTACHMENT 3**

RDCP 2010 Requirement	Proposal	Comply
needs of all householders including older persons and persons with disabilities.	height limit <ul style="list-style-type: none"> <li>• site coverage – below Maximum FSR limit</li> <li>• landscaping – minimum landscaped areas provided.</li> <li>• setbacks – (Refer to <b>Section 3.5</b> Setbacks below)</li> <li>• accessibility - Units 3 and 4 are identified as accessible. However there are concerns with regard to the accessibility of common access path to the dwellings being via stepping stones on turf (though on the landscape planting plan this is identified as a concrete path) particularly for people with limited mobility. A condition of consent has been provided to address this issue.</li> <li>• overshadowing – Though the proposed development will result in some additional overshadowing of 62 Falconer Street at 9am (on 21 June), this is not considered a significant loss of solar access. The amended plans represent an improvement from the original proposal, with additional setbacks provided resulting in increased solar access to the proposed units.</li> </ul>	
<b>3.1 Slope of site</b>		
<ul style="list-style-type: none"> <li>• Dwellings must have presentation to the street. The front entrance of at least of dwelling must be clearly seen from the street.</li> <li>• Sites with a down slope of more than 1:6 will not be acceptable</li> <li>• Sites with a cross fall of more than 1:14 will not be acceptable</li> </ul>	Unit number 1 faces onto Falconer Street; the entrance itself is not directly visible from the street, however, porch area can be seen. Slope <1:6  Cross fall <1:14	Yes   Yes  Yes
<b>3.2 Altering the levels of the site</b>		
<ul style="list-style-type: none"> <li>• Fill should not be brought onto the site</li> <li>• The levels of the site should not be altered by more than 300mm</li> <li>• No basement garages are permitted, step are to be minimised and there should be minimal retaining walls</li> <li>• Private open space is required to be provided generally at natural ground level.</li> </ul>	No proposals for same  No proposals for same  None proposed  Proposed at natural ground level	Yes  Yes  Yes  Yes
<b>3.3 Storey and Height</b>		
Development must be contained within a single storey building. However a dwelling with frontage to the street can be two storeys provided the two storey dwelling is not attached to any other two storey dwelling; and Council is satisfied	Unit 1 is two storey and attached. The dwellings on the sites to the north and south are single storey, the precedent of two storey dwellings has been established on the street.	Partial

**ITEM 2 (continued)**

**ATTACHMENT 3**

<b>RDCP 2010 Requirement</b>	<b>Proposal</b>	<b>Comply</b>
that a two storey dwelling is suitable in terms of the surrounding streetscape.	Though units 2-9 have the appearance of a single storey dwelling, they have two floors with accommodation at attic level.	
<b>3.3.2 Height Controls</b>		
Refer to Clause 4.3(2a) Height of Buildings in Ryde Local Environmental Plan 2010	The heights set out in the LEP are complied with. Refer to <b>Table 1</b> .	Yes
The floor to ceiling height of all dwelling must not be less than 2.7m (Refer to Section 4.3 Roofscape and roof materials)	The floor to ceiling height at attic level in some of the units is less than 2.7m. A condition of consent is attached that requires the development to comply with the BCA.	<b>No</b>
<b>3.4 Site Coverage</b>		
Site coverage must not exceed 40% Pervious area of the site must be less than 35%	Site coverage = $791m^2 = 35.6\%$  The applicant has not indicated the pervious area of the site; therefore, it is difficult to determine the area.	Yes  Unclear
<b>3.5 Setbacks</b>		
<b>3.5.1 Front setbacks</b>		
The same distance as one of the buildings on an adjacent site if the difference between the setbacks of the buildings on the two adjoining allotments is not more than 2m.  Council may approve a setback of 1m less than the above standard for not more than 50% of the front elevation of the building in order to provide an irregular front elevation to add interest to the streetscape provided this variation does not affect any adjoining property.  Council may vary this standard if it is satisfied that the existing streetscape is likely to change. In this situation the setback must be not less than 7.5m for 50% of the frontage and not less than 6.5m for 50% of the frontage.	Proposed front setback varies between 7.5m and 7.9m.  Unit 1 is approximately 1.5m forward of the adjoining buildings.  The entire frontage is more than 1m forward of both adjoining dwellings  The applicant has provided additional information that demonstrates that there are various setbacks along Falconer Street, which indicates the streetscape is changing.  If the development were to be setback in line with adjoining properties it would result in a reduction of common area between the units. It is considered that such a requirement would not result in any substantial benefit to the streetscape, character of the area, amenity to adjoining properties or residents of the development. In this regard, it is considered that the proposed setback is adequate in this instance	<b>No but satisfactory</b>  <b>No but satisfactory</b>  Satisfactory

**ITEM 2 (continued)**

**ATTACHMENT 3**

RDCP 2010 Requirement	Proposal	Comply
	<p>The proposed setback is considered satisfactory given the proposed landscaping and fencing will provide screening that will break up the appearance of the dwelling and will not result in any adverse impacts.</p>	
<b>3.5.3 Setback from second street frontage</b>		
<p>Where the site has a second street frontage the walls of all buildings must be setback not less than 4.5m from that boundary.</p>	<p>The walls of unit 9 and its associated garage are set back 3 to 3.4m from Linton Lane (rear boundary). However, it is arguable as to whether this is a second street frontage and not more of a back lane, onto which a number of garages have direct access.</p> <p>Whilst it does not meet the numerical standard, the setback is considered suitable given the applicant proposes to erect a 1.8m fence to provide screening of POS for the unit. No adverse outcomes arise relative to the objectives underpinning that control and no material benefits would result from requiring the design to be amended to strictly comply. The proposal as lodged is therefore acceptable.</p>	<p><b>No but satisfactory</b></p>
<b>3.5.4 Side and Rear Setbacks</b>		
<p>The walls of all building must be not less than 4.5m from side and rear boundaries. Where vehicular access is provided within this area, the minimum setback shall be 6m.</p> <p>The rear and side setbacks must be adequate to achieve an appropriate level of solar access within all proposed courtyards.</p>	<p>As referred to above, the dwelling and garage of unit 9 is less than 4.5m from Linton Lane (rear boundary) (at approximately 3m).</p> <p>Units 1-8 are set back 4.9m to 5.9m from the north eastern boundary, which is greater than the minimum required.</p> <p>The entire development exceeds the 6m setback minimum requirement on the south western boundary (where vehicular access is provided).</p> <p>As discussed previously. The applicant has not provided shadowing impacts of the existing dwelling at 56 Falconer Street (to the north of the site), nor indicated shadowing impacts from proposed landscaping.</p> <p>However, the amended plans have increased the setback the development is from the north eastern boundary which is now within required setbacks, and increases solar access to POS and habitable areas of the units.</p>	<p><b>General Compliance</b> (rear setback does not comply)</p> <p>Yes</p>

**ITEM 2 (continued)**

**ATTACHMENT 3**

<b>RDCP 2010 Requirement</b>	<b>Proposal</b>	<b>Comply</b>
<p>The development must be designed in such a way as to ensure existing substantial trees are not located within proposed courtyard areas.</p> <p>To promote variation and interest in design Council may allow up to 50% of the wall of any multi dwelling housing (attached) dwelling to be not less than 3m from the side and rear boundary. (Note Private outdoor open space for each dwelling must have a minimum dimensions of 4m – Section 3.7 Private outdoor space.</p>	<p>There are no existing significant trees to be retained here.</p> <p>As discussed above, the rear setback that adjoins Linton Lane does not comply with the required setback for development fronting a second street. Given the width of the road, it is anticipated that traffic along this lane will be minimal, and does not represent a main thoroughfare for traffic. In this regard, it is considered suitable to allow a minimum setback of 3m from the rear boundary in this instance. The area between the rear boundary and the building is to be utilised for POS for the unit. However, there is additional POS area located on the northern side of the property that benefits the unit and is in excess of the 4m dimension requirements.</p>	<p>Yes</p> <p>Yes</p>
<b>3.5.5 Internal setbacks</b>		
<p>The development should be designed so that the windows of habitable rooms of one dwelling do not overlook habitable rooms of another dwelling.</p>	<p>The design complies with this control.</p>	<p>Yes</p>
<p>A minimum of 9m separation should be provided between the windows of habitable rooms of facing dwellings in a multi dwelling housing development.</p>	<p>There are no facing dwellings within the development.</p>	<p>Yes</p>
<b>3.6 Private outdoor space (courtyards)</b>		
<p>Minimum private open space requirements:</p> <ul style="list-style-type: none"> <li>- 30m<sup>2</sup> for 2 bedroom dwelling</li> <li>- 35m<sup>2</sup> for 3 or more bedroom dwelling</li> </ul>	<p>The applicant states that the private open space areas are as below: However these areas appear to include the bin storage area, clothes line, RWT and tiled porch area.</p> <p>Unit 1 (3 bed): 54.3m<sup>2</sup>            Unit 2 (3 bed) : 47.3 m<sup>2</sup>            Unit 3 (3 bed) : 41.1m<sup>2</sup>            Unit 4 (3 bed) : 41.8 m<sup>2</sup>            Unit 5 (3 bed) : 42.1 m<sup>2</sup>            Unit 6 (3 bed) : 42 m<sup>2</sup>            Unit 7 (3 bed) : 41.9 m<sup>2</sup>            Unit 8 (3 bed) : 47.7 m<sup>2</sup>            Unit 9 (3 bed) : 66.4 m<sup>2</sup></p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
<p>All private outdoor space must have a minimum dimension of 4m and generally be at natural ground level.</p>	<p>Complies</p>	<p>Yes</p>
<p>Private outdoor space should be orientated or be sufficiently large enough so that sunlight to at least 50% of the courtyard is achieved for two hours</p>	<p>This has not been demonstrated. However, it would appear to be satisfactory.</p>	<p><b>Unclear but satisfactory</b></p>

**ITEM 2 (continued)**

**ATTACHMENT 3**

<b>RDCP 2010 Requirement</b>	<b>Proposal</b>	<b>Comply</b>
between 9am and 3pm on June 21 (see Section 3.9 overshadowing and access to sunlight)		
The development should be designed in such a way that courtyards do not contain any existing substantial trees.	There are no significant trees identified on the site, though the Landscape Consultants have noted that all mature trees on the site have not been included in the Arboricultural report. The consultants however concluded that they are satisfied that all trees on the site are satisfactory to be removed.	Yes
Access other than through the dwelling, must be provided to each private outdoor space for maintenance purposes. This access must be not less than 1m wide and may be provided through the garage.	The applicant does not provide additional access to the POS areas to the proposed units. It must be noted that the previous plans (prior to the subject amendments) included a 1m wide pedestrian access along the north eastern boundary of the site. However, the previous assessment concluded this access was not satisfactory due to safety concerns and amenity issues.	<b>No but satisfactory</b>
Private outdoor space should be securely enclosed, clearly visible from the living areas of the dwelling to enable young children to play in a safe environment.	All units have been provided with POS that is screened via 1.8m fencing to maintain privacy to these areas. A condition of consent is recommended to ensure this occurs.	Yes
POS must be one area not many small areas, may be partially paved and must not be covered by a roof.	Complies provided the paved roof porch areas are excluded from the POS calculations.	Yes
Courtyards are not permitted within front setback areas.	The portion of the POS area for unit 1 is located within the front setback to Falconer Street. The POS encroaches into the building line setback by approximately 2.6m.  The applicant has proposed to erect a front boundary fence (approximately 1m high) and landscaping in the front setback. These proposed elements will help reduce the visual impact of the fenced POS area, and help it blend in with the development.	<b>No but satisfactory</b>
A minimum 1.2m wide landscaped private strip is required to be provided between the courtyard and the adjoining property. (See Section 3.7 Landscaping – Privacy Planting)	A landscaped strip approximately 1m wide has been provided between the POS areas and the adjoining site. This is below the minimum of 1.2m, however is considered adequate. Landscape consultant has not objected to the proposed landscaping, subject to conditions.	<b>No but satisfactory</b>

**ITEM 2 (continued)**

**ATTACHMENT 3**

<b>RDCP 2010 Requirement</b>	<b>Proposal</b>	<b>Comply</b>
<b>3.7 Landscaping</b>		
The development site must be landscaped to the Council satisfaction. A landscape concept plan must be submitted and approved prior to the issue of the construction certificate.	A landscape plan has been submitted but has been deemed by Council's landscape consultants (Moir Landscape Architecture) to be unsatisfactory as it contains insufficient information to carry out an accurate assessment. A condition of consent has been attached to ensure landscaping is undertaken in accordance with the consultants' recommendations.	<b>No but satisfactory</b>
Existing trees should be retained	According to the arboricultural report three trees are to be removed. However the landscape consultants have indicated that there are additional trees on the site that will also be required to be removed; the consultants have considered the trees acceptable to be removed.	<b>No but satisfactory</b>
The development should be designed in such a way that existing substantial trees are not located within the proposed courtyards areas.	No significant trees in courtyards	Yes
Information on potential trees size, distance from buildings to be provided to Council as a separate schedule within the landscape plan	This information is included in landscape planting plan but according to Council's landscape consultants (Moir Landscape Architecture) a number of the trees are too large for the landscape planting beds. The landscape consultant has recommended a revised plantings.	Yes
An arboriculture assessment will be required with an application where significant trees are affected.	Report submitted but according to the landscape consultant, a number of mature trees on the site have not been included in the report. The consultants concluded that the trees are satisfactory to be removed.	Yes
Landscaping may be used to assist in preserving the privacy of the occupancy within the development and adjoining properties –specifies landscape strip width (<1.2m), shrub heights (3-4m) and tree heights (5-6m)	A landscaped strip has been provided between the courtyards.	Yes
A planting strip of not less than 1m must be provided between the driveway and the walls of the dwellings	Walls of the dwelling are separated from the driveway by car parking spaces and landscaped areas. It is noted the driveway adjoining the garage wall for unit 1, however, is considered appropriate.	Yes
The edge between the driveway and paths and gardens and lawn areas should be edged or kerbed with concrete or similar materials. Timber edging is not acceptable. A rolled edge should be used between the driveway and garden/lawn areas.	This is a matter which could be controlled by condition.	Yes
OSD tanks and above ground OSD should not be located in the front setback as this limited the opportunity for landscaping. The preferred location is within or under the driveway.	The OSD tanks are located in the driveway.	Yes



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RDCP 2010 Requirement	Proposal	Comply
<b>3.8 Car parking, manoeuvrability and driveway crossings</b>		
<b>3.8.1 Car parking</b>		
<p>On site car parking must be provided as follows:</p> <ul style="list-style-type: none"> <li>1 parking space for each 1 or 2 bedroom dwelling</li> <li>2 parking spaces for each 3 or more bedroom dwelling;</li> <li>1 visitor parking space must be provided for every 4 dwellings</li> <li>At least one parking space for each dwelling must be provided in a lockable garage</li> </ul>	<p>2 x 0 (2 bed)= 0 spaces 9 x 2 (3 bed)=18 spaces <b>Total Required=18</b> <b>Proposed=14</b></p> <p><b>Required:</b> 3 visitor car spaces <b>Proposed:</b> 1 visitor space</p>	<p>No</p> <p>No</p> <p>SEPPARH overrides this development control</p>
<p>Garage and parking spaces must not be located between the dwellings and the street frontage.</p> <p>Garage and parking spaces should not dominate the development when viewed from the street or any other public area.</p> <p>Garages (in particular doors) and car ports should be detailed to reduce their visual impact and add interest.</p> <p>Tandem parking must not be provided in front of a garage. Garages and car parking areas should be located so that they can be used conveniently by the occupiers of the development. Garages should be located so that they separate dwellings</p>	<p>Complies</p> <p>The parking spaces are provided dominate the south western façade of the development. However, the applicant has included car ports, and landscaping that helps reduce the visual impact, and will not be visible from the street.</p> <p>The garage door for unit 1 faces an internal boundary and does not have an adverse visual impact. The garage for unit 9 is visible from Linton Lane, however, is consistent with surrounding development and does not have an adverse impact.</p> <p>Complies</p> <p>Complies</p> <p>There are only two secured garages proposed. They do not provide physical separation of the dwellings, however, garages/carports distinguish each dwelling.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
<b>3.8.2 Manoeuvrability</b>		
<p>Vehicles must be able to enter and leave the garages and parking areas using single 3 point turn. The size and layout of garages and car parking spaces must enable vehicles to enter and leave the garage and car parking space in a single 3 point turn</p>	<p>The Senior Development Engineer, in his report dated 11 October 2013) has no objections to the development.</p>	<p>Yes</p>
<b>3.8.3 Driveways</b>		
<p>Driveways must be suitably paved. The extent of driveways should be minimised to avoid excessive amounts of hard paved surfaces and grass cell or the like</p>	<p>The proposed driveway is stencilled concrete. Given layout of the development and concentration of units the driveway is a dominant feature of the</p>	<p>Satisfactory</p>

**ITEM 2 (continued)**

**ATTACHMENT 3**

<b>RDCP 2010 Requirement</b>	<b>Proposal</b>	<b>Comply</b>
should be considered for turning bays	development. The applicant has provided a landscaping strip along the south western boundary which will assist in reducing the visual impact.  Council's engineer has no objection to the development, and has considered Council's existing infrastructure adequate to accommodate storm water run-off generated by the site.	
<b>3.8.4 Driveway crossings</b>		
The width of a driveway crossing (for more than 10 car parking spaces) is to be not more than 6m	The proposed driveway width is 5m.  The Senior Development Engineer, in their report dated 11 October 2013, has no objections to the development.	Satisfactory
<b>3.9 Overshadowing and Access to sunlight</b>		
Habitable room windows should face a courtyard or other outdoor space open to the sky. Habitable room windows should be no closer than 1.5m (horizontal distance) from the wall of a building	All units look into POS areas (courtyards) and windows have appropriate separation distances.	Yes
Sunlight to at least 50% of each courtyard within the development and the principal area of ground level private open space of adjacent properties must not be reduced to less than two hours between 9am and 3pm on June 21.	This has not been demonstrated, but has been considered satisfactory.	Satisfactory
Shadowing diagrams are to be submitted to Council indicating solar access within the development and to adjoining properties. <u>Fences and existing vegetation may be required to be provided on the shadow diagram where Council considers it necessary.</u>	Whilst shadow diagrams have been provided, the level of overshadowing on the limited private open space area has not been demonstrated, nor has the extent of overshadowing which will arise from fences or screen planting been demonstrated.	<b>No</b>
<b>3.10 Visual and Acoustic Privacy</b>		
A minimum of 9m separation should be provided between windows of habitable rooms of facing dwellings within a Multi dwelling (attached) development	No facing dwellings within the development.	Yes
Direct views between living area windows of adjacent dwellings should be screened or obscured where ground and first floor windows are within an area described by taking a 9m radius from any part of the window of the adjacent dwelling (privacy sensitive zone)	The inter-site boundary should eliminate any ground floor overlooking, whilst the first floor roof lights should not permit overlooking.	Yes
Direct views from living rooms of dwellings into the principle area of private open space of other dwellings should be screened or obscured within a privacy sensitive zone of a 12m radius.	Complies	Yes
Balconies are prohibited on all dwellings and any elevated landings or similar structure associated with stairs to	Complies	Yes

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**ATTACHMENT 3**

<b>RDCP 2010 Requirement</b>	<b>Proposal</b>	<b>Comply</b>
courtyard areas are to be no more than 1m wide		
Site layout and building design should protect the internal living and sleeping areas from high levels of external noise. Building design and layout should minimise transmission of structural-borne sound.	The bedrooms in units 2, 5-8 face onto car parking space, which may result in some disturbance from external noise. The building will be in accordance with the BCA.	Yes
The operating noise level or air conditioners, swimming pool pumps and other mechanical services must not exceed the background noise level by more the 5dB(A)	No details of proposed air conditioners have been submitted, but this could be controlled by condition.	Yes
<b>3.11 Accessibility</b>		
<b>3.11.1 Pedestrian Access</b>		
a. All multi dwelling housing (attached) developments should be designed and constructed so that they are safe and accessible for pedestrians including children, people with disabilities and older people. b. Pedestrian access should be provided through the development using a continuous accessible path to all dwellings where the level of the land permitted. Such access where practicable should be separate from vehicle access.	Whilst units 3 and 4 have been identified as accessible, as noted earlier, there are concerns with regard to accessibility to the front entry of each dwelling. As per the site analysis plan (DA-12) and the Ground Floor plan (DA-13), the access path from the car parking area to the front entry is via stepping stones on turf (Though this is shown as a concrete path on the landscape planting plan prepared by Michael Siu). A condition of consent has been recommended that addresses this issue.	Partial
<b>3.11.2 Access for people with disabilities – Developments of 6 or more dwellings</b>		
a. Developments of 6 or more dwellings must be designed so than not less than 35% of the dwellings provide access to all indoor areas and outdoor living areas for people with disabilities in accordance with the Australian Standards for Adaptable Housing AS4299. b. Dwellings which have been designed in accordance with AS4299 must be able to access the street, car parking and common areas using a continuous path of travel.	Whilst units 3 and 4 have been identified as accessible, which satisfies SEPPARH.	Satisfactory
<b>3.11.2 Access Audits</b>		
a. Developments of 6 or more dwellings will be required to provide an access audit that has been conducted by a qualified and accredited access auditor.	No access audit report submitted. The applicant has previous noted in responding to Council's request for further information that an access audit would be submitted once Council had indicated that it was likely to support the proposal.  A condition of consent has been attached to ensure the development satisfies the BCA and relevant standards.	No
<b>4.0 Building Form</b>		
<b>4.1 Appearance</b>		
a. Multi dwelling housing development	The building has been designed to	Partial

**ITEM 2 (continued)**

**ATTACHMENT 3**

RDCP 2010 Requirement	Proposal	Comply
<p>should be designed and constructed so that they complement and enhance the existing streetscape of the locality.</p> <p>b. Multi dwelling housing must include elements such as pitched roofs, eaves, vertically orientated windows, verandahs, rendered and face brick.</p> <p>c. At least one dwelling must face the street where its residential entry is clearly seen. The design of the dwellings should enable casual surveillance from living rooms and verandahs to the street, internal driveways, public spaces and public parks.</p>	<p>incorporate existing characteristics such as dwellings that address the street and pitched and tiled roofing.</p> <p>The design of the building does not contain a high standard of architectural features, however, does not detract from the overall character of the area. Unit 1 assists in screening the main bulk of the development, which is located behind. The southern side of the building has been amended to incorporate open carports and additional landscaping areas which will assist in breaking up the appearance of this façade.</p> <p>Proposed landscaping will assist in reducing the visual impact of the development, in particular the POS area located forward of the building line.</p> <p>Complies</p> <p>Unit 1 addresses Falconer Street. Generally complies (though some of the windows do not have a vertical emphasis. There is no overlooking from living rooms or verandahs to the access driveway or the common area adjacent to unit 9. Additional surveillance will be provided to these areas by the ingress and egress of vehicles to and from the site.</p>	<p></p> <p>Yes</p> <p>Partial</p>
<p><b>4.2 Ceiling Height</b> The floor to ceiling height must be not less than 2.7m.</p>	<p>As noted earlier, it has not been demonstrated that 2.7m floor to ceiling height will be provided at attic level in all of the units.</p>	<p><b>No</b></p>
<p><b>4.3 Roofscape and Roof Materials</b></p> <p>a. Roofs should generally be pitched between 22 – 30 degrees where visible from public areas or streets.</p> <p>b. The pitch of the roof may be increased to 35% where the second storey is contained within the roof.</p> <p>c. All roofs and where appropriate verandahs should incorporate, overhang eaves of at least 300mm.</p> <p>d. The use of gables fronting the street is required to add further interest to the streetscape. Hip roofs will generally not be permitted.</p>	<p>The roof pitches vary from 22 to 25 degrees.</p> <p>N/A</p> <p>Complies</p> <p>A hip roof is proposed. However given the variation in design on the street, this is not considered a major issue of non-compliance.</p>	<p>Yes</p> <p>N/A</p> <p>Yes</p> <p><b>No</b></p>

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**ATTACHMENT 3**

<b>RDCP 2010 Requirement</b>	<b>Proposal</b>	<b>Comply</b>
e. There should be variation in the roof line, by breaking the roof into smaller elements so that it does not appear as a continuous roof.	The roof has been articulated so as not to appear continuous.	Yes
f. Roofs should use materials consistent with the traditional materials of the street.	A tiled roof is proposed, consistent with dwellings on the street.	Yes
<b>4.4 Building materials for walls</b> a. The exterior walls should use materials consistent, in both form and colour, with the traditional materials of the locality. Detailing should be used to break up large wall areas adding interest and individuality. b. The proportion of windows and other openings should be consistent with the character of the locality. Windows should generally have a vertical proportion of between 2:1 and 3:1.	The proposed finish is face brick in 'Mercury' of a similar colour, which is consistent with dwellings in the area.  The dwellings have a variety of window sizes. Unit 1 has seven different window openings of varying proportions, while the windows on the southern elevation of units 2-9 do not have a vertical emphasis.	Yes  <b>No</b>
<b>4.5 Fences</b>		
<b>4.5.1 Front Fences</b> a. Front fences must not be higher than 1 metre and must be at least 70% visually permeable.  b. Front fences should be constructed of materials that complement the materials used in the dwellings. Materials which could be used: i. Wooden pickets (open); ii. Masonry, sandstone or face brick with infill panel of decorative metal (some high quality pool fencing may be acceptable); iii. Wrought iron or materials of similar appearance.	The front fence (brick solid base with railing) along Falconer Street varies from 0.9m to 1.2m due to the sloping nature of the site (DA-17). The minor encroachment is considered adequate.  The materials comply	<b>No but satisfactory</b>  Yes
<b>4.5.2 Other boundary fences which face a street</b> a. Boundary fences which face another street or abut a public space (including laneways) must be constructed of materials similar to the front fence.  b. For boundary fences which face another street lapped and capped timber fences and "colorbond" fences will not be permitted. If a boundary fence which faces another street is of solid construction than indents of not less than 600mm by	The proposed fence onto Linton Lane is to be constructed of paling fencing (1.8m high; this is similar to the POS fencing provided throughout the development. This is considered adequate as it will provide necessary screening of its POS area.  Complies  N/A	<b>No but satisfactory</b>  Yes  N/A

**ITEM 2 (continued)**

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<b>RDCP 2010 Requirement</b>	<b>Proposal</b>	<b>Comply</b>
300mm must be provided in the fence to allow landscaping to soften the impact of the fence and reduce the potential damage by graffiti. Landscaping must be located where the depth of soil is capable of supporting the landscaping.		
<b>4.5.3 Other Boundary fences</b> a. Minimum height of 1.8m; b. Side, return and rear boundary fences should be constructed of timber to lapped and capped standard.	It is difficult to determine if the applicant intends to erect 1.8m fencing along the side boundaries. A condition of consent is attached to ensure this occurs.	<b>Satisfactory</b>
<b>4.6 Clotheslines and Drying areas</b> a. Each dwelling must be provided with clothes drying facilities in the form of an external clothesline. These should be located to maximise winter sunshine without being able to be seen from adjoining properties or public areas. b. Each dwelling must have its own laundry.	Complies  Complies	Yes  Yes
<b>4.7 Lighting</b> a. Front yard lighting and lighting on the dwellings is to be provided. b. The location and design of all external light must not have an adverse effect on adjoining properties. Where possible sensor lights should be used. c. The use of spot lights is discouraged.	Bollard lighting is to be provided along the southern side of the access driveway at 8.8m centres. As the living room/bedroom areas of the dwelling at 62 Falconer Street have not been identified, it is not clear if the proposed lighting will impact on the residential amenity of this existing dwelling. A condition of consent is attached to address this issue to ensure the amenity of the adjoining dwelling is not affected.	Yes
<b>4.8 Location of Garbage Bin Enclosures</b> b. For developments of 6 or more dwellings or where sites are steeply sloping or have a narrow road frontage: i. A central garbage bin enclosure shall be provided. ii. The garbage bin enclosure is to be located behind the building line and suitably screened by landscaping. A plan indicating the design and location of the garbage bin enclosure must be submitted with the DA.	Garbage bin enclosures have been provided on the southern side of the dwellings in designated areas, which are screened by landscaping.  Sufficient area exists to accommodate bins for units 1 and 9.	<b>Partial</b>
<b>5.0 Engineering</b>		
<b>5.1 Drainage</b> Detailed design standards are set out in other parts of the DCP – Part 8.2 Stormwater Management	The Senior Development Engineer, in their report dated 11 October 2013, has no objections to the development.  The engineer notes issues regarding overland flow path not indicated,	<b>No but satisfactory</b>

