

**Meeting Date:** Tuesday 3 September 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 6 August 2013**

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**Report prepared by:** Section Manager - Governance**File No.:** CLM/13/1/3/2 - BP13/1117

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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 12/13, held on Tuesday 6 August 2013, be confirmed.

**ATTACHMENTS**

- 1 Minutes - Planning and Environment Committee - 6 August 2013

**ITEM 1 (continued)**

**ATTACHMENT 1**

Planning and Environment Committee  
**MINUTES OF MEETING NO. 12/13**

**Meeting Date:** Tuesday 6 August 2013

**Location:** Committee Room 2, Level 5, Civic Centre, 1 Devlin Street, Ryde

**Time:** 5.05pm

**Councillors Present:** Councillors Pendleton (Chairperson), Chung, Maggio and Yedelian OAM.

**Apologies:** Councillors Salvestro-Martin and Simon.

In the absence of Councillor Simon, the Deputy Chairperson – Councillor Pendleton chaired the meeting.

**Staff Present:** Acting General Manager, Group Manager – Environment and Planning, Service Unit Manager – Assessment, Service Unit Manager – Environmental Health and Building, Senior Town Planner, Section Manager – Governance, Business Support Coordinator – Environment and Planning and Meeting Support Coordinator.

**DISCLOSURES OF INTEREST**

Councillor Maggio disclosed a Less than Significant Non-Pecuniary interest in Item 2 - 260-274 Victoria Road, Gladesville, for the reason that he is familiar with the objectors.

**1 CONFIRMATION OF MINUTES - Meeting held on 16 July 2013**

**RESOLUTION:** (Moved by Councillors Chung and Maggio)

That the Minutes of the Planning and Environment Committee 11/13, held on Tuesday 16 July 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**

**2 260-274 VICTORIA RD, GLADESVILLE. LOT 62 to LOT 67 DP 10598. Local Development Application for demolition and construction of a mixed use building containing 26 residential apartments and 3 retail tenancies. LDA2012/0360.**

Note: Councillor Maggio disclosed a Less than Significant Non-Pecuniary interest in this Item for the reason that he is familiar with the objectors.

Note: Mr John Marino (objector), Mr Emilio Vinci (objector), Mr David Benson and Mr Gerard Turrisi (applicant and planner) addressed the Committee in relation to this Item.

Note: Correspondence from Mr John Marino dated 8 August 2013 was tabled in relation to this Item and a copy is ON FILE.

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

- (a) That Local Development Application No. 2012/0360 at 260 – 274 Victoria Road be approved subject to the **ATTACHED** conditions (Attachment 1), with an amendment to Condition 73(i) as follows:

Condition 73(i) to increase the period for street tree maintenance to a minimum of five (5) years.

- (b) That the persons who made submissions be advised of Council's decision.
- (c) That a copy of the Consent be forwarded to the Roads and Maritime Services for their records.

**Record of Voting:**

For the Motion: Councillors Chung, Pendleton and Yedelian OAM

Against the Motion: Councillor Maggio

Note: This matter will be dealt with at the Council Meeting to be held on **13 AUGUST 2013** as dissenting votes were recorded.

The meeting closed at 6.10 pm.

CONFIRMED THIS 3RD DAY OF SEPTEMBER 2013.

Chairperson

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**2 32 KEPPEL ROAD, RYDE - LOT 225 DP 12999. Development Application for the construction of a double garage within the front setback of the dwelling and an awning to the side of the dwelling. LDA2013/0131.**

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

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

**Report dated:** 6/08/2013

**File Number:** grp/09/5/6/2 - BP13/1148

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**1. Report Summary**

**Applicant: Roth Architects Pty Ltd**

**Owner: Mark Fiore and Danielle McCormack**

**Date lodged: 19 April 2013**

This report considers a development application for the construction of a double garage within the front setback of the dwelling. The proposed development also includes structures associated with the double garage, being a fully enclosed walkway from the garage to the existing dwelling and an extension to the existing awning.

This development application has been notified to neighbours and one (1) submission was received from the neighbouring property to the south-east (at 34 Keppel Rd) raising concerns regarding streetscape character, garage size / visual impact, and vehicular and pedestrian safety.

The proposal has been assessed against the heads of consideration of Section 79C of the Environmental Planning and Assessment Act 1979, the Ryde LEP 2010, and Ryde DCP 2010, and concerns are raised regarding the development controls of Ryde DCP 2010 relating to dwelling houses, streetscape, desired future character, pedestrian and vehicle safety, car parking and access, and topography and excavation.

It is generally considered that the proposal would result in a significant visual impact to the streetscape of Keppel Road over that of the existing arrangements on site, and additionally result in an unsafe vehicular and pedestrian arrangement that is non-compliant with the objectives and controls of Ryde's DCP 2010.

The current proposal is not the only alternative to provision of parking at this site. It is noted that the existing dwelling has a 3m side setback to the south-eastern boundary and so there is a sufficient alternative space to provide a car space (including a possible carport) behind the building line.

**ITEM 2 (continued)**

In the applicant's DA submission, a large part of the justification for the proposal is that the existing driveway does not comply with the relevant Australian Standards (its width is said to be 2m), and this proposal is to provide a parking arrangement which achieves compliance. However, this is not correct as the existing driveway is 2.4m wide between the boundary and a low rock garden edge (at the front boundary, where the driveway crossing over Council's footpath is shared with the neighbouring property No 34), and there is a 3m setback from the wall of the existing house to the boundary which is wide enough to allow a vehicle to park. A minor widening of the existing driveway (by only 600mm at the front boundary) could achieve the required width.

Although the DA has been lodged to correct what is said to be a non-compliance with the Australian Standard (regarding the existing driveway width), the proposed garage arrangement actually causes another non-compliance with the Australian Standard (regarding sight distance for pedestrian and vehicle safety as vehicles leave the garage). There are also concerns that the driveway for the proposed garage will cause a loss of on-street parking and also will be located too close to a kerb inlet pit. For these reasons, and also because the development does not comply with Council's DCP 2010 (in terms of streetscape, desired future character and topography and excavation), it is recommended for refusal.

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

Public Submissions: **One (1) submission** was received objecting to the development.

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

Value of works: \$19,600.00

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

**RECOMMENDATION:**

- (a) That LDA2013/0131 at 32 Keppel Road, Ryde being LOT 225 DP 12999 be refused for the following reasons:
1. The proposed development does not comply with the objectives and general development controls of the Ryde DCP 2010 pertaining to, dwelling houses, streetscape, desired future character, pedestrian and vehicle safety, car parking and access, and topography and excavation.

**ITEM 2 (continued)**

2. The proposed development would result in a garage arrangement which is considered to be inconsistent with other development within the surrounding area and also inconsistent with the desired future character for the R2 Low Density Residential zone, in particular the character of the streetscape.
3. The proposed garage design does not provide sufficient sight distance to ensure pedestrian and vehicle safety as vehicles exit the garage in accordance with Australian Standard AS2890.1:2004.
4. In the circumstances of the case, approval of the development is not considered to be in the public interest.

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

**ATTACHMENTS**

- 1 Compliance Table Ryde DCP 2010
- 2 A4 plans - CDP2013/5
- 3 A4 plans - LDA2013/0131
- 4 Map
- 5 A3 plans - subject to copyright provisions - CIRCULATED UNDER SEPARATE COVER

Report Prepared By:

**Ben Tesoriero Planning Consultant  
Creative Planning Solutions**

**Chris Young  
Team Leader - Assessment**

Report Approved By:

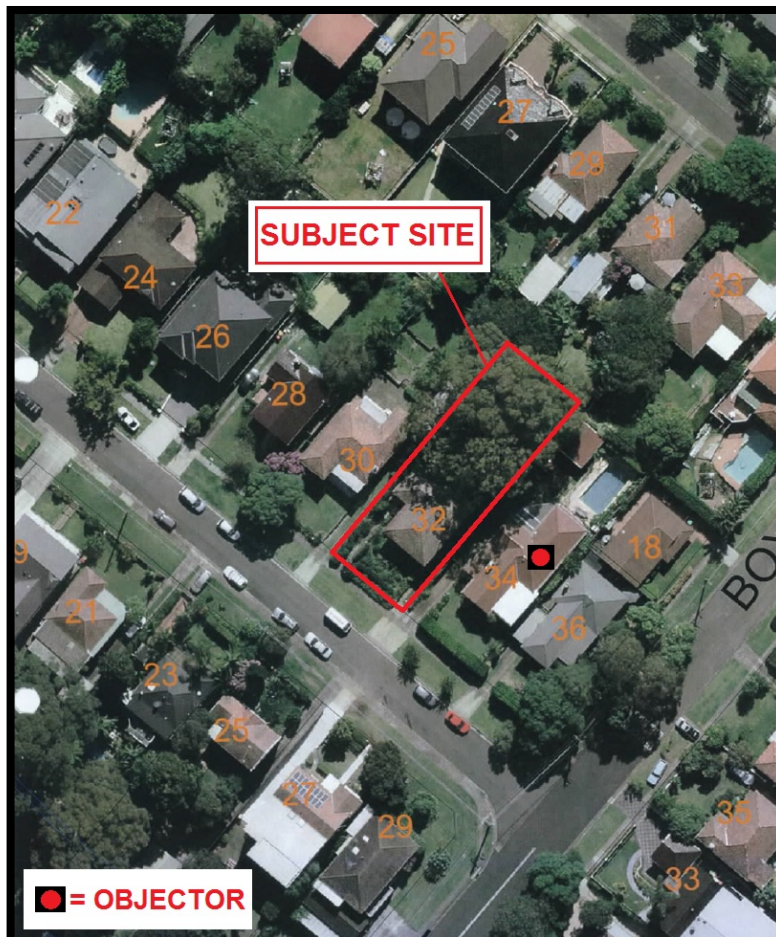
**Liz Coad  
Manager Assessment**

**Meryl Bishop  
Acting Group Manager - Environment and Planning**

**ITEM 2 (continued)**

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

<b>Address</b>	:	32 Keppel Road, Ryde (Lot 225 in Deposited Plan 12999)
<b>Site Area</b>	:	670.26m <sup>2</sup> (Deposited Plan) Site frontage to Keppel Road of 15.24m Rear boundary of 15.24fm North-western side boundary of 44.196m South-eastern side boundary of 44.196m
<b>Topography and Vegetation</b>	:	The topography of the local area is relatively undulating, with the site having a south-westerly aspect and having approximately a 4m fall across the site. The subject site slopes toward Keppel Road and all significant vegetation is proposed to be retained and protected.
<b>Existing Buildings</b>	:	Single storey dwelling house, detached single car garage to the rear of the site.
<b>Planning Controls</b>	:	
<b>Zoning</b>	:	R2 – Low Density Residential under Ryde LEP 2010 R2 – Low Density Residential under draft Ryde LEP 2011
<b>Other</b>	:	Ryde DCP 2010



**Aerial image of subject site, including annotations of those neighbouring properties objecting to the proposed development.**



**ITEM 2 (continued)**



**View of subject site from Keppel Street frontage, showing existing driveway on right of photo**

**3. Councillor Representations**

Name of Councillor: Councillor Maggio

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

Date: 31 July 2013

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

On behalf of applicant or objectors? Not known

Any other persons (e.g. consultants) involved in or part of the representation: Not known

## ITEM 2 (continued)

### 4. Political Donations or Gifts

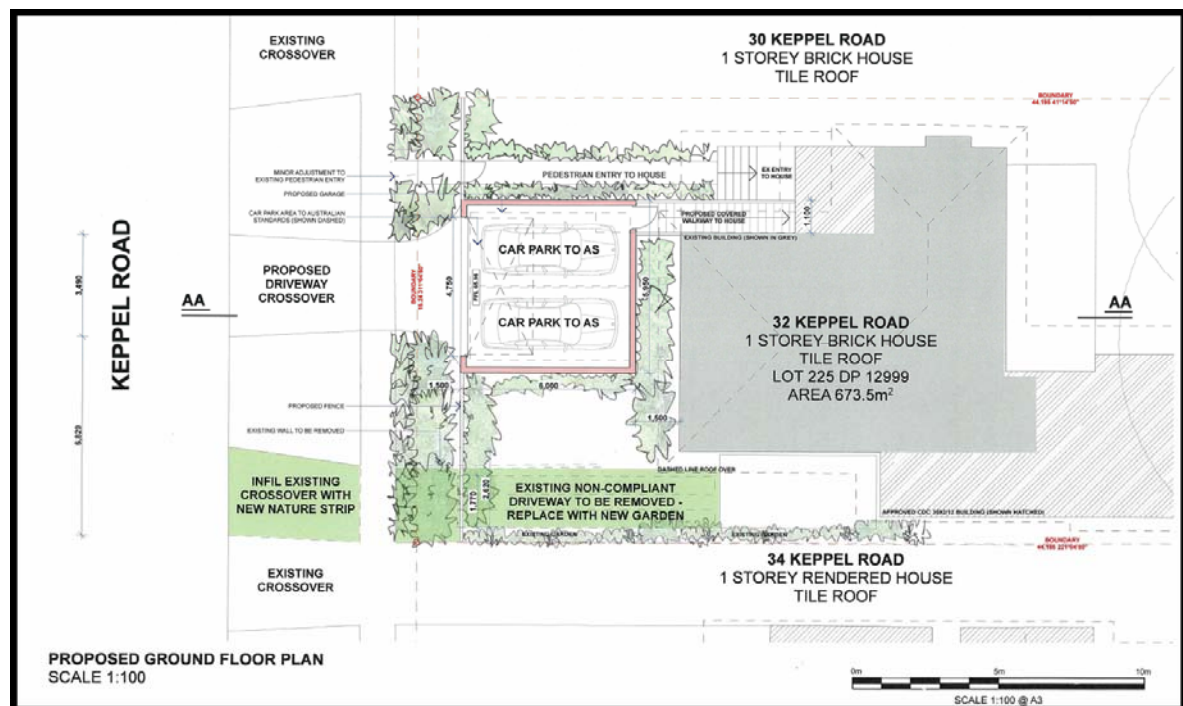
None disclosed in applicant's DA submission or in any submission received.

### 5. Proposal

The following outlines the scope of works for the proposed garage and associated structures at 32 Keppel Road, Ryde.

#### *Proposed Garage:*

- Construction of a new detached two-car garage within the front setback of the allotment including new driveway crossover location – see plan below;



#### *Associated Structures:*

- Fully enclosed walkway from the garage to the existing dwelling with an extension to the existing awning over the front patio; and
- Associated landscaping works to replace existing approved single car hardstand area to the side of the dwelling and apply a rooftop garden to the top of the new garage

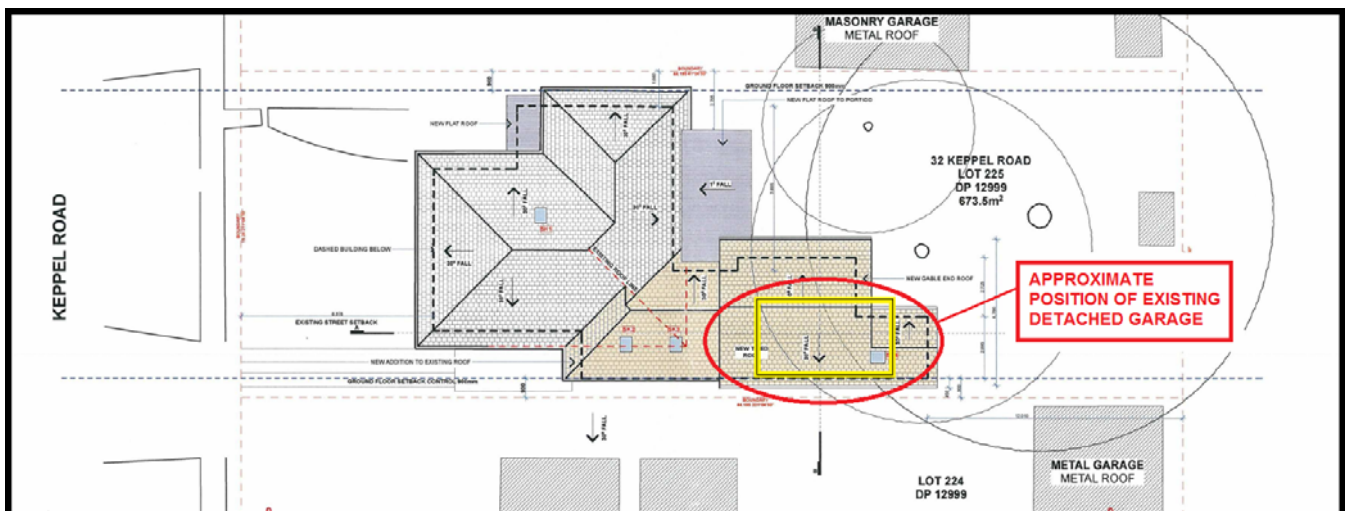
The associated structures proposed with the double garage, including the enclosed access way joining the garage to the existing dwelling house, and the awning over the front patio are considered to be integrated with the overall proposal for the double garage.

## ITEM 2 (continued)

### 6. Background

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

- A Complying Development Application (Council Reference: CDP2013/0005) for alterations and additions to the existing dwelling house at 32 Keppel Road approved by Anthony Protas Consulting Pty Ltd on 21 December 2012 (Applicant Reference CDC3592/12). See **Attachment 2**.
- The approved complying development primarily consisted of the addition of a new wing to the south-eastern portion of the existing dwelling. To facilitate the construction of the new addition, the existing single car garage to the rear of the dwelling was proposed to be removed and a new single car hardstand area was proposed to the front of the dwelling along the existing driveway. The plan below is the site plan showing the location of the new additions approved under the Complying Development Certificate, as well as the approximate position of the existing detached garage.



- LDA2013/0131 was lodged on 19 April 2013. The development application seeks to construct a new detached double garage and associated enclosed walkway within the front setback and replace the approved hard stand area with landscaping.

On 26 April 2013, the DA was notified to neighbours (closing period for submissions 13 May 2013) and referred to internal officers. One submission was received as discussed in the following section of this report.

On 6 June 2013, Council officers wrote to the applicant advising that a full assessment of the application had been completed, and Council officers were not in a position to support the application. It was advised that the garage does not comply with several controls in Ryde DCP 2010 regarding the location of

**ITEM 2 (continued)**

garages, including streetscape controls, desired future character, and controls to ensure that garages are not prominent features in the streetscape. It was noted that whilst there is another property with a garage on the front boundary (10 Keppel), this is an isolated example and the proposal is not consistent with other developments in the streetscape.

The applicant was given the opportunity to withdraw the application, however in discussions with Council officers, it was indicated that the applicant wished to present his case to the Planning & Environment Committee. The applicant was advised on 30 July 2013 after the draft report was reviewed by the Group Manager Environment and Planning that unless the application was “called-up” by a Councillor, the DA would be determined under delegated authority given significant non-compliance with Council’s DCP. The DA was then “called-up” as indicated in Councillor representations (above), and was subsequently scheduled for consideration at the next available Planning & Environment Committee.

**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 26 April 2013 to 13 May 2013.

In response, one (1) submission was received from the adjoining owners as shown on the air photograph earlier in this report. The key issues raised in the submissions are summarised and discussed as follows.

**A. Streetscape Character** – *concerns are raised regarding the proposed development not being consistent with the streetscape of Keppel Road or the streetscapes of the surrounding area of Ryde.*

Assessment Officer’s Comment: The assessment of the proposed development has identified a number of non-compliances in terms of public domain amenity and streetscape including maximum width of the garage, pedestrian and vehicular safety and the visual dominance of the garage on the streetscape.

Furthermore it is noted that the proposed development fails to meet a number of the objectives of Section 2.4.1 Streetscape of the Ryde DCP 2010. Those objectives of the streetscape controls which have failed to be met are indicated below in italics, with the assessment officers comment following:

*To ensure the existing landform and landscape setting of the street is retained and reinforced by new dwellings.*

## ITEM 2 (continued)

Assessment Officers Comment: Although the proposal does not involve a new dwelling, but rather a new garage, this control is still considered to be relevant to the development as the proposed double garage to service a dwelling house, and is altering the landform and landscape setting of Keppel Road. Due to the sloping topography of the subject site the proposed garage requires a significant level of excavation to create a level finished floor. It is noted that the level of excavation required (maximum 1.43m) exceeds the maximum level of excavation permitted on site as per the Ryde DCP 2010. Additionally, to facilitate the construction of the garage and associated walkway, a significant level of vegetation and deep soil area is being removed from the front garden area, which diminishes the landscaped setting of Keppel Road.

*To ensure new development is compatible with the positive characteristics of the existing streetscape and the desired future character of the low density residential areas.*

Assessment Officers Comment: The location of the proposed double garage in front of the dwelling is not considered to be compatible with the existing streetscape character as it is not consistent with the majority of dwellings along Keppel Road or within the surrounding streets of the Ryde area. It is acknowledged that there is one (1) other example of a detached garage within the front setback on Keppel Road, however this is a single car garage of significant age and most likely approved under a previous planning scheme. This lone example of detached garage on Keppel Road is considered detractor to the streetscape character and a built element which should not be repeated. A photo of the garage at 10 Keppel Road is shown below:



**ITEM 2 (continued)**

As such, it is considered that the proposed development is not consistent with the desired future character of the low density residential area (as defined within Section 2.1 of the Ryde DCP 2010) as it does not adhere to the objective of ensuring garages are not prominent elements in the streetscape.

In addition to the concerns discussed above regarding streetscape impacts of the proposed garage, there are also concerns regarding pedestrian/vehicle safety as a car reversing out of the garage would have little or no sight distance of the footpath. Such an arrangement does not comply with the Australian Standard (AS2890.1:2004).

*To encourage the design of well proportioned elevations.*

Assessment Officers Comment: The existing dwelling on site consists of a single storey dwelling of modest proportions that sits comfortably on the allotment and is consistent with the streetscape scale and character. The addition of a double car garage in front of the existing dwelling will interrupt not only the harmonious arrangement of building form on site, but also the rhythm of the streetscape along Keppel Road which predominantly consists of attached garages behind the building line or detached garages at the rear of the dwelling.

*To ensure streets provide a high level of pedestrian amenity, access and safety.*

Assessment Officers Comment: As assessed, the proposed detached double garage is setback only 1.35m from the front boundary. This will create significantly reduced visibility and sightlines to the footpath and road. Additionally it is noted that significant vegetation along the front boundary may also obstruct sightlines to the footpath and road. Effectively this combined is considered to reduce the safety of both pedestrians and vehicular users of Keppel Road.

*To ensure garages are not dominant elements in the streetscape.*

Assessment Officers Comment: Due to the location of the proposed garage being forward of the existing dwelling and setback only 1.35m from the front boundary, it is considered that the proposed double garage will present significant bulk and scale to the streetscape. Furthermore, as noted above, with the existing dwelling being a modest single storey house, it is anticipated that the proposed garage will dominate the allotment and impact negatively on the streetscape.

*To ensure that the orientation of dwellings, garages & carports is consistent with the existing streetscape.*

## ITEM 2 (continued)

Assessment Officers Comment: Although the orientation of the proposed garage is consistent with that of other garages along Keppel Road in that it faces the street, it must be noted that the location and arrangement of the garage forward of the building line is not consistent with the prevailing streetscape character. As demonstrated in the analysis of garage arrangements (see later in report), the prevailing character of the surrounding streets in terms of garage arrangement is for garage to be located to the side and the rear of the dwelling as per the existing on site arrangements. With the exception of No 10 Keppel Road, those allotments not annotated within the streetscape garage analysis generally include garages in-line or behind the front building line, not within the front setback as proposed on the subject site.

Accordingly, the neighbouring objections in relation to streetscape character are concurred with and supported in this instance.



**Analysis of surrounding streetscapes garage arrangement**

**ITEM 2 (continued)****B. *Garage Size / Visual Impact*** – concerns are raised over the size of the garage and its visual impact.

Assessment Officer's Comment: The proposed development has identified that the proposed garage size, in terms total width, and the visual impact of the proposed garage were identified as issues of concern.

The Ryde Development Control Plan 2010 prescribes a maximum width of garages facing the public street of 6m. The proposed development has been assessed as having a maximum garage width of 6.25m, therefore exceeding the maximum width of garage doors permissible.

Additionally, with relation to the visual impact of the proposed development, due to the proposed double garage being located well forward of the existing dwelling and having only a 1.35m setback from the front boundary, it is considered the development will present a dominant building mass in terms of bulk and scale to the streetscape of Keppel Road. It is acknowledged that design treatments have been incorporated to reduce the garages visual impact such as incorporating a rooftop garden, however the fact of the structures size and impact on the streetscape is largely considered to remain.

When comparing the visual bulk and scale and the arrangement of the proposed double garage with that of other allotments in the surrounding streets, it is apparent that the proposed development is not consistent with other car parking and access arrangements. It is noted that there is only one (1) other example of a detached garage within the front setback on Keppel Road however this is a single car garage of significant age and most likely approved under a previous planning scheme. Additionally, this garage is considered a detractor element to the streetscape character which should not be replicated.

Accordingly, the neighbouring objections in relation to the size of the garage and its visual impact are concurred with and supported in this instance.

**C. *Pedestrian and Vehicular Safety*** – concerns are raised over the safety of pedestrians and vehicles as a result of the proposed garage obstructing sightlines to the footpath and roadway.

Assessment Officer's Comment: Pedestrian and vehicular safety were identified as an issue in the assessment of the proposed development. As the proposed garage is to be setback from the front boundary only 1.35m, it is considered that insufficient sightlines will be provided to the footpath and roadway to allow for the safe entry and exit to the allotment.

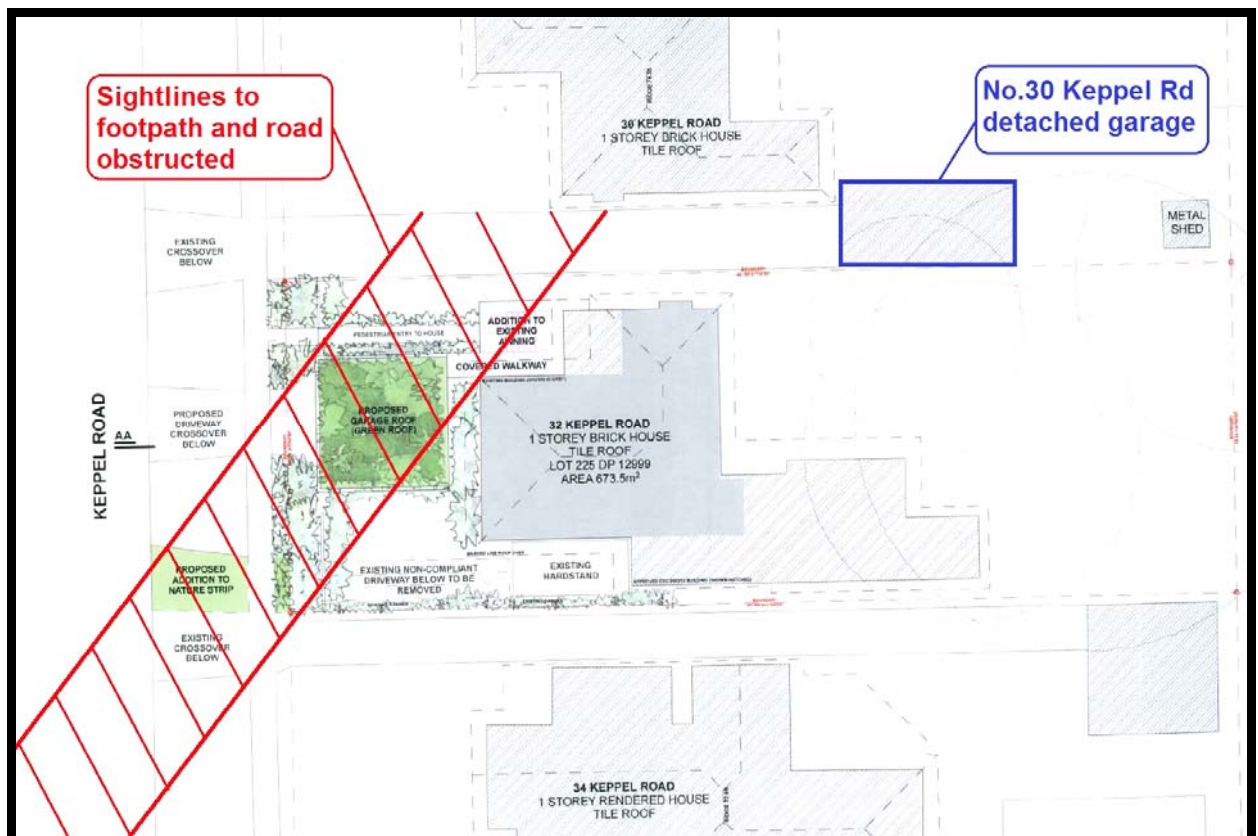


**ITEM 2 (continued)**

Additionally, due to the forward location of the proposed garage and its minimal setback to the front boundary, sightlines are considered to be obstructed from the neighbouring allotments when exiting the driveways, thus potentially creating further impacts upon the safety of pedestrians and vehicles. As demonstrated in the sightline drawings (see below), the location of the driveways to both 30 and 34 Keppel Road are adjacent to the boundary of 32 Keppel Road therefore, resulting in the existing sightlines across the allotment significantly reduced as a result of the proposed development.

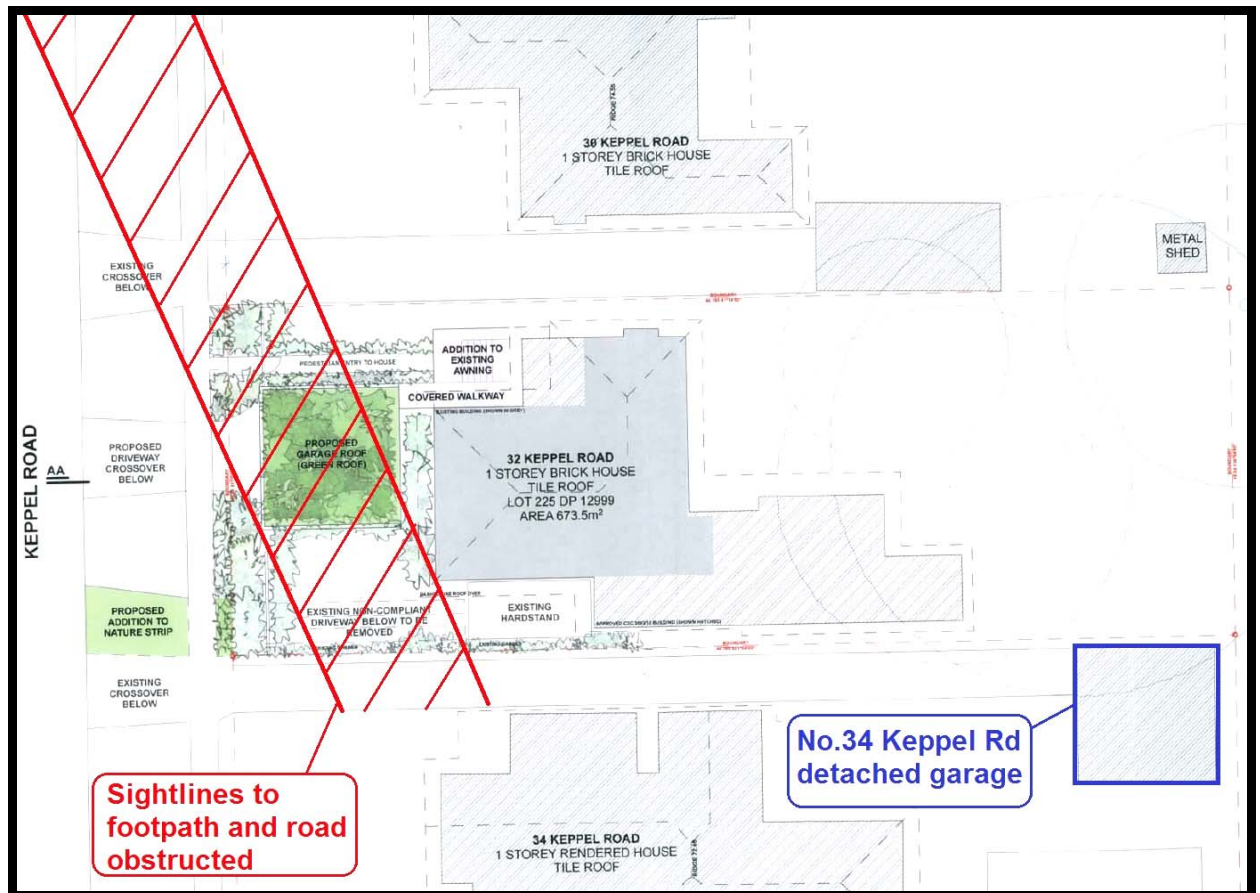
Furthermore, Council’s Development Engineer has raised concerns regarding sight distance to ensure pedestrian and vehicle safety as discussed in the Referrals section of this report.

Given the above, it is considered that objection based upon the proposal impacting pedestrian and vehicular safety is supported.



**Sightlines to footpath and road obstructed as a result of the proposed development from No. 30 Keppel Rd, Ryde**

**ITEM 2 (continued)**



**Sightlines to footpath and road obstructed as a result of the proposed development from No. 34 Keppel Rd, Ryde**

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

None required

**9. Policy Implications**

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

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

**Zoning**

Under the Ryde LEP 2010 the zoning of the subject site is R2 Low Density Residential. The proposed development, being construction of a new detached double garage is permissible with consent under this zoning.

**ITEM 2 (continued)****Mandatory Requirements**

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

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 as per the Ryde LEP 2010’s height of buildings map. The maximum height of the proposed new double garage is 2.585m, 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 existing dwelling house, approved additions under complying development, and the proposed development as part of the subject development application has been calculated to be 0.198:1, which complies with this clause.

**(b) Relevant State Environmental Planning Policies (SEPPs)**State and Sydney Regional Environmental Planning PoliciesSEPP BASIX:

A BASIX Certificate is not required due to the proposed development being for the construction of a detached double garage.

**(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. It is considered that the proposal is not contrary to the objectives of the Draft LEP or those of the proposed zoning.

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

**(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. 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 the construction of a new detached double garage.

**ITEM 2 (continued)***Desired Future Character*

Section 2.1 of Part 3.3 of the Ryde DCP 2010 describes the desired future character for the low density residential areas of the City of Ryde, with the objective of Section 2.1 of the Ryde DCP 2010 being to ensure that development is consistent with the desired future character of the low density residential area.

As assessed, the proposed development is not considered to fulfil the objective of the desired future character control as the proposed development does not meet the description of the desired future character. Specifically, the desired future character of the low density residential areas of the City of Ryde is described as one that includes:

- Garages and other structures which are not prominent elements in the streetscape and which are compatible with the character of the dwelling.

Comment: Although the proposed garage is considered to be compatible with the dwelling in terms of design and materiality etc, due to its proposed location and arrangement the garage is considered to be a prominent element on both the allotment and in the streetscape. It is acknowledged that attempts have been made to reduce the garages dominance through the provision of a rooftop garden and excavation techniques, however with the bulk of the building mass being setback only 1.35m from the front boundary it is considered the visual impact to Keppel Road will be significant.

- Has streetscapes made up of compatible buildings with regard to form, scale, proportions and materials.

Comment: As identified earlier in this report, the prevailing streetscape character of Keppel Road and the surrounding streets in terms of garage design and arrangement is to have the garage set to the rear or side of the allotment. As the proposed garage is located well forward of the dwelling in a detached arrangement it is considered not to be compatible with the surrounding streetscape character.

- Minimal disturbance to the natural topography, which means that excavation is to be minimised.

Comment: Due to the sloping topography of the subject site the proposed garage requires a significant level of excavation to create a level finished floor. It is noted that the level of excavation required (maximum 1.43m) exceeds the maximum level of excavation permitted on site as per the Ryde DCP 2010 of 900mm. Additionally, to facilitate the construction of the garage and associated walkway a significant level of vegetation and deep soil area is being removed from the front garden area, which diminishes the established landscape setting of Keppel Road.

**ITEM 2 (continued)**

By virtue of the proposed garage's design and arrangement, it is considered that the development is inconsistent with the objectives and outcomes of the desired future character of the low density residential areas of the City of Ryde.

*Dwelling Houses*

Section 2.2.1 of Part 3.3 of the Ryde DCP 2010 prescribes development controls for new dwelling houses, and although the proposed development is not strictly a 'new dwelling house' the proposed development is associated with, and considered to be appurtenant to the dwelling house on site. In this regard, the controls of Section 2.2.1 of the Ryde DCP are considered to apply.

Specifically Section 2.2.1 outlines that garages and carports are not to be visually prominent features. As demonstrated in the setback analysis drawing (below), the proposed new detached double garage is situated in front of the existing dwelling, and very close (1.35m) to the front boundary, footpath and Keppel Road. With the bulk of the new building mass being so close to the public domain and streetscape, the garage is considered to be a visually prominent feature of the allotment.

Furthermore, it must be noted that the existing arrangements on site, prior to the approved complying development alterations and additions, included a detached single car garage in the rear yard with access gained via a driveway along the south-eastern boundary. This provided the allotment with adequate parking provisions in a location that was mostly not visible from Keppel Road and had minimal impact on the streetscape. As this garage was removed to facilitate the alterations and additions at the will of the land owner, and replaced with a single car hardstand area along the side of the dwelling, it is considered that this decision was made consciously and therefore the proposal to locate an enclosed double car garage in an alternate position is unacceptable and results in a built form that appears as an afterthought.

Given the above it is considered that the proposed garage does present as a visually prominent feature in the streetscape and negatively impacts upon the visual appearance of Keppel Road.

*Pedestrian and Vehicle Safety*

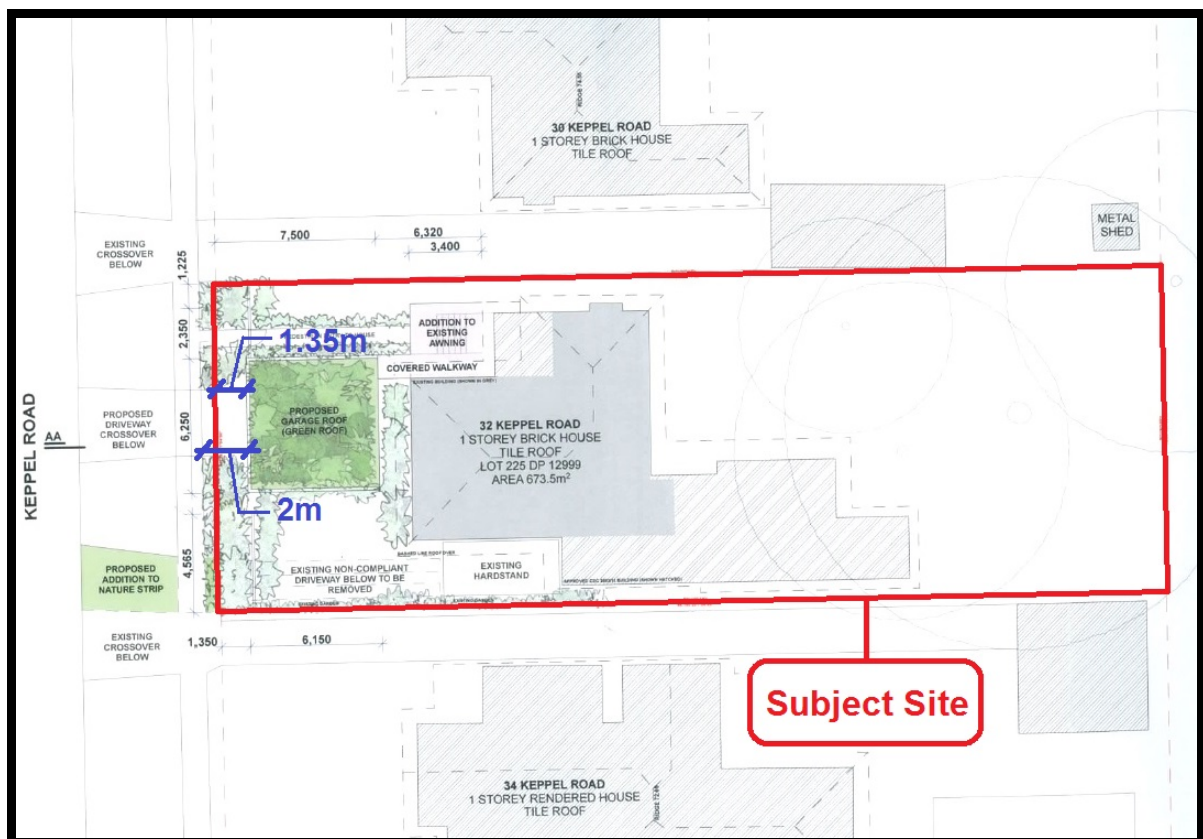
Section 2.4.3 of Part 3.3 of the Ryde DCP 2010 prescribes development controls for pedestrian and vehicle safety. Specifically, that car parking structures are to be located to accommodate sightlines to the footpath and roadway. As demonstrated within the attached Compliance Checklist and in drawings provided earlier in this report, the proposed garage incorporates only a 1.35m setback to the front boundary and approximately a 2m setback to the footpath.

With such minimal setback provided to the footpath and roadway, sightlines of vehicles exiting the proposed garage are considered to be significantly limited. Additionally, due to the forward location of the proposed garage and its minimal

**ITEM 2 (continued)**

setback to the front boundary, sightlines are considered to be compromised through an obstruct view from the neighbouring allotments when exiting the driveways which may further impact upon the safety of pedestrians and vehicles. As demonstrated in the sightline analysis drawing (above), the location of the driveways to both 30 and 34 Keppel Road are adjacent to the boundary of 32 Keppel Road therefore seeing the existing sightlines across the allotment significantly reduced.

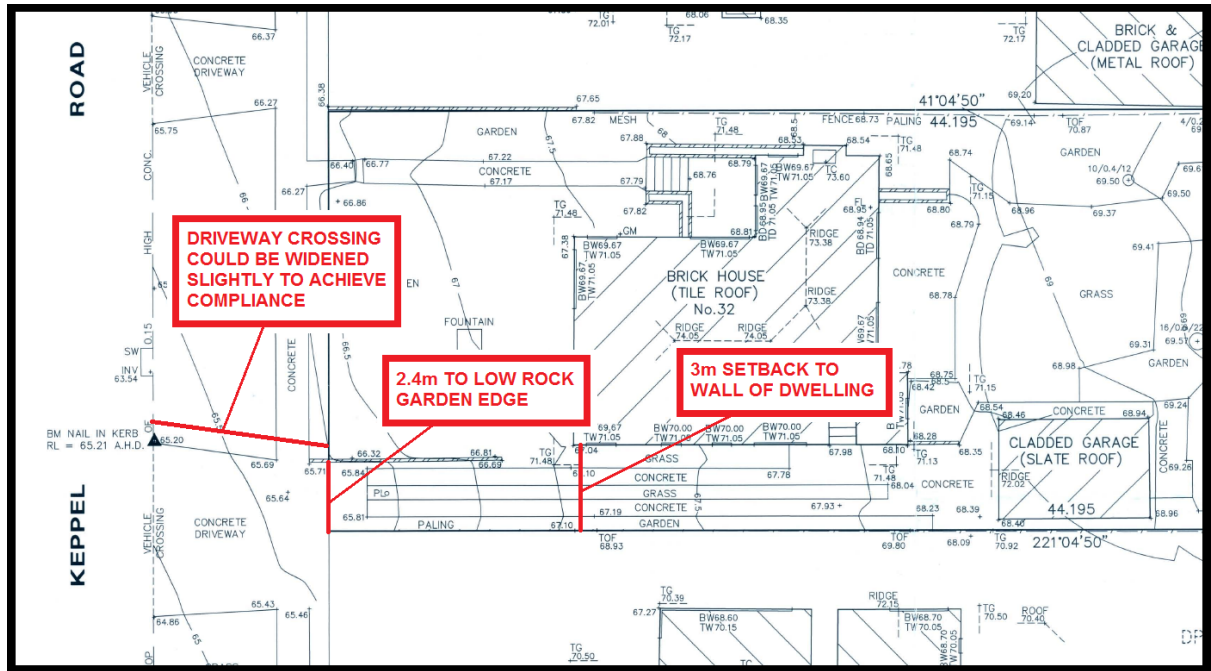
In this regard it is considered that the level of pedestrian and vehicular safety resulting from the proposed detached double garage is unacceptable and cannot be supported.



**Proposed setbacks to the boundary and footpath**

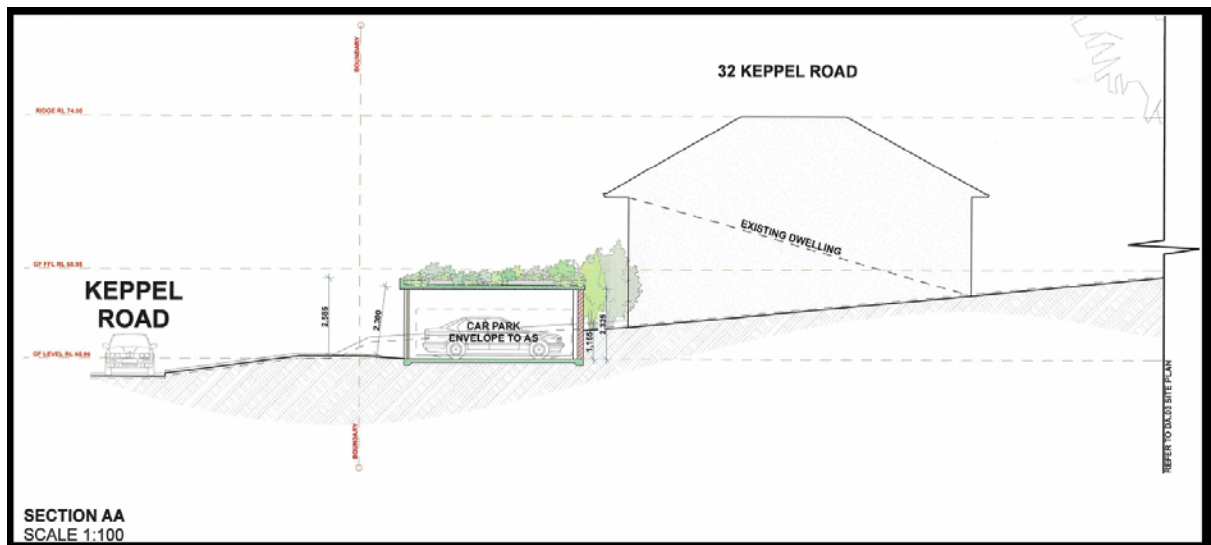
It is noted that in the applicant's DA submission, a large part of the justification for the proposal is that the existing driveway does not comply with the relevant Australian Standards (its width is said to be 2m), and this proposal is to provide a parking arrangement which achieves compliance. However, this is not correct as the existing driveway is 2.4m wide between the boundary and a low rock garden edge (at the front boundary, where the driveway crossing over Council's footpath is shared with the neighbouring property No 34), and there is a 3m setback from the wall of the existing house to the boundary which is wide enough to allow a vehicle to park. A minor widening of the existing driveway (by only 600mm at the front boundary) could achieve compliance with the Australian Standard. The applicant's survey plan (included in the DA submission) is attached, showing driveway width in the relevant locations, and where the driveway could be widened.

**ITEM 2 (continued)**



*Topography and Excavation*

Section 2.5.2 of Part 3.3 of the Ryde DCP 2010 prescribes development controls for topography and excavation. Specifically, that the depth of excavation outside the dwelling footprint is not to exceed 900mm. As assessed and demonstrated within the attached Compliance Checklist, the proposed double garage includes excavation levels of up to 1.43m therefore exceeding the maximum level of excavation by 530mm. See diagram below. Accordingly it is considered that the proposed development does not meet the topography and excavation objectives contained with Part 3.3 of the Ryde DCP 2010.