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**ATTACHMENT 3**

RDCP 2010 Requirement	Proposal	Comply
	maximum discharge rate to the kerb is unsuitable, and the proposed gully pit (to replace the existing inlet pit) is not satisfactory; as such, has included conditions to address issues concerned.	
<b>6.0 Public Facilities</b>		
<b>6.1 Local Open Space Facilities</b> Multi dwelling housing developments which create an increased demand for local open space are required to make an appropriate cash contribution towards the local open space acquisition and embellishment program.	Noted.	N/A
<b>6.2 Local Road Facilities</b> a. The construction of kerb and gutter, paved road shoulder, foot paving and landscaping where such facilities do not exist across the entire frontage of the land adjacent to the proposed development will be requested to be undertaken as part of the development. This work is to be carried out in accordance with the requirements of Council.	This could be controlled as a condition of consent should Council determine to approve the development.	N/A
<b>Other Detailed Provisions</b> The proposed development is to comply with the provisions of the following parts of the DCP:		
Part 7.1 – Energy Smart, Waterwise	The proposed development is supported by a BASIX certificate ( <b>BASIX Cert 1005593148_03</b> dated 13 August 2013) which generally satisfies the requirements for sustainability with regard to water, thermal comfort and energy, including efficient water fixtures, energy efficient lighting and appliances.	Yes
<b>7.2 Waste Minimisation and Management</b>	A waste management and minimisation plan has been submitted with the application and is adequate.	Yes
<b>8.1 Construction Activities</b>	Capable of complying subject to condition.	
<b>8.2 Stormwater Management</b>	The Senior Development Engineer, in the report dated 11 October 2013, has no objections to the development. Conditions of consent have been recommended by the engineer to address issues raised.	Yes
<b>8.3 Driveways</b>	The Senior Development Engineer, in the report dated 11 October 2013, has no objections to the development.  A condition of consent has been recommended to ensure the development complies with relevant standards.	Yes

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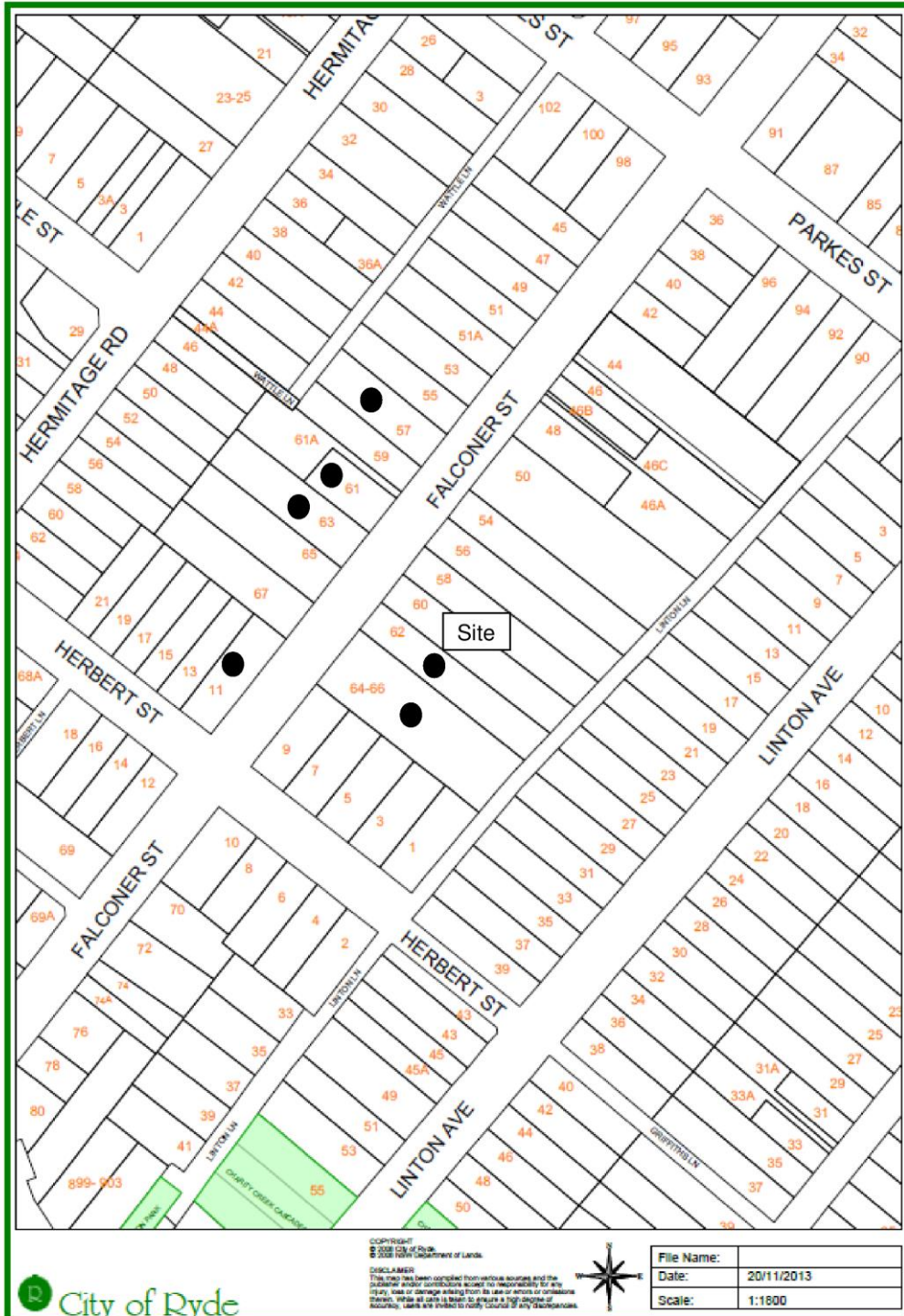
RDCP 2010 Requirement	Proposal	Comply
<p><b>9.2 Access for People with Disabilities</b> Class 2 Requirements An accessible path of travel from the street to and through the front door of all units on the ground floor, where the level of the land permits. If the development has three or more residential storeys, with 10 or more units, to all units on all storeys.</p>	<p>Given that the walkways are shown as stepping stones on turf, this is not considered to be an accessible path of travel and so the development fails to comply with this control. As noted earlier an access audit, though required has not been submitted with the DA.</p> <p>A condition has been recommended to ensure the development complies with the BCA.</p>	<p><b>No but satisfactory</b></p>
<p>1 wide bay space for each accessible or adaptable unit at least 1 wide bay visitors' space</p>	<p>The identified accessible units do not have wide car parking spaces (2.7m as opposed to the specified 3.66m) The proposed visitor spaces are even narrower (2.4m).</p> <p>A condition has been recommended that addresses this issue.</p>	<p><b>No</b></p>
<p><b>9.3 Car Parking</b></p>	<p>The parking rates in this section of the RDCP are stipulated as a "range". Refer to <b>Section 3.8 of Part 3.5</b> above.</p>	
<p><b>2.7 Bicycle Parking</b> a. In every new building, where the floor space exceeds 600m<sup>2</sup> GFA (except for dwelling houses and multi unit housing) provide bicycle parking equivalent to 10% of the required car spaces or part thereof.</p>	<p>N/A</p>	<p>N/A</p>
<p><b>9.4 Fencing</b></p>	<p>Refer to <b>Section 4.5 of Part 3.5</b> referred to above in this table.</p>	
<p><b>9.6 Tree Preservation</b></p>	<p>An arboricultural report has been submitted with the application. As noted in the Landscape Architectural assessment report prepared by Moir Landscape Architects, a number of mature trees on the site have been omitted from the report. They have concluded however that the subject trees can be removed.</p>	<p><b>Partial</b></p>



ITEM 2 (continued)

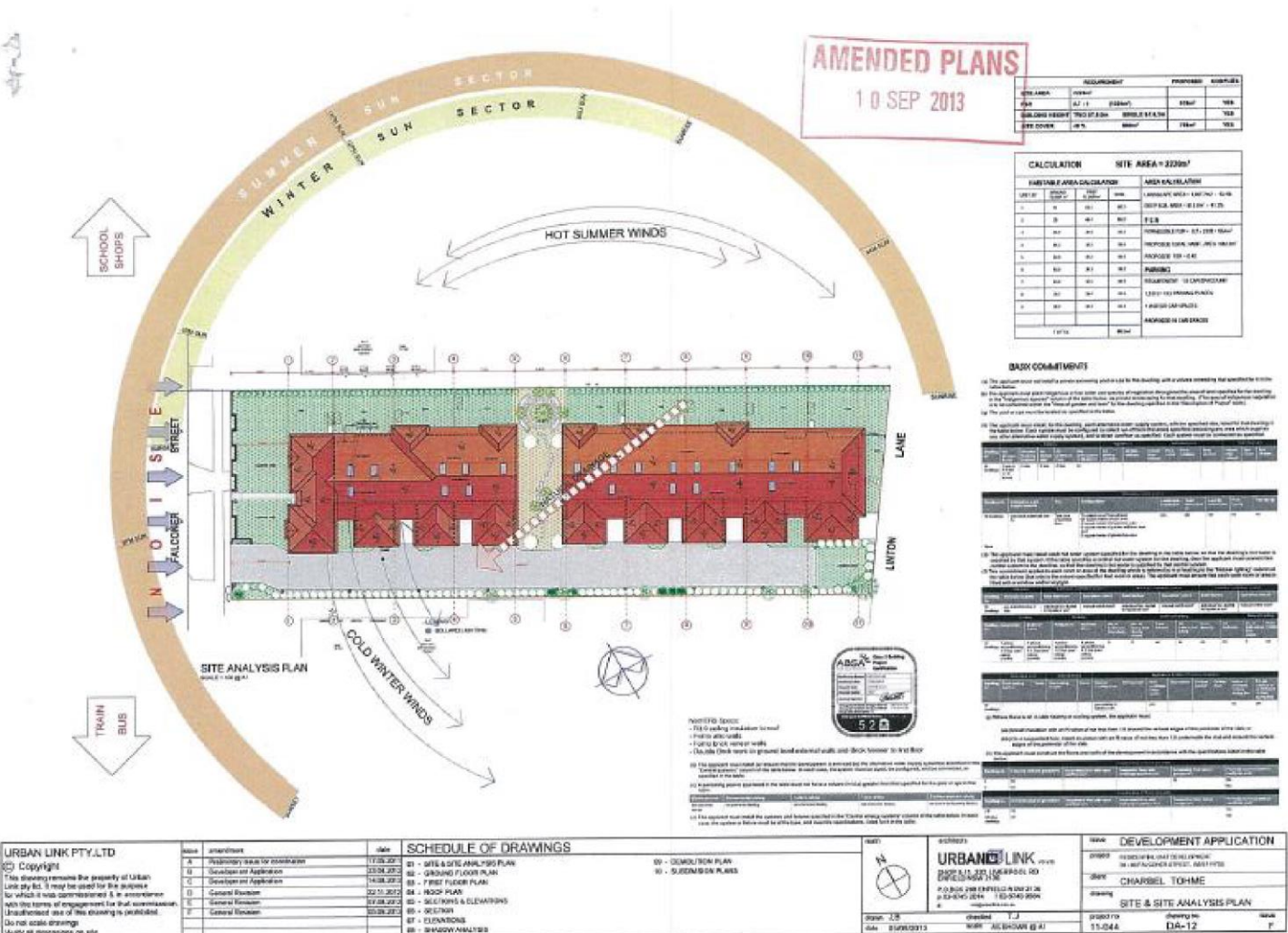
ATTACHMENT 4

● Indicates submissions received. Petition also received.



**ITEM 2 (continued)**

**ATTACHMENT 5**



**ITEM 2 (continued)**

**ATTACHMENT 5**



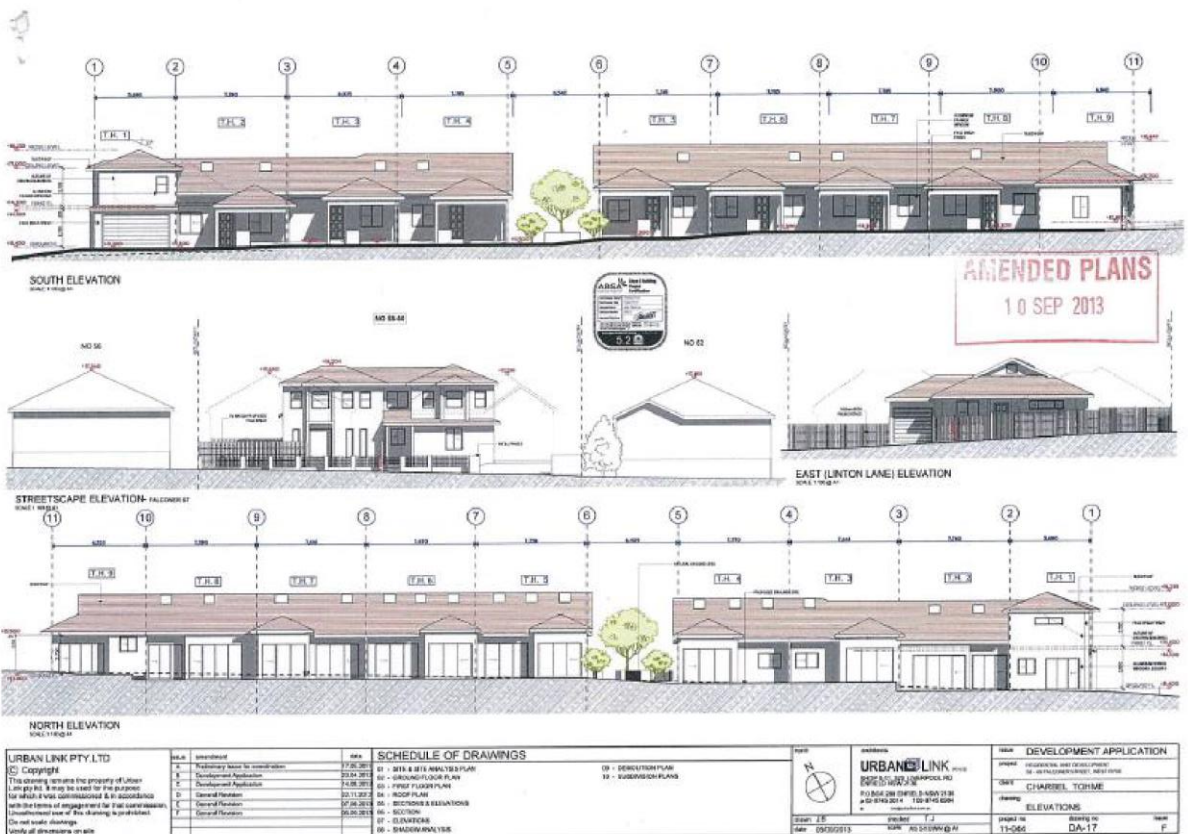
**ITEM 2 (continued)**

**ATTACHMENT 5**



**ITEM 2 (continued)**

**ATTACHMENT 5**



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**3 77 WHARF ROAD, GLADESVILLE - LOT 2 DP 536882. Development Application for alterations to the existing dwelling, including a new front fence and gates. LDA2012/272**

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**Report prepared by:** Team Leader - Assessment; Creative Planning Solutions

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

**Report dated:** 18/11/2013

**Previous Items:** 4 - 77 WHARF ROAD, GLADESVILLE - LOT 2 DP 536882. Development Application for alterations to the existing dwelling, including a new front fence, and gates.

LDA2012/0272. - Planning and Environment Committee - 5 March 2013

**File Number:** GRP/09/5/6/2 - BP13/1704

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## 1. Report Summary

**Applicant: Urbanesque Planning Pty Ltd**

**Owner: Graziella Mastro**

**Date lodged: 8 August 2012**

This report has been prepared to enable Council's further consideration of a development application (DA) for alterations and additions to the existing dwelling at the subject property.

At Council's Ordinary Meeting of 19 March 2013, it was resolved to defer consideration of this DA for mediation between the applicant, objectors and the Group Manager Environment & Planning.

The mediation meeting was held on 15 July 2013 at the Ryde Planning & Business Centre to discuss the issues of concern, which primarily related to the height, bulk, scale, habitable areas, floor space ratio and streetscape presentation of the subject alterations and additions.

On 6 September 2013 final amended plans were submitted to address concerns regarding the original proposal.

In summary, the final amended plans include the following changes to the original plans:

- Retention of the existing flat roof and removal of the bulky parapet capping to be replaced with a small more refined parapet capping – the original proposal included a pitched Colorbond roof which was considered to significantly increase the overall bulk and scale of the dwelling house – which was recommended for refusal;

**ITEM 3 (continued)**

- Ground floor glazing to the existing eastern bathroom and library have been amended to match the windows of the floor above with no privacy impacts to neighbours.
- Proposed first floor eastern trafficable terrace has been removed and a roofed colonnade is proposed so as to remove privacy/overlooking impacts to neighbouring property.
- Mid-level 'dado' element (decorative rail) proposed to front façade to reinforce horizontal form of the dwelling.

The final amended plans were re-notified to neighbours including those who attended the Mediation Meeting, with no submissions received. Accordingly, based on development assessment of the amended plans, and there being no further objections to the revised proposal, the final amended plans are considered satisfactory for approval, subject to conditions of consent.

**Reason for Referral to Planning and Environment Committee:** Previously considered by the Committee; and requested by Councillor Petch.

**Public Submissions:**

Original Plans: Four (4) submissions received objecting to the development.

Amended Plans (following mediation): No submissions received.

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

Value of works?: \$250,000.00

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

**RECOMMENDATION:**

- (a) That Local Development Application No. LDA2012/272 at 77 Wharf Road, Gladesville, being Lot 2 DP536882 be approved subject to the conditions contained in **Attachment 1**.
- (b) That Council resolves to seek amended plans in relation to the Building Certificate application (Council Reference BCT2012/39) which delete the first floor 'drying room', and further that this drying room be demolished and removed from the building within 90 days of the date of the DA approval.
- (c) That the persons who made submissions to the original application and those who attended the Mediation Meeting be advised of Council's decision.

**ITEM 3 (continued)**

**ATTACHMENTS**

- 1 Draft Conditions
- 2 Mediation Meeting Notes - 15 July 2013
- 3 Previous Report
- 4 Map
- 5 A4 Plans
- 6 A3 Plans - subject to copyright provisions - CIRCULATED UNDER SEPARATE COVER

Report Prepared By:

**Chris Young**  
**Team Leader - Assessment**

**Ben Tesoriero Planning Consultant**  
**Creative Planning Solutions**

Report Approved By:

**Liz Coad**  
**Manager Assessment**

**Dominic Johnson**  
**Group Manager - Environment & Planning**

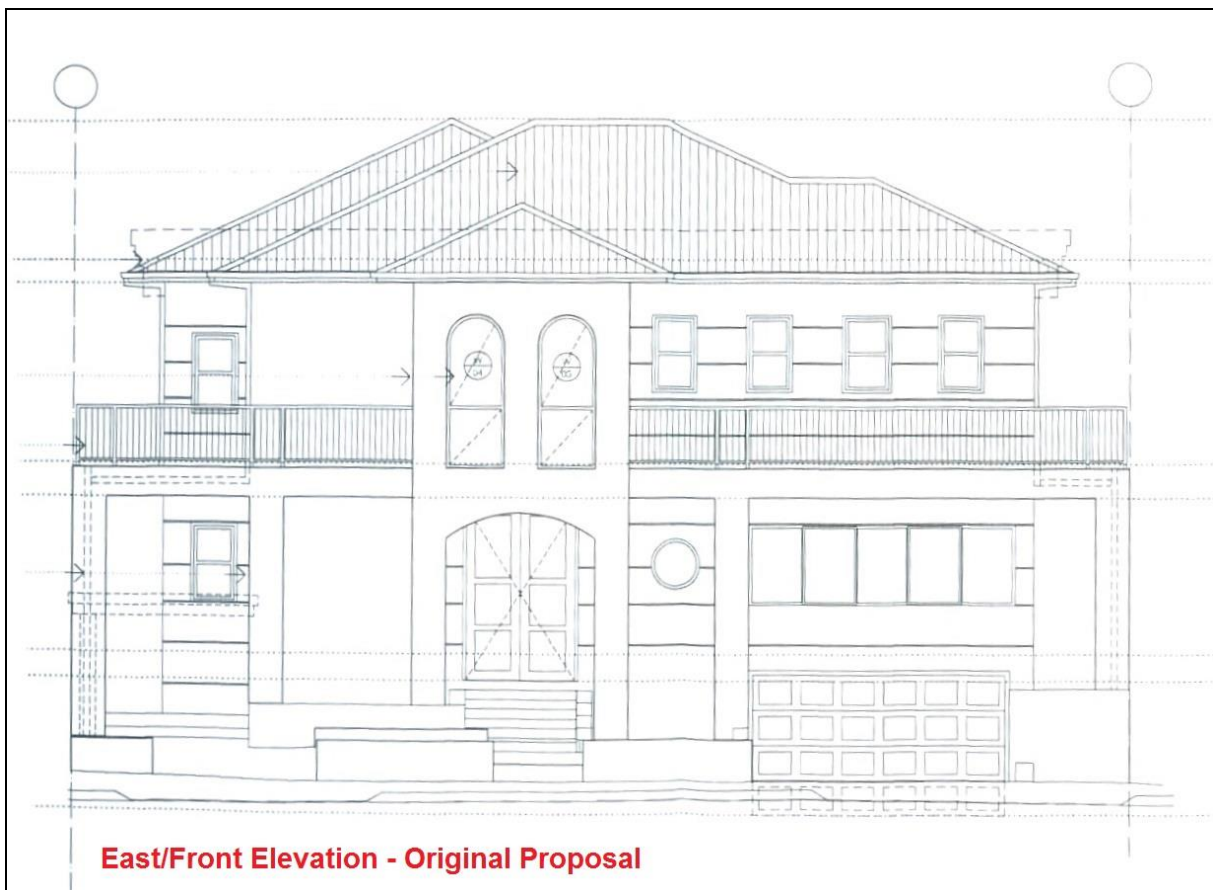


## ITEM 3 (continued)

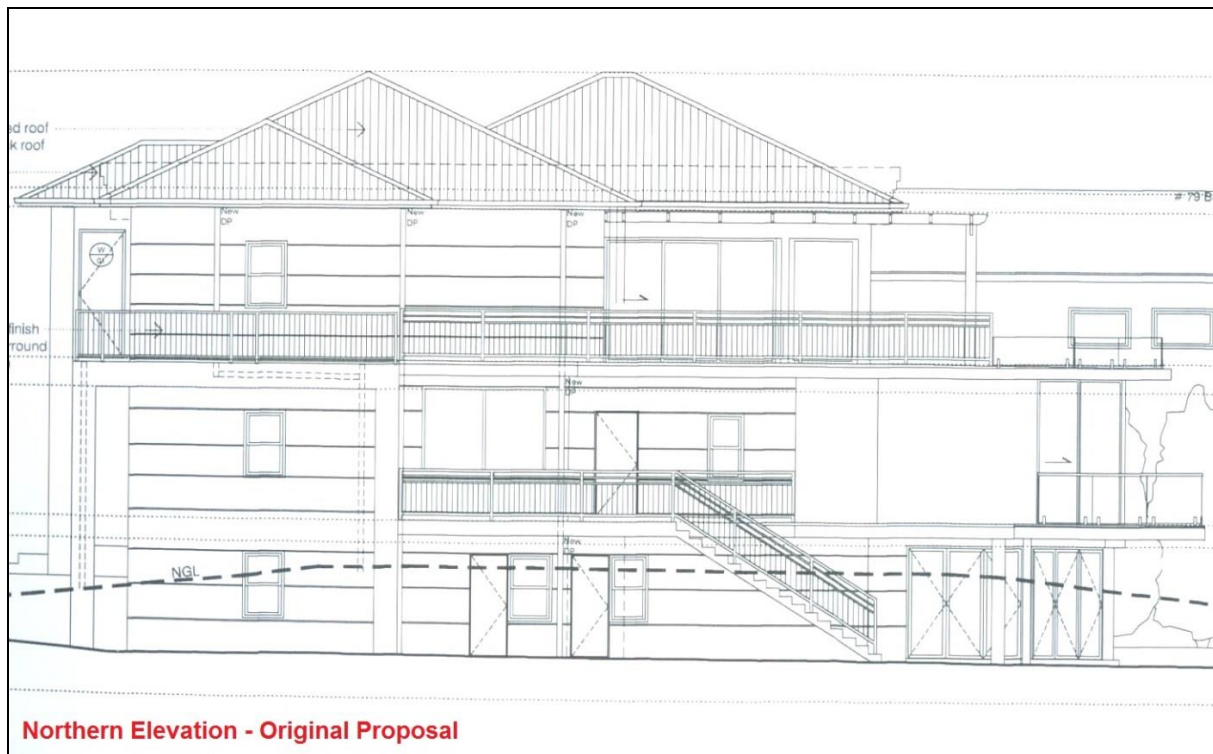
### 2. Background

The previous report to Planning & Environment Committee 5 March 2013 contains an assessment of the proposal as originally submitted, and details of the background to the development application up until that point in time.

The DA was originally recommended for refusal to the Planning & Environment Committee due to adverse visual impacts in terms of height, bulk and scale and additional floor space ratio. The following illustrates the original proposal (i.e. east/front elevation and north elevation):



**ITEM 3 (continued)**



The Committee recommended that this DA be deferred for a mediation to be undertaken between the applicant, objectors and the Group Manager Environment & Planning. This recommendation was considered and adopted at Council's Ordinary Meeting on 19 March 2013.

Following this resolution, a mediation meeting was held on 15 July 2013 at the Ryde Planning & Business Centre, attended by the applicant and their representatives, the objectors (Mr Sam Megalli, neighbour at 75A Wharf Road and Barry Hayes, neighbour at 79 Wharf Road), Council's Group Manager Environment & Planning and Team Leader – Assessment and Ryde Council consultant town planners, Creative Planning Solutions. The notes of the Mediation Meeting, including details of the persons attending and the summary of discussions, are held at **Attachment 2** to this report.

In summary, the "agreed principles" of the Mediation Meeting were:

1. *Delete the parapet capping around the roof, and lower the wall plate by 300mm (by removing the top 300mm of the existing wall). If the parapet capping is to remain, the height of such capping is to be reduced by at least 500mm.*
2. *Deletion of the 1<sup>st</sup> floor 'drying area' (northern side, off bedroom 1)*
3. *Details of privacy screens and/or louvered panels to the 1<sup>st</sup> floor deck/retreat to prevent overlooking into neighbouring properties.*
4. *Details of the proposed front fencing.*

### ITEM 3 (continued)

The final amended plans submitted to Ryde City Council following the Mediation Meeting on 6 September 2013 generally conform with the above agreed principles, however they do not demonstrate the deletion of the 1<sup>st</sup> floor 'drying area' (northern side, off bedroom 1). However, it is noted that the existing unauthorised additional habitable floor space (drying rooms at 1<sup>st</sup> floor and rumpus at lower level) are to be dealt with under a separate Building Certificate application to Ryde City Council, and as such the regularisation/approval of these unauthorised building elements are not part of this development application.