**ITEM 2 (continued)**

To demonstrate this, the objectives of the topography and excavation control have been listed below with a comment on how the proposed development performs against each of these controls.

- To retain natural ground levels and existing landform.

Comment: Natural ground levels and existing landform have not been retained in this instance as significant excavation has been required to create a level finished floor of the garage.

- To create consistency along streetscapes.

Comment: The proposed development does not create any consistency along Keppel Road as the existing topography is to be significantly altered. Furthermore, the addition of a double garage within the front setback it is considered to be significantly inconsistent with the surrounding prevailing streetscape character.

- To minimise the extent of excavation and fill.

Comment: The extent of excavation on site is not considered to have been minimised as the proposed level of cut on site has been assessed as being 1.43m, 530mm over the maximum allowable.

- To ensure that excavation and fill does not result in an unreasonable loss of privacy or security for neighbours.

Comment: Due to the location of the garage being well forward of the existing dwelling on the site, and well forward of those dwellings on the neighbouring allotment, it is not anticipated that the proposed excavation will not result in any unreasonable loss of privacy or security for neighbours.

Given the above, it is considered that the level of excavation proposed for the detached garage is unacceptable and therefore cannot be supported.

*Car Parking and Access*

Section 2.10 of Part 3.3 of the Ryde DCP 2010 prescribes development controls for car parking and access. Specifically, that garages and carports facing the public street are to have a maximum width of 6 metres or 50% of the frontage, whichever is less. Given that 50% of the street frontage width is 6.12m, a maximum of 6m applies. As demonstrated within the attached Compliance Checklist, the proposed width of the double garage is 6.25 metres therefore exceeding the maximum width of garages permissible.

Given the proposed location of the garage is to be located only 1.35m from the front boundary, it is considered that the additional width over that of the maximum allowable under the Ryde DCP 2010 will negatively impact upon the streetscape of Keppel Road through locating a visually dominant building so close to the footpath and road.



**ITEM 2 (continued)**

Furthermore the additional bulk of the garage will serve to obstruct the sightlines currently obtained from neighbouring allotment's driveways and impact upon pedestrian and vehicular safety.

Given the above, it is considered that the proposed width of the garage is unacceptable.

**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. This has included a compliance check against all relevant planning controls and detailed assessment report.

The consequential impacts of the proposed development on the built environment are considered to result in a development that is not consistent with the desired future character of the low density residential areas, and not consistent with the nature of development in the suburb of Ryde, and for that matter the wider R2 Low Density Zone of the Ryde local government area.

As a result, the proposed development is considered to be unsatisfactory in terms of impacts on the built environment.

**(b) Natural Environment**

In addition to the concerns regarding impacts on the built environment, the proposal involves significant excavation and loss of deep soil area within the front setback. It is considered that the development is unacceptable in terms of impacts on the natural environment.

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

A review of Council's map of Environmentally Sensitive Areas (held on file) identifies that there are no constraints affecting the subject property of concern regarding the proposed development.

**12. The Public Interest**

It is considered that approval of this DA would not be in the public interest.

The development fails to comply with Council's current development controls, and includes a built form that is not in keeping with the existing development of Keppel Road. It is therefore considered that the proposed works are not in keeping with the existing and desired future character of the low density residential area.

## ITEM 2 (continued)

### 13. Consultation – Internal and External

#### Internal Referrals

**Development Engineers:** Council's Consultant Development Engineer has provided the following comments:

*Reference is made to your referral regarding the proposed alterations & additions and in particular the proposed garage located within the front setback.*

*The drainage plans prepared by Law & Dawson Pty Ltd drawings no. SW1, SW2 & SW3 issue B dated 04.04.2013 have been assessed and found generally to comply with respect to stormwater management however the following issues arise with respect to access:*

- *The proposed new crossing is located right adjacent to an existing kerb inlet pit which cannot be supported as it needs to be located a minimum of 600mm away from the lintel/pit as it would undermine the structural integrity of this existing council pit;*
- *The proposed garage design does not provide sufficient sight distance to ensure pedestrian and vehicle safety as they exit from the garage which is contrary to AS 2890.1:2004. This cannot be supported as the location of the garage cannot provide this adequate sight distance/lines and therefore it is recommended that a redesign of the garage be undertaken to ensure there this complies with the AS2890.1:2004.*

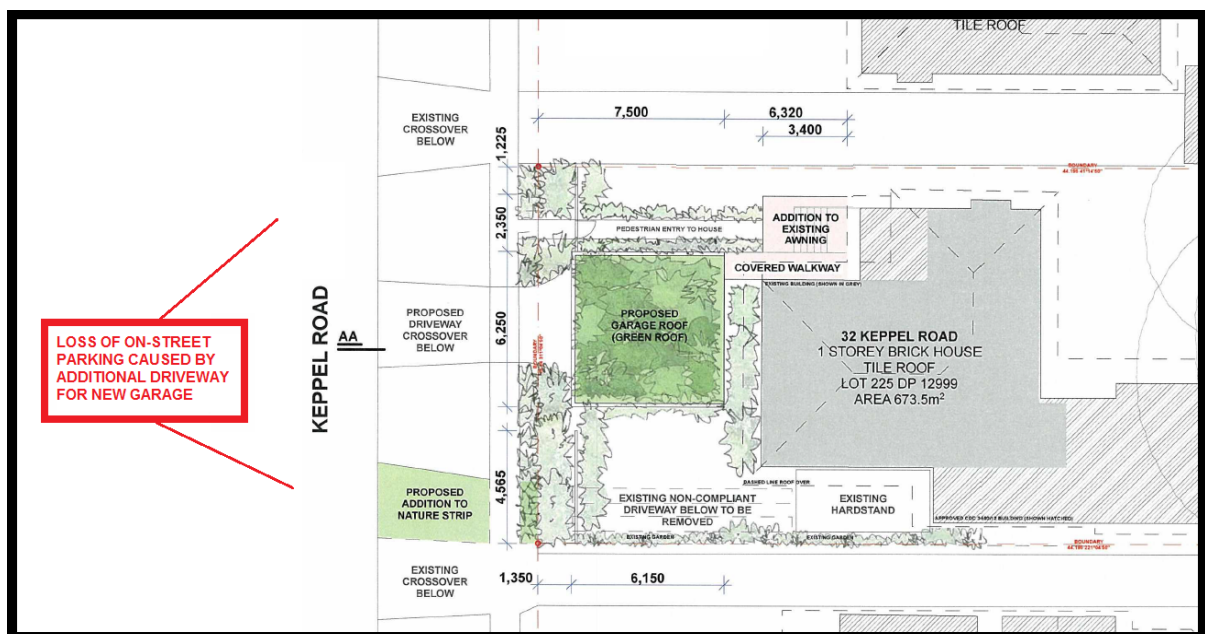
#### Assessment Officer's Comment:

In addition to the above issues of concern, discussions with Council's Development Engineers have raised concerns regarding loss of available on-street parking as a result of the new driveway for the proposed garage, and also the possibility of re-locating the kerb inlet pit. A photo showing the location of the pit appears below.

**ITEM 2 (continued)**



As shown in the diagram below, the addition of another driveway (having regard to the location of existing driveways) will reduce the space available for on-street parking at the front of the site. This is therefore a further issue of concern regarding the proposal in addition to the other concerns (including streetscape impacts and pedestrian and vehicle safety) that have been discussed throughout this report.



If Council is mindful to approve the application, then it will be necessary to re-locate the kerb inlet pit which is located at the front of the site at the applicant's cost. Whilst this is physically possible and could be imposed as a condition of consent, it should be noted that the costs associated with such work would be around \$5,000 to \$10,000.

**ITEM 2 (continued)**External Referrals

None.

**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**

None relevant.

**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 unsatisfactory for approval.

The proposed development complies with the mandatory requirements of the Ryde LEP 2010 and Draft Ryde LEP 2011 for building height and floor space ratio, however fails to satisfactorily meet the development controls and objectives of the Ryde DCP 2010 in relation to bulk and scale, pedestrian and vehicular safety, topography and excavation and car parking and access.

The proposed development is not considered to be consistent with the desired future character of the low density residential areas or consistent with the nature of development in the Ryde and wider Ryde local government area.

The current proposal is not the only alternative to provision of parking at this site. It is noted that the existing dwelling has a 3m side setback to the south-eastern boundary and so there is a sufficient alternative space to provide a car space (including a possible carport) behind the building line.

Although the DA has been lodged to correct what is said to be a non-compliance with the Australian Standard (regarding the existing driveway width), the proposed garage arrangement actually causes another non-compliance with the Australian Standard (regarding sight distance for pedestrian and vehicle safety as vehicles leave the garage). There are also concerns that the driveway for the proposed garage will cause a loss of on-street parking and will also be located too close to a kerb inlet pit. For these reasons, and also because the development does not comply with Council's DCP 2010 (in terms of streetscape, desired future character and topography and excavation), it is recommended for refusal.

**ITEM 2 (continued)**

The associated structures proposed with the double garage, including the enclosed access way joining the garage to the existing dwelling house, and the awning over the front patio are considered to be integrated with the overall proposal for the double garage, and as such form part of this recommendation.

On the above basis, LDA2013/0131 at 32 Keppel Road, Ryde is recommended for refusal.

**ITEM 2 (continued)**

**ATTACHMENT 1**

**Quality Certification**

**Assessment of a Dual Occupancy (attached), Single Dwelling House, Alterations & Additions to a Dwelling House and ancillary development**

<b>LDA No:</b>	<b>2013/131</b>
<b>Date Plans Rec'd</b>	<b>19 April 2013.</b>
<b>Address:</b>	<b>32 Keppel Road, Ryde</b>
<b>Proposal:</b>	Construct a double garage within front setback of dwelling, enclosed walk-way, and extension to awning to at the side of the dwelling.
<b>Constraints Identified:</b>	<b>Nil</b>

**COMPLIANCE CHECK**

<b>RYDE LEP 2010</b>	<b>PROPOSAL</b>	<b>COMPLIANCE</b>
<b>4.3(2) Height</b> • 9.5m overall	2.585m	Yes
<b>4.4(2) &amp; 4.4A(1) FSR</b> • 0.5:1	0.198:1	Yes

<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 considered to be 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.	Significant deep soil areas proposed in front and rear. It is noted the proposed detached double garage is reducing the deep soil in the front yard.	Yes
- Maximum 2 storeys.	Proposal is for a single storey detached garage, therefore this control is not considered to be applicable.	N/A
- Dwellings to address street	Proposal is for a single storey detached garage, therefore this control is not considered to be applicable.	N/A

**ITEM 2 (continued)**

**ATTACHMENT 1**

<b>DCP 2010</b>	<b>PROPOSED</b>	<b>COMPLIANCE</b>
<ul style="list-style-type: none"> <li>- Garage/carports not visually prominent features.</li> </ul>	<p>Detached double garage is forward of the main building line and fronts Keppel Road. It is considered that the garage does present as a visually prominent feature to the streetscape.</p>	<p>No</p>
<p><b>Public Domain Amenity</b></p>		
<ul style="list-style-type: none"> <li>• <b>Streetscape</b> <ul style="list-style-type: none"> <li>- Front doors and windows are to face the street. Side entries to be clearly apparent.</li> <li>- Single storey entrance porticos.</li> <li>- Articulated street facades.</li> </ul> </li> </ul>	<p>Proposal is for a single storey detached garage, therefore this control is not considered to be relevant.</p> <p>Single entrance portico Articulated street facade</p>	<p>N/A</p> <p>N/A N/A</p>
<ul style="list-style-type: none"> <li>• <b>Public Views and Vistas</b> <ul style="list-style-type: none"> <li>- A view corridor is to be provided along at least one side allotment boundary where there is an existing or potential view to the water from the street. Landscaping 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> </li> </ul>	<p>No water views identified</p>	<p>N/A</p>
<ul style="list-style-type: none"> <li>• <b>Pedestrian &amp; Vehicle Safety</b> <ul style="list-style-type: none"> <li>- Car parking located to accommodate sightlines to footpath &amp; road.</li> <li>- Fencing that blocks sight line is to be splayed.</li> </ul> </li> </ul>	<p>Detached garage built within 1.35m of the boundary is not considered to allow for sufficient sightlines to the footpath and road. Awaiting additional referral comments from the Development Engineers for confirmation.</p> <p>Proposed front fencing is to be aligned with the front of the garage therefore not blocking any sightlines.</p>	<p>TBC</p> <p>Yes</p>
<p><b>Site Configuration</b></p>		
<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> </ul> </li> </ul>	<p>405.63m<sup>2</sup> approx. (60% of site area).</p>	<p>Yes</p>

**ITEM 2 (continued)**

**ATTACHMENT 1**

<b>DCP 2010</b>	<b>PROPOSED</b>	<b>COMPLIANCE</b>
<ul style="list-style-type: none"> <li>- Min 8x8m deep soil area in backyard.</li> <li>- Front yard to have deep soil area (only hard paved area to be driveway, pedestrian path and garden walls).</li> </ul>	<p>8m x 8m provided</p> <p>Hard surface areas have been kept to a minimum. It is noted that the proposed alterations and additions increase the hard paved area in the front yard by 45.62m<sup>2</sup>, however the required amount of deep soil is still achieved.</p>	<p>Yes</p> <p>Yes</p>
<p><b>• Topography &amp; Excavation</b> Within building footprint:</p> <ul style="list-style-type: none"> <li>- Max cut: 1.2m</li> </ul> <p>Outside building footprint:</p> <ul style="list-style-type: none"> <li>- Max fill: 900mm</li> <li>- Max cut: 900mm</li> <li>- Max fill: 500mm</li> <li>- No fill between side of building and boundary or close to rear boundary</li> <li>- No fill in overland flow path</li> <li>- Max ht retaining wall 900mm</li> </ul>	<p>Proposal is for a single storey detached garage, therefore this control is not considered to be applicable.</p> <p>Max cut: 1.43m Max fill: - None proposed.</p> <p>Not in overland flow path Max. retaining wall height is calculated at 1.2m along southern edge of pedestrian pathway to front door.</p>	<p>N/A</p> <p>N/A</p> <p>No Yes Yes</p> <p>N/A No</p>
<b>Floor Space Ratio</b>		
<ul style="list-style-type: none"> <li>- Ground floor</li> <li>- Detached car parking structures</li> <li>- Total (Gross Floor Area)</li> <li>- Less 36m<sup>2</sup> (double) <b>or</b> 18m<sup>2</sup> (single) allowance for parking</li> </ul> <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>130.57m<sup>2</sup> 38.4375m<sup>2</sup> 169.0075m<sup>2</sup> 133.0075m<sup>2</sup></p> <p><b>FSR: 0.198:1</b></p>	<p>Yes</p>
<b>Height</b>		
<ul style="list-style-type: none"> <li>- 2 storeys maximum (storey) incl basement elevated greater than 1.2m above EGL).</li> </ul>	<p>Proposal is for a single storey detached garage, therefore this control is not considered to be relevant.</p>	<p>N/A</p>



**ITEM 2 (continued)**

**ATTACHMENT 1**

DCP 2010	PROPOSED	COMPLIANCE
<p>- 1 storey maximum above attached garage incl semi-basement or at-grade garages.</p> <p>Wall plate (Ceiling Height) - 7.5m max above FGL or - 8m max to top of parapet.</p> <p>NB: <i>TOW = Top of Wall</i> <i>EGL = Existing Ground Level</i> <i>FGL = Finished Ground Level</i> - 9.5m Overall Height</p> <p><i>NB: EGL – Existing ground Level</i></p>	<p>Nothing above proposed detached garage. It is noted that the roof is to be planted with vegetation.</p> <p>TOW RL: 68.505 FGL below (lowest point): RL:65.92 TOW Height (max)= 2.585m</p> <p>Max point of dwelling RL:68.505 EGL below ridge (lowest point) RL: 66.55 Overall Height (max)= 1.955m</p>	<p>N/A</p> <p>Yes</p>
<p>- Habitable rooms to have 2.4m floor to ceiling height (min).</p>	<p>Garage proposed</p>	<p>N/A</p>
<p><b>Setbacks</b></p>		
<ul style="list-style-type: none"> <li>• <b>Side</b> <ul style="list-style-type: none"> <li>○ <b>Single storey dwelling</b> <ul style="list-style-type: none"> <li>- 900mm to wall, includes balconies etc.</li> </ul> </li> </ul> </li> <li>• <b>Front</b> <ul style="list-style-type: none"> <li>- 6m to façade (generally)</li> <li>- Garage setback 1m from the dwelling facade</li> <li>- Wall above is to align with outside face of garage below.</li> <li>- Front setback free of ancillary elements e.g. RWT,A/C</li> </ul> </li> <li>• <b>Rear</b> <ul style="list-style-type: none"> <li>- 8m to rear of dwelling <b>OR</b> 25% of the length of the site, whichever is greater. <b>Note: Xm is 25% of site length.</b></li> </ul> </li> </ul>	<p>Detached single storey garage is setback from the northern side boundary 3.4m</p> <p>Garage is setback 1.35m from the front boundary. Setback to the dwelling is unchanged. Garage is a detached arrangement forward of the main dwelling. Proposal is for a single storey detached garage, therefore this control is not considered to be relevant.</p> <p>Front setback is free from ancillary elements with the exception of the proposed detached double garage.</p> <p>Proposal is for a single storey detached garage within the front setback, therefore this control is not considered to be relevant.</p>	<p>Yes</p> <p>Yes</p> <p>N/A</p> <p>Yes</p> <p>Yes/No</p> <p>Yes</p>

**ITEM 2 (continued)**

**ATTACHMENT 1**

DCP 2010	PROPOSED	COMPLIANCE
<b>Car Parking &amp; Access</b>		
<ul style="list-style-type: none"> <li>• <b>General</b> <ul style="list-style-type: none"> <li>- Dwelling: 2 spaces max, 1 space min.</li> <li>- Where possible access off secondary street frontages or laneways is preferable.</li> <li>- Garage or carport may be in front. If no other suitable position, no vehicular access to side or rear.</li> <li>- Max 6m wide or 50% of frontage, whichever is less.</li> <li>- Behind building façade.</li> </ul> </li> <li>• <b>Garages</b> <ul style="list-style-type: none"> <li>- Garages setback 1m from façade.</li> <li>- Total width of garage doors visible from public space must not exceed 5.7m and be setback not more than 300mm behind the outside face of the building element immediately above.</li> <li>- Garage windows are to be at least 900mm away from boundary.</li> <li>- Free standing garages are to have a max GFA of 36m<sup>2</sup>.</li> <li>- Solid doors required</li> <li>- Materials in keeping or complementary to dwelling.</li> </ul> </li> <li>• <b>Parking Space Sizes (AS)</b> <ul style="list-style-type: none"> <li>- Double garages: 5.4m w (min)</li> <li>- Internal length: 5.4m (min)</li> </ul> </li> <li>• <b>Driveways</b> <ul style="list-style-type: none"> <li>- Extent of driveways minimised</li> </ul> </li> </ul>	<p>2 spaces proposed</p> <p>Access from: Keppel Road</p> <p>Garage is proposed to be located in the front of the existing dwelling. This is the result of extensions to the dwelling which removed vehicular access along the side of the dwelling and a detached garage in the rear yard.</p> <p>External width: 6.25m</p> <p>Garage proposed to be a detached arrangement in front of the existing dwelling.</p> <p>No attached garage proposed.</p> <p>Width of opening: 4.75m</p> <p>Door setback: 300mm</p> <p>No windows proposed.</p> <p>Floor Area: 30.25m<sup>2</sup></p> <p>Solid proposed Materials: consistent with new dwelling.</p> <p>5.5m</p> <p>5.5m</p> <p>Minimal driveway proposed as garage is setback 1500mm from the front boundary.</p>	<p>Yes</p> <p>Yes</p> <p>No</p> <p>N/A</p> <p>N/A</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>No</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>

**ITEM 2 (continued)**

**ATTACHMENT 1**

DCP 2010	PROPOSED	COMPLIANCE
<b>Landscaping</b>		
<ul style="list-style-type: none"> <li>• <b>Trees &amp; Landscaping</b></li> <li>- Major trees retained where practicable.</li> <li>- Physical connection to be provided between dwelling and outdoor spaces where the ground floor is elevated above NGL e.g. stairs, terraces.</li> <li>- Obstruction-free pathway on one side of dwelling (excl cnr allotments or rear lane access).</li> <li>- Front yard to have at least 1 tree with mature ht of 10m min and a spreading canopy.</li> <li>- Backyard to have at least 1 tree with mature ht of 15m min and a spreading canopy.</li> <li>- Hedging or screen planting on boundary mature plants reaching no more than 2.7m.</li> <li>- OSD generally not to be located in front setback unless under driveway.</li> <li>- Landscaped front garden, with max 40% hard paving.</li> </ul>	<p>No trees to be removed as part of the subject development application.</p> <p>Proposal is for the construction of a detached double garage within the front setback, therefore this control is considered not to apply.</p> <p>As above.</p> <p>As above.</p> <p>As above.</p> <p>As above.</p> <p>As above.</p> <p>As above.</p> <p>Hard Paving: 38% (50.8m<sup>2</sup>)</p>	<p>N/A</p> <p>N/A</p> <p>N/A</p> <p>N/A</p> <p>N/A</p> <p>N/A</p> <p>N/A</p> <p>Yes</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><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> </ul>	<p>As the proposal is for a detached double garage that is located well below the FFL of the dwelling there is to be no impact on any daylight or sunlight access.</p> <p>As above.</p> <p>As the proposal is for a detached double garage that is located well below the FFL of the dwelling there is to be no impact on any daylight or sunlight access.</p>	<p>N/A</p> <p>N/A</p> <p>N/A</p>

**ITEM 2 (continued)**

**ATTACHMENT 1**

DCP 2010	PROPOSED	COMPLIANCE
<ul style="list-style-type: none"> <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>As above.</p>	<p>N/A</p>
<p><u>Neighbouring properties are to receive:</u></p> <ul style="list-style-type: none"> <li>- 2 hours sunlight to at least 50% of adjoining principal ground level open space between 9am and 3pm on June 21.</li> <li>- At least 3 hours sunlight to a portion of the surface of north facing adjoining living area windows between 9am and 3pm on June 21.</li> <li>• <b>Visual Privacy</b> <ul style="list-style-type: none"> <li>- Orientate windows of living areas, balconies and outdoor living areas to the front and rear of dwelling.</li> <li>- Windows of living, dining, family etc. placed so there are no close or direct views to adjoining dwelling or open space.</li> <li>- Side windows offset from adjoining windows.</li> <li>- Terraces, balconies etc. are not to overlook neighbouring dwellings/private open space.</li> </ul> </li> <li>• <b>View Sharing</b> <ul style="list-style-type: none"> <li>- The siting of development is to provide for view sharing.</li> </ul> </li> <li>• <b>Cross Ventilation</b> <ul style="list-style-type: none"> <li>- Plan layout is to optimise access to prevailing breezes and to provide for cross ventilation.</li> </ul> </li> </ul>	<p>As the proposal is for a detached double garage that is located well below the FFL of the neighbouring properties there is to be no impact on any daylight or sunlight access.</p> <p>As above.</p> <p>No windows, terraces or balconies proposed to the proposed detached double garage, therefore no impact to visual privacy.</p> <p>As above.</p> <p>As above.</p> <p>As above.</p> <p>No impact on views as the proposal is for a detached double garage that is set below the finished floor level of the surrounding dwellings.</p> <p>Cross ventilation not required as the proposal is for a detached double garage.</p>	<p>N/A</p> <p>N/A</p> <p>N/A</p> <p>N/A</p> <p>N/A</p> <p>N/A</p> <p>N/A</p> <p>N/A</p>

**ITEM 2 (continued)**

**ATTACHMENT 1**

DCP 2010	PROPOSED	COMPLIANCE
<b>External Building Elements</b>		
<ul style="list-style-type: none"> <li>• <b>Roof</b></li> <li>- Articulated.</li> <li>- 450mm eaves overhang minimum.</li> <li>- Not to be trafficable Terrace.</li> <li>- Skylights to be minimised and placed symmetrically.</li> <li>- Front roof plane is not to have both dormer windows and skylights.</li> </ul>	<p>Flat roof design with vegetated green roof. 200mm overhang proposed. Due to the flat roof design 450mm is not required.</p> <p>None provided</p> <p>None proposed</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
<b>Fencing</b>		
<ul style="list-style-type: none"> <li>• <b>Front/return:</b></li> <li>- To reflect design of dwelling.</li> <li>- To reflect character and height of neighbouring fences.</li> <li>- Max 900mm high for solid (picket can be 1m).</li> <li>- Max 1.8m high if 50% open (any solid base max 900mm).</li> <li>- Retaining walls on front building max 900mm.</li> <li>- No colourbond or paling</li> <li>- Max pier width 350mm.</li> <li>• <b>Side/rear fencing:</b></li> <li>- 1.8m max o/a height.</li> </ul>	<p>Proposed timber fence is considered to reflect the design of the dwelling. Neighbouring properties do not have any front fences. Front: Max 1.5m</p> <p>Timber fence is proposed to be 50% open. No retaining walls proposed.</p> <p>None proposed. None proposed.</p> <p>None proposed as part of the subject development application.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>N/A</p> <p>N/A</p> <p>N/A</p> <p>N/A</p>
<b>Part 7.2 – Waste Minimisation &amp; Management</b>		
Submission of a Waste Management Plan	The applicant has submitted a Waste Management	Yes
<b>Part 8.2 – Stormwater Management</b>		
• <b>Stormwater</b>		
- Drainage is to be piped in accordance with Part 8.2 – Stormwater Management.	Drainage plans submitted and referred to Development Engineer for comment.	Yes
<b>Part 9.2 – Access for People with Disabilities</b>		
Accessible path required from the street to the front door, where the level of land permits.	Level of the land does not permit an accessible pathway to the front door.	N/A

<b>ITEM 2 (continued)</b>		<b>ATTACHMENT 1</b>
<b>DCP 2010</b>	<b>PROPOSED</b>	<b>COMPLIANCE</b>
<b>Part 9.4 – Fencing</b>		
<ul style="list-style-type: none"> <li>• <b>Front &amp; Return Fences</b></li> <li>- Front and return fences that exceed 1m in height are to be 50% open.</li> </ul>	Proposed front fence is maximum 1.5m in height and is to be 50% open.	Yes
<b>Part 9.6 – Tree Preservation</b>		
<p>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.</p> <p>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 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.</p>	No trees to be removed or impacted upon as part of the proposal.	N/A

**ITEM 2 (continued)**

**ATTACHMENT 1**

<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 #</b> <b>dated ABSA Cert #</b>	No BASIX certificate required as the proposal is for the construction of a detached double garage.	N/A

<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>	None proposed.	N/A
<ul style="list-style-type: none"> <li>Demolition Work Plan</li> </ul>	None proposed.	N/A
<ul style="list-style-type: none"> <li>Waste Management Plan</li> </ul>	Plan submitted.	Yes

Non compliances – justifiable

- Nil.

Non compliances – resolved via conditions:

- Nil

Non compliances – not justifiable:

- Garage exceeds the maximum 6m width permissible.
- Garage is not considered to allow for sufficient sightlines to the footpath and road to allow safety for pedestrians and vehicles.
- Proposed garage is considered to be a visually prominent feature of the dwelling.
- Proposed garage is considered to be inconsistent with the desired future character of the low density residential zone.
- Maximum level of excavation outside the dwelling footprint exceeded

**Certification**

I certify that all of the above issues have been accurately and professionally examined by me.

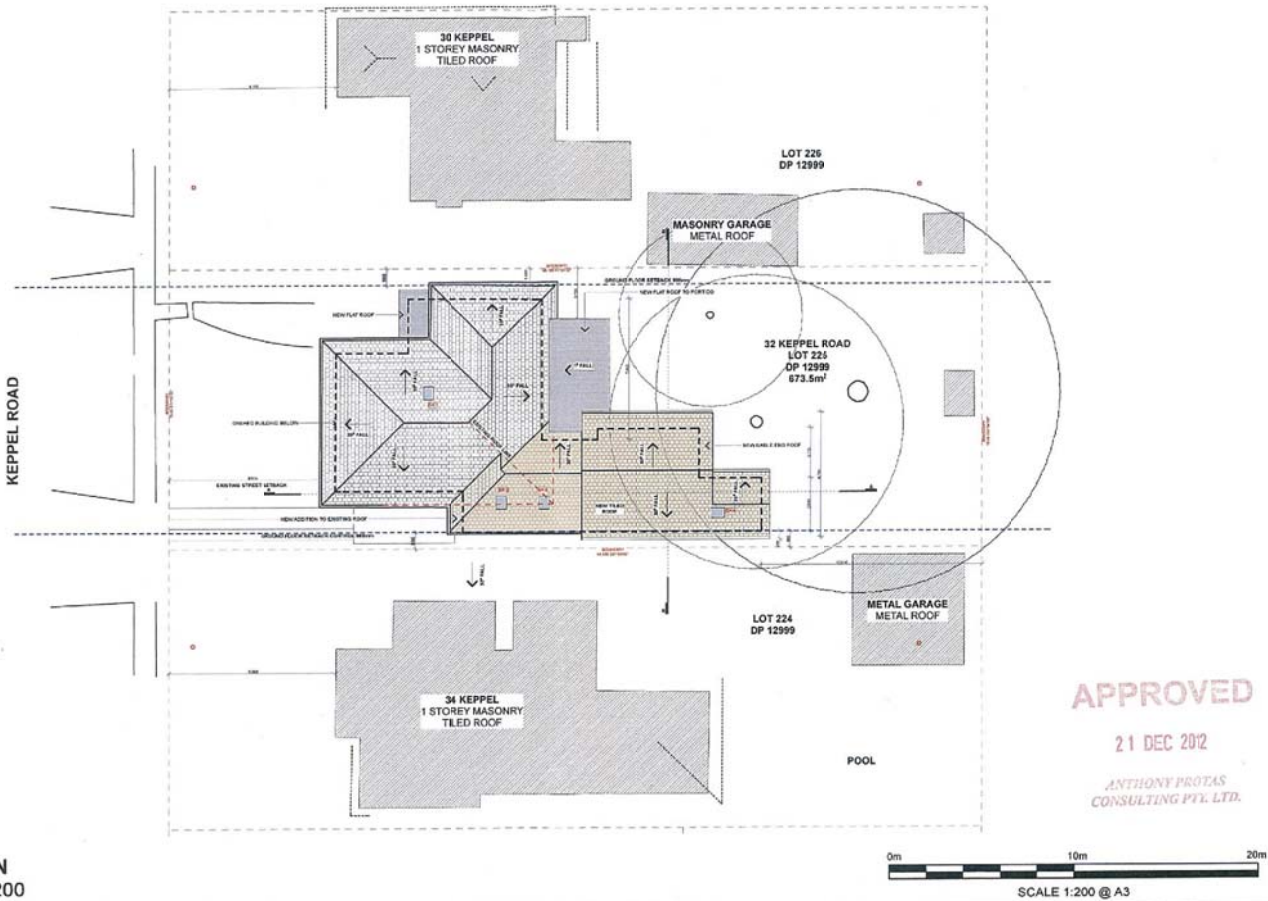
Name: Ben Tesoriero

Signature: 



Date: 14 May 2013

**ITEM 2 (continued)**

**ATTACHMENT 2**



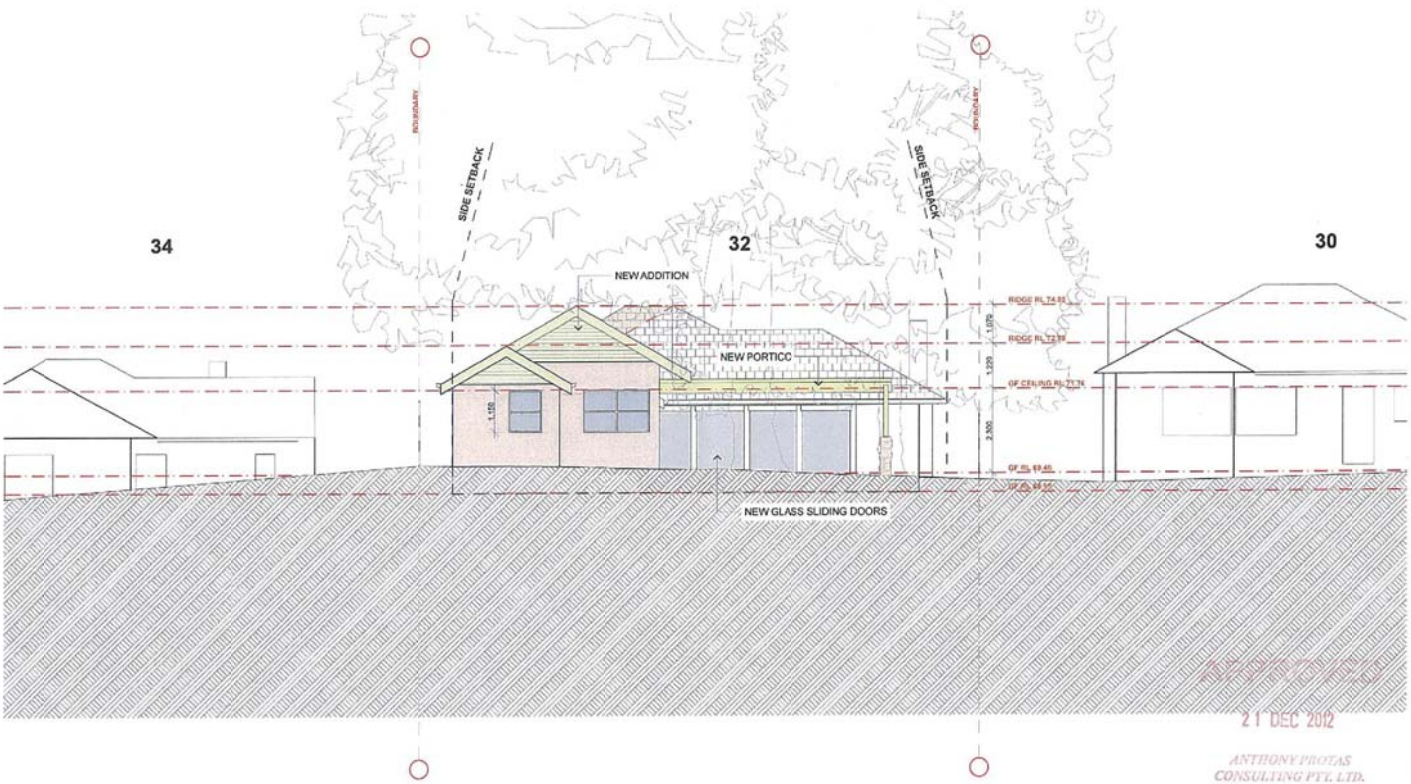
**SITE PLAN**  
SCALE 1:200

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	<small>ROTH ARCHITECTURE          ABN 60 115 823 174</small>					



ITEM 2 (continued)

ATTACHMENT 2



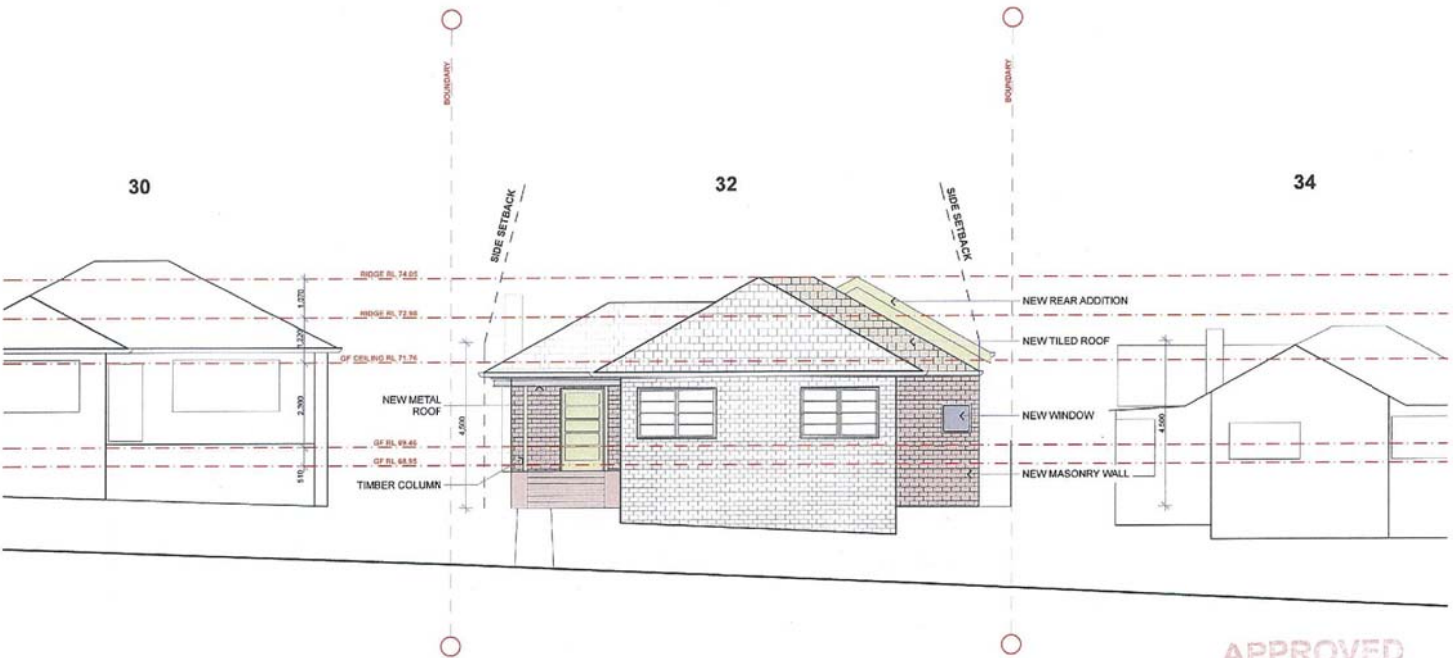
ELEVATION SW  
SCALE 1:100



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			<b>SITE</b> 32 Keppel RD Ryde NSW 2112	<b>CHECKED BY</b> AGR	<b>SCALE AND PAPER SIZE</b> 1:100 @ A3	<b>DRAWING TITLE</b> Elevation SW	<b>DRAWING NUMBER</b> CDC.09

ITEM 2 (continued)

ATTACHMENT 2



ELEVATION NE  
SCALE 1:100

APPROVED

21 DEC 2012

ANTHONY PROZAS  
CONSULTING PTY. LTD.

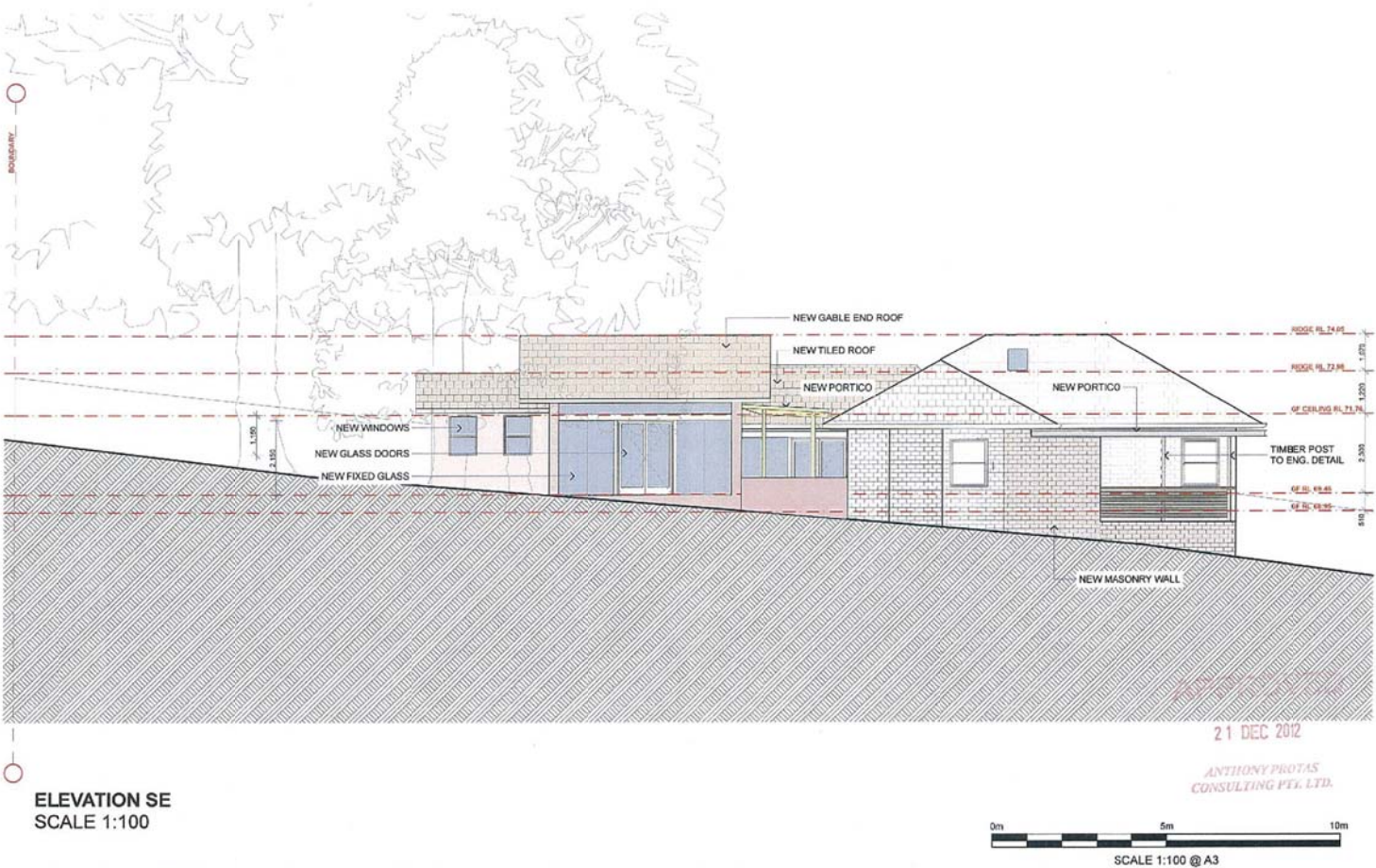


SCALE 1:100 @ A3


<p>VERIFY ALL DIMENSIONS ON SITE PRIOR TO COMMENCEMENT OF WORK. DO NOT SCALE OFF DRAWINGS. THIS DRAWING IS THE COPYRIGHT AND THE PROPERTY OF ROTH ARCHITECTS PTY LTD AND MUST NOT BE REPRODUCED WITHOUT WRITTEN AUTHORITY FROM ROTH ARCHITECTS PTY LTD. ANY DISCREPANCIES ARE TO BE BROUGHT TO THE ATTENTION OF ROTH ARCHITECTS PTY LTD PRIOR TO THE COMMENCEMENT OF WORK.</p>	<p><b>ROTH</b> ARCHITECTURE Roth Architects Pty Ltd LEVEL 1 / 30-32 QUEEN STREET WOOLLAHRA PO BOX 386 WOOLLAHRA NSW 1550 NOMINATED ARCHITECT ALEX ROTH REGISTRATION 7275</p>	<p>AMENDMENTS B - CDC A - Preliminary Design</p>	<p>CLIENT Mark Fiore / Danielle McCormack SITE 32 Keppel RD Ryde NSW 2112</p>	<p>DRAWN BY DTB</p>	<p>PLOT DATE 19/12/12</p>	<p>ISSUE B</p>
				<p>CHECKED BY AGR</p>	<p>SCALE AND PAPER SIZE 1:100 @ A3</p>	<p>DRAWING NUMBER CDC.10</p>

**ITEM 2 (continued)**

**ATTACHMENT 2**

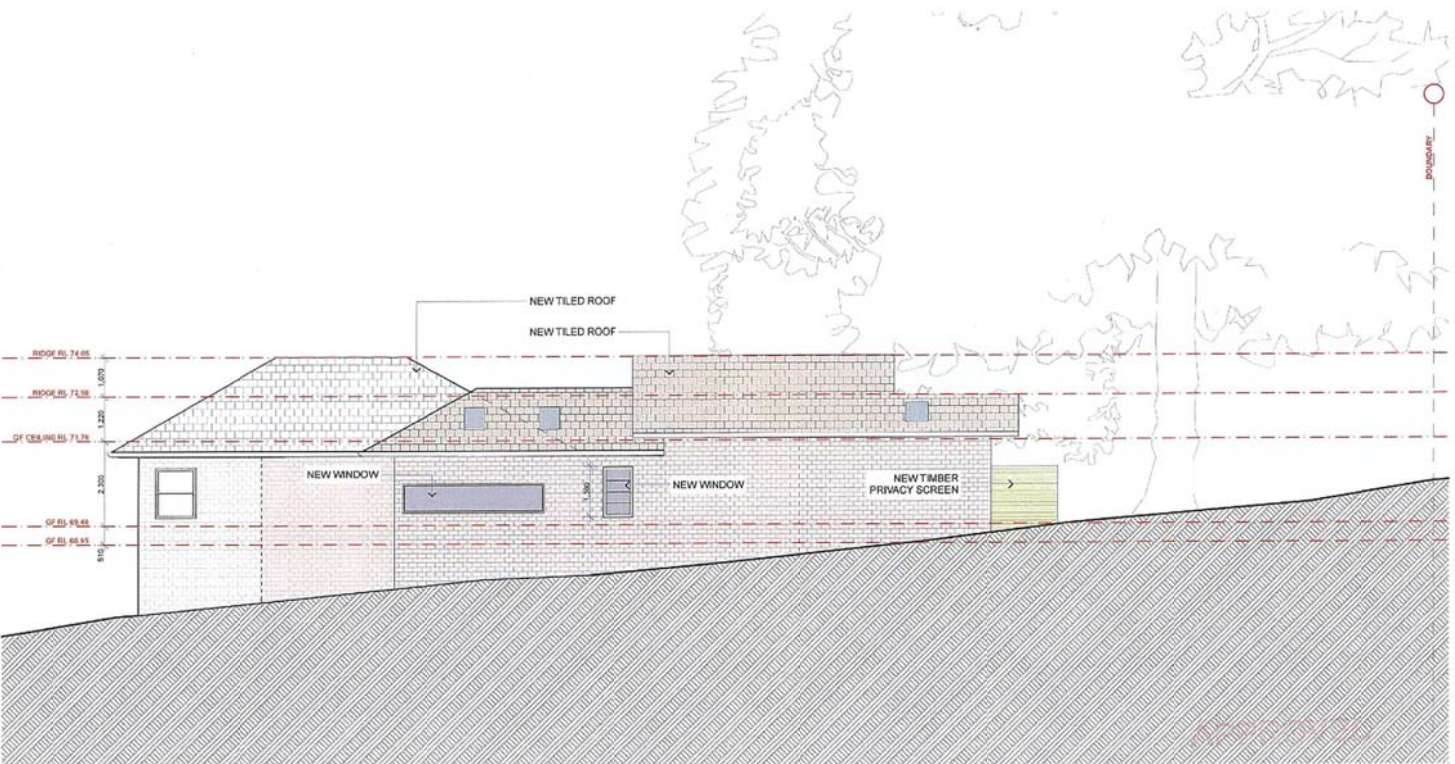


**ELEVATION SE**  
SCALE 1:100

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			<b>SITE</b> 32 Keppel RD Ryde NSW 2112	<b>CHECKED BY</b> AGR	<b>SCALE AND PAPER SIZE</b> 1:100 @ A3	
				<b>DRAWING TITLE</b> Elevation SE	<b>DRAWING NUMBER</b> CDC.11	