In this regard, the following condition of consent is recommended to clearly outline that the regularisation/approval of these unauthorised building elements is not included in this DA and will be addressed separately.

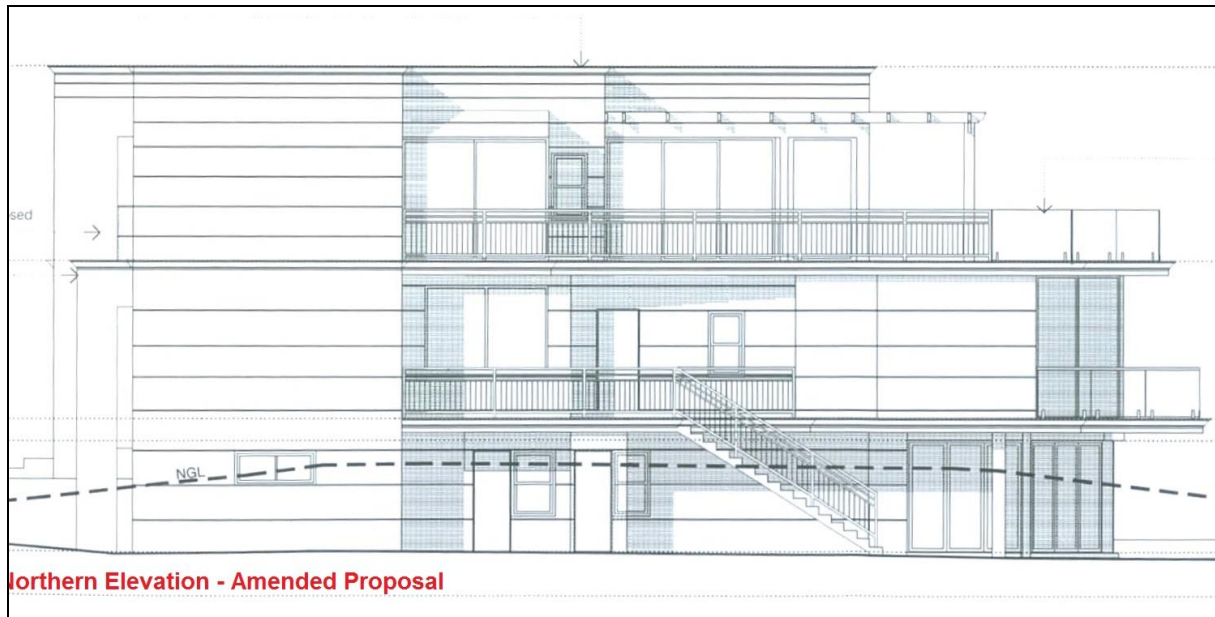
**Unauthorised building works.** The first floor 'drying area' (located on the northern side of the dwelling house adjacent to Bedroom 1) and the rumpus extension in the western under-croft area of the lower ground floor are identified as unauthorised building works and do not form part of this development consent. These unauthorised building works are to be dealt with under a separate Building Certificate application to Ryde City Council.

(see condition 2).

The east/front elevation and north elevation are provided below, showing the changes made compared to the original plans (see earlier in report).



**ITEM 3 (continued)**



The current status of this Building Certificate application (Council Reference BCT2012/39) is that amended plans have been submitted (8 August 2013) which show the first floor 'drying area' and rumpus extension mentioned above, as part of the Building Certificate application. The first floor drying area was raised as a particular issue of concern (in previous submissions and in the Mediation Meeting) due to the unsightly appearance and it's difficulty to access internally. One of the agreed outcomes of the Mediation Meeting was the deletion (and removal) of the 'drying area'.

Accordingly, it is recommended (see Part (b) of the recommendation below) that Council resolves to seek further revised amended plans with the Building Certificate application which deletes the first floor 'drying area', and further that this drying area be demolished and removed within 90 days (of the date of the date of approval of the DA).

The following picture is a 3-dimensional drawing provided by the applicant, showing the 'drying area' visible from the front of the site when viewed from the north-east (ie front of the site).

**ITEM 3 (continued)**



**3. Submissions**

The final amended plans were notified to the previous objectors, in accordance with Development Control Plan 2010 – Part 2.1, Notification of Development Applications, for a period from 10 to 25 September 2013. No submissions were received.

**4. Policy Implications**

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

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

Zoning

Under Ryde LEP 2010, the property is zoned R2 Low Density Residential. The proposal is permissible with consent within this zoning.

Mandatory Requirements

The following mandatory provisions under Ryde LEP 2010 apply to the development.

**ITEM 3 (continued)**

Clause 4.3 – Height of buildings. Sub-clause (2) of this clause states that “the height of a building on any land is not to exceed the maximum height for the land shown for the land on the height of buildings map”. In this case, the maximum height is 9.5m. The maximum height of the proposed additions is 9.48m, which complies with Ryde LEP 2010.

Clause 4.4 - Floor Space Ratio. This clause prescribes a maximum floor space ratio (FSR) of 0.5:1. The FSR for the total development on the site has been calculated to be 0.64:1, which fails to comply with Ryde LEP 2010. A contributing factor to the FSR limit being exceeded is that of the unauthorised building works which have been carried out to the existing dwelling house.

Despite failing to comply with the above provision of the Ryde LEP 2010, as the amended plans for the proposed alterations and additions (not including the unauthorised building works) do not include any increase in floor area, the FSR is not considered to be a relevant matter to this particular development application.

It is understood that the unauthorised building works, and their contribution to additional floor space on the subject site is to be dealt with via a Building Certificate application to Ryde City Council, and as such the regularisation of these unauthorised building elements are not part of this development application (being LDA12/272).

**(b) Relevant SEPPs****State Environmental Planning Policy (BASIX) 2009**

A compliant BASIX certificate has been submitted with the DA. A standard condition requiring compliance with this BASIX certificate has been included in the recommended conditions of consent (see Condition 4).

**(c) Any draft LEPS**Draft Local Environmental Plan 2011

A Section 65 Certificate enabling the formal exhibition of Draft Local Environmental Plan 2011 was issued by the Department of Planning and Infrastructure on 23 April 2012. The Draft Plan has been placed on public exhibition between 30 May 2012 and 13 July 2012. Under this Draft LEP, the zoning of the property is – R2 Low Density Residential. The proposed development is permissible with consent within this zoning under the Draft LEP.

**ITEM 3 (continued)**

Draft LEP 2011 was adopted by Council on 12 March 2013 and is waiting gazettal by the Department of Planning and Infrastructure; as such Ryde LEP 2011 can be considered certain and imminent.

**Conclusion**

The proposal has been assessed using the heads of consideration listed in Section 79C of the Environmental Planning & Assessment Act 1979.

The amended plans following the Mediation Meeting for this development have substantially resolved the main issues of concern with this proposal, which were the visual impacts in terms of height, bulk, scale and floor space ratio.

Accordingly this DA is presented back to the Planning & Environment Committee for consideration and determination. Approval is recommended subject to the conditions in Attachment 1.

**ITEM 3 (continued)**

**ATTACHMENT 1**

**DRAFT CONDITIONS OF CONSENT**

**77 WHARF ROAD, GLADESVILLE.  
LDA2012/272**

**GENERAL**

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

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

<b>Document Description</b>	<b>Date</b>	<b>Plan No/Reference</b>
Site / Roof Plan	03.09.2013	Drawing A001, Issue D
Lower Ground Floor Plan	03.09.2013	Drawing A002, Issue D
Ground Floor Plan	07.05.2013	Drawing A003, Issue D
First Floor Plan	03.09.2013	Drawing A004, Issue D
Eastern Elevation	03.09.2013	Drawing A005, Issue D
Eastern Elevation Front Fence	03.09.2013	Drawing A006, Issue D
Northern Elevation	03.09.2013	Drawing A007, Issue D
Western Elevation	03.09.2013	Drawing A008, Issue D
Southern Elevation	03.09.2013	Drawing A009, Issue D
Proposed East / West Section	03.09.2013	Drawing A010, Issue E

2. **Unauthorised building works.** The first floor 'drying area' (located on the northern side of the dwelling house adjacent to Bedroom 1) and the rumpus extension in the western under-croft area of the lower ground floor are identified as unauthorised building works and do not form part of this development consent. These unauthorised building works are to be dealt with under a separate Building Certificate application to Ryde City Council.
3. **Building Code of Australia.** All building works approved by this consent must be carried out in accordance with the requirements of the Building Code of Australia.
4. **BASIX.** Compliance with all commitments listed in BASIX Certificate numbered 139768\_02 dated 24 July 2012.

**Protection of Adjoining and Public Land**

5. **Hours of work.** Building activities (including demolition) may only be carried out between 7.00am and 7.00pm Monday to Friday (other than public holidays) and between 8.00am and 4.00pm on Saturday. No building activities are to be carried out at any time on a Sunday or a public holiday.



**ITEM 3 (continued)**

**ATTACHMENT 1**

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

**8. Public space.** The public way must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances, without prior approval from Council.

**Works on Public Road**

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

**10. Roads Act.** Any works performed in, on or over a public road pursuant to this consent must be carried out in accordance with this consent and with the Road Opening Permit issued by Council as required under section 139 of the Roads Act 1993.

**Stormwater**

**11. Stormwater disposal.** Stormwater runoff from all impervious areas of the site is to be collected and piped to the existing or new underground stormwater drainage system in accordance with Council's DCP 2010, Part 8.2 "Stormwater Management".

**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.

**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 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.

12. **Compliance with Australian Standards.** The development is required to be carried out in accordance with all relevant Australian Standards. Details demonstrating compliance with the relevant Australian Standard are to be submitted to the Principal Certifying Authority prior to the issue of the **Construction Certificate**.
13. **Structural Certification.** The applicant must engage a qualified practising structural engineer to provide structural certification in accordance with relevant BCA requirements prior to the release of the **Construction Certificate**.
14. **Security deposit.** The Council must be provided with security for the purposes of section 80A(6) of the *Environmental Planning and Assessment Act 1979* in a sum determined by reference to Council's Management Plan prior to the release of the **Construction Certificate**. (category: dwelling houses with no delivery of bricks or concrete or machine excavation)
15. **Fees.** The following fees must be paid to Council in accordance with Council's Management Plan prior to the release of the **Construction Certificate**:
  - (a) Infrastructure Restoration and Administration Fee
  - (b) Enforcement Levy
16. **Alignment Levels.** The applicant is to apply to Council, pay the required fee, and have issued site specific alignment levels by Council prior to the issue of the **Construction Certificate**.
17. **Long Service Levy.** Documentary evidence of payment of the Long Service Levy under Section 34 of the Building and Construction Industry Long Service Payments Act 1986 is to be submitted to the Principal Certifying Authority prior to the issuing of the **Construction Certificate**.
18. **Fencing.** Fencing is to be in accordance with Council's Development Control Plan and details of compliance are to be provided in the plans for the **Construction Certificate**.

**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.

**ITEM 3 (continued)**

**ATTACHMENT 1**

**19. Site Sign**

- (a) A sign must be erected in a prominent position on site, prior to the commencement of construction:
  - (i) showing the name, address and telephone number of the Principal Certifying Authority for the work,
  - (ii) showing the name of the principal contractor (if any) or the person responsible for the works and a telephone number on which that person may be contacted outside working hours, and
  - (iii) stating that unauthorised entry to the work site is prohibited.
- (b) Any such sign must be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

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

**21. Residential building work – provision of information.** Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the PCA has given the Council written notice of the following information:

- (a) in the case of work for which a principal contractor is required to be appointed:
  - (i) the name and licence number of the principal contractor; and
  - (ii) the name of the insurer by which the work is insured under Part 6 of that Act.
- (b) in the case of work to be done by an owner-builder:
  - (i) the name of the owner-builder; and
  - (ii) if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

If any of the above arrangements are changed while the work is in progress so that the information notified under this condition becomes out of date, further work must not be carried out unless the PCA for the development to which the work relates has given the Council written notice of the updated information (if Council is not the PCA).

**22. Safety fencing.** The site must be fenced prior to the commencement of construction, and throughout demolition and/or excavation and must comply with WorkCover New South Wales requirements and be a minimum of 1.8m in height.

**ITEM 3 (continued)**

**ATTACHMENT 1**

**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.

23. **Critical stage inspections.** The person having the benefit of this consent is required to notify the Principal Certifying Authority during construction to ensure that the critical stage inspections are undertaken, as required under clause 162A(4) of the *Environmental Planning and Assessment Regulation 2000*.
24. **Sediment/dust control.** No sediment, dust, soil or similar material shall leave the site during construction work.
25. **Use of fill/excavated material.** Excavated material must not be reused on the property except as follows:
  - (a) Fill is allowed under this consent;
  - (b) The material constitutes Virgin Excavated Natural Material as defined in the *Protection of the Environment Operations Act 1997*;
  - (c) the material is reused only to the extent that fill is allowed by the consent.
26. **Construction materials.** All materials associated with construction must be retained within the site.
27. **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.
28. **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.
29. **Work within public road.** At all times work is being undertaken within a public road, adequate precautions shall be taken to warn, instruct and guide road users safely around the work site. Traffic control devices shall satisfy the minimum standards outlined in Australian Standard No. AS1742.3-1996 "Traffic Control Devices for Work on Roads".
30. **Tree protection – no unauthorised removal.** This consent does not authorise the removal of trees unless specifically permitted by a condition of this consent or otherwise necessary as a result of construction works approved by this consent.

**ITEM 3 (continued)**

**ATTACHMENT 1**

**PRIOR TO OCCUPATION CERTIFICATE**

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

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

Unless an alternative approval authority is specified (eg Council or government agency), the Principal Certifying Authority is responsible for determining compliance with conditions in this Part of the consent. Details to demonstrate compliance with all conditions, including plans, documentation, or other written evidence must be submitted to the Principal Certifying Authority.

31. **BASIX.** The submission of documentary evidence of compliance with all commitments listed in BASIX Certificate numbered 139768\_02 dated 24 July 2012.
32. **Landscaping.** All landscaping works approved by condition 1 are to be completed prior to the issue of the final **Occupation Certificate**.
33. **Road opening permit – compliance document.** The submission of documentary evidence to Council of compliance with all matters that are required by the Road Opening Permit issued by Council under Section 139 of the *Roads Act 1993* in relation to works approved by this consent, prior to the issue of the **Occupation Certificate**.

**ITEM 3 (continued)**

**ATTACHMENT 2**

<b>Mediation Meeting Notes</b>	
<b>77 Wharf Road, Gladesville. Proposed alterations and additions to dwelling. (LDA2012/272)</b>	
<b>Ground Floor Meeting Room, Ryde Planning and Business Centre. 15 July 2013, 4pm</b>	
<b>In attendance:</b>	
<u>Council Officers:</u>	(DJ) Dominic Johnson: Group Manager Environment & Planning (Chair); (CY) Chris Young: Team Leader – Assessment; (BT) Ben Tesoriero: Creative Planning Solutions (GT) Greg Tesoriero: Creative Planning Solutions
<u>Applicant:</u>	(CF) Christian Farrell, 4D Architects (ES) Eugene Sarich, Urbanesque Planning
<u>Neighbours:</u>	(SM) Sam Megalli (75a Wharf Road, to the north) (BH) Barry Hayes (79 Wharf Road, to the south).
<u>Apologies:</u>	Mr H Nicol (75 Wharf Road) and Mr T Costi (79a Wharf Road) – both invited by mail on 1 July 2013 contacted Council to advise they will not be attending
<b>SUMMARY OF DISCUSSIONS:</b>	
<u>Introduction</u>	
<p>DJ opened the meeting by noting that this DA had been to Planning &amp; Environment Committee and Council, and there is a Council resolution to mediate.</p> <p>DJ then introduced those attending from Council. Explained the “rules” to be followed in the meeting including providing opportunities for both parties to speak and explain their point of view, mutual respect for each other’s position, and an expectation that all parties will work together to reach a solution.</p> <p>DJ also stated that the mediation would be controlled to ensure it does not become “heated”, and if it does, then the meeting will be terminated and a report prepared back to the Planning &amp; Environment Committee.</p> <p>DJ quoted that Council resolution, which states:</p> <p><i>That LDA2012/272 at 77 Wharf Road, Gladesville being LOT 2 DP 536882 be deferred for a mediation meeting to be undertaken by the Group Manager Environment and Planning with the applicant and the objectors to address issues relating to bulk, scale, habitable areas and streetscape presentation. That a further report be referred to Planning and Environment Committee within three months.</i></p>	

**ITEM 3 (continued)**

**ATTACHMENT 2**

Issues

The issues of concern regarding the proposal are the height, bulk and scale of the existing dwelling, and the increased height of the proposed hip roof. The existing dwelling is non-compliant in terms of height (existing >9.5m) and FSR (existing > 0.5:1) and the proposed additions involve increase in height and floor space (of both the unauthorised additions and the new floor space proposed in this application).

Alterations to Roof Design

CF (applicant) noted that the existing dwelling is very large and would not be approved under current planning controls, in particular the roof form (with parapet capping) and overall height. DJ stated that the proposed height was indicated (in the Committee report) as 10.72m and this was acknowledged by the applicant.

CF stated the proposal seeks to make alterations to the dwelling to make it more sympathetic in the streetscape (rather than full re-development with new dwelling). Noted that whilst the roof alterations will increase the overall height, the apparent bulk will be reduced with removal of parapet capping, and the highest point will now be in the middle of the roof (ridge).

CF acknowledged that the existing dwelling is not ideal in terms of streetscape presentation and previous unauthorised works which have created additional floor space, and he has spoken to the owner (Mrs Mastro) regarding these issues. Also noted that after Council's resolution in March and prior to this Mediation Meeting, there was a preliminary meeting with Council officers (CY, BT and GT) to refine the issues to be discussed.

DJ asked the neighbours (SM and BH) to speak to their concerns. SM stated that the dwelling is "humungous" and the proposal will make this worse in terms of height, and can't see how proposed increase will be an improvement.

CF said that he felt the proposed removal of the parapet capping will improve the appearance in terms of bulk (as the highest point is now the ridge at the centre of the roof rather than the perimeter), as well as reducing overshadowing impacts.

DJ asked the assessing officer (BT) his opinion on the proposed changes (in the latest amendments). BT advised the addition to the building height through pitched roof would add to the visual bulk.

Suggested Changes to Roof Design

SM requested lowering of the internal (floor to ceiling) heights – in response CF stated that lowering by 300mm would result in significant costs and there would still be a height non-compliance.

DJ suggested lowering the existing parapet capping (which is presently 1m high above the top of the wall plate). CF stated that this would probably not be feasible due to structural issues.

**ITEM 3 (continued)**

**ATTACHMENT 2**

DJ asked the neighbours if they would prefer the parapet to stay or the hip roof as proposed. The neighbours (SM and BH) stated the hip roof would be acceptable if the top of the wall plate was lowered by 300mm (ie by removal of the top 300mm of the existing wall and removal of the parapet capping). If the existing parapet is to remain, this should also be lowered by at least 500mm to reduce visual impact. The applicant CF stated he would discuss with the owner and builders/structural engineers to determine what is feasible and revise the plans accordingly.

Privacy Issues (from balconies etc)

There was also discussion regarding privacy issues. In relation to the proposed front balcony (deck at 1<sup>st</sup> floor level), it was requested that to prevent overlooking into neighbours, the balustrade be moved to be in line with the last window, to prevent access to the end of the deck. Privacy screen to the sides of this front deck not presently proposed.

In relation to the rear 1<sup>st</sup> floor deck (off bedrooms and “retreat”), potential overlooking into neighbouring properties can be resolved via privacy screens or louvred panels from the 1<sup>st</sup> floor rear deck. The plans show landscaping (trees) to the sides, however it is not proposed to plant additional trees. These will be deleted off the plans.

Habitable Areas

The existing unauthorised additional habitable floor space (drying room at 1<sup>st</sup> floor) and rumpus at lower level) to be dealt with in the Building Certificate application. This should be clearly shown and will be addressed separately.

The “drying area” at 1<sup>st</sup> floor level should be removed – as it is unsightly and difficult to access.

Front Fencing

CF stated the existing front fencing to be replaced as it is leaning and cracking. As shown on plans, it is now to be solid rendered masonry to 900mm high, with timber fencing with 50% open framed metal gates above 900mm high (to an overall maximum 1800mm high). This complies with Council’s DCP and no objections were raised to such fencing from the neighbours.

Outcomes

DJ confirmed that amended plans should be submitted regarding the changes discussed above. The amended plans will be re-notified to neighbours for 2 weeks and then re-assessed and referred back to the Planning & Environment Committee.

It is recommended that the amended plans include the following changes:

- Delete the parapet capping around the roof, and lower the wall plate by 300mm (by removing the top 300mm of the existing wall). If the parapet capping is to remain, the height of such capping is to be reduced by at least 500mm.



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**ATTACHMENT 2**

- Deletion of the 1<sup>st</sup> floor “drying area” (northern side, off bedroom 1)
- Details of privacy screens and/or louvred panels to the 1<sup>st</sup> floor deck/retreat to prevent overlooking into neighbouring properties.
- Details of the proposed front fencing.

The matters regarding the existing unauthorised floor space will be separately but concurrently handled via the Building Certificate application.

The meeting closed at 5pm with DJ thanking those who attended for their contributions to the positive discussions.

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- 4 77 WHARF ROAD, GLADESVILLE - LOT 2 DP 536882. Development Application for alterations to the existing dwelling, including a new front fence, and gates. LDA2012/0272.**

***INSPECTION: 5.00pm  
INTERVIEW: 5.30pm***

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

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

**Report dated:** 20/02/2013

**File Number:** grp/09/5/6/2 - BP13/275

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**1. Report Summary**

**Applicant: Urbanesque Planning Pty Ltd**

**Owner: Graziella Mastro**

**Date lodged: 8 August 2012**

This report considers a development application for alterations to an existing dwelling house at 77 Wharf Road, Gladesville, with landscape treatments including a new front fence, external front facade works including a new terrace and enclosed deck, and replacement of existing parapet roof and replacement with a new Colorbond pitched roof.

The dwelling at this property also has a history of unauthorised work – ie extension to the lower ground floor deck, and first floor retreat and rear deck with balustrade. This unauthorised work is the subject of a separate Building Certificate application that has been lodged with Council.

This development application has been notified to neighbours and four (4) submissions were received from neighbouring properties raising the following key issues:

- Loss of privacy
- Visual impact (building height, bulk and scale),
- Front setback non-compliance
- No streetscape assessment

The proposal has been assessed against the heads of consideration of Section 79C of the Environmental Planning and Assessment Act 1979 and Council's DCP 2010. The proposed development fails to comply with the mandatory requirements of the Ryde LEP 2010 and Draft Ryde LEP 2011 for building height, and floor space ratio, and does not meet the development controls of Ryde DCP 2010 for building height, floor space ratio, and desired future character, particularly in relation to the proposed dwelling's scale and proportion.

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It is generally considered that the proposal would result in a further increase in height, bulk and scale to an already visually-dominant dwelling. The dwelling (as existing and with the proposed alterations and additions) is considered to be inconsistent with the desired future character for the R2 Low Density Residential area, and in particular the character of the streetscape in the immediate area. It is therefore recommended that this DA be refused.

**Reason for Referral to Planning and Environment Committee:** Requested by (former) Councillor Tagg.

Public Submissions: **Four (4) submissions** were received objecting to the development.

SEPP 1 (or clause 4.6 RLEP 2010) objection required? Yes – clause 4.6 variation request submitted regarding the height controls in Clause 4.3 – Height of Buildings in Ryde LEP 2010. A Clause 4.6 variation request would also be required regarding non-compliance with the Floor Space Ratio control in Clause 4.4 – however such a variation request has not been submitted.

Value of works?: \$250,000

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

**RECOMMENDATION:**

- (a) That LDA2012/272 at 77 Wharf Road, Gladesville being Lot 2 DP 536882 be refused for the following reasons:
1. The proposal is unacceptable in terms of height, bulk and scale, as evidenced by non-compliance with the height and floor space ratio controls in Ryde LEP 2010 and Ryde DCP 2010.
  2. The proposed alterations and additions would result in a dwelling which is inconsistent with the desired future character for the R2 Low Density Residential zone, and in particular the character of the streetscape in the immediate area.
  3. In the circumstances of the case, approval of the development is not in the public interest.
- (b) That the persons who made submissions be advised of Council's decision.

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**ATTACHMENTS**

- 1 Compliance Table Ryde DCP 2010.
- 2 Compliance Table for Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005.
- 3 Map.
- 4 A4 plans.
- 5 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**

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

**Address** : 77 Wharf Road, Gladesville  
(Lot 2 in Deposited Plan 536882)

**Site Area** : 789.1m<sup>2</sup> (Deposited Plan)  
Frontage 17.221m (Deposited Plan)  
Depth approx. 51.1m (Deposited Plan)

**Topography and Vegetation** : The topography of the local area is relatively steep, with the site having a westerly aspect and being located on the waterfront to Parramatta River. The subject site slopes toward Parramatta River from Wharf Road and does not include any significant vegetation.

**Existing Buildings** : Dwelling house, attached carport, swimming pool, outbuilding (boatshed).

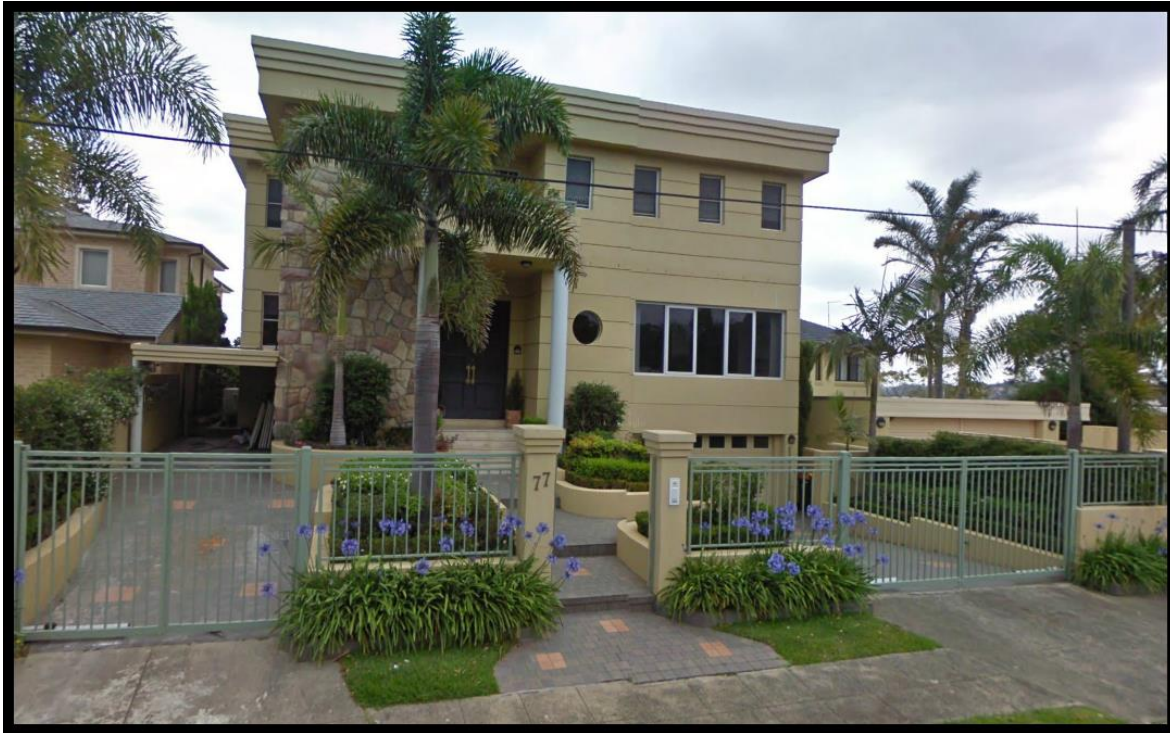
**Planning Controls Zoning** : R2 – Low Density Residential under Ryde LEP 2010  
R2 – Low Density Residential under draft Ryde LEP 2011

**Other** : Ryde DCP 2010



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**3. Councillor Representations**

Name of Councillor: (former) Councillor Tagg

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

Date: 24 August 2012

Form of the representation (e.g. via email, meeting, phone call): Email to Group Manager Environment & Planning and Councillor Help Desk

On behalf of applicant or objectors? Unknown

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

**4. Political Donations or Gifts**

None disclosed in applicant's DA submission or in any submission received.

**5. Proposal**

The following outlines the scope of works proposed to the existing dwelling house at 77 Wharf Road, Gladesville.

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*Note: The following scope is slightly modified from that outlined within the original Statement of Environmental Effects submitted with the development application due to amended plans for the development application being submitted on 10 October 2012.*

*External Facade and Landscape Treatments:*

- Alterations to the walls of the existing planter boxes within the front setback, including changing the existing curved planter boxes to rectangular planter boxes; and
- Construction of new masonry columns to support the new terrace above.

*First Floor:*

- Construction of a new terrace along the front facade
- Enclosure of the existing first floor balcony, including decorative features such as arched windows;

*Roof:*

- Remove existing deck and parapet roof and replace with a new Colorbond pitched roof.

*Front Fence:*

- Construct a new solid masonry and timber 1.8m high front fence in lieu of the existing metal fence.

## **6. Background**

The following is a brief overview of the development history relating to the dwelling house constructed on the subject site:

- LDA2012/272 was lodged on 8 August 2012. The development application as originally submitted proposed the following:

*External Facade and Landscape Treatments:*

- Alterations to the walls of the existing planter boxes within the front setback, including changing the existing curved planter boxes to rectangular planter boxes; and
- Construction of new masonry columns to support the new terrace above.

*First Floor:*

- Construction of a new terrace along the front facade, returning around the building to the north and south adjacent to the side boundaries;
- Enclosure of the existing first floor balcony, including decorative features such as arched windows; and
- Construction of internal balustrades to prevent access to the sides of the first floor balcony.

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*Roof:*

- Remove existing deck and parapet roof and replace with a new Colorbond pitched roof.

*Front Fence:*

- Construct a new solid masonry and timber 1.8m high front fence in lieu of the existing metal fence.
- On 4 September 2012 Council issued a request for additional information to the applicant based on a preliminary assessment of the subject development application. The key issues raised requiring submission of additional information were:
- *Streetscape impacts as a result of the proposed development*
    - Proposed structures (first floor terraces on side facade) are contrary to the Ryde DCP 2010 and cannot be supported;
    - Any new structure on the southern side of the dwelling house (where existing carport extends to boundary) should either be the same height as the existing carport or setback 1.5m from the boundary;
    - Height non-compliance with Ryde LEP 2010, however assessment officer noted support for the pitched roof design as it was envisaged on the basis of a preliminary assessment that the pitched roof would reduce the scale of the dwelling house when viewed from both Wharf Road, and the adjoining residential properties Nos. 75A and 79 Wharf Road.
    - Request noted however that the pitch of the roof should be reduced to better correspond with low pitched roofs such as those at Nos 79 and 81 Wharf Road.
  - *Front fence sight lines*
    - Front fence does not comply with AS2890.1:2004 with respect to sight lines and pedestrian safety.
  - *Architectural Plans*
    - Front boundary and side boundary to be added to plans
  - *Additional works marked on plans*
    - Works undertaken on proposed plans that conflict with most recently approved plans, including:
      - Significant enlargement of the Lower Ground Floor Rumpus room;
      - Significant enlargement of the First Floor “Retreat” to Bedroom 1;
      - Significant enlargement of the First Floor rear deck area to replace form and new glazed balustrade; and
      - An additional side window to the Ground Floor Kitchen on the northern elevation.



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Applicant was requested to demonstrate development consent.

- *Submissions*
  - Four (4) submissions were received during the neighbour notification period for which the applicant was invited to respond to the issues raised – Refer to Item 7 for further details of the submissions.
- On 10 October 2012 amended plans were submitted to Council. The amendments included:
  - Roof pitch reduced from 25 degrees to 20 degrees (claimed 536mm overall reduction in height);
  - Deletion of non-compliant structures extending to the side boundaries (including side balustrades);
  - Proposed front fence now 50% transparent above 900mm from ground level;
  - Replacement of existing carport structure on southern side of dwelling house with new carport in same location.
- On 17 October 2012, the DA was re-notified to neighbours and previous objectors until 1 November 2012.

## **7. Submissions**

The original proposal was notified to adjoining property owners in accordance with Development Control Plan 2010 – Part 2.1, Notification of Development Applications for a period from 9 to 24 August 2012.

In response, four (4) submissions were received from the owners of neighbouring properties as shown on the air photo earlier in this report. The key issues raised in the submissions are summarised and discussed as follows.

**A. Loss of privacy** – *concerns are raised over the loss of privacy to neighbours that would result from the proposed decks/terraces on the side elevations of the dwelling house.*

Comment: In Council's preliminary assessment of the proposed development, loss of privacy to neighbours as a result of the deck/terraces on the side elevations was raised as an issue. Subsequently, this concern formed the basis for the request that these building elements be removed from the proposal as part of Council's additional information request dated 4 September 2012.

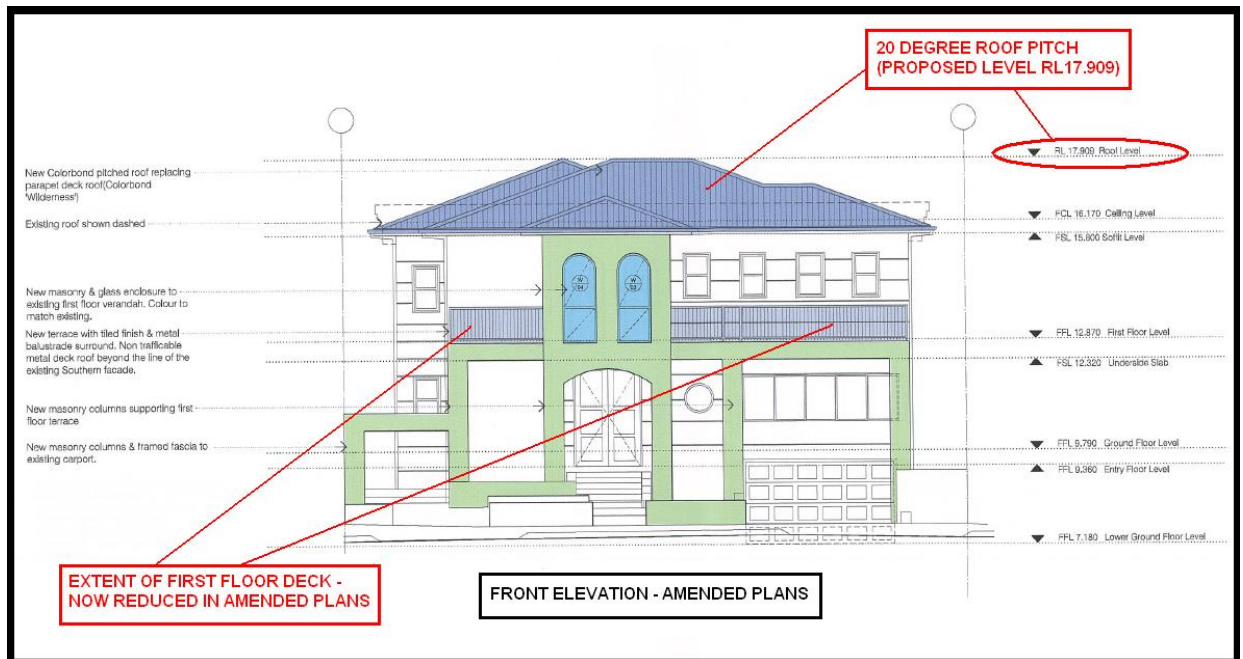
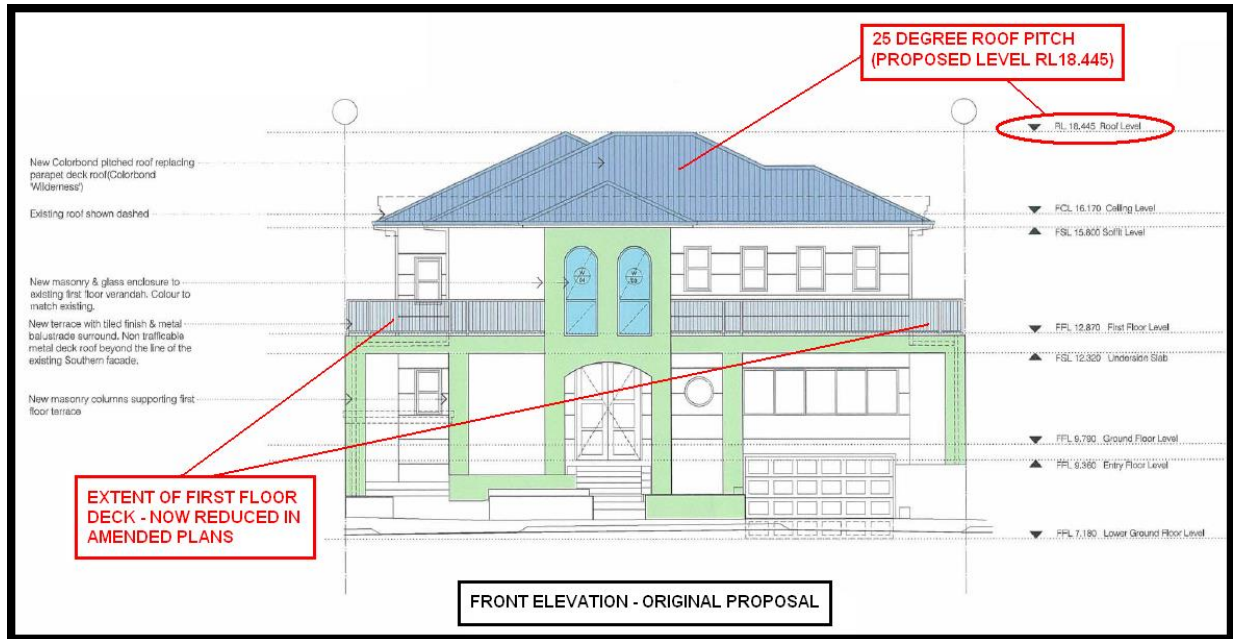
On 10 October 2012, amended plans were submitted to Council deleting the abovementioned decks/terraces on the side elevations, thus reducing the potential for loss of privacy to neighbours. Potential for overlooking from the edges of the terrace is considered minimal and to only overlook front setback areas.

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Accordingly, the issue of overlooking from the proposed deck/terrace is considered to have been addressed.

The following are the Front Elevation plans comparing the original proposal with the current proposal – and showing the reduction in the size of the first floor deck and the reduction in roof pitch from 25° to 20°.



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**B. Visual impact (height/bulk/scale)** – concerns are raised over the visual impact that will result from the proposed development, in particular the increase in building bulk that will result from altering the existing roof from a parapet/flat roof design to a pitched roof that will exceed the maximum permissible height limit under the provisions of Ryde LEP 2010, Draft LEP 2011, and Ryde DCP 2010.

Comment: Preliminary assessment of the proposed development identified a height non-compliance associated with the addition of a pitched roof on top of the existing three storey dwelling house. The proposed height of the building above existing ground level was originally proposed as 11.265m, or 1.765m over the maximum permissible under the Ryde LEP 2010, Draft Ryde LEP 2011, and Ryde DCP 2010. This represented an 18.6% deviation from the development standard.

The additional information request on 4 September 2010 to the applicant suggested a pitched roof design was generally supported, however recommended the pitch of the roof be reduced to better correspond with nearby low pitched roofs.

The amended plans submitted on 10 October 2012 propose a lower pitch to the roof, reducing the overall height of the building to 10.729m, or 1.229m over the maximum permissible under the Ryde LEP 2010, Draft Ryde LEP 2011, and Ryde DCP 2010. This now represents a 13% deviation from the development standard.

The front elevation plans (comparing the original proposal with the amended proposal) are shown above.

A more detailed assessment of the proposed development's building height in relation to the objectives of the development standard under the Ryde LEP 2010, Draft Ryde LEP 2011, and also the Ryde DCP 2010 is made later in this report, where it is concluded that the proposed building height fails to meet the building height objective of the Ryde LEP 2010 in that the proposal is inconsistent with the desired future character and proportions of the street in this area of Gladesville.

Furthermore the proposal is considered to fail the objectives of the Ryde DCP 2010 by resulting in a building with a height that is inconsistent with the desired future character of the low density residential areas, and is also not compatible with the streetscape.

Accordingly, the neighbouring objection is supported and it is agreed the proposed development will result in excessive height and unsatisfactory visual impacts to neighbouring development and the streetscape.

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**C. *Front setback non-compliance impacts*** – concerns are raised that the proposed development does not comply with the front setback controls as provided by the Ryde DCP 2010.

Comment: As demonstrated in the Ryde DCP 2010 Compliance Checklist appended to this Report, the proposed development will include a front setback of 5.6m, which is a 400mm encroachment on the minimum 6m setback required by the Ryde DCP 2010.

However it is noted that the existing dwelling on the subject site is set back 5.6m from the front boundary rather than 6m, which is the current requirement. In this regard the front setback encroachment is considered justifiable as it will not reduce the existing approved setback level.

**D. *No streetscape assessment*** – concerns are raised that there is no streetscape assessment submitted as part of the development application package to show proportion, bulk and size of proposal in terms of the surrounding neighbours.

Comment: The development application package for the proposed development included a Site Analysis (Drawing No. SA001) which details adjoining development and their corresponding building heights in terms of ridge reduced levels (RL).

A full assessment of the impacts of the proposed development has been undertaken as part of the assessment of the subject development application. This assessment has included a review on the proposals likely impact on the streetscape and appears later in this report.

The outcome of the assessment has determined that the overall bulk and scale of the new additions, coupled with a dwelling of already considerable bulk and scale, is considered to contradict the objectives and outcomes of the desired future character of the low density residential areas of the City of Ryde as set out in the Ryde DCP 2010.

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

As identified in the Ryde LEP 2010 Compliance Table appended to this report, the proposed development does not comply with *Clause 4.3 – Height of buildings* and *Clause 4.4 – Floor space ratio* of the Ryde LEP 2010. Furthermore a review of the Draft Ryde LEP 2011 has indicated that the proposal remains non-compliant with *Clause 4.3 – Height of buildings* and *Clause 4.4 – Floor space ratio*.

In this regard, the applicant has submitted a 'Clause 4.6 – Exception to development standards' statement with the development application package. A review of the submitted Clause 4.6 statement has determined that the statement has not been completed in accordance with the Department of Planning & Infrastructure's *Varying development standards: A Guide August 2011*. In particular, given the substantial

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deviations from the prescribed development standards, the statement is not considered to have adequately addressed in sufficient detail why strict compliance with the standard, in the particular case, would be unreasonable or unnecessary, and justify on environmental planning grounds why it is necessary to contravene the development standard.

**9. Policy Implications**

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

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

**Zoning**

Under the Ryde LEP 2010 the zoning of the subject site is R2 Low Density Residential. The proposed development, being alterations and additions for the purposes of a 'dwelling house' is permissible with consent under this zoning.

**Mandatory Requirements**

The following mandatory provisions apply:

*(a) Clause 4.3 – Height of buildings*

Clause 4.3 of the Ryde LEP 2010 prescribes a maximum height of 9.5m (also 9.5m under the Draft Ryde LEP 2011).

The proposal will result in an overall building height of 10.729m, or 1.229m over the maximum permissible under the Ryde LEP 2010 and Draft Ryde LEP 2011. This represents a 13% deviation from the development standard refer to the comparison plans in the Submissions section earlier in this report.

As a result of this non-compliance, the proposed development is considered to fail to meet the objective of the Ryde LEP 2010 and Draft Ryde LEP 2011 in that it does not maintain the desired character and proportions of development on Wharf Road or the surrounding area.

Furthermore, as covered in Section 8 of this report above, the submitted 'Clause 4.6 – Exception to development standards' statement has not been completed in accordance with the Department of Planning & Infrastructure's *Varying development standards: A Guide August 2011*. As a result, the statement is not considered to include sufficient detail to adequately address why strict compliance with the standard, in the particular case, would be unreasonable or unnecessary, and justify on environmental planning grounds why it is necessary to contravene the development standard.

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A more detailed assessment of the height of the proposal is made in the DCP Compliance assessment, later in this report.

Accordingly the height of the dwelling house is considered unsatisfactory, and is not supported.

*(b) Clause 4.4 – Floor Space Ratio*

Reference is made to Attachment 2 of the appended Compliance Checklist for a detailed assessment of the gross floor area of the proposed development. It is important to note, that the combined gross floor area of the existing dwelling and outbuildings on the site exceeds the maximum permissible floor space ratio of 0.5:1 under the Ryde LEP 2010 and Draft Ryde LEP 2011.

As outlined in Section 6 of this report, a substantial amount of illegal building works have been undertaken on the existing dwelling that has significantly increased the amount of gross floor area on the site, and resulted in further non-compliance with the development standard.

When taking into consideration the unauthorised floor space, the resultant impact is a proposal which has a floor space ratio of 0.63:1, or 0.13:1 over the maximum permissible under the Ryde LEP 2010 and Draft Ryde LEP 2011. This represents a 26% deviation from the development standard. Even without taking into consideration the unauthorised floor space, the floor space ratio of the proposal would be 0.58:1 or 0.08 (16%) over the maximum permissible under Ryde LEP 2010.

As a result of this non-compliance, the proposed development is considered to fail to meet the objective of the Ryde LEP 2010 and Draft Ryde LEP 2011 in that it does not provide for an appropriate level of development on the site due to the significant additional bulk and scale that will result from the proposed works, and illegal works that have been undertaken.

Furthermore, as previously noted, the submitted Clause 4.6 – Exception to development standards statement has not been completed in accordance with the Department of Planning & Infrastructure's *Varying development standards: A Guide August 2011*. As a result, the statement is not considered to adequately have addressed why strict compliance with the standard, in the particular case, would be unreasonable or unnecessary, and justify on environmental planning grounds why it is necessary to contravene the development standard.

Accordingly the floor space ratio of the dwelling house is considered unsatisfactory, and is not supported.

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**(b) Relevant State Environmental Planning Policies (SEPPs)**

**Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 (SHCREP)**

Clause 25 of the Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 requires consideration be given to the scale, form, design and siting of any building within the jurisdiction of this SREP.

There is also a Development Control Plan in force which further supports this Regional Environmental Plan (ie *Sydney Harbour Foreshores & Waterways Area Development Control Plan For SREP (Sydney Harbour Catchment) 2005*), and a full assessment of the proposal in terms of this DCP appears later in this report.

Due to the significant increase in height proposed as part of the addition of a pitched roof to the existing dwelling house it is considered the new works will be viewable from Parramatta River, particularly as the subject site located at somewhat of a pinch point along the Parramatta River and along various ferry routes.

In this regard, the proposed development is not supported on the basis of its inconsistency with the requirements of SHCREP.

**(c) Any draft LEPs**

A Section 65 Certificate enabling the formal exhibition of Draft Local Environmental Plan 2011 was issued by the Department of Planning and Infrastructure on 23 April 2012. The Draft Plan has been placed on public exhibition between 30 May 2012 and 13 July 2012. Under this Draft LEP, the zoning of the property is R2 Low Density Residential, and the maximum permissible floor space ratio is maintained at 0.5:1, with the maximum permissible building height limit also remaining at 9.5m remaining.

The proposed development remains permissible with consent within this zoning under the Draft Ryde LEP 2011, and it is considered that the proposal is not contrary to the objectives of the Draft LEP 2011 or those of the proposed zoning.

**(d) The provisions of any development control plan applying to the land**

Ryde Development Control Plan (DCP) 2010.

The proposal has been assessed using the development controls contained in Ryde DCP 2010 as outlined in the DCP Compliance Table Held at Attachment 1 of this report. The following is an assessment of the development application against the key components of the Ryde DCP 2010 that are considered to apply to the development given the works proposed are for alterations and additions to the roof and front side of the existing dwelling house.

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*Building Height*

Section 2.7.1 of Part 3.3 of the Ryde DCP 2010 prescribes development controls for the height of dwelling houses within low density areas. The maximum prescribed building height under Section 2.7.1 is 9.5m for dwelling houses. As demonstrated within the attached Compliance Checklist, the proposed development will result in a dwelling house with a building height of 10.729m, or 1.229m over the maximum permissible under the Ryde DCP 2010. This represents a 13% deviation from the development control.

The following is an extract of the objectives relating to the building height control contained within the Ryde DCP 2010, and an assessment of how the proposed development performs against each of these objectives.

- *To ensure that the height of development is consistent with the desired future character of the low density residential areas and is compatible with the streetscape.*

Comment: A maximum permissible building height of 9.5m is prescribed as the development control for dwelling houses within the City of Ryde local government area in low density residential areas such as that where the subject site is located.

The proposal seeks to increase the overall height of the existing dwelling house to 10.729m, or 1.229m over that of the maximum permissible.

Accordingly, the proposed alterations and additions are considered not to be consistent with the desired future character for this low density residential area.

As indicated on the Site Analysis Plan (Drawing No SA001) submitted with the subject development application, the neighbouring dwelling at No 75A Wharf Road has a Ridge RL of 14.16, while neighbouring dwelling at No 79 Wharf Road has a Ridge RL of 16.25. The proposed development, with a Ridge RL of 17.909m has a ridge level 10.2% higher than that of the dwelling at No 75A Wharf Road, and 26.5% high than that of the dwelling at No 79 Wharf Road.

The following photographs show the relationship between the existing dwelling and the neighbouring dwellings on either side of the subject site. The existing dwelling at No 77 is already more dominant in terms of height, bulk and scale compared to the neighbouring dwellings, and the current proposal would further increase the overall height of the dwelling (and therefore also its bulk and scale) by provision of a pitched roof.

Accordingly, the proposed alterations and additions are considered not to be compatible with the streetscape.



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- *To ensure that the height of dwellings does not exceed 2 storeys.*

Comment: The existing dwelling on the subject site already exceeds 2 storeys in height. The proposed works, which primarily include new building elements to the front facade, front setback, and new roof, will not result in additional levels being added to, or expanded upon the existing dwelling.

In this regard, the proposed works are not considered to contravene this objective for the height of buildings under the Ryde DCP 2010.

It is noted however, that the illegal building works that have been carried out to the existing dwelling house have expanded upon the three-storey component of the existing dwelling. These illegal building works are therefore not considered to be consistent with this objective for the height of buildings under the Ryde DCP 2010.

As a result of this non-compliance, the proposed development is considered to fail to meet the objective of the Ryde LEP 2010 and Draft Ryde LEP 2011 in that it does not maintain the desired character and proportions of development on Wharf Road or the surrounding area.

Given the above, the proposed building height additions to the existing dwelling house is considered unsatisfactory, and are not supported with reference to the Ryde DCP 2010.

#### *Floor Space Ratio*

Section 2.6 of Part 3.3 of the Ryde DCP 2010 prescribes development controls for the maximum floor space ratio of dwelling houses within low density areas. The maximum prescribed floor space ratio under Section 2.6 is 0.5:1 for dwelling houses. As demonstrated within the attached Compliance Checklist, when taking into account the existing floorspace (including unauthorised floor space), the proposal will result in a dwelling house which has a floor space ratio of 0.63:1, or 0.13:1 over the maximum permissible under the Ryde DCP 2010. This represents a 26% deviation from the development standard. Even without taking into consideration the unauthorised floor space, the floor space ratio of the proposal would be 0.58:1 or 0.08:1 (16%) over the maximum permissible under Ryde LEP 2010.

The following is an extract of the objectives relating to the floor space ratio controls contained within the Ryde DCP 2010, and an assessment of how the proposed development performs against each of these objectives.

- *To ensure bulk & scale are compatible with the desired future character of the low density residential areas & of dwelling houses.*

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Comment: A maximum permissible floor space ratio of 0.5:1 is prescribed as the development control for dwelling houses within the City of Ryde local government area in low density residential areas such as that where the subject site is located.

The proposal seeks to increase the overall floor space ratio of the existing dwelling house to 0.63:1, or 0.13:1 over that of the maximum permissible.

Accordingly, the proposed alterations and additions are considered not to be consistent with the desired future character for this low density residential area.

- *To define the allowable development density for sites.*

Again, the proposed development seeks to expand upon the allowable density for dwelling houses in the low density residential area via a design that will see the overall floor space ratio increase to 0.63:1.

The proposed works, coupled with the illegal extensions which have taken place to the existing dwelling will push the proposed floor space ratio limit well beyond the density limit for sites in low density areas.

Given the above, the proposed gross floor area additions to the existing dwelling house are considered unsatisfactory, and are not supported with reference to the Ryde DCP 2010.

*Desired Future Character*

Section 2.1 of Part 3.3 of the Ryde DCP 2010 prescribes development controls to ensure development is consistent with the desired future character of the low density residential areas.

It is noted that the Ryde DCP 2010 specifies the desired future character of the low density residential areas of the City of Ryde is one that includes:

- streetscapes made up of compatible buildings with regard to form, scale, proportions (including wall plate heights) and materials.

By virtue of the proposal's non-compliance with the abovementioned building height controls and floor space ratio controls, it is considered that the proposal fails to result in a development that is consistent with the desired character of the low density residential areas. This is because the development is not considered to be compatible with surrounding buildings, particularly with regard to scale and proportion – Refer to assessment against building height and floor space ratio for further information.

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Sydney Harbour Foreshores & Waterways Area Development Control Plan For SREP (Sydney Harbour Catchment) 2005

The proposal has been assessed using the development controls contained in the Sydney Harbour Foreshores & Waterways Area Development Control Plan for the SHCREP. As demonstrated in the attached Compliance Checklist for this DCP, the proposed development has determined that the cumulative and incremental effects of further development along the foreshore are unsatisfactory when assessed against the performance criteria of the Statement of Character and Intent for the Landscape Character Area No. 14 for which the subject site is located under this DCP.

The above consideration is primarily based on the fact the proposed development has increased the height, bulk and scale of the existing dwelling considerably from what was already a dwelling of significant bulk and scale. For example, the increased scale of components of the built environment serve to diminish the scale of existing elements of the natural environment, such as vegetation, and landforms.

Given the above the proposal is not considered to preserve the remaining special features of the Landscape Character.

**10. Likely impacts of the Development**

**(a) Built Environment**

A thorough assessment of the impacts of the proposed development on the built environment has been undertaken as part of the completed assessment of the proposed development.

The resultant impacts of the increased building height and floor space ratio on the built environment are considered to result in a development that is not consistent with the desired character of the low density residential areas, particularly with regard to scale and proportion.

As a result, the proposed development is not supported on the basis of the impact it will incur on the built environment.

**(b) Natural Environment**

Given the nature of the proposed development being for alterations and additions to an existing dwelling house, it is considered there will be no significant impact upon the natural environment as a result of the proposal.

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

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

Slope Instability: Refer to the comments from Council's Consultant Geotechnical Engineer, later in this report.

**12. The Public Interest**

It is considered that approval of this DA would not be in the public interest.