**ITEM 2 (continued)**

**ATTACHMENT 2**



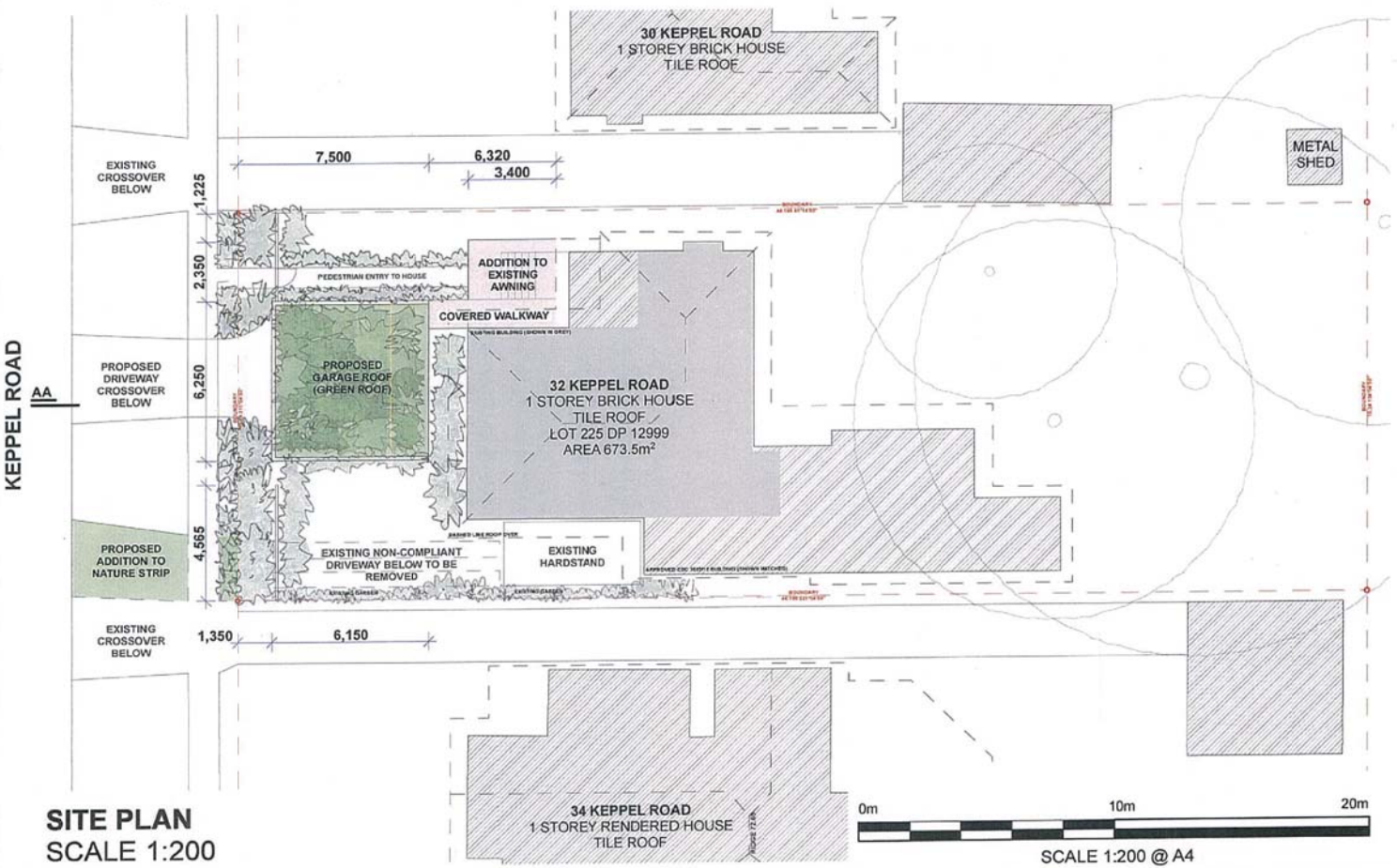
**ELEVATION NW**  
SCALE 1:100



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			<b>SITE</b> 32 Keppel RD Ryde NSW 2112	<b>CHECKED BY</b> AGR	<b>SCALE AND PAPER SIZE</b> 1:100 @ A3	<b>DRAWING TITLE</b> Elevation NW	<b>DRAWING NUMBER</b> CDC.12

ITEM 2 (continued)

ATTACHMENT 3

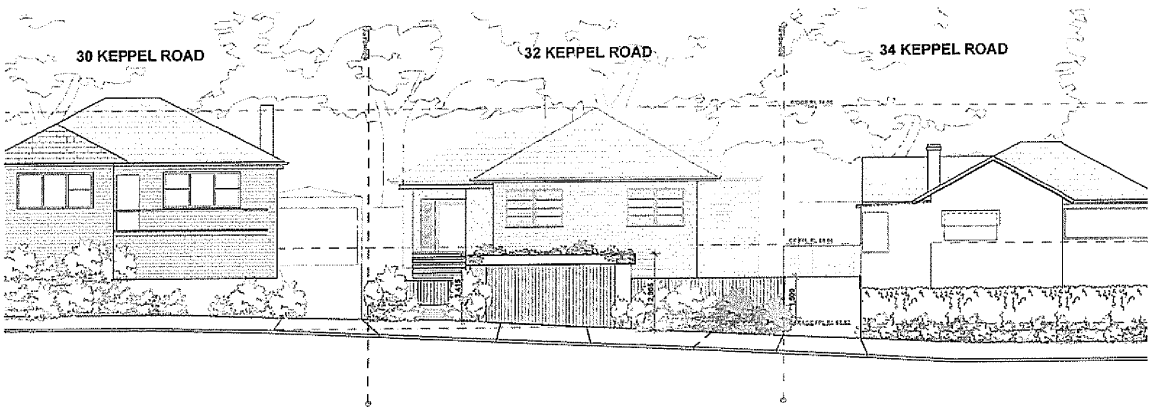


SITE PLAN  
SCALE 1:200

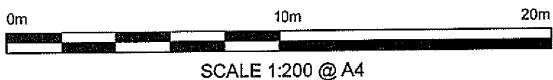
<p>VERIFY ALL DIMENSIONS ON SITE PRIOR TO COMMENCEMENT OF WORK. DO NOT SCALE OFF DRAWINGS. THIS DRAWING IS THE COPYRIGHT AND THE PROPERTY OF ROTH ARCHITECTS PTY LTD AND MUST NOT BE REPRODUCED WITHOUT WRITTEN AUTHORITY FROM ROTH ARCHITECTS PTY LTD. ANY DISCREPANCIES ARE TO BE BROUGHT TO THE ATTENTION OF ROTH ARCHITECTS PTY LTD PRIOR TO THE COMMENCEMENT OF WORK.</p>	<p><b>ROTH ARCHITECTURE</b> Roth Architects Pty Ltd LEVEL 1 80 QUEEN ST WOOLLAHRA PO BOX 386 WOOLLAHRA NSW 1530 FORMERLY ARCHITECTS &amp; ROTH REGISTERED 2724</p>	<p>AMENDMENTS C - Development Application B - CDC A - Preliminary Design</p>	<p>CLIENT <b>Mark Fiore &amp; Danielle McCormack</b> SITE <b>32 Keppel Road Ryde NSW 2112</b></p>	<p>DRAWN BY DCN</p>	<p>PLOT DATE 9/04/13</p>	<p>ISSUE C</p>
				<p>CHECKED BY AGR</p>	<p>SCALE AND PAPER SIZE 1:200 @ A4</p>	
				<p>DRAWING TITLE Site Plan</p>	<p>DRAWING NUMBER DA.N1</p>	


**ITEM 2 (continued)**

**ATTACHMENT 3**



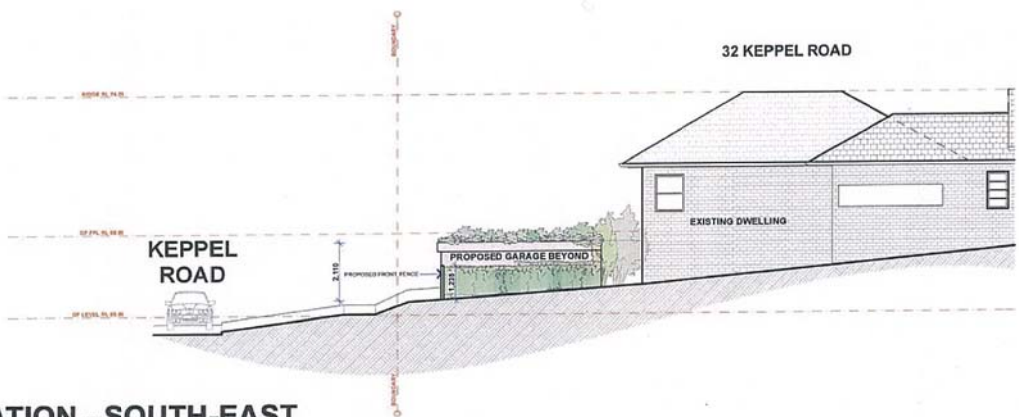
**ELEVATION - STREET**  
SCALE 1:200



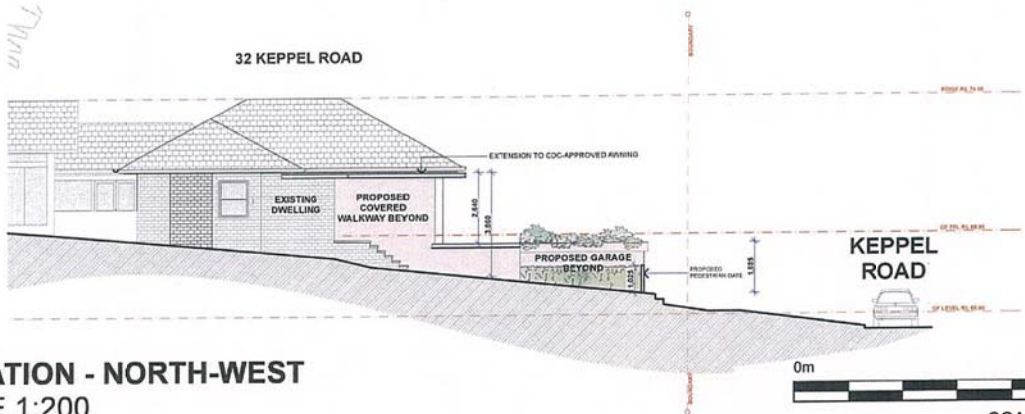
<small>VERIFY ALL DIMENSIONS ON SITE PRIOR TO COMMENCEMENT OF WORK. DO NOT SCALE OFF DRAWINGS. THIS DRAWING IS THE COPYRIGHT AND THE PROPERTY OF ROTH ARCHITECTS PTY LTD AND MUST NOT BE REPRODUCED WITHOUT WRITTEN AUTHORITY FROM ROTH ARCHITECTS PTY LTD. ANY DISCREPANCIES ARE TO BE BROUGHT TO THE ATTENTION OF ROTH ARCHITECTS PTY LTD PRIOR TO THE COMMENCEMENT OF WORK.</small>	<b>ROTH</b> <small>ARCHITECTURE</small> <b>Roth Architects Pty Ltd</b> <small>LEVEL 1 60 QUEEN ST WOOLLAHRA          PO BOX 386 WOOLLAHRA NSW 1500          (COMMERCIAL ARCHITECT) A/C ROTH ARCHITECTS PTY LTD 1509 7274</small>	<small>AMENDMENTS</small> C - Development Application B - CDC A - Preliminary Design		<small>CLIENT</small> <b>Mark Fiore &amp; Danielle McCornack</b>	<small>DRAWN BY</small> <b>DCN</b>	<small>PLOT DATE</small> <b>9/04/13</b>	<small>ISSUE</small> <b>C</b>
				<small>SITE</small> <b>32 Keppel Road          Ryde NSW 2112</b>	<small>CHECKED BY</small> <b>AGR</b>	<small>SCALE AND PAPER SIZE</small> <b>1:200 @ A4</b>	<small>DRAWING NUMBER</small> <b>DA.N1</b>

ITEM 2 (continued)

ATTACHMENT 3



ELEVATION - SOUTH-EAST  
SCALE 1:200



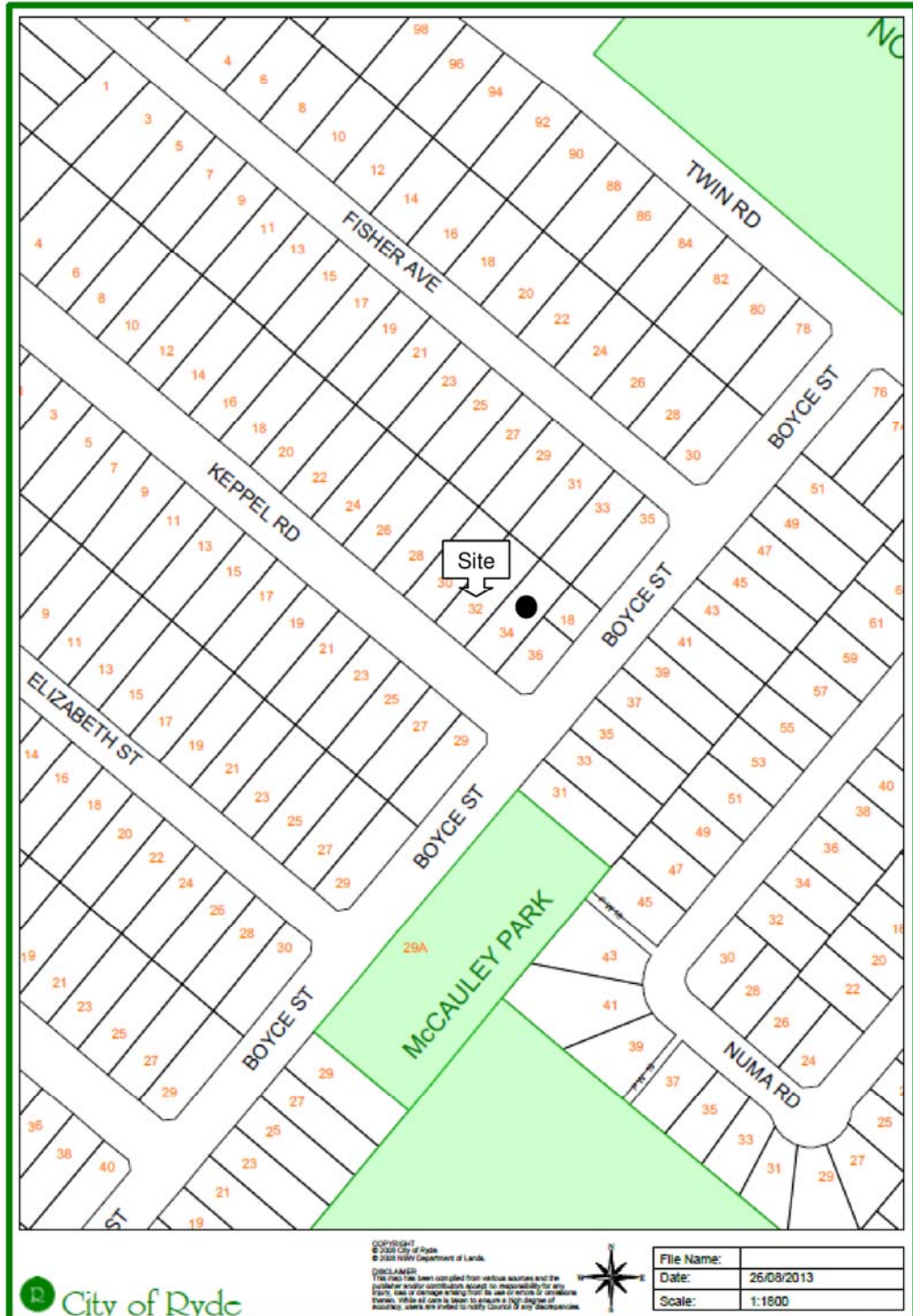
ELEVATION - NORTH-WEST  
SCALE 1:200

<p>VERIFY ALL DIMENSIONS ON SITE PRIOR TO COMMENCEMENT OF WORK. DO NOT SCALE OFF DRAWINGS. THIS DRAWING IS THE COPYRIGHT AND THE PROPERTY OF ROTH ARCHITECTS PTY LTD AND MUST NOT BE REPRODUCED WITHOUT WRITTEN AUTHORITY FROM ROTH ARCHITECTS PTY LTD. ANY DISCREPANCIES ARE TO BE BROUGHT TO THE ATTENTION OF ROTH ARCHITECTS PTY LTD PRIOR TO THE COMMENCEMENT OF WORK.</p>	<p><b>ROTH</b> ARCHITECTURE Roth Architects Pty Ltd LEVEL 1 80 QUEEN ST WOOLLAHARA PO BOX 306 WOOLLAHARA NSW 1350 REGISTERED ARCHITECT ALEX ROTH REGISTRATION 7201</p>	<p>AMENDMENTS C - Development Application B - CDC A - Preliminary Design</p>	<p>CLIENT Mark Fiore &amp; Danielle McCormack SITE 32 Keppel Road Ryde NSW 2112</p>	<p>DRAWN BY DCM</p>	<p>PLOT DATE 9/04/13</p>	<p>ISSUE C</p>
				<p>CHECKED BY AGR</p>	<p>SCALE AND PAPER SIZE 1:200 @ A4</p>	
				<p>DRAWING TITLE Elevation - South-East, North-West</p>	<p>DRAWING NUMBER DA.N2</p>	

ITEM 2 (continued)

ATTACHMENT 4

● Indicates submission received





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**3 92 CONSTITUTION ROAD WEST, MEADOWBANK. Lot 2 DP 12059. Local Development Application to demolish laundry and construct new outbuilding/garage at the rear of the property. LDA2013/0046.**

---

**Report prepared by:** Assessment Officer

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

**Report dated:** 15/08/2013

**File Number:** grp/09/5/6/2 - BP13/1211

---

## 1. Report Summary

**Applicant: B Elbayeh.**

**Owner: G Saad.**

**Date lodged: 27 February 2013**

This report considers a proposal to demolish an existing detached laundry and construct a new outbuilding/garage with laundry and storage facilities at the rear of the property. The structure is proposed to have a floor area of 66.21m<sup>2</sup> (calculated from the inside walls) and is to be constructed of metal cladding and roof on a concrete slab.

The original plans submitted were for a larger detached garage and outbuilding 81m<sup>2</sup> at the rear of the site. Council received submissions from six neighbours raising issues regarding the size of the structure, overshadowing, stormwater, loss of views, the proposed use of the garage/outbuilding and non-compliance with Council's DCP 2010 Part 3.3 Dwelling Houses and Dual Occupancy (attached). The applicant amended the plans and reduced the overall size to 66.21m<sup>2</sup> (additional floor space), removed the fill proposed outside the footprint and the overall maximum height has been reduced by 650mm. The proposal is now located closer to the existing dwelling to enable it to comply with drainage requirements and provide an absorption trench for stormwater in accordance with Council's DCP 2010 Part 8.2 Stormwater Management.

The amended plans were re-notified and six neighbours raised the same issues as the original proposal. There are three non-compliances with Council's DCP 2010 being height, floor area and fill within the footprint. Council's DCP 2010 permits an outbuilding of 20m<sup>2</sup> and a detached garage of 36m<sup>2</sup> which equates to a maximum 56m<sup>2</sup> for this type of detached structure under DCP 2010. As the proposed structure exceeds the maximum area allowed under DCP 2010, it is considered that it should be reduced in size to ensure compliance. The variation to height for a portion of the building only and fill can be supported due to the slope of the land. It is therefore recommended that the DA be approved via a "Deferred Commencement" consent which requires further amended plans for a maximum 56m<sup>2</sup> size of the new building. This will satisfactorily address the concerns of the neighbours in regard to the overall size and impact of the building.

**ITEM 3 (continued)**

**Reason for Referral to Planning and Environment Committee:** The number of submissions received.

Public Submissions: 6 submissions were received objecting to the development. Amended plans were re-notified and 6 submissions were received to the amended plans.

Clause 4.6 RLEP 2010 objection required? No.

Value of works: \$22,000

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

**RECOMMENDATION:**

- (a) That Local Development Application No. LDA2013/46 at 92 Constitution Road West, Meadowbank, being LOT 2 DP 12059 be approved subject to the Deferred Commencement conditions contained in **Attachment 2**.
- (b) That the persons who made submissions be advised of Council's decision.

**ATTACHMENTS**

- 1 Compliance table - Ryde DCP 2010
- 2 Proposed conditions
- 3 A4 plans
- 4 Map
- 5 A3 plans - subject to copyright provisions - **CIRCULATED UNDER SEPARATE COVER**

Report Prepared By:

**Jane Tompsett**  
**Assessment Officer**

Report Approved By:

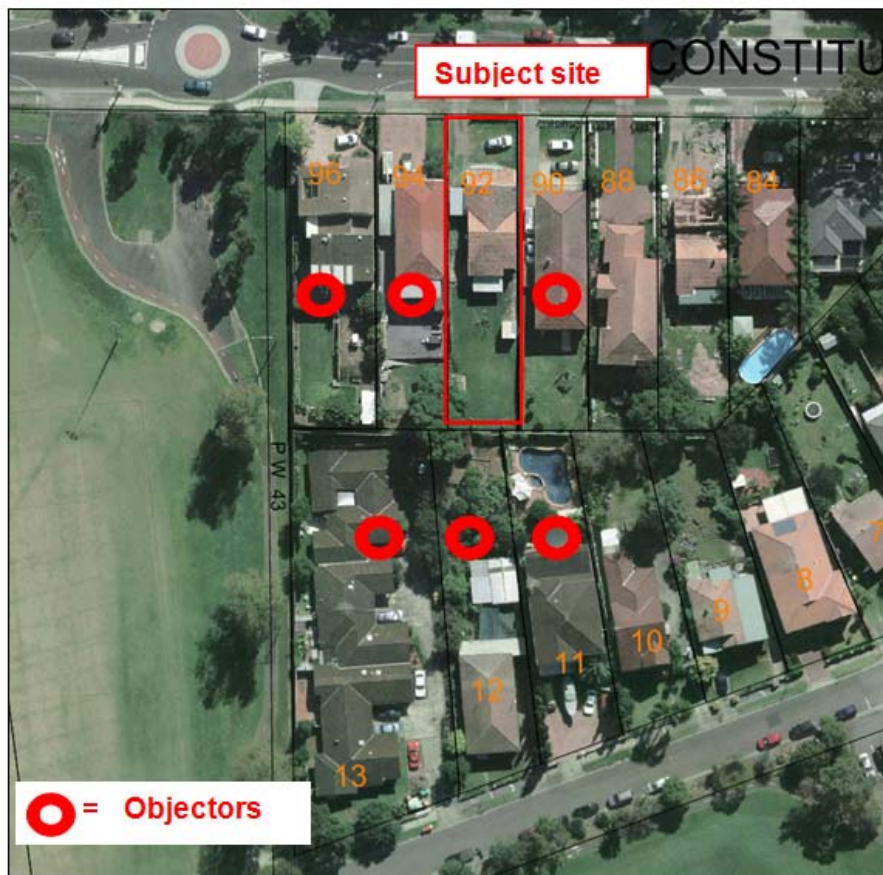
**Liz Coad**  
**Manager Assessment**

**Meryl Bishop**  
**Acting Group Manager - Environment and Planning**

**ITEM 3 (continued)**

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

<b>Address</b>	: 92 Constitution Road West, Meadowbank
<b>Site Area</b>	: 663.9m <sup>2</sup> Frontage 12.192 metres Depth 54.865 metres
<b>Topography and Vegetation</b>	: The site is located on the southern side of Constitution Road West. The site falls away from the street with RL13 at the front boundary on the eastern side and RL 7.5 at the rear boundary on the western side. In addition there is a cross fall from east to west.
<b>Existing Buildings</b>	: Single storey dwelling and detached laundry in outbuilding
<b>Planning Controls</b>	
<b>Zoning</b>	: Ryde LEP 2010 - R2 Low Density Residential
<b>Other</b>	: Ryde DCP 2010



**Figure 1: Locality Map**

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

Nil.

**4. Political Donations or Gifts**

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

**5. Proposal**

Demolish the existing laundry and construct a new garage with laundry and storage and workshop facilities at the rear of the property.

**6. Background**

- 27 February 2013 – DA lodged.
- 6 March 2013 - Stop the clock letter was sent to the applicant to address several issues including stormwater drainage, fill and car parking (ie compliance with AS2890 regarding vehicle turning areas).
- 19 March 2013 – Notification ended and six submissions were received.
- 5 April 2013 – Amended plans received. The amended plans included a reduction in the height and floor area of the outbuilding/garage, as well as increasing the rear setback (from previous 5.5m to now be 11m) from the rear boundary.
- 9 April 2013 – Amended plans re-notified for 7 days
- 17 April 2013 – Notification ended and six submissions were received raising the same issues as the previous submissions.
- 29 April 2013 – Council Officers met the neighbours from 90 Constitution Road West and discussed the concerns they raised in particular views.

**7. Submissions**

The proposal was notified in accordance with Development Control Plan 2010 - Part 2.1, Notification of Development Applications. Twelve (12) submissions were received in total from six (6) properties. Notification of the proposal was from 4 March 2013 until 19 March 2013 with six submissions being received from the surrounding property owners at No. 90, 94, 96 Constitution Road West and No. 1, 12, 13 Ross Smith Street. Amended plans were re-notified from 9 April 2013 until 17 April 2013 with a further six submissions being received from the same property owners.

### ITEM 3 (continued)

The issues raised in the submissions being:

- **Loss of Views** - The owners of 90 Constitution Road have raised concerns regarding loss of views from the rear verandah looking across 92 and 94 Constitution Road West.

Officer's Comments:

The concerns regarding “views” in this location relate to an outlook across Meadowbank Park currently available for the properties in Constitution Road either side of the subject site. There are no water views or district views that would require a full assessment (using the “Tenacity” principle established by the Land and Environment Court).

The views available from adjoining properties are shown in the following photos. These show that whilst the proposed outbuilding/garage would be visible from neighbouring properties, the outlook (view) towards the park is already obscured by vegetation within the park itself.



**Figure 2:** The views to Meadowbank Park

**ITEM 3 (continued)**

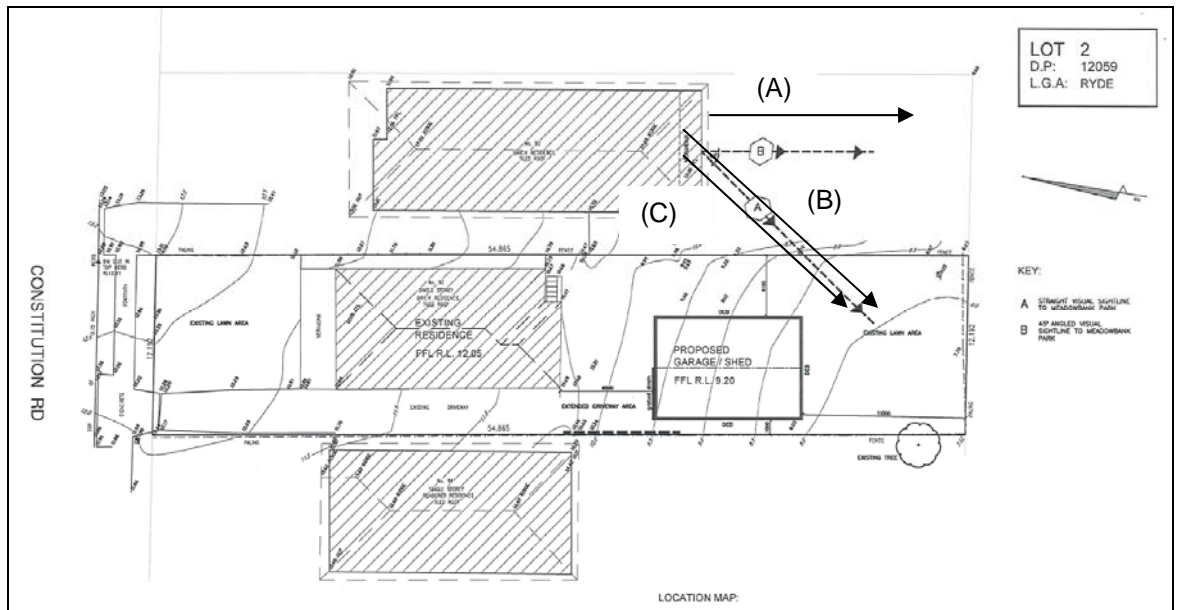


**Figure 3:** Standing on the rear verandah of 90 Constitution Road West. The side view looking west across 92, 94 and 96 Constitution Road West to Meadowbank Park.

Furthermore, the outlook towards the park from the objector's property (No 92) is a side view across the subject site, and it is well known that side views are more difficult to protect. This is shown in the following plan and photo. The increased rear setback of the outbuilding/garage in the applicant's amended plans also helps to open up the view from the objector's property.

Overall, it is considered that the impacts on views towards Meadowbank Park are acceptable.

**ITEM 3 (continued)**



**Figure 4:** Plan view (A) is a straight visual line to Meadowbank Park and (B) is a 45° angle view to Meadowbank Park, (C) is the view from the kitchen window view.



**Figure 5:** The view from the verandah (A) is a straight visual line to Meadowbank Park and (B) is a 45° angle view to Meadowbank Park, (C) is the view from the kitchen window view.

**ITEM 3 (continued)**

- **Use of the building** - The neighbours have suspicions and believe the proposed garage, storage, laundry and workshop will be used for commercial purposes as mechanical workshop for cars.

Officer's Comments:

The applicant has advised the following:

*"The purpose of the proposed outbuilding is for several key factors, which include the following;*

- *To improve the functionality of the small existing dwelling to accommodate the growing family residents.*
- *Because of families challenging economic situation, the outbuilding is a temporary measure which ensures all valuable items and goods are stored and are made easily accessible.*
- *To provide an enclosure to park a vehicle. The proposed structure is a standard module from 'Sydney Sheds and Garages', which helps tremendously with the economical cost of construction.*
- *An assessment was done to do an extension to the existing dwelling - this was calculated as being too costly.*
- *The removal of an existing outdated laundry unit, will allow the laundry to be relocated into the outbuilding structure.*

*The intended use is for residential use and not for commercial reasons (which is not permitted). No mechanical chemicals will be stored on these premises and no further additional noise and fumes and/or odours will be created (which is simply an allegation, not based on truths or planning controls).*

*The proposed structure (as noted earlier) is a standard module from 'Sydney Sheds and Garages'. Part of their inclusions is to have slightly higher garage doors because its design does not incorporate an internal flat ceiling, which will allow more natural ventilation and solar accessibility through these doors. No windows are proposed."*

Any approval granted for the garage, storage, laundry and workshop would be for residential use only. There is no indication on the application or the plans to suggest otherwise. If at any time in the future the building was to be used of other purposes Council would investigate and take the appropriate action in accordance with the legislation.

Condition 56 reinforces that the building cannot be used for non-residential uses.

- **Height** - The neighbours have objected to the height of the proposed building as it does not comply with Council's requirements.



**ITEM 3 (continued)**

Officer's Comments:

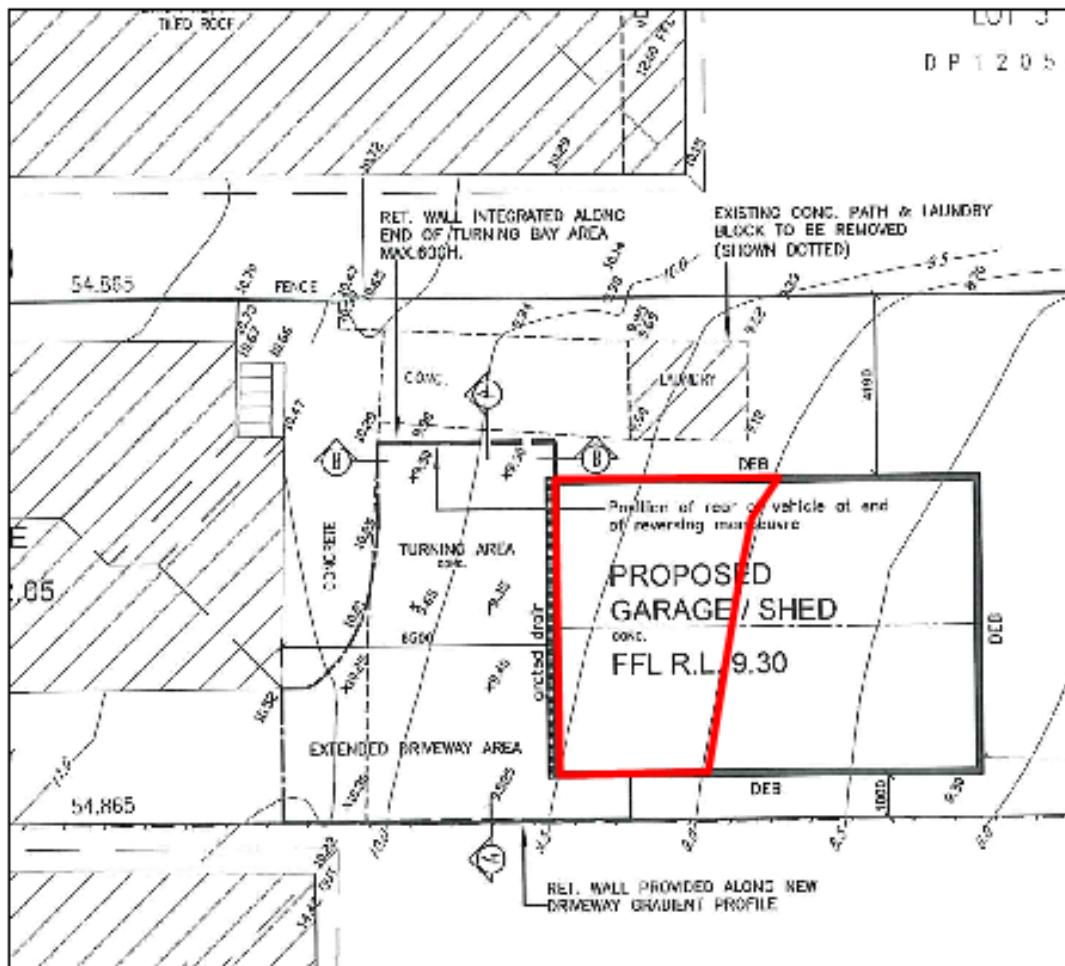
Council's DCP 2010 Part 3.3 Dwelling House and Dual Occupancy attached states:

*Outbuildings, including garages and carports:*

*Maximum building height 4.5 metres*

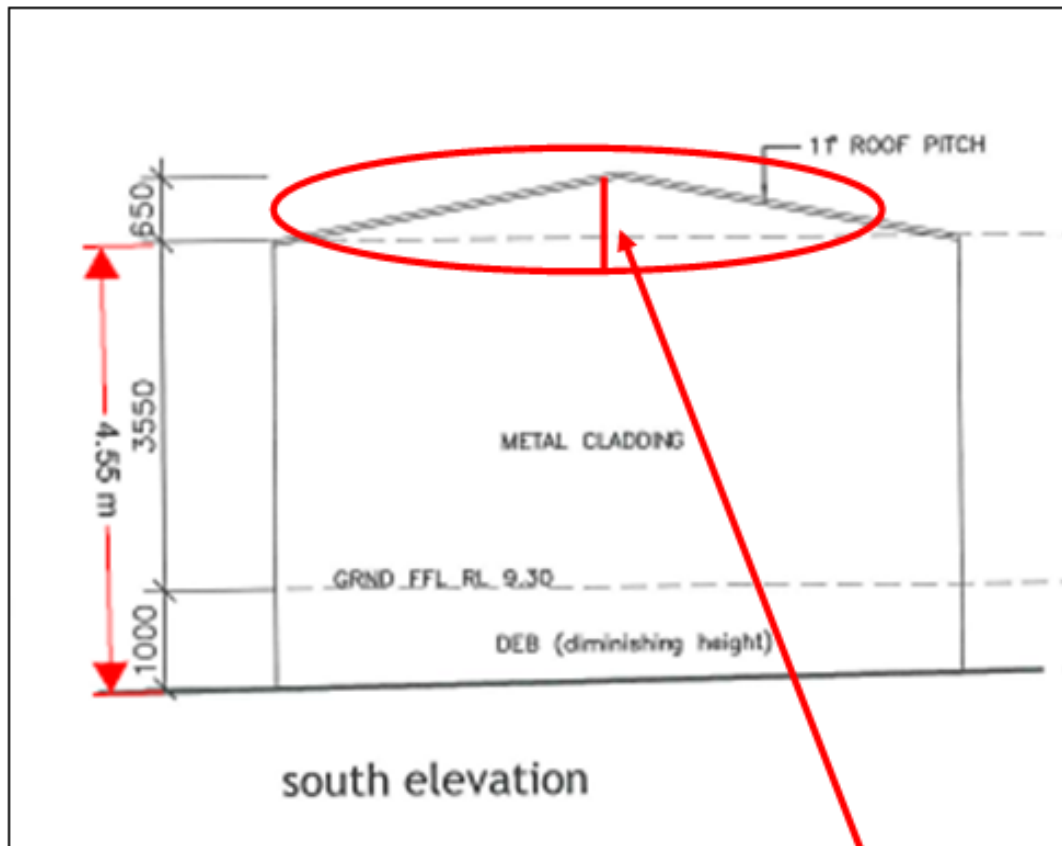
*Maximum wall plate height 2.7 metres.*

The overall maximum height of the building is 4.3m at the front and up to 5.25m at the rear of the building. The front part of the garage has been cut in up to 450mm to reduce the height at the rear of the garage. The front portion of the building complies with Council's control (see below).



**Figure 6:** The rear portion of the building is a maximum of 750mm higher than Council's control (see below).

**ITEM 3 (continued)**



**Figure 7:** Maximum 750mm portion of non-compliance with Council's DCP 2010.

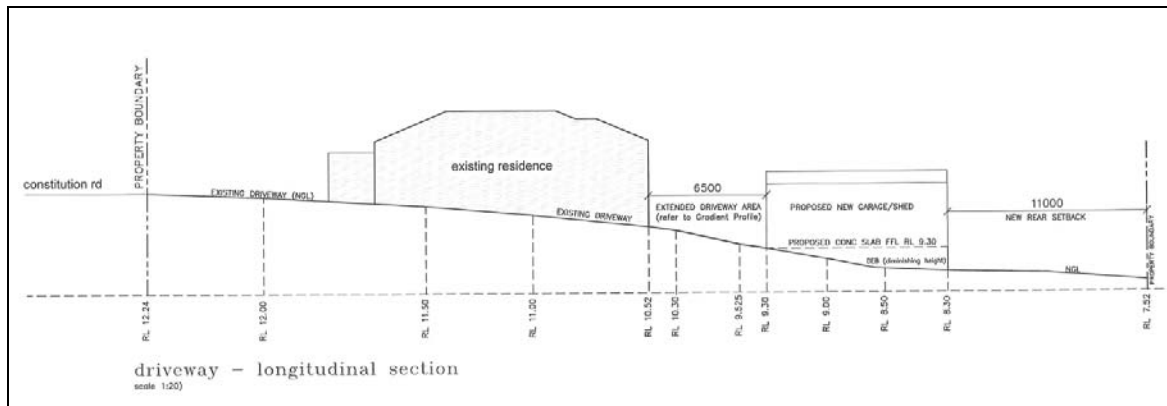
The maximum ceiling height proposed is 3.55m at the front of the garage and 4.6m at the rear which does not comply with Council's control.

Due to the topography of the site the driveway and the building are cut in at the front to provide access in accordance with AS2890.1 – Car Parking. The rear of the building is elevated with drop edge beam construction (no fill outside the footprint).

The driveway section below puts the height and size in perspective with the existing single storey dwelling and the proposed height of the detached garage, storage, laundry and workshop.

In this instance the height is considered satisfactory.

**ITEM 3 (continued)**



**Figure 8:** The driveway long section showing the single storey dwelling the proposed garage, storage, laundry and workshop.

- **The size of the building** - The neighbours have raised concerns regarding the enormous size of the building when an outbuilding is meant to have a total floor area of 20m<sup>2</sup> in accordance with Council's DCP 2010.

Officer's Comment:

Council's DCP 2010 Part 3.3 Dwelling Houses and Dual Occupancy (attached) states:

The total area for all outbuildings is not to exceed 20m<sup>2</sup> and free standing garages are to have a maximum gross floor area of 36m<sup>2</sup>. The total floor area would result in 56m<sup>2</sup> which is permissible. The proposed structure is for a garage, storage, laundry and workshop with a total floor area of 66.21m<sup>2</sup>, which is 10.21m<sup>2</sup> over Council's control. Generally most dwellings have the laundry located in the dwelling. The applicant intends to demolish the existing outbuilding that contains the laundry and incorporate the laundry in the new structure. In order to ensure compliance with Council's DCP, it is recommended that the size (floor area) of the outbuilding/garage be further reduced to a maximum 56m<sup>2</sup>, via a "Deferred Commencement" consent.

If Council is mindful to support the variation to Council's DCP having regard to the laundry also being located in the outbuilding, then Condition 1 in Part 1 should be deleted.

**ITEM 3 (continued)**

- **Boundary Fence** - The neighbour at 90 Constitution Road West raised concerns the boundary fence was removed by the owners of 92 Constitution Road West.

Officers Comment:

Matters regarding dividing fences are a private matter to be resolved between the two property owners, and these concerns are also not relevant to Council's consideration of this proposal.

- **Overshadowing** - Concerns from neighbours regarding overshadowing.

Officer's Comments:

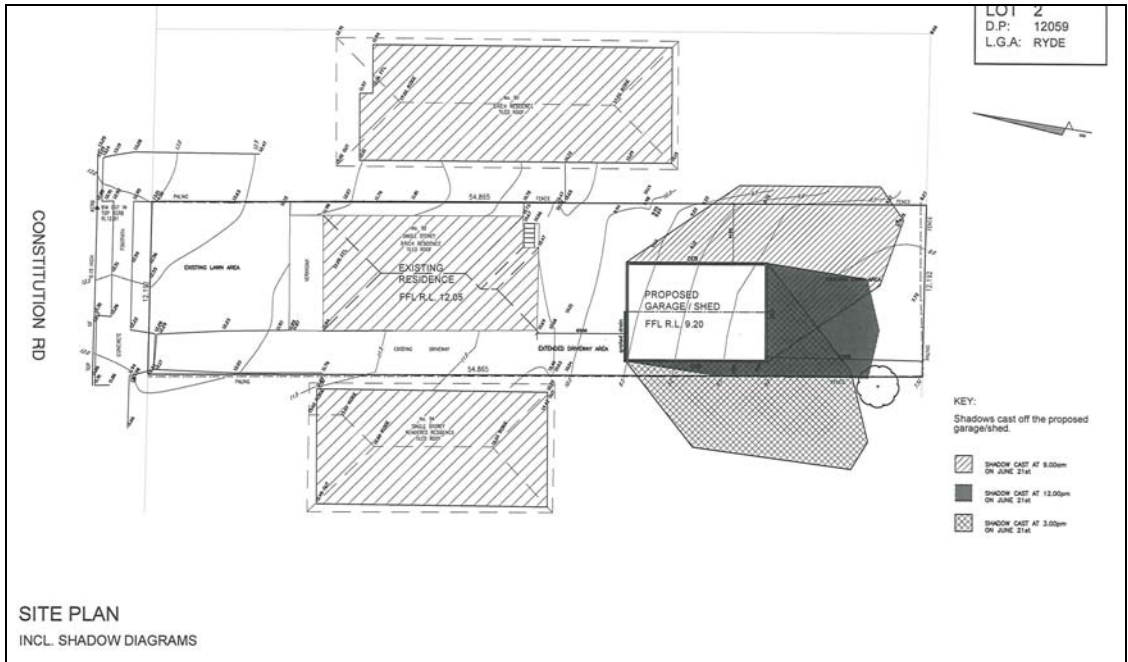
Council's DCP 2010 Part 3.3 Dwelling Houses and Dual Occupancy (Attached) states:

*For neighbouring properties ensure:*

- 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*
- 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.*

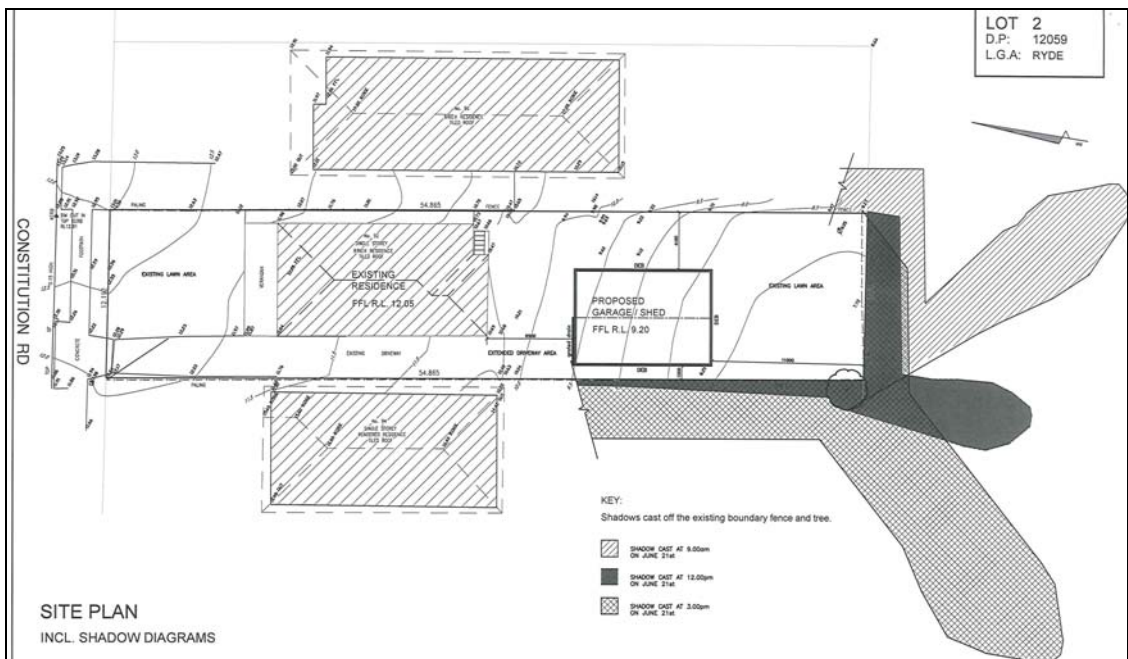
The applicant has provided shadow diagrams demonstrating the proposal complies with Council's controls (see below). There is no overshadowing on any dwellings and there is a minor increase on the existing shadow on the private open space 94 Constitution Road West. Note: 94 Constitution Road West will receive *sunlight to at least 50% of the principal area of ground level private open space for minimum of 3 hours between 9am and 12noon June 21.*

**ITEM 3 (continued)**



**Figure 9:** Shadow diagram

In addition the applicant has provided a shadow diagram of the existing fence and the tree in the rear yard of 94 Constitution Road West. This demonstrates existing shadows and a minor increase to 94 Constitution Road West at 3pm (see below).



**Figure 10:** Existing shadow from the fence and neighbours tree.

**ITEM 3 (continued)**

- **Stormwater** - Concerns were raised by the neighbours with the stormwater drainage for the proposal.

Officer's comment:

The site falls away from the street, the applicant has approached the downstream neighbour requesting an easement to drain stormwater and the neighbour has refused the request. The only option for stormwater is for an absorption trench in the rear yard. The amended plans show the proposed system further way from the rear boundary and now complies with Council's DCP 2010 Part 8.2 Stormwater Management with regard to the amount of area required for on-site absorption Council's Development Engineer has raised no objection to the proposal subject to 16 conditions of consent.

- **Aesthetics of the building** - The neighbours have raised concerns as to the design of the garage, being out of character in a residential area and visible to neighbours and the public from Meadowbank Park.