The development does not comply with Council's principal development standards for control of the size and scale of buildings under the Ryde LEP 2010, and Draft Ryde LEP 2011, being that of building height and floor space ratio. Additionally, the proposed development does not comply with Council's development controls for building height, floor space ratio, and desired future character as prescribed by the Ryde DCP 2010.

As a result, the overall bulk and scale of the new additions, coupled with a dwelling of already considerable bulk and scale, is considered to contradict the objectives and outcomes of the desired future character of the low density residential areas of the City of Ryde.

**13. Consultation – Internal and External**

Internal Referrals

None.

External Referrals

**Consultant Structural Engineers**

The proposed development was referred to Council's external Consultant Structural Engineers for assessment. The response from the Consultant Structural Engineer was:

*"As the proposed works are remote from the identified areas at the potential risk of slope instability, no special structural requirements are necessary to mitigate risks of slope instability and no site specific geotechnical assessment is required."*

Accordingly the proposed development is considered satisfactory from a structural engineering perspective.

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**14. Critical Dates**

There are no critical dates or deadlines to be met.

**15. Financial Impact**

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

**16. Other Options**

If Council is mindful to seek further amendments to address the issues of concern raised in this report, there is the option to defer the application to enable mediation to occur between the applicant and the objectors. If this option to defer is pursued, then it would need to be understood that there would still be some significant areas of non-compliance with Council's DCP given the nature of the existing dwelling.

**17. Conclusion**

The proposed development has been assessed using the heads of consideration listed in Section 79 of the Environmental Planning & Assessment Act 1979 and is generally considered to be satisfactory for approval.

The proposed development fails to comply with the mandatory requirements of the Ryde LEP 2010 and Draft Ryde LEP 2011 for building height and floor space ratio, and does not meet the development controls of Ryde DCP 2010 for building height, floor space ratio, and desired future character, particularly in relation to the proposed dwelling's scale and proportion.

On the above basis, it is therefore recommended that LDA2012/272 at 77 Wharf Road, Gladesville being Lot 2 DP 536882 be refused.

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**ATTACHMENT 1**  
**Compliance Table Ryde DCP 2010**  
**77 Wharf Road, Gladesville**

<b>LDA No:</b>	<b>2012/0272</b>
<b>Date Plans Rec'd</b>	<b>8 August 2012. Amended Plans received 10 October 2012</b>
<b>Address:</b>	<b>77 Wharf Road, Gladesville</b>
<b>Proposal:</b>	Alterations to existing dwelling house, new front fence and gates
<b>Constraints Identified:</b>	<b>Acid Sulphate Soils, Landslip/Slope Instability, Foreshore Building Line</b>

**COMPLIANCE CHECK**

<b>RYDE LEP 2010</b>	<b>PROPOSAL</b>	<b>COMPLIANCE</b>
<b>4.3(2) Height</b> • 9.5m overall	10.729m	No
<b>4.4(2) &amp; 4.4A(1) FSR</b> • 0.5:1	0.58:1 (not including the unauthorised floor space)  0.63:1 (including the unauthorised floor space)	No

<b>DCP 2010</b>	<b>PROPOSED</b>	<b>COMPLIANCE</b>
<b>Part 3.3 – Dwelling Houses and Dual Occupancy (attached)</b>		
<b>Desired Future Character</b>		
Development is to be consistent with the desired future character of the low density residential areas.	The proposed development is not consistent with the desired future character of the low density residential area as detailed further in this table.	No
<b>Dwelling Houses</b>		
– To have a landscaped setting which includes significant deep soil areas at front and rear.	No changes proposed to front or rear landscape as part of the alterations and additions Two storeys. It is noted that the existing dwelling can be seen to present as 3 storeys due to the basement level garage.	Yes
– Maximum 2 storeys.		Yes

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<b>DCP 2010</b>	<b>PROPOSED</b>	<b>COMPLIANCE</b>
- Dwellings to address street	Dwelling does address street however is considered to present an imposing form to the street due to the increase in bulk and scale of the proposed colourbond pitched roof.	No
- Garage/carports not visually prominent features.	Side carport is proposed to have masonry columns & facade to match those of the new entrance portico and front façade of the dwelling. Although becoming a more prominent feature of the dwelling, given the bulk and scale of the existing dwelling and carport it is considered to present to the street and fit with the existing character of the neighbourhood. No change proposed to the garage as part of the alterations and additions	Yes
<b>Alterations and Additions</b>		
- Design of finished building appears as integrated whole.	Design of the alterations and additions is considered to present as an integrated whole through providing a more uniform character in terms of design to the streetscape & character of the neighbourhood.	Yes
- Development to improve amenity and liveability of dwelling and site.	Proposed alterations and additions are considered to improve the amenity and liveability of the dwelling and site through providing increased outdoor spaces to the front of the dwelling which address and present favourably to the streetscape.	Yes
<b>Public Domain Amenity</b>		
<ul style="list-style-type: none"> <li>• <b>Streetscape</b></li> </ul> - Front doors and windows are to face the street. Side entries to	Front doors and windows face street with additional	Yes



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DCP 2010	PROPOSED	COMPLIANCE
<p>be clearly apparent.</p> <ul style="list-style-type: none"> <li>- Single storey entrance porticos.</li> </ul>	<p>windows on the first floor proposed, side entries clearly apparent.</p> <p>Single storey entrance portico proposed with masonry and glass enclosure to existing first floor verandah above.</p>	<p>Yes</p>
<ul style="list-style-type: none"> <li>- Articulated street facades.</li> <li>- Corner buildings to address both frontages</li> </ul>	<p>New façade proposed to provide increased articulation to the existing dwelling through addition of masonry columns, first floor terrace and masonry &amp; glass enclosure.</p> <p>Not on corner</p>	<p>Yes</p> <p>N/A</p>
<ul style="list-style-type: none"> <li>• <b>Public Views and Vistas</b></li> <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 is not to restrict views.</li> <li>- Garages/carports and outbuildings are not to be located within view corridor if they obstruct view.</li> <li>- Fence 70% open where height is &gt;900mm</li> </ul>	<p>Existing dwelling allowed for no water views to the side of the allotment. Proposed alterations and additions are confined to the front of the dwelling seeing no negative impact.</p> <p>Integrated garage &amp; carport are considered not to be located within view corridor or obstructing any views or vistas.</p> <p>Proposed timber and metal gates &amp; fence is 50% open &gt;900mm. It is considered there will be no obstruction to public views and vistas with the proposed fence as part of the alterations and additions.</p>	<p>N/A</p> <p>N/A</p> <p>Yes</p>
<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.</li> </ul>	<p>Integrated garage and carport is considered to allow for suitable sightlines to footpath to maintain pedestrian &amp; vehicle safety.</p>	<p>Yes</p>

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<b>DCP 2010</b>	<b>PROPOSED</b>	<b>COMPLIANCE</b>
<ul style="list-style-type: none"> <li>- Fencing that blocks sight line is to be splayed.</li> </ul>	<p>The proposed timber &amp; metal front vehicle access gates &amp; fencing is 50% open &gt;900mm.</p>	<p>Yes</p>
<b>Site Configuration</b>		
<ul style="list-style-type: none"> <li>• <b>Deep Soil Areas</b> <ul style="list-style-type: none"> <li>- 35% of site area min.</li> <li>- Min 8x8m deep soil area in backyard.</li> </ul> </li> </ul>	<p>No additional paved or hardstand areas proposed as part of the alterations &amp; additions. Existing amount of deep soil area maintained.</p> <p>No change proposed to deep soil areas in the back yard as part of the alterations and additions</p>	<p>Yes</p> <p>Yes</p>
<ul style="list-style-type: none"> <li>- Front yard to have deep soil area (only hard paved area to be driveway, pedestrian path and garden walls).</li> </ul>	<p>No change proposed to deep soil areas in the front yard as part of the alterations and additions</p>	<p>Yes</p>
<ul style="list-style-type: none"> <li>• <b>Topography &amp; Excavation</b></li> <li>Within building footprint: <ul style="list-style-type: none"> <li>- Max cut: 1.2m</li> <li>- Max fill: 900mm</li> </ul> </li> <li>Outside building footprint: <ul style="list-style-type: none"> <li>- Max cut: 900mm</li> <li>- Max fill: 500mm</li> </ul> </li> <li>- No fill between side of building and boundary or close to rear</li> </ul>	<p>Max cut: No cut proposed within building footprint as part of alterations &amp; additions</p> <p>Max fill: No fill within building footprint as part of the alterations and additions</p> <p>Max cut: No cut proposed outside the building footprint as part of the alterations and additions</p> <p>Max fill: 670mm, however this forms part of the proposed retaining wall arrangement which aims to create a consistent height across front of the dwellings retaining walls and form a consistent presentation to streetscape.</p> <p>No fill proposed between side of building &amp; boundary or</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>No</p> <p>Yes</p>

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**ATTACHMENT 3  
PREVIOUS REPORT**

DCP 2010	PROPOSED	COMPLIANCE
<p>boundary</p> <ul style="list-style-type: none"> <li>- No fill in overland flow path</li> <li>- Max ht retaining wall 900mm</li> </ul>	<p>close to rear boundary as part of the alterations and additions.</p> <p>Not in overland flow path</p> <p>Max retaining wall height 930mm, however this is part of existing retaining wall arrangements on site, and only represents a 3.3% variation on the Ryde DCP 2010 controls for maximum height of retaining walls.</p> <p>Accordingly, this variation is considered acceptable and is justifiable in this instance as the variation will not contravene the objectives of the Topography and Excavation controls within the Ryde DCP 2010.</p>	<p>N/A</p> <p>No</p>
<b>Floor Space Ratio</b>		
<p><b>FSR (max 0.5:1)</b></p> <p><b>Note: Excludes wall thicknesses, lifts/stairs; basement storage/vehicle access/garbage area; terraces/balconies with walls &lt;1.4m; void areas.</b></p>	<p><b>0.58:1</b> <b>(not including the unauthorised floor space)</b></p> <p><b>0.63:1</b> <b>(including the unauthorised floor space)</b></p> <p><i>Refer to Table at the end of this Compliance Check for detailed calculations.</i></p>	<p>No</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> <li>Wall plate (Ceiling Height)</li> <li>- 7.5m max above FGL or</li> <li>- 8m max to top of parapet.</li> </ul> <p>NB: <i>TOW = Top of Wall</i> <i>EGL = Existing Ground Level</i> <i>FGL = Finished Ground Level</i></p>	<p>TOW RL: 16.170</p> <p>FGL below (lowest point): RL:7.180</p> <p>TOW Height (max)= 8.99m</p>	<p>Yes</p> <p>No</p>

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<b>DCP 2010</b>	<b>PROPOSED</b>	<b>COMPLIANCE</b>
- 9.5m Overall Height  <i>NB: EGL – Existing ground Level</i>	Max point of dwelling RL:17.909 EGL below ridge (lowest point) RL:7.180 Overall Height (max)= 10.729m	
- Habitable rooms to have 2.4m floor to ceiling height (min).	3.3m min ceiling height	Yes
<b>Setbacks</b>		
• <b>Side</b>		
○ <b>Single storey dwelling</b>		
- 900mm to wall, includes balconies etc.	All works proposed as part of the alterations and additions are located within the approved building setbacks and comply with the minimum controls set by the Ryde DCP2010	Yes
○ <b>First floor addition</b>		
- 150mm to wall, includes balconies etc.	See Above	Yes
○ <b>Two storey dwelling</b>		
- 1500mm to wall, includes balconies etc.	See Above	Yes
• <b>Front</b>		
- 6m to façade (generally)	Setback to front façade 5.6m, however this forms part of the existing dwellings support columns. As such the works proposed do not alter the dwellings original approved setbacks.	Yes
- 2m to secondary street frontage	Not on corner	N/A
- Garage setback 1m from the dwelling facade	Garage to remain unchanged as part of proposed alterations and additions	N/A
- Wall above is to align with outside face of garage below.	See above	N/A

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<b>DCP 2010</b>	<b>PROPOSED</b>	<b>COMPLIANCE</b>
<ul style="list-style-type: none"> <li>- Front setback free of ancillary elements e.g. RWT,A/C</li> </ul>	No change to ancillary elements as part of the alterations and additions	N/A
<ul style="list-style-type: none"> <li>• <b>Rear</b></li> </ul>		
<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. <b>Note: Xm is 25% of site length.</b></li> </ul>	All works as part of the alterations and additions are located within the established rear setback and comply with the minimum controls set by the Ryde DCP2010. The approved rear setback is greater than 11m which is 25% of the site length.	Yes
<b>Outbuildings</b>		
No outbuildings proposed as part of alterations and additions		
<b>Car Parking &amp; Access</b>		
<ul style="list-style-type: none"> <li>• <b>General</b></li> </ul>		
<ul style="list-style-type: none"> <li>- Dwelling: 2 spaces max, 1 space min.</li> </ul>	No change to vehicular parking arrangements as part of the alterations and additions	N/A
<ul style="list-style-type: none"> <li>- Max 6m wide or 50% of frontage, whichever is less.</li> </ul>	Garage width unchanged as part of proposed alterations and additions	N/A
<ul style="list-style-type: none"> <li>- Behind building façade.</li> </ul>	See above	N/A
<ul style="list-style-type: none"> <li>• <b>Garages</b></li> </ul>		
<ul style="list-style-type: none"> <li>- Garages setback 1m from façade.</li> </ul>	Garage to remain unchanged as part of proposed alterations and additions	N/A
<ul style="list-style-type: none"> <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> </ul>	See above	N/A
<ul style="list-style-type: none"> <li>- Garage windows are to be at least 900mm away from boundary.</li> </ul>	See above	N/A
<ul style="list-style-type: none"> <li>- Free standing garages are to have a max GFA of 36m<sup>2</sup>.</li> </ul>	See above	N/A
<ul style="list-style-type: none"> <li>- Solid doors required</li> </ul>	See above	N/A

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<b>DCP 2010</b>	<b>PROPOSED</b>	<b>COMPLIANCE</b>
- Materials in keeping or complementary to dwelling.	See above	N/A
<b>• Carports</b>		
- Sides 1/3 open (definition in BCA)	Front, rear and southern sides of carport to remain open.	Yes
- Design and materials compatible with dwelling.	Design and materials to be consistent with new front façade of dwelling proposed as part of the alterations and additions. Materials to consist of masonry columns and framed fascia to existing car port.	Yes
<b>• Parking Space Sizes (AS)</b>		
Double garages: 5.4m w (min)	Parking spaces to remain unchanged as part of proposed alterations and additions	N/A
- Single garage: 3m w(min)		
- Internal length: 5.4m (min)		
<b>• Driveways</b>		
- Extent of driveways minimised	Driveways to remain unchanged as part of alterations and additions	N/A
<b>Swimming Pools &amp; Spas</b>		
- Must comply with all relevant Acts, Regulations and Australian Standards.	The proposed alterations and additions do not include a swimming pool or spa.	N/A
- 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.	See above	N/A
- No openable windows, door or other openings in a wall that forms part of barrier	See above	N/A
- Spa to have lockable lid if not fenced or covered	See above	N/A
- Pools not to be in front setback	See above	N/A

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<b>DCP 2010</b>	<b>PROPOSED</b>	<b>COMPLIANCE</b>
<p><b>Pool coping height</b></p> <ul style="list-style-type: none"> <li>- 500mm maximum above existing round level</li> </ul> <p><i>(only if no impact on privacy)</i></p>	See above	N/A
<p>• <b>Pool Setback</b></p> <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> </ul>	See above	N/A
<ul style="list-style-type: none"> <li>- Screen planting required for pools located within 1500mm, min bed width of 900mm for the length of the pool. Min ht 2m, min spacing 1m.</li> </ul>	See above	N/A
<ul style="list-style-type: none"> <li>- Pool setback 3m+ from tree &gt;5m height on subject or adjacent property.</li> </ul>	See above	N/A
<ul style="list-style-type: none"> <li>- Pool filter located away from neighbouring dwellings, and in an acoustic enclosure.</li> </ul>	See above	N/A
<p><b>Landscaping</b></p> <p>The proposed alterations and additions are to occur within the existing building envelope. Accordingly no changes to site landscaping will result as part of the proposed alterations and additions. A minor increase in the amount of landscaped area for the front raised planters will result from redesigning retaining walls from curved radii to right angles.</p>		
<p>• <b>Trees &amp; Landscaping</b></p> <ul style="list-style-type: none"> <li>- Major trees retained where practicable.</li> </ul>	See above	N/A
<ul style="list-style-type: none"> <li>- If bushland adjoining use native indigenous species for 10m from boundary</li> </ul>	Not bushland adjoining	N/A
<ul style="list-style-type: none"> <li>- Physical connection to be provided between dwelling and outdoor spaces where the ground floor is elevated above NGL e.g. stairs, terraces.</li> </ul>	See above	N/A
<ul style="list-style-type: none"> <li>- Obstruction-free pathway on one side of dwelling (excl cnr allotments or rear lane access).</li> </ul>	See above	N/A
<ul style="list-style-type: none"> <li>- Front yard to have at least 1 tree with mature ht of 10m min</li> </ul>	See above	N/A

**ITEM 3 (continued)**

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DCP 2010	PROPOSED	COMPLIANCE
<p>and a spreading canopy.</p> <ul style="list-style-type: none"> <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>	<p>See above</p> <p>See above</p> <p>See above</p> <p>See above</p>	<p>N/A</p> <p>N/A</p> <p>N/A</p> <p>N/A</p>
<b>Dwelling Amenity</b>		
<ul style="list-style-type: none"> <li>• <b>Daylight and Sunlight Access</b></li> <li>- Living areas to face north where orientation makes this possible.</li> <li>- Increase side setback for side living areas (4m preferred) where north is the side boundary.</li> </ul>	<p>No change to living areas as part of the proposed alterations and additions</p> <p>No change to side setbacks as part of the proposed alterations and additions</p>	<p>Yes</p> <p>Yes</p>
<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> </ul>	<p>No change to the north facing windows of the dwelling as part of the alterations and additions</p> <p>No change to the north facing windows of the dwelling as part of the alterations and additions</p> <p>The shadow diagrams submitted as part of the amended plans on 10<sup>th</sup> October 2012 indicate the proposed alterations and additions will not subject the neighbouring properties to any further overshadowing of adjoining principal ground level open space between 9am and 3pm on June 21.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>



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**ATTACHMENT 3  
PREVIOUS REPORT**

DCP 2010	PROPOSED	COMPLIANCE
<ul style="list-style-type: none"> <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> <p><b>• Visual Privacy</b></p> <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> <li>- Windows of living, dining, family etc. placed so there are no close or direct views to adjoining dwelling or open space.</li> </ul>	<p>The shadow diagrams submitted as part of the amended plans on 10<sup>th</sup> October 2012 indicate the proposed alterations and additions will not subject the neighbouring properties to any further overshadowing of the surface of north facing adjoining living area windows between 9am and 3pm on June 21.</p> <p>Windows and balconies proposed are orientated towards the street frontage hence issues of visual privacy have been minimised.</p> <p>No windows of living or dining areas with views to adjoining dwelling or open space are proposed as part of the alterations and additions.</p>	<p>Yes</p> <p>Yes</p> <p>N/A</p>
<ul style="list-style-type: none"> <li>- Side windows offset from adjoining windows.</li> <li>- Terraces, balconies etc. are not to overlook neighbouring dwellings/private open space.</li> </ul> <p><b>• Acoustic Privacy</b></p> <ul style="list-style-type: none"> <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> </ul> <p><b>• View Sharing</b></p> <ul style="list-style-type: none"> <li>- The siting of development is to provide for view sharing.</li> </ul>	<p>No side windows proposed as part of the alterations and additions.</p> <p>Terrace/balcony proposed has been orientated towards street frontage minimising issues of overlooking towards neighbouring dwellings and private open space.</p> <p>The proposed alterations and additions will not impact on any primary views.</p>	<p>N/A</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>



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**ATTACHMENT 3  
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DCP 2010	PROPOSED	COMPLIANCE
<ul style="list-style-type: none"> <li>- To reflect character and height of neighbouring fences.</li> </ul>	rendered masonry columns and new front facade of the dwelling. Character of the front fence is considered to match that of the existing character of the street through using a similar combination of materials (i.e. timber, masonry & metal) as well as a similar configuration and design.	Yes
<ul style="list-style-type: none"> <li>- Max 900mm high for solid (picket can be 1m).</li> </ul>	Maximum height of solid masonry walls proposed as part of the front fence is 900mm	Yes
<ul style="list-style-type: none"> <li>- Max 1.8m high if 50% open (any solid base max 900mm).</li> </ul>	Front fence is max. 1.8m in height and is 50% open >900mm in accordance with Ryde DCP 2010	Yes
<ul style="list-style-type: none"> <li>- Retaining walls on front building max 900mm.</li> </ul>	Retaining walls as part of the front fence are max. 900mm in accordance with Ryde DCP 2010	Yes
<ul style="list-style-type: none"> <li>- No colourbond or paling</li> </ul>	No colourbond or paling fence proposed as part of alterations and additions.	
<ul style="list-style-type: none"> <li>- Max pier width 350mm.</li> </ul>	No piers proposed as part of the alterations and additions	N/A
<ul style="list-style-type: none"> <li>• <b>Side/rear fencing:</b></li> <li>- 1.8m max o/a height.</li> </ul>	No side or rear fencing proposed as part of the alterations and additions	N/A
<b>Special requirements for Battleaxe Lots</b>		
Subject site is not located on a battleaxe allotment		
<b>Part 7.1 – Energy Smart, Water Wise (only if BASIX not required)</b>		
BASIX certificate submitted		
<b>Part 7.2 – Waste Minimisation &amp; Management</b>		
Submission of a Waste Management Plan	The applicant has submitted a Waste Management plan.	Yes
<b>Part 8.2 – Stormwater Management</b>		
• <b>Stormwater</b>		
- Drainage is to be piped in accordance with Part 8.2 –	Drainage plans submitted however Development	Yes

**ITEM 3 (continued)**

**ATTACHMENT 3**  
**PREVIOUS REPORT**

DCP 2010	PROPOSED	COMPLIANCE
Stormwater Management.	Engineering referral not undertaken.	
<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.	No change to pedestrian access arrangements from the street to the front door proposed as part of the alterations and additions	Yes
<b>Part 9.4 – Fencing</b>		
<ul style="list-style-type: none"> <li><b>Front &amp; Return Fences</b></li> </ul> - Front and return fences that exceed 1m in height are to be 50% open.	Proposed front fence is 50% open. No change proposed to return fences as part of alterations and additions.	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.  Note: A site analysis is to be undertaken to identify the site constraints and opportunities including trees located on the site and neighbouring sites. In planning for a development, consideration must be given to building/site design that retains healthy trees, as Council does not normally allow the removal of trees to allow a development to proceed. The site analysis must also describe the impact of the proposed development on neighbouring trees. This is particularly important where neighbouring trees are close to	The proposed alterations and additions are not considered to impact on any site or adjoining significant trees.	Yes

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<b>DCP 2010</b>	<b>PROPOSED</b>	<b>COMPLIANCE</b>
the property boundary. The main issues are potential damage to the roots of neighbouring trees (possibly leading to instability and/or health deterioration), and canopy spread/shade from neighbouring trees that must be taken into account during the landscape design of the new development.		

<b>BASIX</b>	<b>PROPOSAL</b>	<b>COMPLIANCE</b>
All ticked "DA plans" commitments on the BASIX Certificate are to be shown on plans (list) <b>BASIX Cert A139768_02 dated 24<sup>th</sup> July 2012</b>	BASIX commitments on plans	Yes
• RWT 5000L	No change	N/A
• Swimming Pool 1. <28kL 2. outdoors	No change No change	N/A N/A
• Thermal Comfort Commitments: - Construction - TCC – Glazing.	No change No change	N/A N/A
• Solar Gas Boosted HWS 2/41-45 RECS+	No change	N/A
• HWS Gas Instantaneous 5 star.	No change	N/A
• Natural Lighting - kitchen - bathrooms ( )	No change No change	N/A N/A
Water Target 40	No change	N/A
Energy Target 40	No change	N/A
Correct description of property/proposal on 1 <sup>st</sup> page of Certificate.	Correct details shown	Yes

**ITEM 3 (continued)**

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<b>DEMOLITION</b>	<b>PROPOSAL</b>	<b>COMPLIANCE</b>
<ul style="list-style-type: none"> <li>• Plan showing all structures to be removed.</li> </ul>	No demolition proposed	N/A
<ul style="list-style-type: none"> <li>• Demolition Work Plan</li> </ul>	No demolition proposed	N/A
<ul style="list-style-type: none"> <li>• Waste Management Plan</li> </ul>	Plan submitted	Yes

Summary of Issues/Non compliances:

- Building height of the existing dwelling is currently over the maximum allowable height of 9.5m under the Ryde LEP 2010 and Ryde DCP 2010
- FSR of the existing dwelling is over the maximum of 0.5:1 under the Ryde LEP 2010 and Ryde DCP 2010
- The overall bulk and scale of the new additions coupled with a dwelling of already considerable bulk and scale is considered to contradict the objectives and development controls for the desired future character of the low density residential areas of the City of Ryde as set out in the Ryde DCP 2010

**Certification**

I certify that all of the above issues have been accurately and professionally examined by me.

Name: Ben Tesoriero



Signature:

Date: 10 January 2013

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**ITEM 3 (continued)**

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**Site Photos**



Photograph 1 – Dwelling subject of the proposed alterations and addition to right of frame, with adjoining development at 79 to 79A Wharf Road to the left of frame.



Photograph 2 – Dwelling subject of the proposed alterations and addition to left of frame, with adjoining development at 75A Wharf Road to the right of frame.

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Assessment Officer Comment: As illustrated in the Photographs 1 and 2, the bulk and scale of the dwelling at 77 Wharf Road (i.e. the dwelling for which the alterations and additions are subject) is inconsistent with the bulk and scale of neighbouring developments, and that of the desired future character of the low density residential areas. Specifically the following attributes are considered inconsistent;

- Height of the existing dwelling is already over the maximum permissible height of 9.5m as set out in the Ryde DCP 2010 & with the proposed alterations and additions going to exceed this height even further
- FSR of the existing dwelling is already over the maximum permissible of 0.5:1 as set out in the Ryde DCP 2010 and the proposed alterations and additions will see the FSR increase further. Refer to Attachment to for further information

Table 1: 77 Wharf Road Floor Space Ratio (FSR) Calculations

<b>Existing FSR</b>	<b>FSR with Alterations &amp; Additions</b>	<b>FSR with unapproved building works + Alterations &amp; Additions</b>
Lower Ground: <b>111.83m<sup>2</sup></b>	Lower Ground: <b>111.83m<sup>2</sup></b>	Lower Ground: <b>146.30m<sup>2</sup></b>
Less 36m <sup>2</sup> for double garage	Less 36m <sup>2</sup> for double garage	Less 36m <sup>2</sup> for double garage
= <b>75.83m<sup>2</sup></b>	= <b>75.83m<sup>2</sup></b>	= <b>110.30m<sup>2</sup></b>
Ground Floor: <b>202.84m<sup>2</sup></b>	Ground Floor: <b>202.84m<sup>2</sup></b>	Ground Floor: <b>202.84m<sup>2</sup></b>
First Floor: <b>144.04m<sup>2</sup></b>	First Floor: <b>151.68m<sup>2</sup></b>	First Floor: <b>159.89m<sup>2</sup></b>
Outbuildings: <b>25.00m<sup>2</sup></b>	Outbuildings: <b>25.00m<sup>2</sup></b>	Outbuildings: <b>25.00m<sup>2</sup></b>
Total GFA: <b>447.71m<sup>2</sup></b>	Total GFA: <b>455.35m<sup>2</sup></b>	Total GFA: <b>498.03m<sup>2</sup></b>
Total Site Area*: <b>784.10m<sup>2</sup></b>	Total Site Area*: <b>784.10m<sup>2</sup></b>	Total Site Area*: <b>784.10m<sup>2</sup></b>
FSR: <b>0.57:1</b>	FSR: <b>0.58:1</b>	FSR: <b>0.63:1</b>

\*Note: Total site area of 784.1m<sup>2</sup> based upon Ryde Council DP of 31 Perches. Calculations by Architect based upon total Site Area of 789.1m<sup>2</sup>

Assessment Officer Comment: As illustrated in the above table the existing FSR of the subject site, not including the unapproved building works, is already exceeding the maximum allowable of 0.5:1 as set out in the Ryde DCP 2010. When including the unapproved building works and the proposed alterations and additions the FSR reaches an amount that is considered unacceptable in terms of objectives and outcomes in the Ryde DCP 2010 which aim to ensure the bulk and scale of dwelling are compatible with the desired future character of the low density residential areas.



**ITEM 3 (continued)**

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**Attachment 2**

**Compliance Table for Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005  
77 Wharf Road Gladesville.**

Provision	Proposal	Compliance
<b><i>Cl. 21 Biodiversity, Ecology and Environmental Protection</i></b>		
(a) Development should have neutral or beneficial effect on quality of water entering waterways	The proposed development will see alterations and additions to the existing dwellings front façade, front setback and roof. As there is no change in land-use proposed and works are considered minor in terms of biodiversity, ecology and natural environment impacts it is considered the proposed development will have a neutral effect on the quality of water entering waterways.	Yes
(b) Development should protect and enhance terrestrial and aquatic species, populations and ecological communities and, in particular, should avoid physical damage and shading of aquatic vegetation (such as seagrass, saltmarsh and algal and mangrove communities)	With all works associated with the proposed development occurring a minimum 28m from the MWHM it is considered there will be minimal impacts on any terrestrial and aquatic species, populations and ecological communities. Additionally it is noted the there is no proposal to remove any existing vegetation on site thus seeing all vegetation retained.  The shadow diagrams submitted with the subject development application indicate the proposed development will overshadow land areas only, and not adjacent aquatic areas.	Yes

**ITEM 3 (continued)**

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Provision	Proposal	Compliance
	Given the above, it is considered the proposed development will protect terrestrial and aquatic vegetation.	
(c) Development should promote ecological connectivity between neighbouring areas of aquatic vegetation (such as seagrass, saltmarsh and algal and mangrove communities)	All works are to be located a minimum 28m from the MHWM. Accordingly, the proposed development is not considered to have a negative impact on ecological connectivity of aquatic vegetation.	N/A
(d) Development should avoid indirect impacts on aquatic vegetation (such as changes to flow, current and wave action and changes to water quality) as a result of increased access	All works are to be located a minimum 28m from the MHWM. Accordingly, the proposed development is not considered to have any indirect impact on aquatic vegetation. It is noted that the proposed alterations are considered minor in terms of causing any indirect impacts on the natural environment.	Yes
(e) Development should protect and reinstate natural intertidal foreshore areas, natural landforms and native vegetation	All works are to be located a minimum 28m from the MHWM. Accordingly, the proposed development is considered to protect the natural intertidal foreshore, natural landforms & native vegetation with minimal adverse impacts on the natural environment.	Yes
(f) Development should retain, rehabilitate and restore riparian land	All works are to be located a minimum 28m from the MHWM. Therefore all riparian land is retained and the proposed development is not considered to have any adverse impacts. The proposed development does not aim to rehabilitate or restore riparian land.	N/A

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<b>Provision</b>	<b>Proposal</b>	<b>Compliance</b>
(g) Development on land adjoining wetlands should maintain and enhance the ecological integrity of the wetlands and, where possible, should provide a vegetation buffer to protect the wetlands	The subject site does not adjoin any wetlands or wetland protection areas. Additionally, no works are proposed within 28m from the MHWL.	Yes
(h) The cumulative environmental impact of development	With all works proposed to be located a minimum 28m from the MHWL, it is considered the cumulative environmental impact of development to be minimal. Additionally, the alterations and additions propose only minor changes to the dwelling façade, front setback & roof seeing no change in land use and thus negligible impacts on the natural environment.	Yes
(i) Whether sediments in the waterway adjacent to the development are contaminated, and what means will minimise their disturbance	Sediments in the adjoining waterway are not proposed to be disturbed during proposed works. Sediments are considered unlikely to be contained due to continued history of residential use on the subject site and the surrounding area.	Yes
<b><i>Cl. 22 Public Access to, and Use of, Foreshores and Waterways</i></b>		
(a) Development should maintain and improve public access to and along the foreshore, without adversely impacting on watercourses, wetlands, riparian lands or remnant vegetation	There is no existing public use of this part of the foreshore. Access to public will not be restricted any further than existing as result of the proposed alterations and additions. No adverse impacts on watercourses, wetlands, riparian lands or remnant vegetation has been identified due to no works taking place within this zone.	Yes

**ITEM 3 (continued)**

**ATTACHMENT 3  
PREVIOUS REPORT**

<b>Provision</b>	<b>Proposal</b>	<b>Compliance</b>
(b) Development should maintain and improve public access to and from the waterways for recreational purposes (such as swimming, fishing and boating), without adversely impacting on watercourses, wetlands, riparian lands or remnant vegetation	The proposal will not impede or alter existing public access to the river.	Yes
(c) If foreshore land made available for public access is not in public ownership, development should provide appropriate tenure and management mechanisms to safeguard public access to, and public use of, that land	Land below high water mark remains available for public access (by boat) and presents no change from the existing relationship.	N/A
(d) The undesirability of boardwalks as a means of access across or along land below the mean high water mark if adequate alternative public access can otherwise be provided.	Not proposed	N/A
(e) The need to minimise disturbance of contaminated sediments	All works are proposed well above MHW and is considered not to disturb any contaminants in water/sediments. Additionally, sediments are considered unlikely to be containment due to continued history of residential use on the subject site and the surrounding area.	Yes
<b>Cl. 24 Interrelationship of Waterway and Foreshore Uses</b> (a) Development should promote equitable use of the waterway, including use by passive recreation craft	Proposal will not inhibit or prevent equitable use of waterway by passive recreation craft and presents no change from the existing relationship with the waterway.	Yes

**ITEM 3 (continued)**

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<b>Provision</b>	<b>Proposal</b>	<b>Compliance</b>
(b) Development on foreshore land should minimise any adverse impact on the use of the waterway, including the use of the waterway for commercial and recreational uses	Proposal will not inhibit or prevent equitable use of waterway for commercial or recreational uses and presents no change from the existing relationship with the waterway.	Yes
(c) Development on foreshore land should minimise excessive congestion of traffic in the waterways or along the foreshore	Development does not seek to increase or impede any existing traffic conditions in the waterway or along the foreshore and presents no change from the existing relationship with the waterway.	Yes
(d) Water-dependent land uses should have propriety over other uses	Not applicable.	N/A
(e) Development should avoid conflict between the various uses in the waterways and along the foreshores	No change to existing use of site and waterway as part of the proposed development. It is therefore considered conflicts between various uses in the waterways & along the foreshore will be avoided.	Yes
<b><i>Cl. 25 Foreshore and Waterways Scenic Quality</i></b>		
(a) The scale, form, design and siting of any building should be based on an analysis of:		
(i) the land on which it is to be erected, and	With the subject site located at somewhat of a pinch point along the Parramatta River and along various ferry routes it is considered that the development will be viewable from the water. Although only the roof component of the alterations and additions will be visible, due to the increased height of the proposed hipped roof this can be considered to be an adverse impact on the	No

**ITEM 3 (continued)**

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Provision	Proposal	Compliance
	<p>scenic quality from the foreshore and waterway. With the topography also falling away quite steeply towards the foreshore the height increase will also seem more dramatic from the water. It is therefore considered that the scale of the proposed alterations and additions has not been addressed in terms of the land on which it is being erected.</p>	
(II) the adjoining land, and	<p>The proposed development impacts upon adjoining residential land and waterways by way of increasing the visual bulk and scale of the existing dwelling from what was already a significantly visually dominant dwelling both from the streetscape and the waterways.</p>	No
(III) the likely future character of the locality	<p>With the proposed development seeing a considerable increase in height that is 10.2% higher than the ridge level of the neighbouring dwelling at 75A Wharf Road and 26.5% higher than the neighbouring dwelling at 79 Wharf Road and that far exceeds the maximum height permissible as prescribed in the Ryde DCP 2010 it is considered that the proposed development is not consistent with the current or likely future character of the locality.</p>	Yes

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<b>Provision</b>	<b>Proposal</b>	<b>Compliance</b>
(b) development should maintain, protect and enhance the unique visual qualities of Sydney Harbour and its islands, foreshores and tributaries	With the proposed development increasing the height, bulk and scale of an already large building, it is considered that there potential to impact on the visual qualities of Sydney Harbour may arise.	Yes
(c) the cumulative impact of water-based development should not detract from the character of the waterways and adjoining foreshores	Proposed development is totally land based and proposes no water based development. It is therefore considered that proposed development does not detract from the character of the waterways and adjoining foreshores.	N/A
<p><b><i>Cl. 26 Maintenance, Protection and Enhancement of Views</i></b></p> <p>(a) Development should maintain, protect and enhance views (including night views) to and from Sydney Harbour</p>	Views to and from Sydney Harbour will be generally maintained. Some minor views from Sydney Harbour may be interrupted due to the increase in height of the proposed hipped roof. This however is considered not to be significant due to the topography of the land allowing	Yes
(b) Development should minimise any adverse impacts on views and vistas to and from public places, landmarks and heritage items	Views and vistas to and from public places, landmarks and heritage items have generally been unchanged as a result of the proposed alterations and additions. It is considered that adverse impacts have been minimised.	Yes
(c) The cumulative impact of development on views should be minimised	The cumulative impact on views from the harbour is considered to be minimal as a result of the proposed development.	Yes

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Provision	Proposal	Compliance
<p><b>Cl. 29 Consultation required for certain development applications</b>                      (1) The consent authority must not grant development consent to the carrying out in the Foreshores and Waterways Area of development listed in Schedule 2, unless:                      (a) it has referred the development application to the Advisory Committee, and                      (b) it has taken into consideration any submission received from the Advisory Committee within 30 days after the date on which the application was forwarded to the Committee.</p>	<p>(1) It is acknowledged that the subject site is located within the Foreshores and Waterways Area as depicted in Figure 1 on page 14 of this report. The proposed alterations and additions do not include any items included in relation to Schedule 2 of the SREPSHC 2005.                      (a) As per Cl.29(3) (see below), it is the opinion of the assessment officer working on behalf of the consent authority (Ryde City Council) that the proposed development is minor and does not, to any significant extent, increase the scale, size or intensity of the use of the proposed buildings and works over that of the existing arrangements on site. Accordingly, the development application has not been referred to the Advisory Committee.                      (b) Noted.</p>	<p>N/A</p>
<p>(2) In the case of an application to carry out development for more than one purpose, of which one or more is listed in Schedule 2 and one or more is not, the consent authority is only required to refer to the Advisory Committee that part of the application relating to development for a purpose so listed.</p>	<p>(2) Noted.</p>	<p>Noted.</p>



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Provision	Proposal	Compliance
(3) This clause does not apply to development that consists solely of alterations or additions to existing buildings or works and that, in the opinion of the consent authority, is minor and does not, to any significant extent, increase the scale, size or intensity of use of those buildings or works.	(3) As the proposed works are not identified under Schedule 2 of the SHCREP this clause does not apply.	N/A
Wetlands Protection Area along Lane Cove / Parramatta River frontage	Subject site does not front the wetlands protection area along Lane Cove / Parramatta River.	Yes
<b>Cl. 62 Requirement for Development Consent</b> (2) Development may be carried out only with development consent	The proposed development is currently seeking development consent via LDA2012/0272 under assessment with Ryde City Council.	Yes
(3) Development consent is not required by this clause: (a) For anything (such as dredging) that is done for the sole purpose of maintaining an existing navigational channel, or (b) For any works that restore or enhance the natural values of wetlands being works:  (i) that are carried out to rectify damage arising from a contravention of this plan, and (ii) that are not carried out in association with another development, and (iii) that have no significant impact on the environment beyond the site on which they are carried out.	Not applicable.  The proposed development does not include maintenance of an existing navigational channel. The proposed development does not include any works that aim to restore or enhance the natural values of wetlands. Not applicable.  Not applicable.  Not applicable.	N/A  N/A  N/A  N/A  N/A

**ITEM 3 (continued)**

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Provision	Proposal	Compliance
<p><b>Cl. 63 Matters for Consideration</b>                      (2) The matters to be taken into consideration are as:                      (a) The development should have a neutral or beneficial effect on the quality of water entering the waterways,                       (b) The environmental effects of the development, including effects on:                      (i) the growth of native plant communities,                       (ii) the survival of native wildlife populations,                       (iii) the provision and quality of habitats for both indigenous and migratory species,                       (iv) the surface and groundwater characteristics of the site on which the development is proposed to be carried out and of the surrounding areas, including salinity and water quality and whether the wetland ecosystems are</p>	<p>The proposed development will see alterations and additions to the existing dwellings front façade, front setback and roof. As there is no change in land-use proposed and works are considered minor in terms of biodiversity, ecology and environmental impacts it is considered the proposed development will have a neutral effect on the quality of water entering waterways.</p> <p>No impact on the growth of native plant communities due to all existing vegetation being retained and all proposed works to be located a minimum 28m from the MHW. M.</p> <p>Wildlife populations are considered to be unharmed as result of the proposed development due to all existing habitats being retained.</p> <p>The quality of habitats for both indigenous and migratory species is fully retained as part of the proposed development.</p> <p>The proposed development is considered to have no adverse affects on surface and groundwater characteristics of the site and surrounding areas due to there being no significant change to land use and the</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>

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Provision	Proposal	Compliance
<p>groundwater dependant,</p> <p>(c) Whether adequate safeguards and rehabilitation measures have been, or will be, made to protect the environment.</p> <p>(d) Whether carrying out the development would be consistent with the principles set out in <i>The NSW Wetlands Management Policy</i> (as published in March 1996 by the then Department of Land and Water Conservation).</p> <p>(e) Whether the development adequately preserves and enhances local native vegetation,</p> <p>(f) Whether the development application adequately demonstrates:</p> <p>(i) how the direct and indirect impacts of the development will preserve and enhance wetlands, and</p>	<p>development being in compliance with the stormwater controls set out in the Ryde DCP 2010. Stormwater plans submitted as part of the proposal indicate that safeguards have been put in place to ensure all runoff, sedimentation &amp; siltation is controlled so as to protect the environment. Rehabilitation measures are not considered necessary due to no works being undertaken within 28m of the MHWM.</p> <p>Due to the subject site not being located within any wetlands or wetland protection areas the proposal is considered to be consistent with principles set out in <i>The NSW Wetlands Management Policy</i>.</p> <p>The development is considered to adequately preserve the local native vegetation through proposing no works within 28m of the MHWM, therefore retaining all existing local native vegetation.</p> <p>The proposed development is not located in any wetlands or wetland protection areas.</p>	<p>Yes</p> <p>Yes</p> <p>N/A</p> <p>Yes</p>
<p>(ii) how the development will preserve and enhance the continuity and integrity of the wetlands, and</p>	<p>The proposed development is not located in any wetlands or wetland protection areas.</p>	<p>Yes</p>

**ITEM 3 (continued)**

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Provision	Proposal	Compliance
<p>(iii) how soil erosion and siltation will be minimised both while the development is being carried out and after it is completed, and</p> <p>(iv) how appropriate on-site measures are to be implemented to ensure that the intertidal zone is kept free from pollutants arising from the development, and</p>	<p>Soil erosion and siltation will be minimised during construction through implementation of sediment fences &amp; sediment traps set up strategically across the site. Following construction all existing stormwater controls will remain unchanged.</p> <p>The submitted Stormwater Engineer plans as part of the proposal indicate sufficient sediment control measures will be put in place to ensure that the intertidal zone is kept free from pollutants arising from the development.</p>	<p>Yes</p> <p>Yes</p>
<p>(v) that the nutrient levels in the wetlands do not increase as a consequence of the development, and</p> <p>(vi) that stands of vegetation (both terrestrial and aquatic) are protected or rehabilitated, and</p> <p>(vii) that the development minimises physical damage to aquatic ecological communities, and</p>	<p>The development is considered not to result in any increase in nutrient levels in any surrounding wetlands due to all works taking place a minimum 28m from the MHW. Additionally sediment and soil erosion control measures will be put in place during construction to mitigate any adverse affects as a result of runoff.</p> <p>No development is proposed within the stands of existing vegetation (both terrestrial and aquatic) therefore protecting them from any adverse impacts.</p> <p>The development has aimed to minimise any adverse impacts on the aquatic ecological communities through ensuring no works are undertaken within 28m of the MHW.</p>	<p>Yes</p> <p>N/A</p> <p>Yes</p>

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Provision	Proposal	Compliance
(viii) that the development does not cause physical damage to aquatic ecological communities,	With all development works being located a minimum 28m from the MHW, it is considered that no physical damage to aquatic ecological communities will occur as result of the proposed development.	Yes
(g) Whether conditions should be imposed on the carrying out of the development requiring the carrying out of works to preserve or enhance the value of any surrounding wetlands.	No conditions to be imposed on the development in regards to carrying out works to preserve or enhance the surrounding wetlands.	Yes

Maps

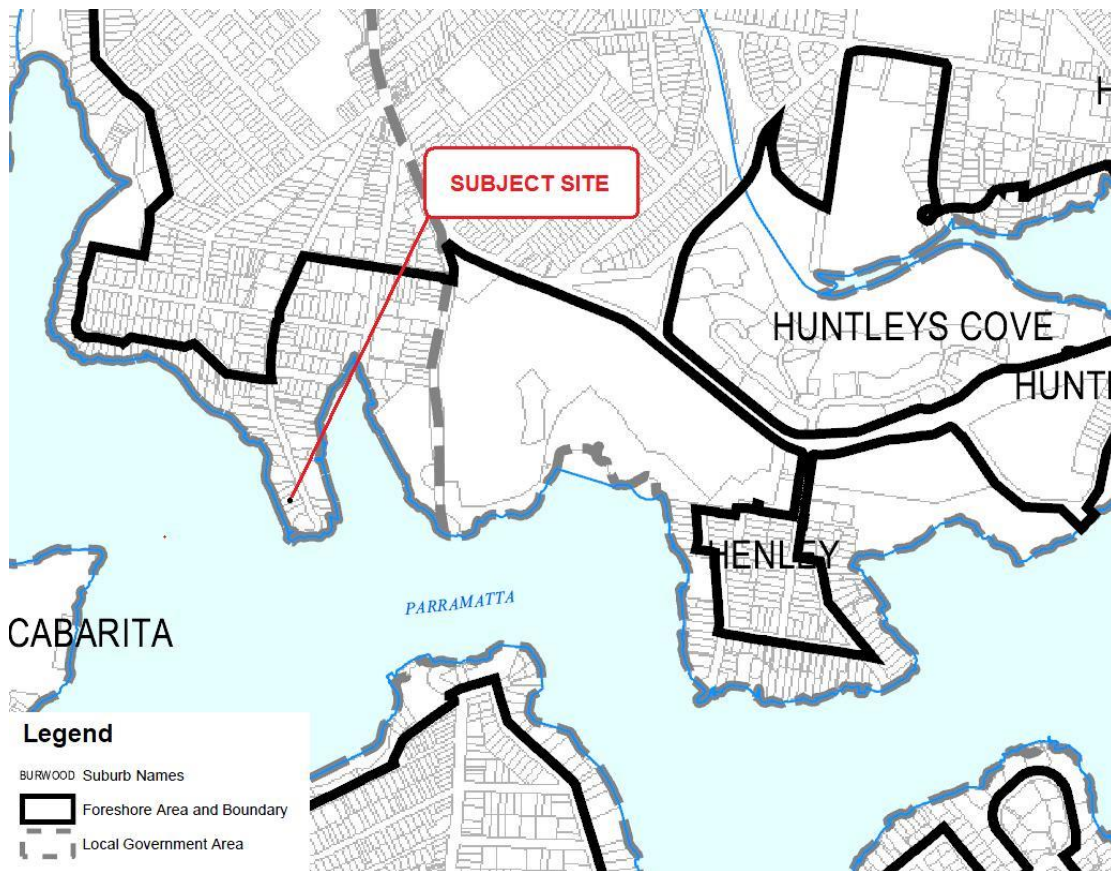


Figure 1: The map above illustrates the subject site at 77 Wharf Road, Gladesville lies within catchment boundary that is governed by the Sydney Harbour Catchment REP.

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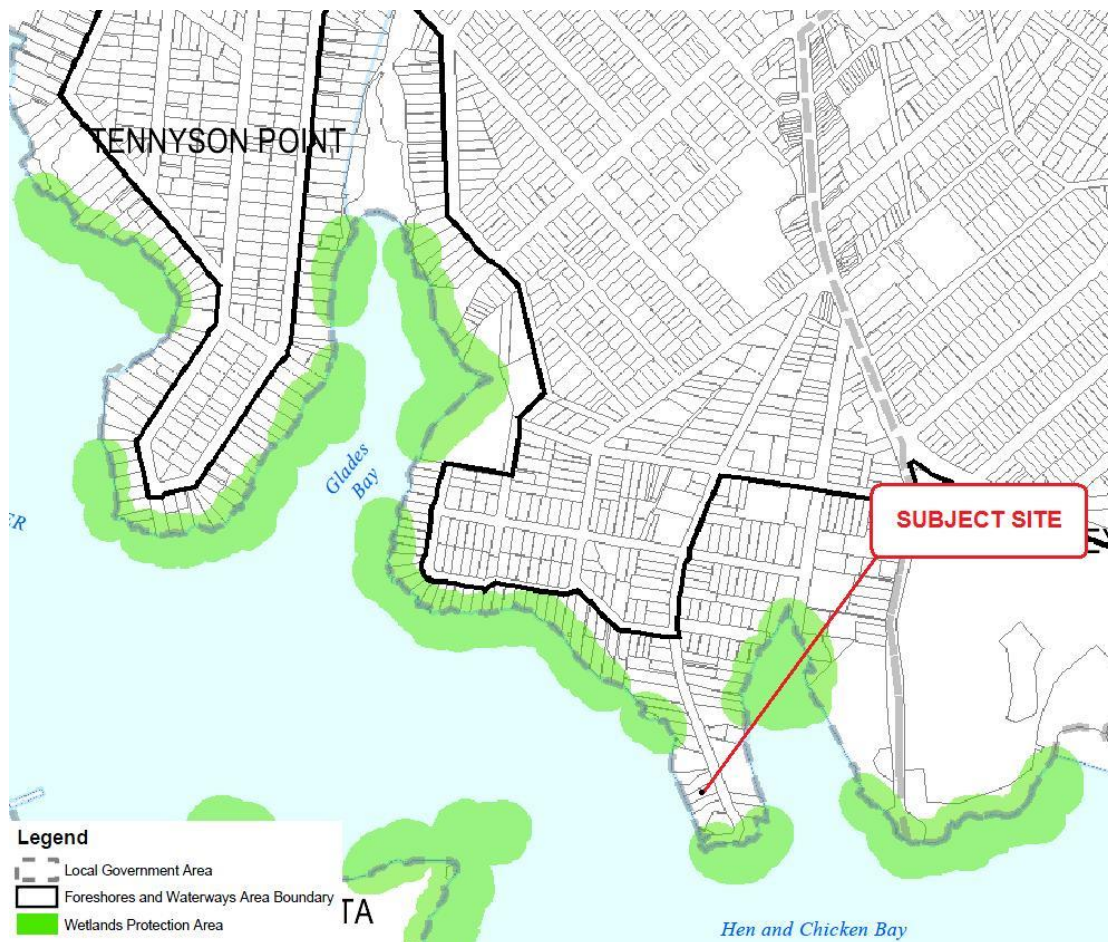


Figure 2: The map above illustrates that according to the Sydney Harbour Foreshore Authority REP the subject site at 77 Wharf Road, Gladesville is not located within a Wetlands Protection Area.

**SYDNEY HARBOUR FORESHORES & WATERWAYS AREA  
DCP FOR SREP (SYDNEY HARBOUR CATCHMENT) 2005  
(SHFWADCP 2005) COMPLIANCE TABLE**

In accordance with Section 3 of the SHFWADCP 2005, the following is an assessment of the proposed development against the performance criteria for the established Landscape Character type attributed to the subject site by the SHFWADCP 2005.