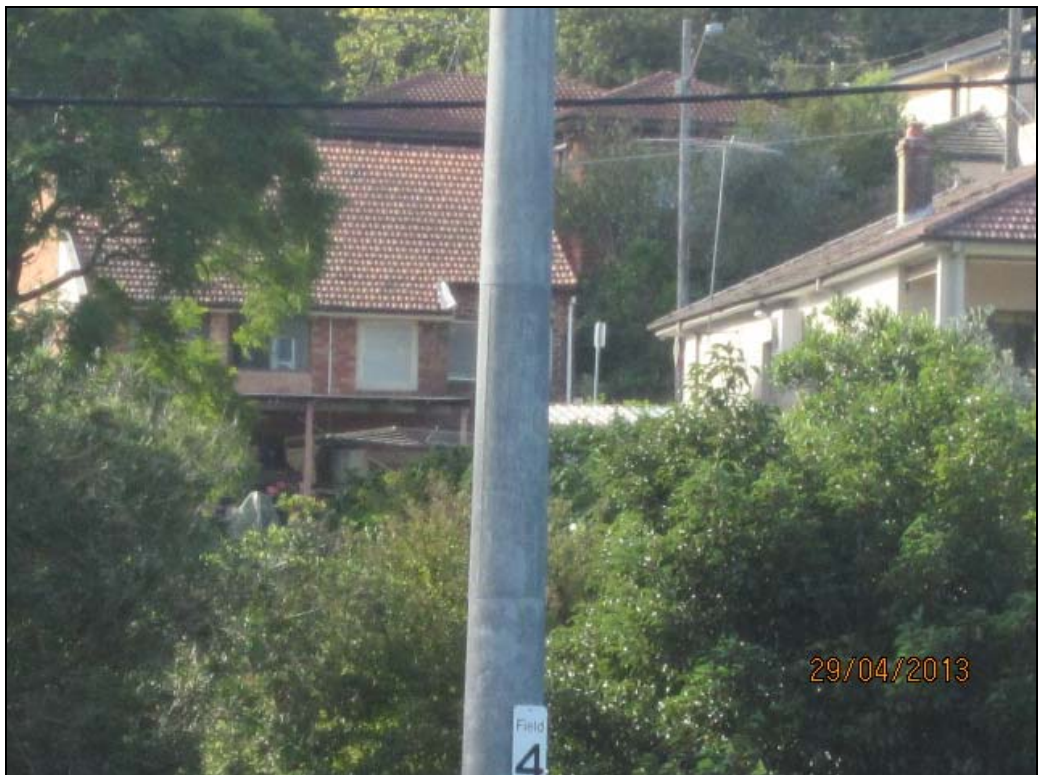
Officer's Comments:

The controls in DCP 2010 for outbuildings/garages do not prohibit the proposed materials, which are common for this type of structure and similar to existing in rear yards in the vicinity and the City of Ryde generally. Whilst the building will be partly visible from neighbouring properties to the sides and rear, it will be largely obscured (when viewed from the park) by existing vegetation (see photos below).

**ITEM 3 (continued)**



**Figure 11:** The view from the park looking towards 92 Constitution Road West



**Figure 12:** The zoomed in view from the park looking towards 92 Constitution Road West

**ITEM 3 (continued)**

- **Property Value** - The neighbours have concerns the proposal is unsightly and will lower the value of their properties.

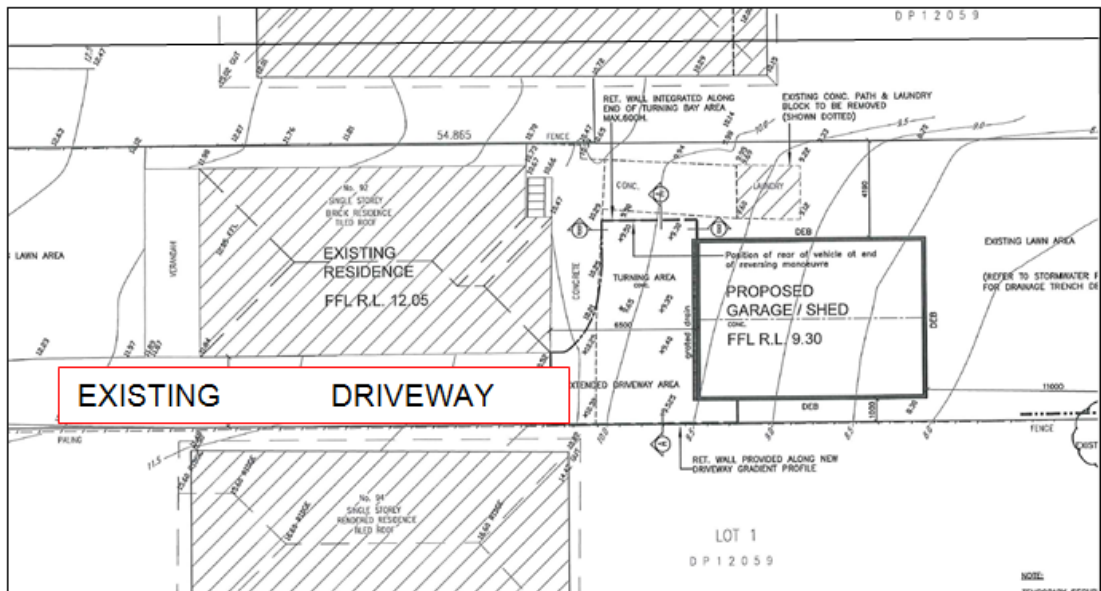
Officer's Comments:

The applicants have a right, under the Act, to the orderly and economic use and development of land, and that possible decreases in surrounding property values do not constitute a reasonable ground for refusal.

- **Extended driveway** - The neighbours at 94 Constitution Road West have concerns that the extended driveway will increase the noise and discomfort to them.

Officer's Comments:

The current driveway is adjacent to the entire side of 94 Constitution Road West. The driveway is being extended approximately 6.5m longer (this is slightly longer than a one car length) past the end of 94 Constitution Road West. There is no evidence to support the extended driveway will be any noisier than the existing driveway.



**Figure 13: Existing driveway**

8. Clause 4.6 RLEP 2010 objection required? No



**ITEM 3 (continued)****9. Policy Implications****Relevant Provisions of Environmental Planning Instruments etc:****(a) Ryde LEP 2010****Zoning**

R2 Low Density Residential

**Mandatory Requirements**

The following mandatory provisions under Ryde LEP 2010 apply to the development. 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 existing buildings on the site, are less than 9.5m and comply with Ryde’s 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 proposed development has been calculated to be 0.27:1, which complies with Ryde’s LEP 2010.

**(b) Relevant SEPPs**

None

**(c) Relevant REPs**

None

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

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

**ITEM 3 (continued)**

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

The proposal has been assessed using the development controls contained in Ryde DCP 2010. The DCP compliance table for this development proposal is held at **Attachment 1**.

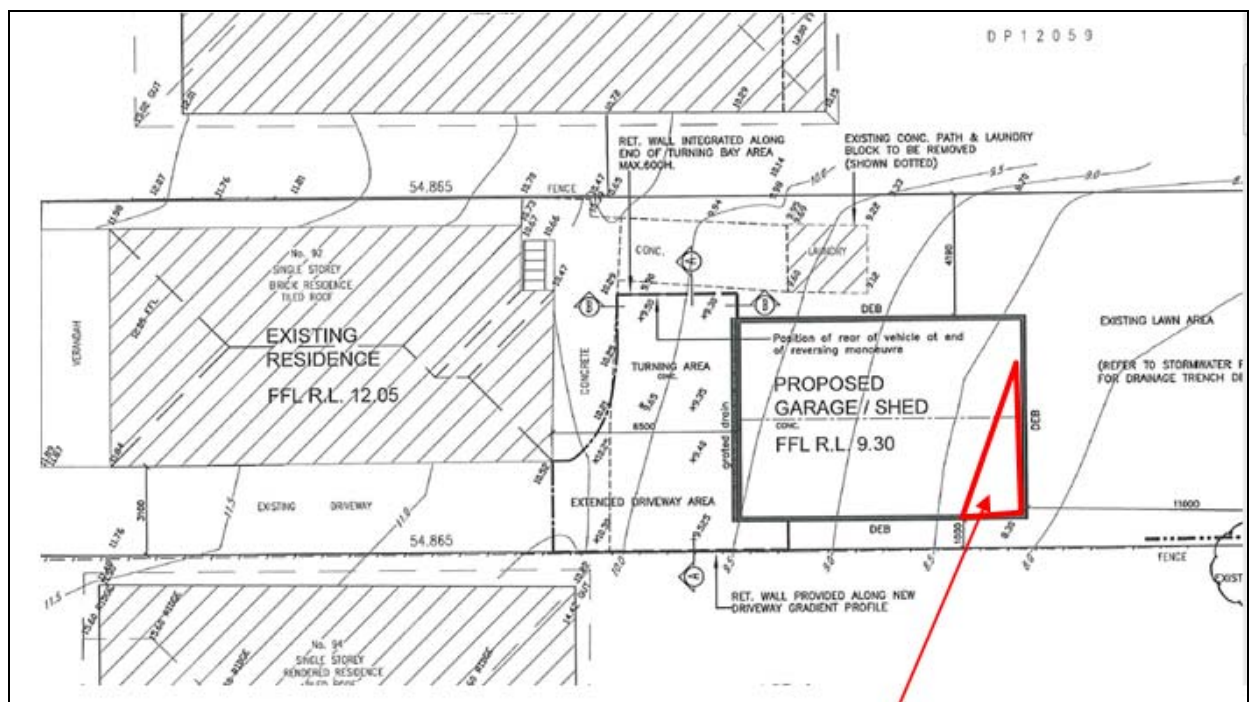
The non-compliances identified in the Compliance Table are discussed below:

**1. Fill in the footprint**

Council's DCP 2010 Part 3.3 Dwelling Houses and Dual Occupancy (attached) states:

*The area under the dwelling footprint may be excavated or filled so long as the maximum height of fill is 900mm.*

Due to the topography of the site, the rear wall of the building has fill from 850mm to a maximum of 1050mm. This is 150mm over Council's control. The area of fill is a considerable distance from any adjacent dwellings. The encroachment is for a small portion at the rear of the building and is considered satisfactory.



**Figure 14:** Area of fill within the footprint that is 150mm over Council's control.

## ITEM 3 (continued)

### 2. Height

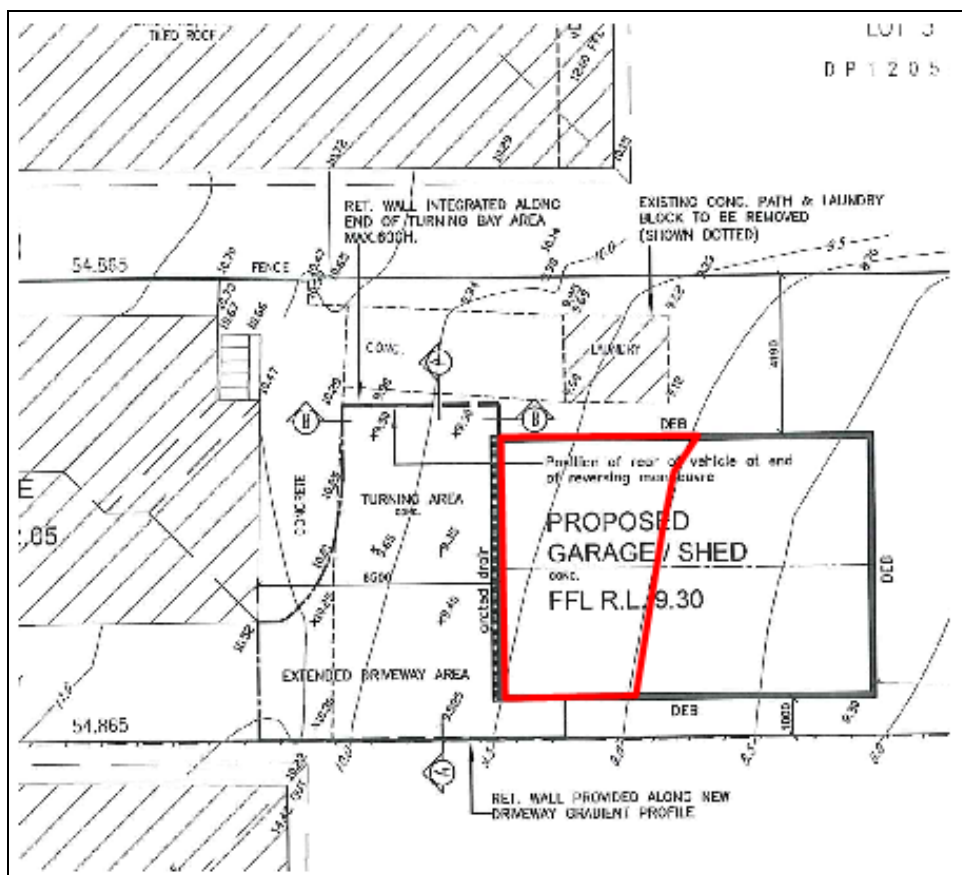
Council's DCP 2010 Part 3.3 Dwelling Houses and Dual Occupancy (attached) states:

*Outbuildings, including garages and carports:*

*Maximum building height 4.5 metres*

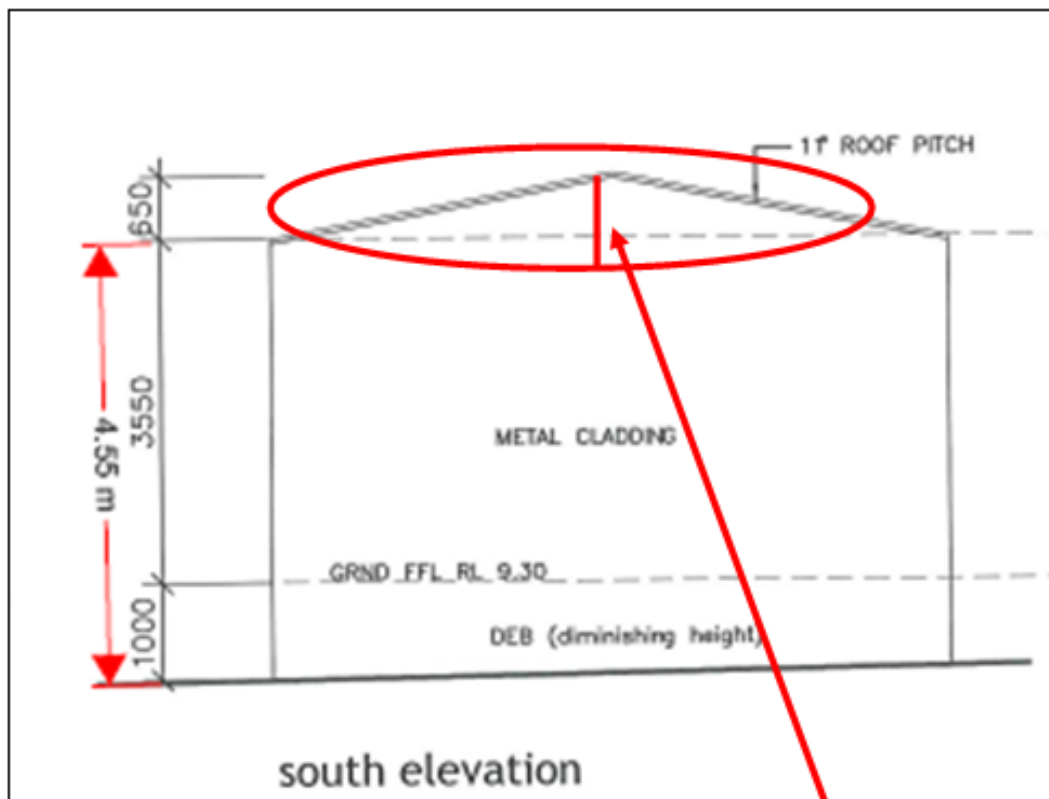
*Maximum wall plate height 2.7 metres.*

The overall maximum height of the building is 4.3m at the front and up to 5.25m at the rear of the building. The front part of the garage has been cut in up to 450mm to reduce the height at the rear of the garage. The front portion of the building complies with Council's control (see below).



**Figure 15:** The front portion of the building complies with Council's control

**ITEM 3 (continued)**



**Figure 16:** Maximum 750mm portion of non-compliance with Council's DCP 2010.

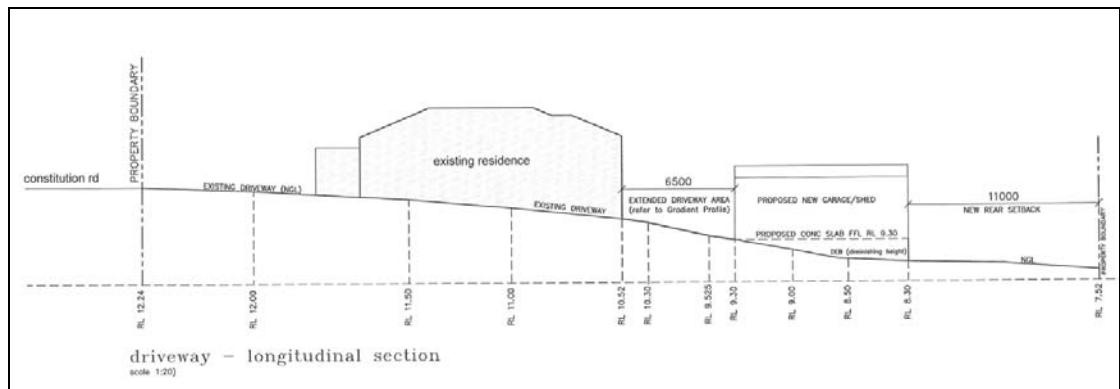
The maximum ceiling height proposed is 3.55m at the front of the garage and 4.6m at the rear which does not comply with Council's control.

Due to the topography of the site the driveway and the building are cut in at the front to provide access in accordance with AS2890.1 – Car Parking. The rear of the building is elevated with drop edge beam construction (no fill outside the footprint).

The driveway section below puts the height and size in perspective with the existing single storey dwelling and the proposed height of the detached garage, storage, laundry and workshop.

In this instance the height is considered satisfactory.

### ITEM 3 (continued)



**Figure 17:** The driveway long section showing the single storey dwelling the proposed garage, storage, laundry and workshop.

### 3. Floor Area

Council's DCP 2010 Part 3.3 Dwelling Houses and Dual Occupancy (attached) states:

*The total area for all outbuildings is not to exceed 20m<sup>2</sup> and free standing garages are to have a maximum gross floor area of 36m<sup>2</sup>.*

The total floor area would result in 56m<sup>2</sup> in floor area permissible. The proposed structure is for a garage, storage, laundry and workshop with a total floor area of 66.21m<sup>2</sup>, which is 10.21m<sup>2</sup> over Council's control. Generally most dwellings have the laundry in the dwelling. The applicant intends to demolish the existing outbuilding that contains the laundry and incorporate the laundry in the new structure.

In order to achieve compliance with Council's DCP, it is recommended that the size (floor area) of the outbuilding/garage be further reduced to a maximum 56m<sup>2</sup>, via a "Deferred Commencement" consent.

As stated previously the maximum floor space ratio (FSR) permitted with Council's DCP 2010 Council's DCP 2010 Part 3.3 Dwelling Houses and Dual Occupancy (attached) is 0.50:1. The proposed total FSR is 0.27:1 and well below Council's maximum floor area. If Council is mindful to support the variation to Council's DCP in terms of overall size due to the circumstances of the case, Part 1 Condition 1 of the recommended conditions could be deleted.

### 10. Likely impacts of the Development

#### (a) Built Environment

Issues regarding impacts on the built environment are discussed throughout this report (in particular the sections discussing submissions from neighbours and DCP compliance). In summary, the proposal is considered satisfactory for approval in terms of impacts on the built environment subject to the recommended conditions of consent.

**ITEM 3 (continued)****(b) Natural Environment**

The proposal to demolish laundry and construct new garage with laundry and storage facilities at the rear of the property will have minimal impact in terms of the natural environment. Matters regarding soil erosion/sediment control etc could be addressed via standard conditions on any consent if Council decides to approve the DA.

**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:

Acid Sulphate Soil Class 5 – Buffer zone

The subject site is identified within class 5 of Acid Sulphate Soils and within 500m buffer zone of a higher class Acid Sulphate Soil environment. The development does not propose to excavate more than 450mm and it is considered that the proposal will have no potential environmental impacts such as lowering the water tables of the adjoining lands and is supported.

**12. The Public Interest**

The development substantially complies with Council's DCP 2010 Part 3.3 Dwelling Houses and Dual Occupancy (attached). The minor encroachments in the height and fill have been justified in the report due to steep topography of the site. The proposal complies with driveway access, stormwater and overshadowing. There are no issues of privacy with the proposed development. It is considered that approval of this DA would be in the public interest subject to the recommended conditions of consent.

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

Development Engineer, 17 July 2013: Council's Development Engineer has raised no objection to the proposal subject to 16 conditions of consent.

External Referrals : none required

**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.

**ITEM 3 (continued)****16. Other Options**Approval without further modification.

Council could support the applicant's request for an 18% variation to the size of the outbuilding based on inclusion of the laundry and low overall floorspace on site by deletion of Part 1 Condition 1.

**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 considered to be satisfactory for approval.

There are three (3) non-compliances with Council's DCP 2010: Part 3.3 Dwelling Houses and Dual Occupancy (attached), relating to fill within the building footprint, the height and floor space. The proposed fill is for a portion of the building and the overall height is also for a portion of the building and this due to the steep topography of the site. The floor space ratio for the site complies with Council's LEP 2010.

The DA is recommended for approval subject to conditions.

In order to address the neighbour's concerns regarding the size of the outbuilding and to ensure compliance with Council's DCP, it is recommended that the area of the outbuilding / garage be limited to a maximum of 56m<sup>2</sup>, via a "Deferred Commencement" consent.

**ITEM 3 (continued)**

**ATTACHMENT 1**

## Compliance Check - Quality Certification

### Assessment of a Dual Occupancy (attached), Single Dwelling House, Alterations & Additions to a Dwelling House and ancillary development.