For the purposes of the following assessment, the subject site has been identified as being located with the Landscape Character Type 14, being the low topographic developed areas of the Lane Cove and Parramatta Rivers (Refer to Figure 1 of Attachment 3 on page 19)

**ITEM 3 (continued)**

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<b>Provision</b>	<b>Proposal</b>	<b>Compliance</b>
<p><b>Statement of Character and Intent:</b>            These areas are mostly developed with detached residential development on the upper slopes and boat shed and wharves along the foreshore. Further development in these areas must consider protecting key visual elements including rock outcrops, native vegetation, vegetation in and around dwellings and maintaining the density and spacing of development.</p>	<p>The proposed development is for the purposes of alterations and additions to the front façade and roof of the existing dwelling. The proposed development is not considered to impact on any rock outcrops or native vegetation being located a considerable distance from rock outcrops and existing foreshore vegetation. Density and spacing of the development remains unchanged as part of the proposal. Accordingly the proposed development is considered to be consistent with the character and intent for development in the Landscape Character Type 14 area.</p>	<p>Yes</p>
<p><b>Performance criteria:</b></p> <ul style="list-style-type: none"> <li>▪ consideration is given to the cumulative and incremental effects of further development along the foreshore and to preserving the remaining special features;</li> <li>▪ development is to avoid substantial impact on the landscape qualities of the foreshore and minimise the removal of natural foreshore vegetation, radical alteration of natural ground levels, the dominance of structures protruding from rock walls or ledges or the erection of sea walls, retaining walls or terraces;</li> <li>▪ landscaping is carried out between buildings to soften the built environment; and</li> <li>▪ existing ridgeline vegetation and its dominance as the backdrop to the waterway, is retained.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Consideration has been given to the cumulative and incremental effects of further development along the foreshore. The proposed development although attempting to be more consistent with surrounding development in terms of design has increased the height, bulk and scale of the existing dwelling considerably from what was already a dwelling of significant bulk and scale. Additionally the proposed development has exceeded the height controls prescribed in the Ryde DCP 2010. Given the above the proposal is not considered to preserve the remaining special features</li> </ul>	<p>No</p>

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Provision	Proposal	Compliance
	<p>of the Landscape Character.</p> <ul style="list-style-type: none"> <li>▪ It is considered that minimal impacts will result as part of the development, no natural existing foreshore vegetation is proposed to be removed, natural ground levels close to the shoreline have been maintained and no erection of rock walls, sea walls or ledges have been proposed.</li> <li>▪ Due to the proposed alterations and additions only affecting the front façade, front setback no landscaping has been proposed and it is considered no additional landscaping between the buildings is necessary.</li> <li>▪ No existing mature ridgeline vegetation was identified during the site inspection.</li> </ul>	
(c) Development should have neutral or beneficial effect on quality of water entering waterways	<p>The proposed development will see alterations and additions to the existing dwellings front façade, front setback and roof. As there is no change in land-use proposed and works are considered minor in terms of biodiversity, ecology and environmental impacts it is considered the proposed development will have a neutral effect on the quality of water entering waterways.</p>	Yes



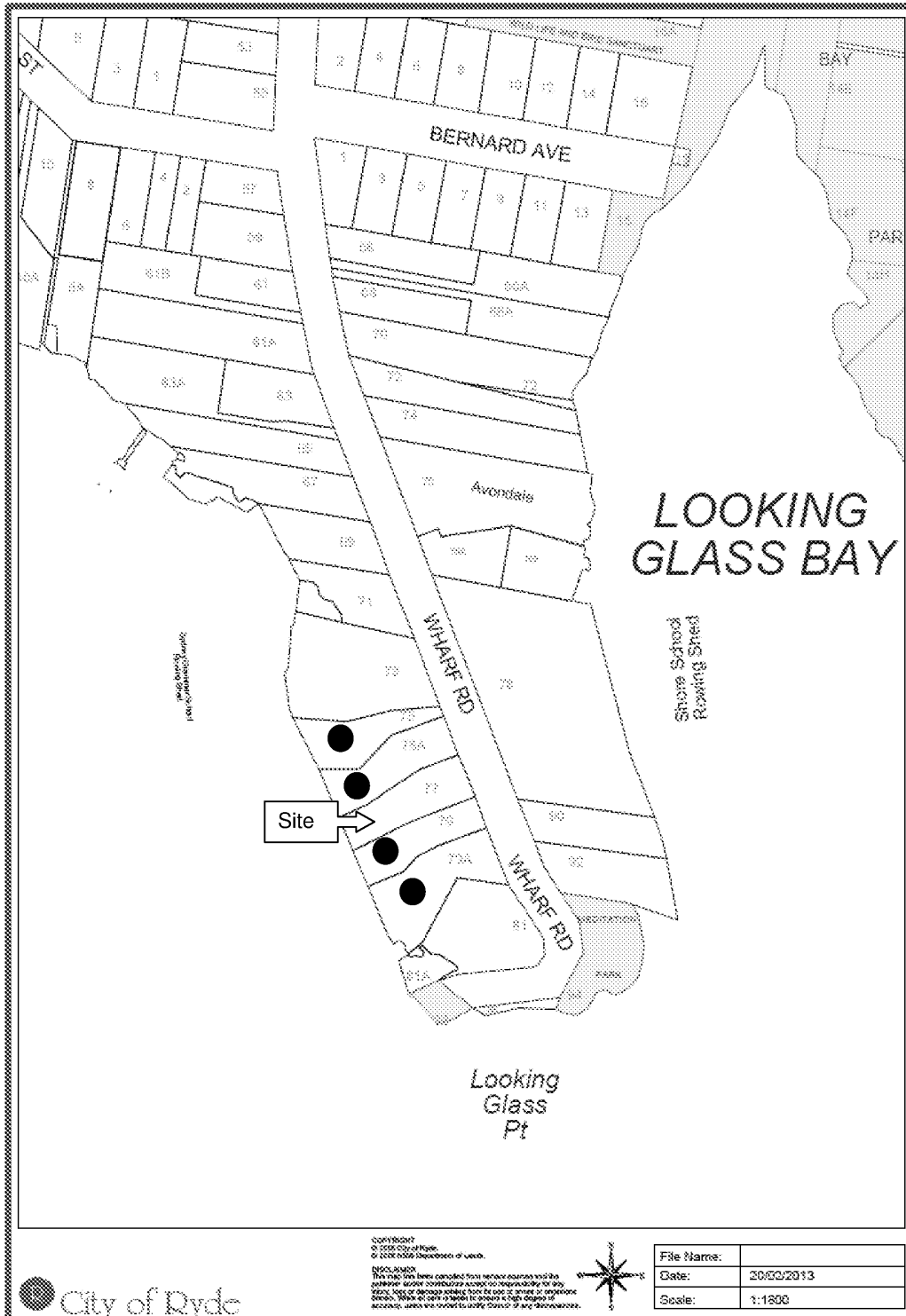


ITEM 3 (continued)

ATTACHMENT 3

ATTACHMENT 3

● Indicates submissions received



ITEM 3 (continued)

ATTACHMENT 4

ATTACHMENT 3

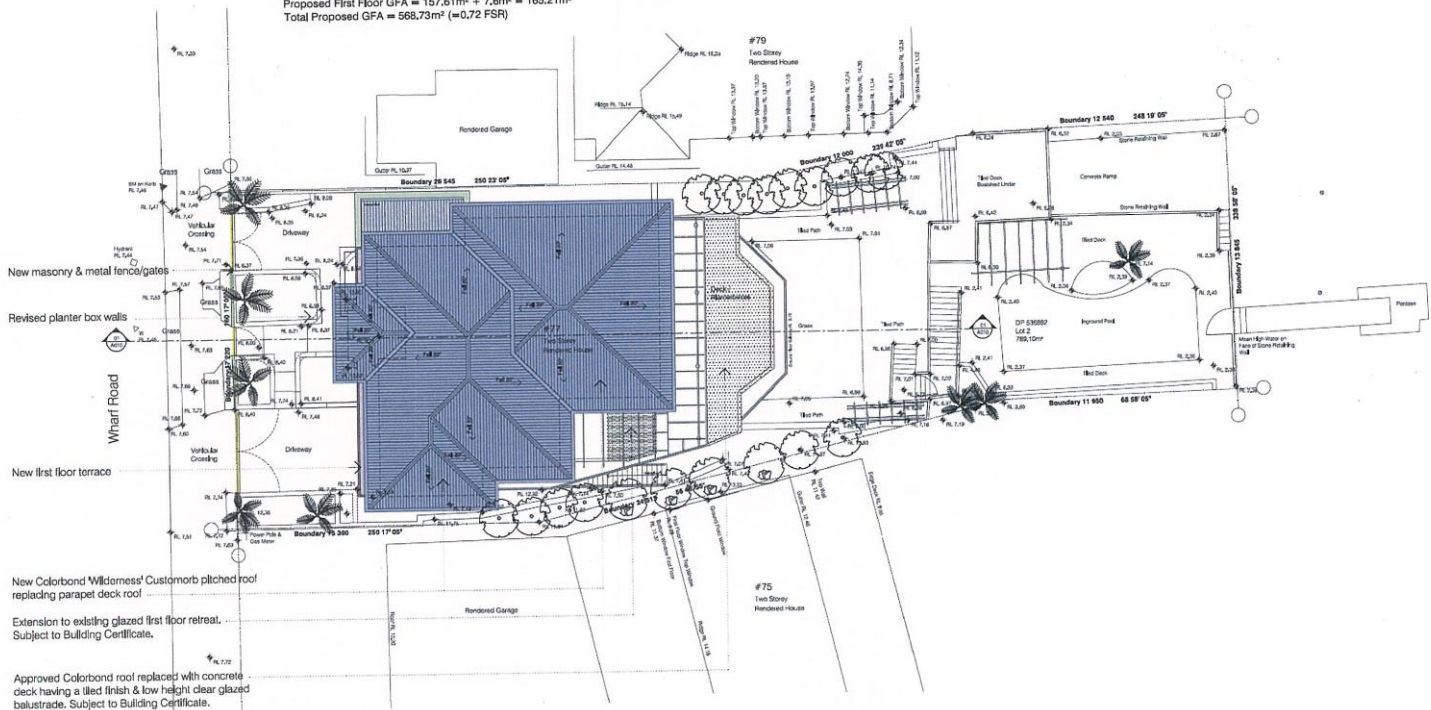


**BASIX Notes (Certificate A139768-02 24/07/2012)**  
 Pitched Roof / Ceiling R3.00(up)  
 with medium solar absorptance 0.475-0.70  
 Suspended Floor with open sub-floor R0.8(down)  
 or (R1.50 including construction)  
 W1 U 7.63 / SHGC 0.75 Standard Aluminium Single Clear  
 W2 U 7.63 / SHGC 0.75 Standard Aluminium Single Clear  
 W3 U 5.70 / SHGC 0.47 Standard Aluminium Single Pyrolytic Low e  
 W4 U 5.70 / SHGC 0.47 Standard Aluminium Single Pyrolytic Low e  
 Eaves 600mm

**Notes**  
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**SITE DESCRIPTION**  
 R2 Zoning - Low Density Residential  
 Max Building Height - J - 9.5m  
 Maximum Wall Plate 7.5 metres  
 FSR = D = 0.5 : 1  
 Foreshore Building Line  
 Acid Sulphates - Class 5

**FSR**  
 Site Area 769.1m<sup>2</sup>  
 Max GFA = 394.55m<sup>2</sup> (0.5 FSR)  
 Existing Basement GFA = 179.8m<sup>2</sup> + 36m<sup>2</sup> Garage (Maximum) = 143.8m<sup>2</sup>  
 Existing Ground Floor GFA = 224.72m<sup>2</sup>  
 Existing First Floor GFA = 170.86m<sup>2</sup> (Less FF Stair Void) = 157.61m<sup>2</sup>  
 Total Existing GFA = 526.13m<sup>2</sup> (=0.67 FSR)  
 Proposed Basement GFA = 143.8m<sup>2</sup> + 35m<sup>2</sup> (Extension) = 178.8m<sup>2</sup> (Exclude Garage)  
 Proposed First Floor GFA = 157.61m<sup>2</sup> + 7.6m<sup>2</sup> = 165.21m<sup>2</sup>  
 Total Proposed GFA = 568.73m<sup>2</sup> (=0.72 FSR)



- New masonry & metal fence/gates
- Revised planter box walls
- New first floor terrace
- New Colorbond Willemess' Customorb pitched roof replacing parapet deck roof
- Extension to existing glazed first floor retreat. Subject to Building Certificate.
- Approved Colorband roof replaced with concrete deck having a tiled finish & low height clear glazed balustrade. Subject to Building Certificate.

AMENDED PLAN  
 10 OCT 2013  
 Scale 1:200  
 Project # 2011-22  
 Drawing # A001

**4d** Architecture & Design  
 133 Blues Point Road, McManus Point NSW 2060  
 T - 61 2 9269 3452 F - 61 2 9669 5779 www.4darchitects.net

Issue  
 A Development Application 19/07/2012  
 B Amendments 21/08/2012

Project Residential Alterations & Additions  
 #77 Wharf Road Gladesville NSW 2111  
 Drawing Site / Roof Plan

ITEM 3 (continued)

ATTACHMENT 3

Notes

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BASIX Notes (Certificate A139768-02 24/07/2012)

Pitched Roof / Ceiling R3.00(up) with medium solar absorptance 0.475-0.70  
Suspended Floor with open sub-floor R0.8(down) or (R1.50 including construction)  
W1 U 7.63 / SHGC 0.75 Standard Aluminium Single Clear  
W2 U 7.63 / SHGC 0.75 Standard Aluminium Single Clear  
W3 U 5.70 / SHGC 0.47 Standard Aluminium Single Pyrolytic Low e  
W4 U 5.70 / SHGC 0.47 Standard Aluminium Single Pyrolytic Low e  
Eaves 600mm



AMENDED PLANS  
10 OCT 2012

**4d** Architecture & Design  
133 Bussa Point Road, McMahons Point NSW 2060  
T + 61 2 9559 3452 F + 61 2 9559 5779 www.4darchitecture.net

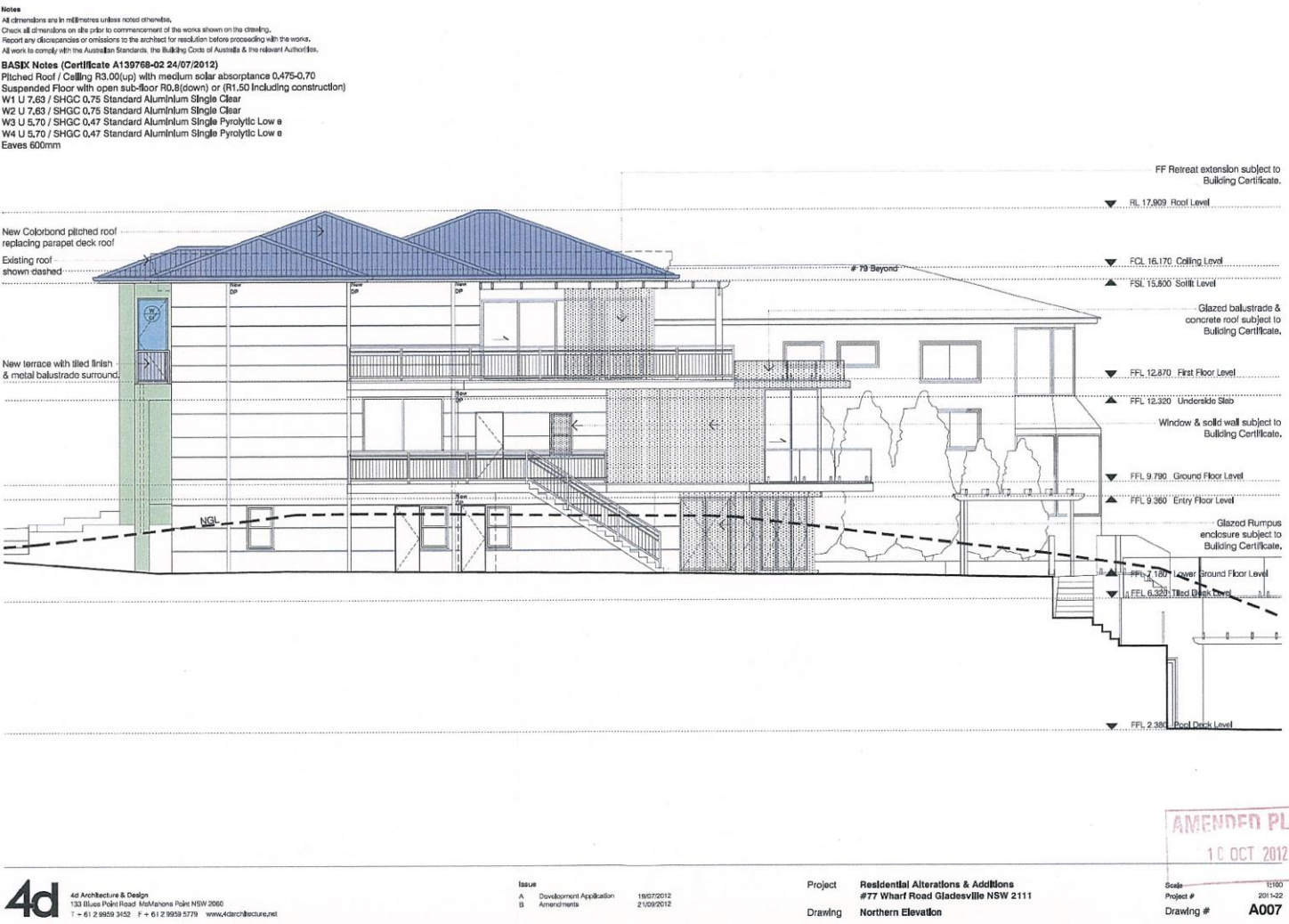
Issue			
A	Development Application	19/07/2012	
B	Amendments	21/09/2012	

Project Residential Alterations & Additions  
#77 Wharf Road Gladesville NSW 2111  
Drawing Eastern Elevation

Scale 1:100  
Project # 2011-02  
Drawing # A005

ITEM 3 (continued)

ATTACHMENT 3

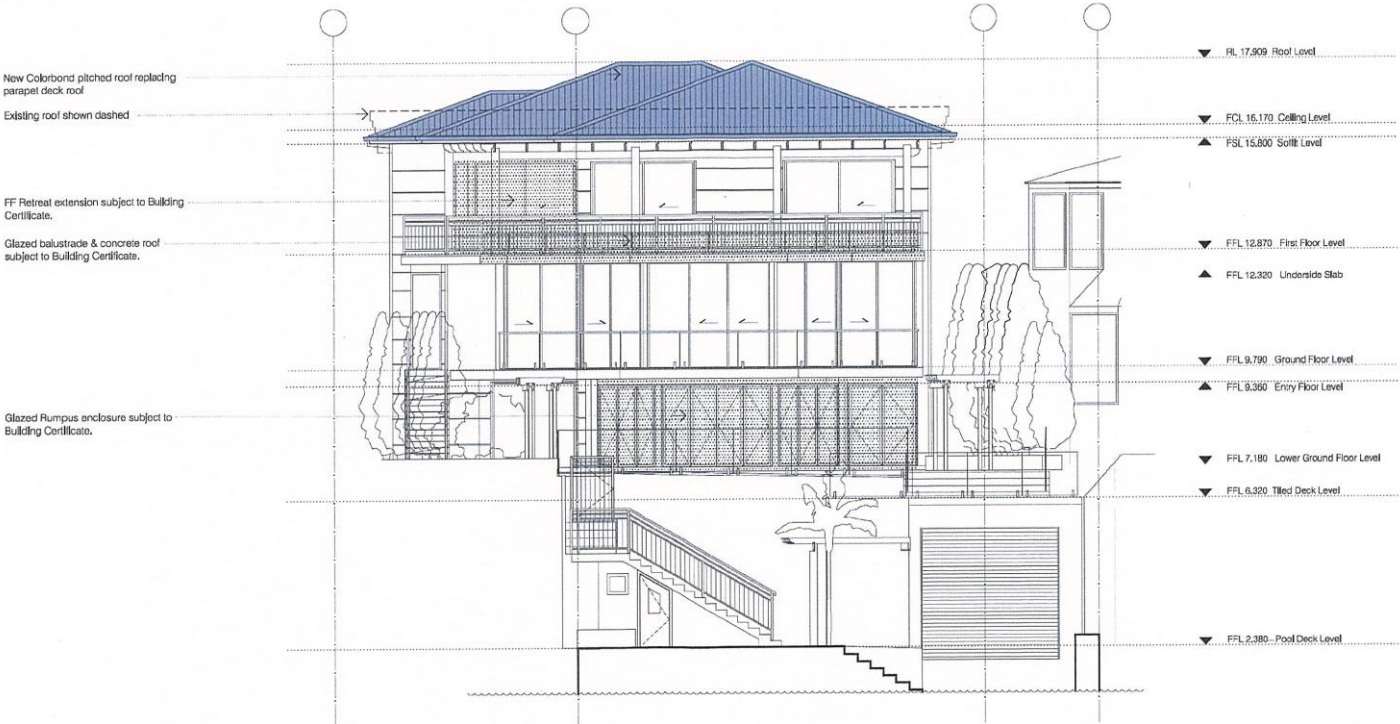


ITEM 3 (continued)

ATTACHMENT 3

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**BASIX Notes (Certificate A139768-02 24/07/2012)**  
Pitched Roof / Ceiling R3.00(up) with medium solar absorptance 0.475-0.70  
Suspended Floor with open sub-floor R0.8(down) or (R1.50 including construction)  
W1 U 7.63 / SHGC 0.75 Standard Aluminium Single Clear  
W2 U 7.63 / SHGC 0.75 Standard Aluminium Single Clear  
W3 U 5.70 / SHGC 0.47 Standard Aluminium Single Pyrolytic Low e  
W4 U 5.70 / SHGC 0.47 Standard Aluminium Single Pyrolytic Low e  
Eaves 600mm



AMENDED PLANS  
19 OCT 2012

**4d** Architecture & Design  
133 Blues Point Road Macquarie Park NSW 2066  
T + 61 2 9959 3452 F + 61 2 9959 3779 www.4darc@architecture.net

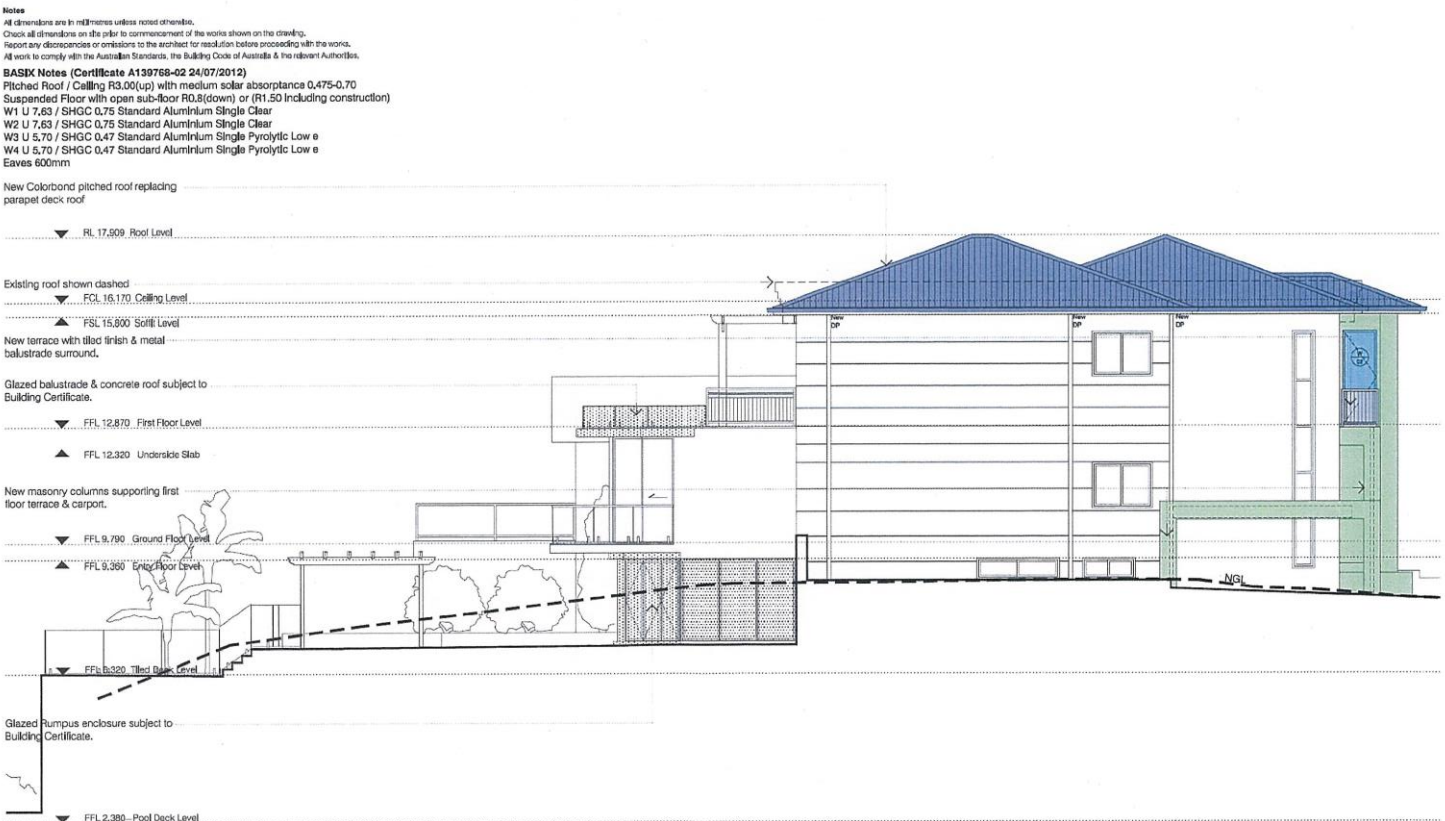
Issue  
A Development Application 19/07/2012  
B Amendments 21/09/2012

Project Residential Alterations & Additions  
#77 Wharf Road Gladesville NSW 2111  
Drawing Western Elevation

Scale 1:200  
Project # 2011-02  
Drawing # A008

ITEM 3 (continued)

ATTACHMENT 3



AMENDED PLANS  
19 OCT 2012

**4d** Architecture & Design  
133 Blues Point Road, McManus Point NSW 2060  
T + 61 2 9559 3452 F + 61 2 9559 5779 www.4darc.com.au

Issue  
A Development Application 19/07/2012  
B Amendments 21/09/2012

Project Residential Alterations & Additions  
#77 Wharf Road Gladesville NSW 2111  
Drawing Southern Elevation

Scale 1:100  
Project # 2011-22  
Drawing # A009

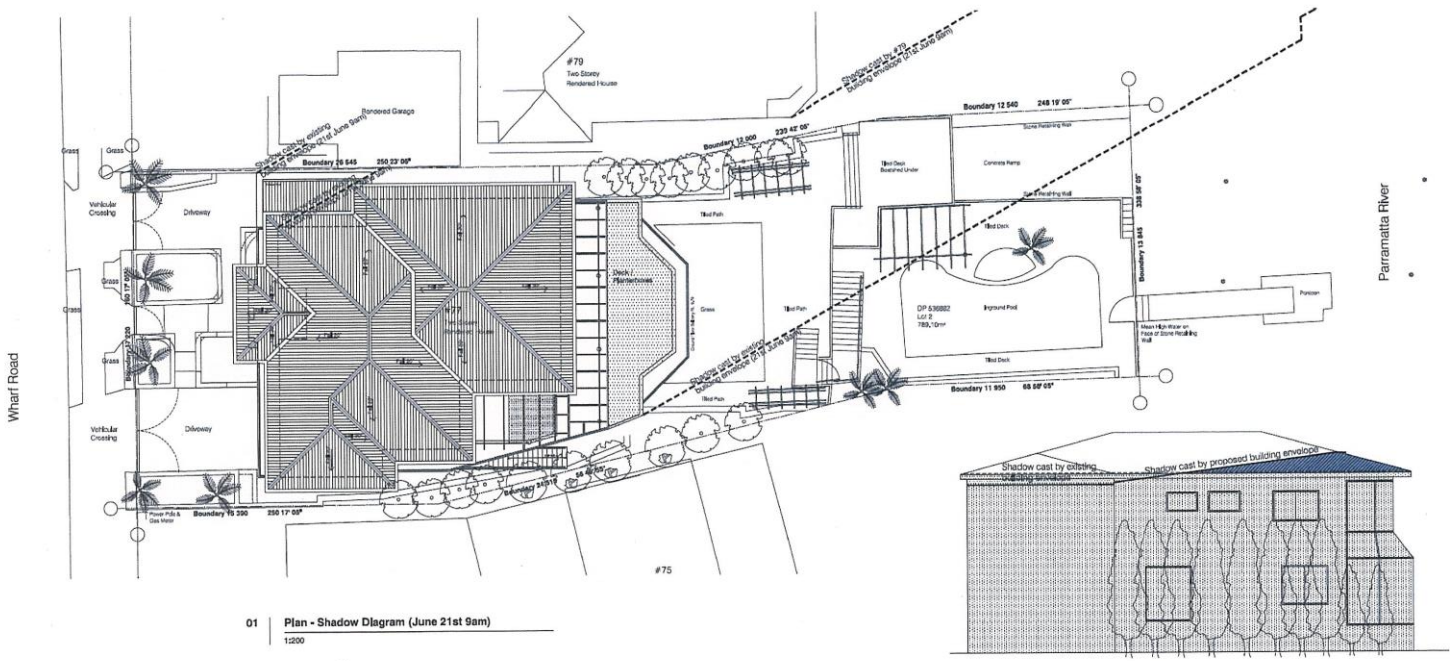
ITEM 3 (continued)

ATTACHMENT 3



**Notes**  
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 Report any discrepancies or omissions to the architect for resolution before proceeding with the works.  
 All work to comply with the Australian Standards, the Building Code of Australia & the relevant Authorities.

■ ADDITIONAL SHADOW



01 Plan - Shadow Diagram (June 21st 9am)  
1:200

02 #79 Northern Elevation - Shadow Diagram (June 21st 9am)  
1:150

AMENDED PLANS  
10 OCT 2012

**4d** Architecture & Design  
 133 Blues Point Road, Macleay Point NSW 2060  
 T + 61 2 9559 5452 F + 61 2 9559 5779 www.4darchitects.net

Issue  
 A Development Application 15/07/2012  
 B Amendments 21/08/2012

Project Residential Alterations & Additions  
 #77 Wharf Road Gladesville NSW 2111  
 Drawing Shadow Diagrams (June 21st 9am)

Scale VARIES  
 Project # 2011-22  
 Drawing # SH001



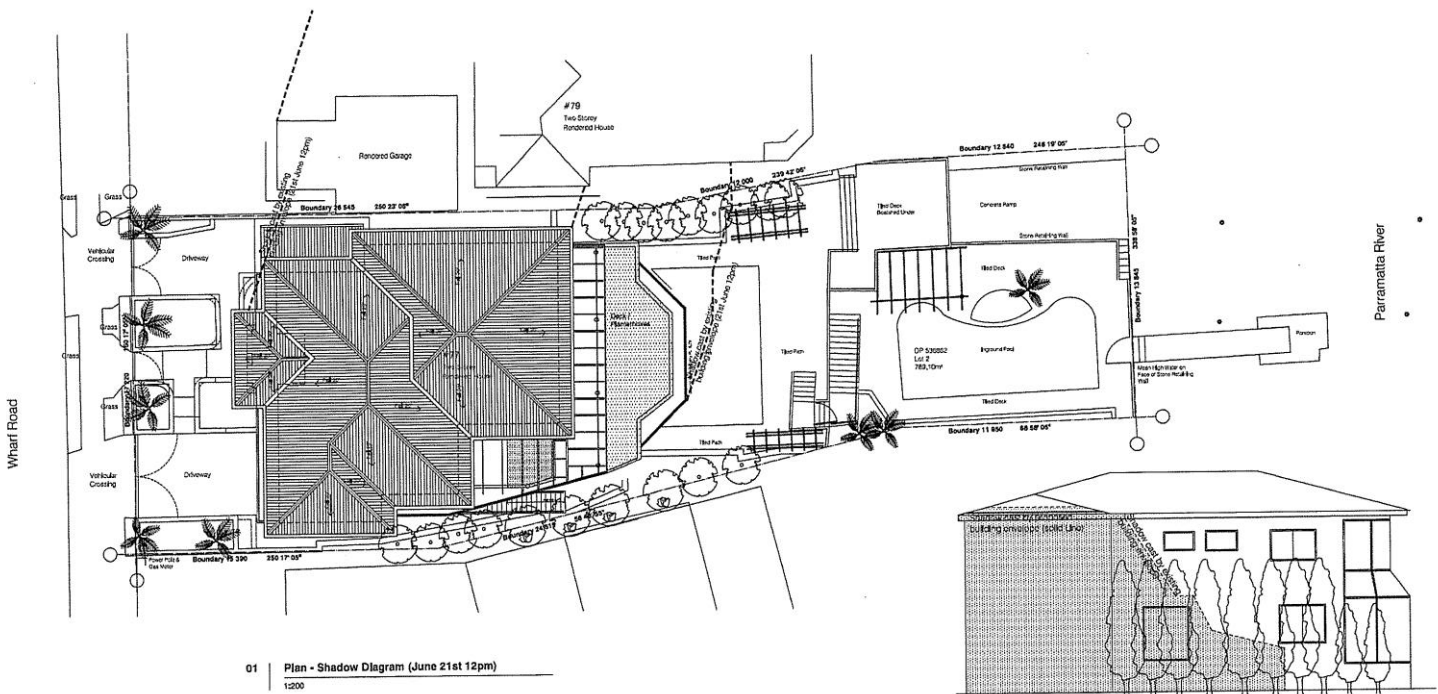
**ITEM 3 (continued)**

**ATTACHMENT 3**



**Notes**  
All dimensions are in millimetres unless noted otherwise.  
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Report any discrepancies or omissions to the architect for resolution before proceeding with the works.  
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**ADDITIONAL SHADOW**



01 | Plan - Shadow Diagram (June 21st 12pm)  
1:200

02 | #79 Northern Elevation - Shadow Diagram (June 21st 12pm)  
1:150

**AMENDED PLANS**  
10 OCT 2012  
Scale Varies  
Project # 2011-22  
Drawing # SH002

**4d** Architecture & Design  
133 Blues Point Road, Middlebrook Point NSW 2000  
T + 61 2 9559 3452 F + 61 2 9950 5779 www.4darchitecture.net

Issue  
A Development Application 19/07/2012  
B Amendments 21/09/2012

Project Residential Alterations & Additions  
#77 Wharf Road Gladesville NSW 2111  
Drawing Shadow Diagrams (June 21st 12pm)

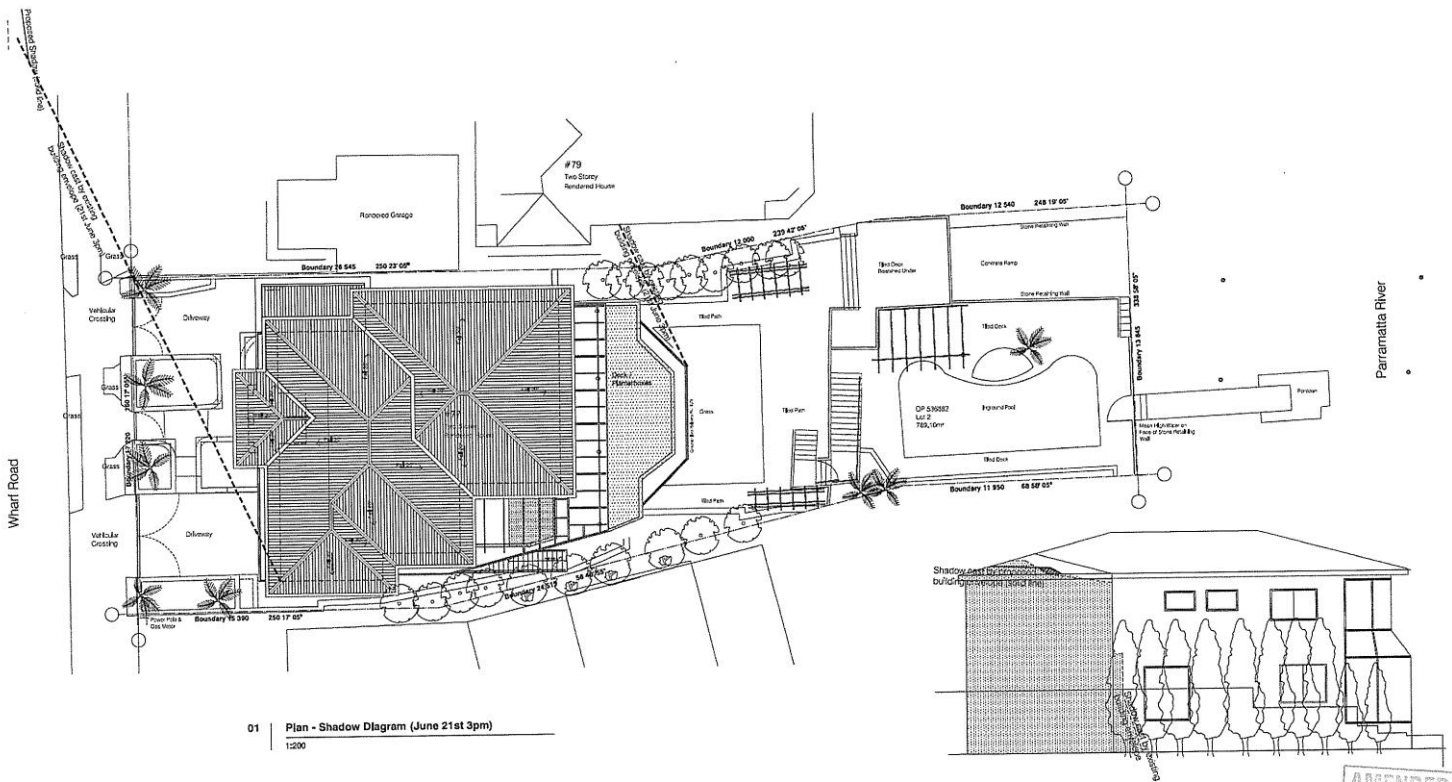
**ITEM 3 (continued)**

**ATTACHMENT 3**



**Notes**  
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Check all dimensions on site prior to commencement of the works shown on the drawing.  
Report any discrepancies or omissions to the architect for resolution before proceeding with the works.  
All work to comply with the Australian Standards, the Building Code of Australia & the relevant Authorities.

■ ADDITIONAL SHADOW



01 Plan - Shadow Diagram (June 21st 3pm)  
1:200

02 #79 Northern Elevation - Shadow Diagram (June 21st 3pm)  
1:150

AMENDED PLAN  
10 OCT 2012

**4d** Architecture & Design  
133 Blues Point Road, MacMahons Point NSW 2060  
T + 61 2 9559 3452 F + 61 2 9559 5779 www.4darchitecture.net

**Issue**  
A Development Application 19/07/2012  
B Amendments 21/09/2012

**Project** Residential Alterations & Additions  
#77 Wharf Road Gladesville NSW 2111  
**Drawing** Shadow Diagrams (June 21st 3pm)

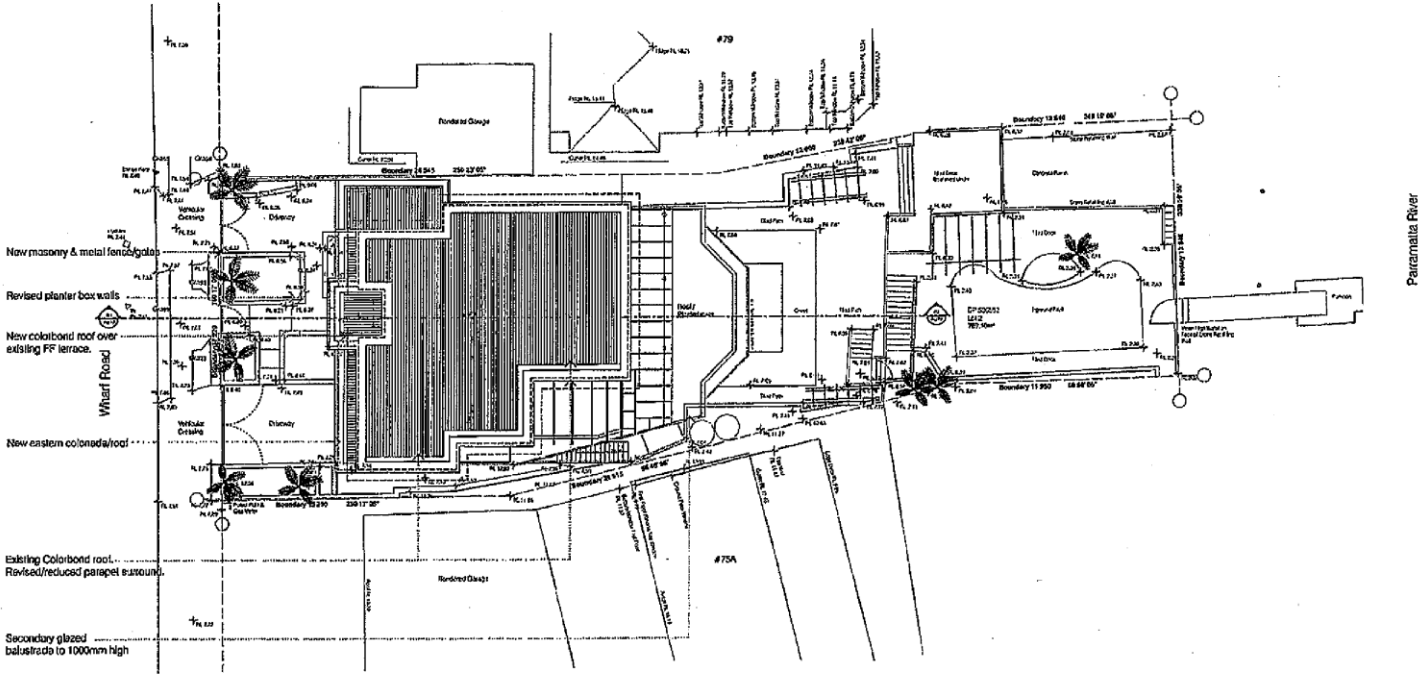
**Scale** VARIES  
**Project #** 2011-02  
**Drawing #** SH003





**Notes**  
 All dimensions are in millimetres unless noted otherwise.  
 Check all dimensions on site prior to commencement of the works shown on this drawing.  
 Report any discrepancies or omissions to the architect for resolution before proceeding with the works.  
 All work to comply with the Australian Standard, the Building Code of Australia & the relevant Authorities.

**FSR**  
 Site Area 786.1m<sup>2</sup>  
 Lower Ground GFA = 143.2m<sup>2</sup>  
 Ground Floor GFA = 205.8m<sup>2</sup>  
 First Floor GFA = 159.1m<sup>2</sup>  
 Total GFA = 508.1m<sup>2</sup> (=0.64 FSR)



**4d** Architecture & Design  
 122 Bunn Park Road, Macdonough Park NSW 2020  
 T + 61 2 9525 3452 F + 61 2 9525 8778 www.4darchitects.com.au

Issue  
 A Development Application 10/31/2012  
 B Amendments 21/09/2012  
 C DPA City Council 07/05/2013  
 D Ref Amendments 03/09/2013

Project Residential Alterations & Additions  
 #77 Wharf Road Gladesville NSW 2111  
 Drawing Site / Roof Plan

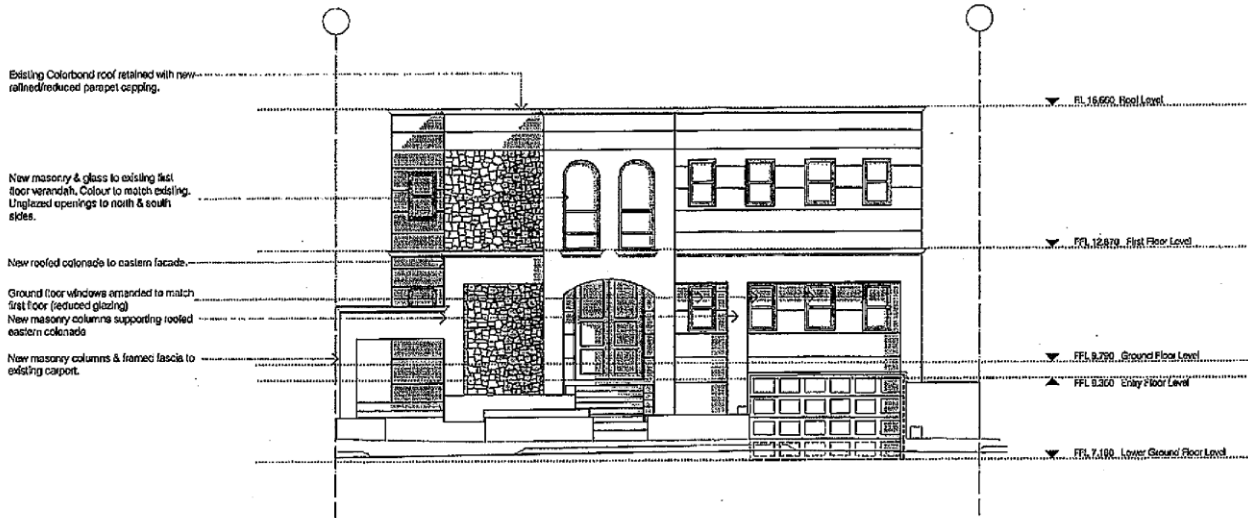
**AMENDED PLANS**  
 - 6 SEP 2013

Scale  
 Project #  
 Drawing #  
 1200  
 2011-02  
 A001

ITEM 3 (continued)

ATTACHMENT 5

**Notes**  
 All dimensions are in millimetres unless noted otherwise.  
 Check all dimensions on site prior to commencement of the works shown on this drawing.  
 Report any discrepancies or omissions to the architect for resolution before proceeding with the works.  
 All works to comply with the Australian Standards, the Building Code of Australia & the relevant Authorities.



**4d**  
 4d Architecture & Design  
 123 Glass Point Road, Macquarie Park NSW 2100  
 T + 61 2 9929 3452 F + 61 2 9929 9779 www.4darchitect.com.au

Issue Date/Description/Author  
 A Development Application 18/07/2012  
 E Amendment 23/05/2012  
 D FF Terrace Amendment 02/06/2012  
 Proposed Pool / Eastern GP Windows 03/09/2013

Project Residential Alterations & Additions  
 #77 Wharf Road Gladesville NSW 2111  
 Drawing Eastern Elevation

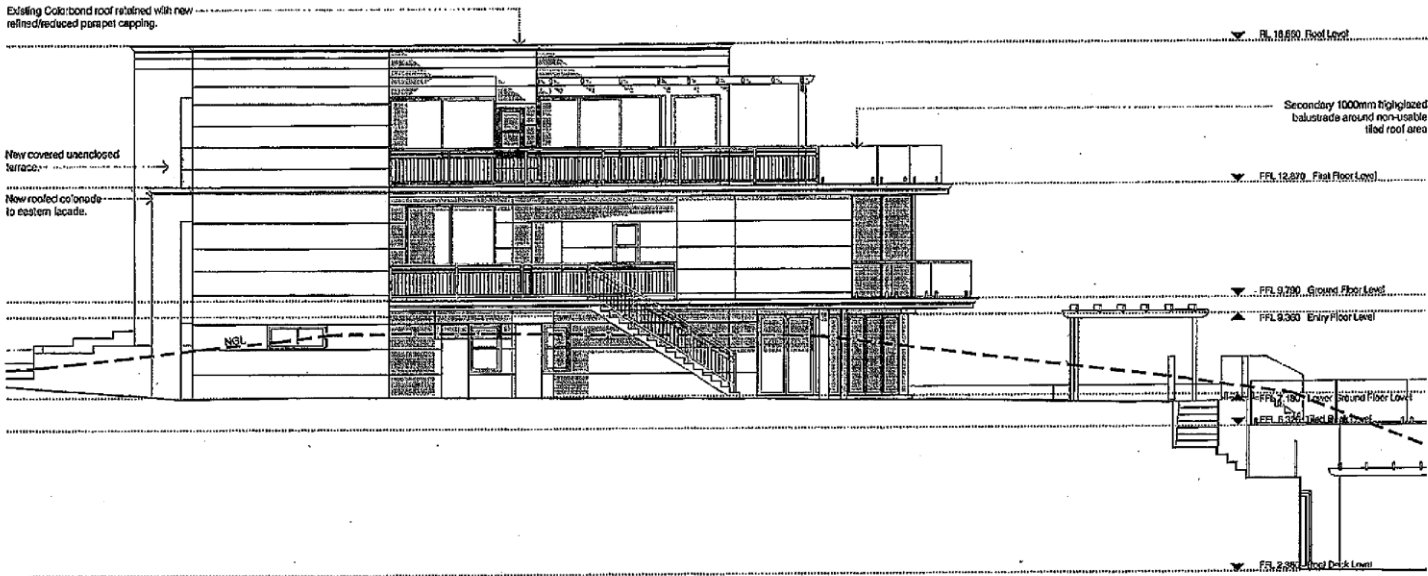
<b>AMENDED PLANS</b>		E:100
- 6 SEP 2013	Project #	2011-22
	Drawing #	<b>A005</b>

**Notes**  
 All dimensions are in millimetres unless noted otherwise.  
 Check all dimensions on site prior to commencement of the works shown on the drawing.  
 Report any discrepancies or variations to the architect for resolution before proceeding with the works.  
 All work to comply with the Australian Standards, the Building Code of Australia & the relevant Authorities.



<b>4d</b>	4d Architecture & Design 123 Orama Place Road - Holmsville NSW 2200 T + 61 2 9229 9452 F + 61 2 9229 9779 www.4dashop.com.au		15/01/13 A Development Application D Site/Stormwater/NSW/NSW ON Approvals Priced Road & Ryde / Colorbond/Amended		18/09/13 05/04/13 21/03/13 03/04/13		Project Residential Alterations & Additions #77 Wharf Road Gladesville NSW 2111		<b>AMENDED PLANS</b>		1:100 3011-02	
	Drawing Eastern Elevation Front Fence				- 6 SEP 2013		Project #		Drawing #		A006	

**Notes**  
 All dimensions are in metres unless noted otherwise.  
 Check all dimensions on site prior to commencement of the works shown on this drawing.  
 Report any discrepancies or variations to the architect for resolution before proceeding with the works.  
 All work to comply with the Australian Standards, the Building Code of Australia & the relevant Authorities.



**4d** Architecture & Design  
 153 Elizabeth Street, Macquarie Park NSW 2108  
 T + 61 2 9550 3452 F + 61 2 9550 9173 www.4darchitects.com.au

Issue  
 A Development Application 18/01/2012  
 B Amendments 21/03/2012  
 C FF Terrace Amended 07/05/2013  
 D Revised Roof Structure / Eastern Colonnade Amended 08/06/2013

Project Residential Alterations & Additions  
 #77 Wharf Road Gladesville NSW 2111  
 Drawing Northern Elevation

AMENDED PLANS  
 6 SEP 2013  
 Drawing # A007



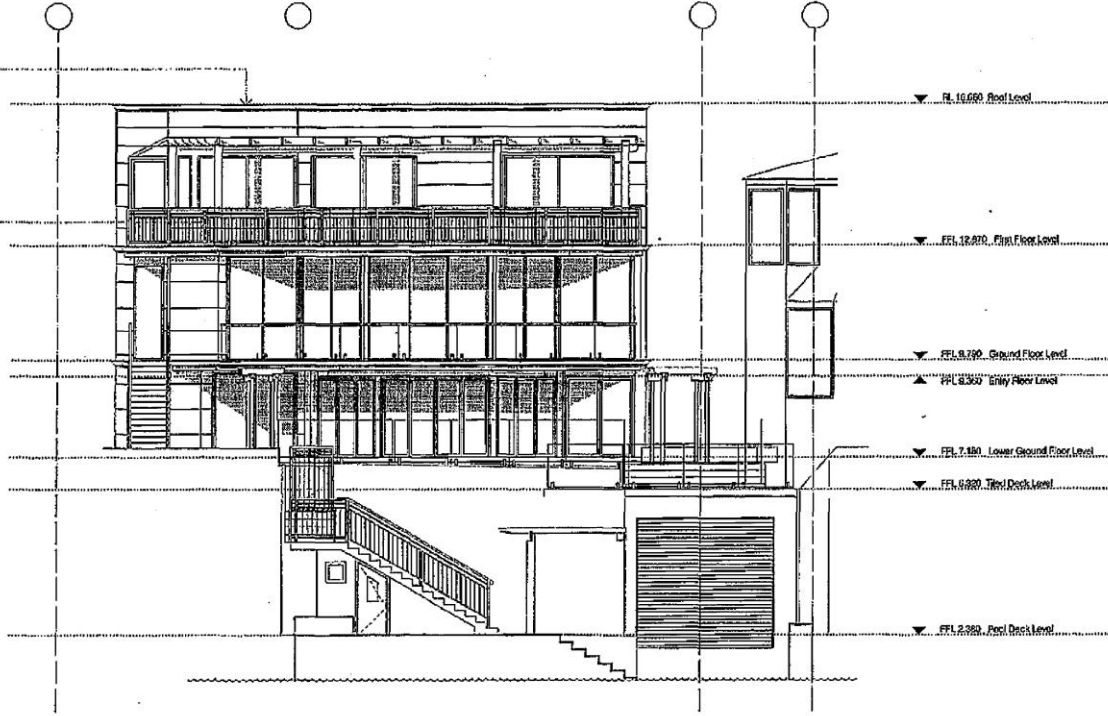
ITEM 3 (continued)

ATTACHMENT 5

**Notes**  
 All dimensions are in millimetres unless noted otherwise.  
 Physical dimensions as they pertain to construction of the works shown on the drawing.  
 Report any discrepancies or omissions to the architect for resolution before proceeding with any work.  
 All work to comply with the Australian Standards, the Building Code of Australia & the relevant Approvals.

Existing Colorbond roof retained with new  
refined/reduced parapet capping.

Secondary 1000mm high glazed balustrade  
to roof edge



**4d**  
 4d Architecture & Design  
 123 Bays Road, Macquarie Park NSW 2100  
 T + 61 2 9550 3422 F + 61 2 9529 5178 www.4darchitecture.com

Issue  
 A Development Application 19/07/2012  
 B Amendment 21/09/2012  
 C DPA Court/Consent 07/05/2013  
 D Priced Pool Decked 03/01/2013

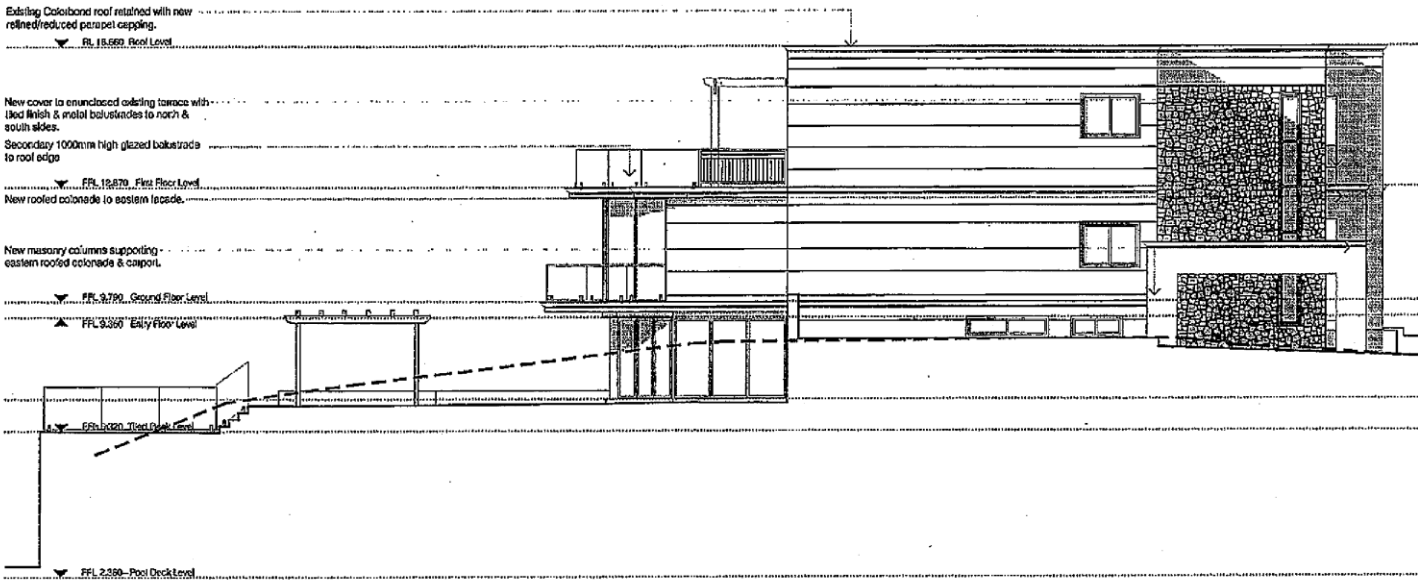
Project Residential Alterations & Additions  
 #77 Wharf Road Gladesville NSW 2111  
 Drawing Western Elevation

<b>AMENDED PLANS</b>		1/201
- 6 SEP 2013	Scale #	2011-22
	Drawing #	A00B

ITEM 3 (continued)

ATTACHMENT 5

**Notes**  
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 All works to comply with the Australian Standards, the Building Code of Australia & the relevant Authorities.



<p>4d ARCHITECTURE &amp; DESIGN                  123 Green Field Road, Macquarie Park NSW 2108                  T + 61 2 9223 2452 F + 61 2 9852 5778 www.4darch.com.au</p>	Issue	18/07/2012	Project Residential Alterations & Additions #77 What Road Gladesville NSW 2131 Drawing Southern Elevation	AMENDED PLANS - 6 SEP 2013 Drawing # A009	1:400
	A Development Application	21/07/2012			2011-02
	B Approvals	07/05/2013			
	C GFA Calculations	02/05/2013			
D Proposed Roof Decked	02/05/2013				