<b>LDA No:</b> LDA2013/0046	<b>Date Plans Rec'd:</b> 27 February 2013
<b>Address:</b> 92 Constitution Road West Meadowbank	
<b>Proposal:</b> Demolish laundry and construct new garage with laundry and storage facilities at the rear of the property.	
<b>Constraints Identified:</b> Acid Sulphate soil	

### COMPLIANCE CHECK

DCP 2010	Proposed	Compliance
<b><i>Part 3.3 - Dwelling Houses and Dual Occupancy (attached)</i></b>		
<b>Desired Future Character</b>		
Development is to be consistent with the desired future character of the low density residential areas.	The proposed development is consistent with the desired future character of the low density residential area as detailed further in this table.	Yes
<b>Public Domain Amenity</b>		
<b>Streetscape</b>		
- Front doors and windows are to face the street. Side entries to be clearly apparent.	Front doors and windows face street.	Yes
- Single storey entrance porticos.	Existing unchanged Single entrance portico.	Yes
- Articulated street facades.	Existing unchanged Articulated street façade. Existing unchanged	Yes
<b>Public Views and Vistas</b>		
- A view corridor is to be provided along at least one side allotment boundary	Existing view corridor retained	Yes



**ITEM 3 (continued)**

**ATTACHMENT 1**

<b>DCP 2010</b>	<b>Proposed</b>	<b>Compliance</b>
<p>where there is an existing or potential view to the water from the street. Landscaping is not to restrict views. Garages/carports and outbuildings are not to be located within view corridor if they obstruct view. Fence 70% open where height is &gt;900mm.</p>		
<p><b>Pedestrian &amp; Vehicle Safety</b></p> <ul style="list-style-type: none"> <li>- Car parking located to accommodate sightlines to footpath &amp; road in accordance with relevant Australian Standard.</li> <li>- Fencing that blocks sight lines is to be splayed.</li> </ul>	<ul style="list-style-type: none"> <li>- Car parking is located to accommodate sightlines to footpath &amp; road in accordance with relevant Australian Standard.</li> <li>Turning area provided to comply with AS2890.1</li> <li>Existing unchanged.</li> </ul>	<p>Yes</p> <p>Yes</p> <p>Yes</p>
<b>Site Configuration</b>		
<p><b>Deep Soil Areas</b></p> <ul style="list-style-type: none"> <li>- 35% of site area min.</li> <li>- Min 8x8m deep soil area in backyard.</li> <li>- Front yard to have deep soil area (only hard paved area to be driveway, pedestrian path and garden walls).</li> </ul>	<p>Permeable (deep soil) area: 312.84m<sup>2</sup> approx (47% of site area).</p> <p>Rear DSA dimensions: &gt;8m x 8m provided.</p> <p>Front DSA: Existing unchanged</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>
<b>Topography &amp; Excavation</b>		
<p>Within building footprint:</p> <ul style="list-style-type: none"> <li>- Max cut: 1.2m</li> <li>- Max fill: 900mm</li> </ul> <p>Outside building footprint:</p> <ul style="list-style-type: none"> <li>- Max cut: 900mm</li> <li>- Max fill: 500mm</li> <li>- No fill between side of building and boundary or close to rear boundary</li> <li>-</li> </ul>	<p>Within BF</p> <p>Max cut: 450mm</p> <p>Max fill: 1.05m</p> <p>Outside BF</p> <p>Max cut: for the driveway 450mm</p> <p>Max fill: none</p> <p>No fill between side of building and boundary or close to rear</p>	<p>Yes</p> <p>No(1)</p> <p>Yes</p> <p>Yes</p>

**ITEM 3 (continued)**

**ATTACHMENT 1**

<b>DCP 2010</b>	<b>Proposed</b>	<b>Compliance</b>
- Max ht retaining wall 900mm	boundary 450mm	
<b>Floor Space Ratio</b>		
Ground floor	126.19m <sup>2</sup>	
Detached car parking structures ,Outbuildings (incl covered pergolas, sheds etc)	66.21m <sup>2</sup>	
Total (Gross Floor Area)	192.4m <sup>2</sup>	
Less 36m <sup>2</sup> (double) <b>or</b> 18m <sup>2</sup> (single) allowance for parking	174.4m <sup>2</sup>	
<b>FSR (max 0.5:1)</b>  Note: Excludes wall thicknesses; lifts/stairs; basement storage/vehicle access/garbage area; terraces/balconies with walls <1.4m; void areas.	<b>0.27:1</b>	<b>Yes</b>
<b>Height</b>	Existing unchanged for dwelling	
<b>Setbacks</b>	Existing unchanged for dwelling	
<b>Outbuildings</b>		
Not within front setback.	In the rear yard	Yes
Max area – 20m <sup>2</sup>	Area: 66.21m <sup>2</sup>	No(1)
Max wall plate (ceiling) height 2.7m	TOW (ceiling) RL: EGL below: Ceiling height =3.55m – 4.6m	No(1)
Max O/A height 4.5m – Ridge to EGL	Roof Ridge RL: EGL below: RL9.30 front of garage RL8.25 Overall height = 4.2m at the front of the garage and 5.35m at the rear	No(1)
To be single storey.	Single storey	Yes
Windows not less than 900mm from boundary.	Setback: no windows 1m	Yes
Concrete dish drain if setback less than 900mm.	Not required	Yes
Design to complement new dwelling.	Materials: Metal Roof Design: Gable	

**ITEM 3 (continued)**

**ATTACHMENT 1**

DCP 2010	Proposed	Compliance
<b>Car Parking &amp; Access</b>		
<p><b>General</b></p> <ul style="list-style-type: none"> <li>- Dwelling: 2 spaces max, 1 space min.</li> <li>- .Where possible access off secondary street frontages or laneways is preferable.</li> <li>- Max 6m wide or 50% of frontage, whichever is less.</li> <li>- Behind building façade.</li> </ul>	<p>Number/location of car spaces: 1 maximum</p> <p>Access from: Constitution Road West</p> <p>External width: 3m +3m = 6m</p> <p>Behind the building facade</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
<p><b>Garages</b></p> <ul style="list-style-type: none"> <li>- Garages setback 1m from façade.</li> <li>- Total width of garage doors visible from public space must not exceed 5.7m and be setback not more than 300mm behind the outside face of the building element immediately above.</li> <li>- Garage windows are to be at least 900mm away from boundary.</li> <li>- Free standing garages are to have a max GFA of 36m<sup>2</sup></li> <li>- Materials in keeping or complimentary to dwelling.</li> </ul>	<p>Setback from façade:</p> <p>Width of opening:</p> <p>Door setback: &lt;300mm</p> <p>Windows: none Setback:&gt;900mm</p> <p>Floor Area: 18m<sup>2</sup> Only 1 car space</p> <p>Materials: consistent with new dwelling.</p>	<p>N/A</p> <p>N/A</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
<p><b>Parking Space Sizes (AS)</b></p> <ul style="list-style-type: none"> <li>o Double garage: 5.4m wide (min)</li> <li>o Single garage: 3m w(min)</li> <li>o Internal length: 5.4m (min)</li> </ul>	<p>Internal measurements: 3m &gt;5.4m</p>	<p>Yes</p>
<p><b>Driveways</b> Extent of driveways minimised</p>	<p>Driveway minimised</p>	<p>Yes</p>
<p><b>Landscaping</b> Existing unchanged</p>		
<p><b>Dwelling Amenity</b></p>		
<p><b>Daylight and Sunlight Access</b></p> <ul style="list-style-type: none"> <li>- Living areas to face north where orientation makes this possible.</li> </ul>	<p>Living areas face</p> <p>Existing unchanged</p>	<p>Yes</p>

**ITEM 3 (continued)**

**ATTACHMENT 1**

<b>DCP 2010</b>	<b>Proposed</b>	<b>Compliance</b>
<ul style="list-style-type: none"> <li>- 4m side setback for side living areas where north is to the side allotment boundary.</li> </ul> <p><u>Subject Dwelling:</u></p> <ul style="list-style-type: none"> <li>- Subject dwelling north facing windows are to receive at least 3hrs of sunlight to a portion of their surface between 9am and 3pm on June 21.</li> <li>- Private Open space of subject dwelling is to receive at least 2 hours sunlight between 9am and 3pm on June 21.</li> </ul> <p><u>Neighbouring properties are to receive:</u></p> <ul style="list-style-type: none"> <li>- 2 hours sunlight to at least 50% of adjoining principal ground level open space between 9am and 3pm on June 21.</li> <li>- At least 3 hours sunlight to a portion of the surface of north facing adjoining living area windows between 9am and 3pm on June 21.</li> </ul>	<p>N facing windows:</p> <p>Existing dwelling unchanged</p> <p>POS:</p> <p>Min 2 hours</p> <p>Hours of sunlight to adjoining principal open space:</p> <p>Minimum of 2 hours</p> <p>Hours of sunlight to adjoining living area windows:</p> <p>Existing unchanged</p>	<p>N/A</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
<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> <li>- Side windows offset from adjoining windows.</li> <li>- Terraces, balconies etc are not to overlook neighbouring dwellings/private open space.</li> </ul>	<p>Existing unchanged</p> <p>Existing unchanged</p> <p>Existing unchanged</p> <p>Existing unchanged</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>

**ITEM 3 (continued)**

**ATTACHMENT 1**

<b>DCP 2010</b>	<b>Proposed</b>	<b>Compliance</b>
<p><b>View Sharing</b> - The siting of development is to provide for view sharing.</p>	<p>The siting of development provides for view sharing.</p>	<p>Yes</p>
<p><b>Part 7.2- Waste Minimisation &amp; Management</b></p>		
<p>Submission of a Waste Management Plan in accordance with Part 7.2 of DCP 2010.</p>	<p>The applicant has submitted a Waste Management Plan in accordance with Part 7.2 of DCP 2010.</p>	<p>Yes</p>
<p><b>Part 8.2 - Stormwater Management</b></p>		
<p><b>Stormwater</b></p>		
<p>Drainage is to be piped in accordance with Part 8.2 - Stormwater Management.</p>	<p>Drainage is to be piped in accordance with Part 8.2 - Stormwater Management.</p>	<p>Yes</p>
<p><b>Part 9.6 – Tree Preservation</b> Existing unchanged</p>		

## ITEM 3 (continued)

## ATTACHMENT 2

### PART 1 - DEFERRED COMMENCEMENT

The following are the Deferred Commencement condition(s) imposed pursuant to Section 80(3) of the Environmental Planning & Assessment Act 1979.

1. **Plan amendments.** The submission of amended plans for Council's approval which provide the following plan amendments:
  - The floor area of the outbuilding/garage is to be limited to a maximum of 56m<sup>2</sup>.

The conditions in the following sections of this consent shall apply upon satisfactory compliance with the above requirements and receipt of appropriate written confirmation from Council.

### PART 2 - 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:

The Development must be carried out in accordance with the amended plans approved under Part 1 Deferred commencement.
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. **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.
4. **Hours of work.** Building activities (including demolition) may only be carried out between 7.00am and 7.00pm Monday to Friday (other than public holidays) and between 8.00am and 4.00pm on Saturday. No building activities are to be carried out at any time on a Sunday or a public holiday.
5. **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.

**ITEM 3 (continued)**

**ATTACHMENT 2**

6. **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.
7. **Public space.** The public way must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances, without prior approval from Council.
8. **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.
9. **Roads Act.** Any works performed in, on or over a public road pursuant to this consent must be carried out in accordance with this consent and with the Road Opening Permit issued by Council as required under section 139 of the Roads Act 1993.

**Engineering Conditions**

10. **Design and Construction Standards.** All engineering plans and work shall be carried out in accordance with the requirements as outlined within Council's publication *Environmental Standards Development Criteria 1999 and City of Ryde Development Control Plan 2010 Section 8* except as amended by other conditions.
11. **Service Alterations.** All mains, services, poles, etc., which require alteration shall be altered at the applicant's expense.
12. **Restoration.** Public areas must be maintained in a safe condition at all times. Restoration of disturbed road and footway areas for the purpose of connection to public utilities will be carried out by Council following submission of a permit application and payment of appropriate fees. Repairs of damage to any public stormwater drainage facility will be carried out by Council following receipt of payment. Restoration of any disused gutter crossings will be carried out by Council following receipt of the relevant payment.
13. **Road Opening Permit.** The applicant shall apply for a road-opening permit where a new pipeline is proposed to be constructed within or across the footpath. Additional road opening permits and fees may be necessary where there are connections to public utility services (e.g. telephone, electricity, sewer, water or gas) are required within the road reserve. No drainage work shall be carried out on the footpath without this permit being paid and a copy kept on the site.

**DEMOLITION CONDITIONS**

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

A Construction Certificate is not required for Demolition.

**ITEM 3 (continued)**

**ATTACHMENT 2**

14. **Compliance with Australian Standards.** All demolition work is to be carried out in accordance with the requirements of the relevant Australian Standard(s).
15. **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.
16. **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.
17. **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.
18. **Waste management plan.** Demolition material must be managed in accordance with the approved waste management plan.
19. **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.

**Imported fill**

20. **Imported fill – type.** All imported fill must be Virgin Excavated Natural Material as defined in the *Protection of the Environment Operations Act 1997*.
21. **Imported fill – validation.** All imported fill must be supported by a validation from a qualified environmental consultant that the fill constitutes Virgin Excavated Natural Material. Records of the validation must be provided upon request by the Council.
22. **Delivery dockets to be provided.** Each load of imported fill must be accompanied by a delivery docket from the supplier including the description and source of the fill.
23. **Delivery dockets – receipt and checking on site.** A responsible person must be on site to receive each load of imported fill and must examine the delivery docket and load to ensure that only Virgin Excavated Natural Material that has been validated for use on the site is accepted.



### ITEM 3 (continued)

### ATTACHMENT 2

24. **Delivery docket – forward to PCA on demand.** The delivery docket must be forwarded to the Principal Certifying Authority within seven (7) days of receipt of the fill and must be produced to any authorised officer who demands to see them.

#### PRIOR TO CONSTRUCTION CERTIFICATE

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

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

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

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

25. **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**.
26. **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**.
27. **Security deposit.** The Council must be provided with security for the purposes of section 80A(6) of the *Environmental Planning and Assessment Act 1979* in a sum determined by reference to Council's Management Plan prior to the release of the **Construction Certificate**. (dwelling houses with delivery of bricks or concrete or machine excavation)
28. **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
29. **Sydney Water – quick check.** The approved plans must be submitted to a Sydney Water Quick Check agent or Customer Centre, prior to the release of the **Construction Certificate**, to determine whether the development will affect any Sydney Water assets, sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. Plans will be appropriately stamped.

**ITEM 3 (continued)**

**ATTACHMENT 2**

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.

30. **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**.
31. **Driveway Grades.** The maximum grade of all internal driveways and vehicular ramps shall be 1 in 4 and in accordance with the relevant section of AS 2890.1. The maximum change of grade permitted is 1 in 8 (12.5%) for summit grade changes and 1 in 6.7 (15%) for sag grade changes. Any transition grades shall have a minimum length of 2.0m.. **A driveway plan, longitudinal section from the centreline of the public road to the garage floor, and any necessary cross-sections clearly demonstrating that the driveway complies with the above details, and that vehicles may safely manoeuvre within the site without scraping shall be submitted with the Construction Certificate application.**
32. **On-site Stormwater Disposal.** Stormwater runoff from the paved areas and the garage as indicated shall be collected and piped by gravity flow to an absorption trench system to Council's requirements. The absorption trench storage volume shall be designed in accordance with City of Ryde, Development Control Plan 2010: - Part 8.2; Stormwater Management. Earthworks are to be detailed to demonstrate that the ground downstream of the trenches will be permeable to allow seepage from the trenches. A level spreader shall be placed downstream of the trenches to prevent erosion and an adverse impact on downstream properties.
33. **Charged Stormwater Runoff.** Stormwater runoff from the existing dwelling as indicated shall be collected and piped to the street gutter via a charged line drainage system in a manner acceptable to Council. The minimum capacity of the piped drainage system and roof gutters shall be equivalent to the collected runoff from a 100 year average recurrence interval storm event. The design shall ensure that the development, either during construction or upon completion, does not impede or divert natural surface water so as to have an adverse impact upon adjoining properties.
34. **Foundation Design.** The foundation of the garage adjacent to the absorption system shall consist of pier and beam structure and the piers are to be taken to a solid stratum and designed by a structural Engineer.

**ITEM 3 (continued)**

**ATTACHMENT 2**

**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.

**35. 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.

**36. 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.

**37. 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).

**38. Excavation adjacent to adjoining land**

- (a) If an excavation extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation must, at their own expense, protect and support the adjoining premises from possible damage from the excavation, and where necessary, underpin the adjoining premises to prevent any such damage.

**ITEM 3 (continued)**

**ATTACHMENT 2**

- (b) The applicant must give at least seven (7) days notice to the adjoining owner(s) prior to excavating.
  - (c) An owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this condition, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.
39. **Sediment and Erosion Control.** The applicant shall install appropriate sediment control devices in accordance with an approved plan **prior** to any earthworks being carried out on the site. These devices shall be maintained during the construction period and replaced where considered necessary. Suitable erosion control management procedures shall be practiced. This condition is imposed in order to protect downstream properties, Council's drainage system and natural watercourses from sediment build-up transferred by stormwater runoff from the site.
40. **Compliance Certificate.** A Compliance Certificate should be obtained confirming that the constructed erosion and sediment control measures comply with the construction plan and City of Ryde, Development Control Plan 2010: - Part 8.1; Construction Activities
41. **Vehicle Footpath Crossings.** Concrete footpath crossings shall be constructed at all locations where vehicles cross the footpath, to protect it from damage resulting from the vehicle traffic. The location, design and construction shall conform to the requirements of Council. Crossings are to be constructed in plain reinforced concrete and finished levels shall conform with property alignment levels issued by Council's Public Works Division. Kerbs shall not be returned to the alignment line. Bridge and pipe crossings will not be permitted.

**DURING CONSTRUCTION**

Unless otherwise specified, the following conditions in this Part of the consent must be complied with at all times during the construction period. Where applicable, the requirements under previous Parts of the consent must be implemented and maintained at all times during the construction period.

42. **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*.
43. **Survey of footings/walls.** All footings and walls within 1 metre of a boundary must be set out by a registered surveyor. On commencement of brickwork or wall construction a survey and report must be prepared indicating the position of external walls in relation to the boundaries of the allotment.
44. **Sediment/dust control.** No sediment, dust, soil or similar material shall leave the site during construction work.

**ITEM 3 (continued)**

**ATTACHMENT 2**

45. **Use of fill/excavated material.** Excavated material must not be reused on the property except as follows:
- (a) Fill is allowed under this consent;
  - (b) The material constitutes Virgin Excavated Natural Material as defined in the *Protection of the Environment Operations Act 1997*;
  - (c) the material is reused only to the extent that fill is allowed by the consent.
46. **Construction materials.** All materials associated with construction must be retained within the site.
47. **Site Facilities**  
The following facilities must be provided on the site:
- (a) toilet facilities in accordance with WorkCover NSW requirements, at a ratio of one toilet per every 20 employees, and
  - (b) a garbage receptacle for food scraps and papers, with a tight fitting lid.
48. **Site maintenance**  
The applicant must ensure that:
- (a) approved sediment and erosion control measures are installed and maintained during the construction period;
  - (b) building materials and equipment are stored wholly within the work site unless an approval to store them elsewhere is held;
  - (c) the site is clear of waste and debris at the completion of the works.
49. **Work within public road.** At all times work is being undertaken within a public road, adequate precautions shall be taken to warn, instruct and guide road users safely around the work site. Traffic control devices shall satisfy the minimum standards outlined in Australian Standard No. AS1742.3-1996 "Traffic Control Devices for Work on Roads".
50. **Drop-edge beams.** Perimeters of slabs are not to be visible and are to have face brickwork from the natural ground level.

**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.

**ITEM 3 (continued)**

**ATTACHMENT 2**

51. **Work-as-Executed Plan.** A Work-as-Executed plan signed by a Registered Surveyor clearly showing the surveyor's name and the date, the stormwater drainage, including the on-site stormwater detention system if one has been constructed and finished ground levels **is to be submitted to the Principal Certifying Authority (PCA)** and to Ryde City Council if Council is not the nominated PCA.
52. **Drainage Construction.** The stormwater drainage on the site is to be constructed in accordance with plan the Construction Certificate version of Job No C4360-260313 revision A issue 2 dated 26/7/13 prepared by Ibrahim Stormwater Consultants (as amended by Part 1).
53. **Compliance Certificates – Engineering.** Compliance Certificates should be obtained for the following (If Council is appointed the Principal Certifying Authority [PCA] then the appropriate inspection fee is to be paid to Council) and **submitted to the PCA**:
- Confirming that the site drainage system servicing the development complies with the construction plan requirements and City of Ryde, Development Control Plan 2010: - Part 8.2; Stormwater Management
  - Confirming that after completion of all construction work and landscaping, all areas adjacent the site, the site drainage system (including the on-site detention system), and the trunk drainage system immediately downstream of the subject site (next pit), have been cleaned of all sand, silt, old formwork, and other debris.
54. **Positive Covenant, Charged.** The creation of a Positive Covenant under Section 88 of the Conveyancing Act 1919, burdening the property with the requirement to maintain the charged drainage system on the property. The terms of the instruments are to be generally in accordance with the Council's draft terms of Section 88E instrument for Maintenance of Charged Drainage Systems and to the satisfaction of Council.
55. **Positive Covenant, Dispersal.** The creation of a Positive Covenant under Section 88 of the Conveyancing Act 1919, burdening the property with the requirement to maintain the stormwater dispersal system. The terms of the instruments are to be generally in accordance with the Council's draft terms of Section 88E instrument for Maintenance of On- site Dispersal Systems and to the satisfaction of Council.  
**The applicant shall submit the works as executed drawing and the compliance certificate for drainage from the hydraulic engineer to Council with the documents for the Positive Covenant.**

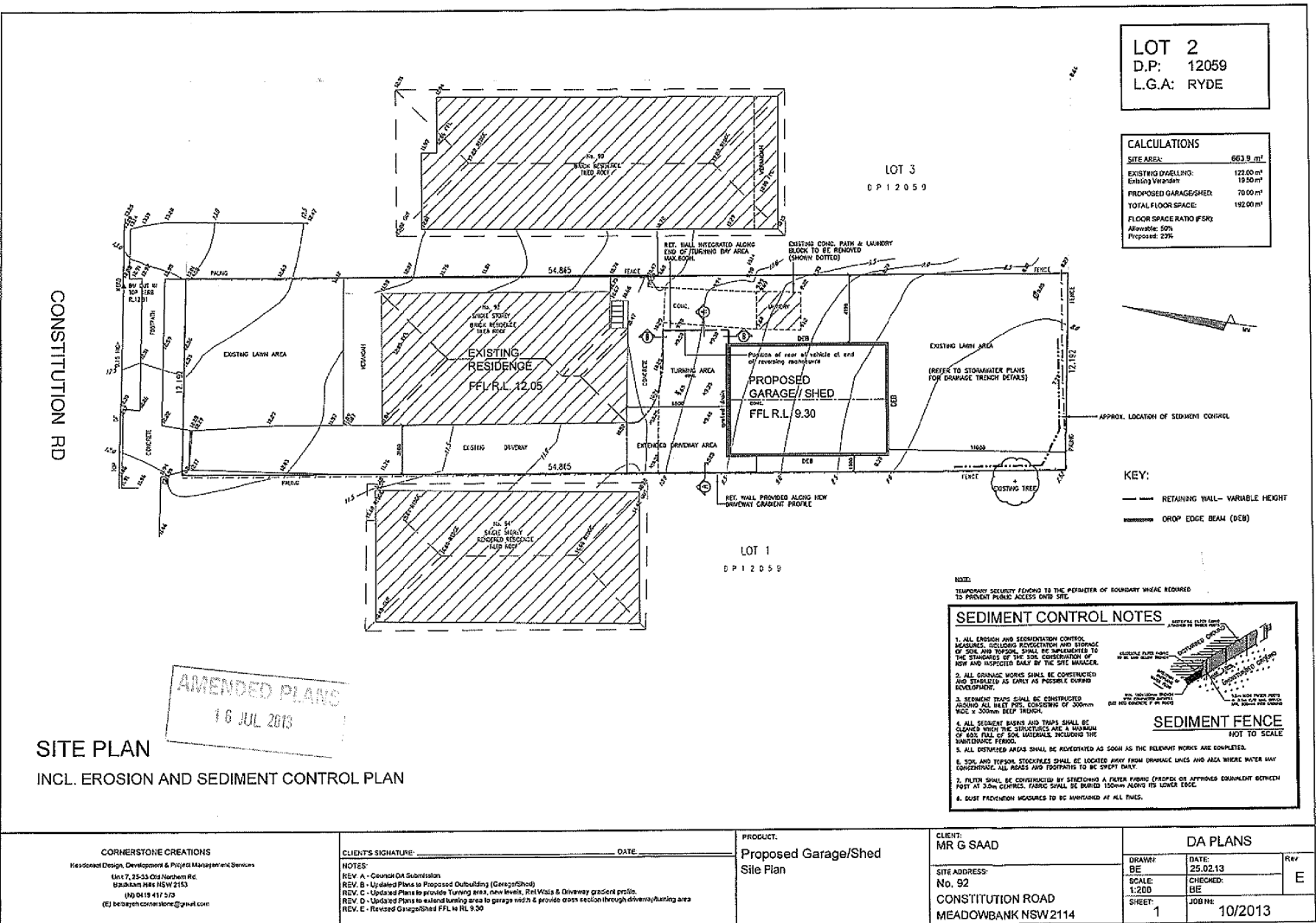
**OPERATIONAL CONDITIONS**

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.

56. **Outbuilding, Laundry, Garage and Storage only.** The building is not to be used or adapted for use as a separate domicile, boarding house or any other non- residential use.

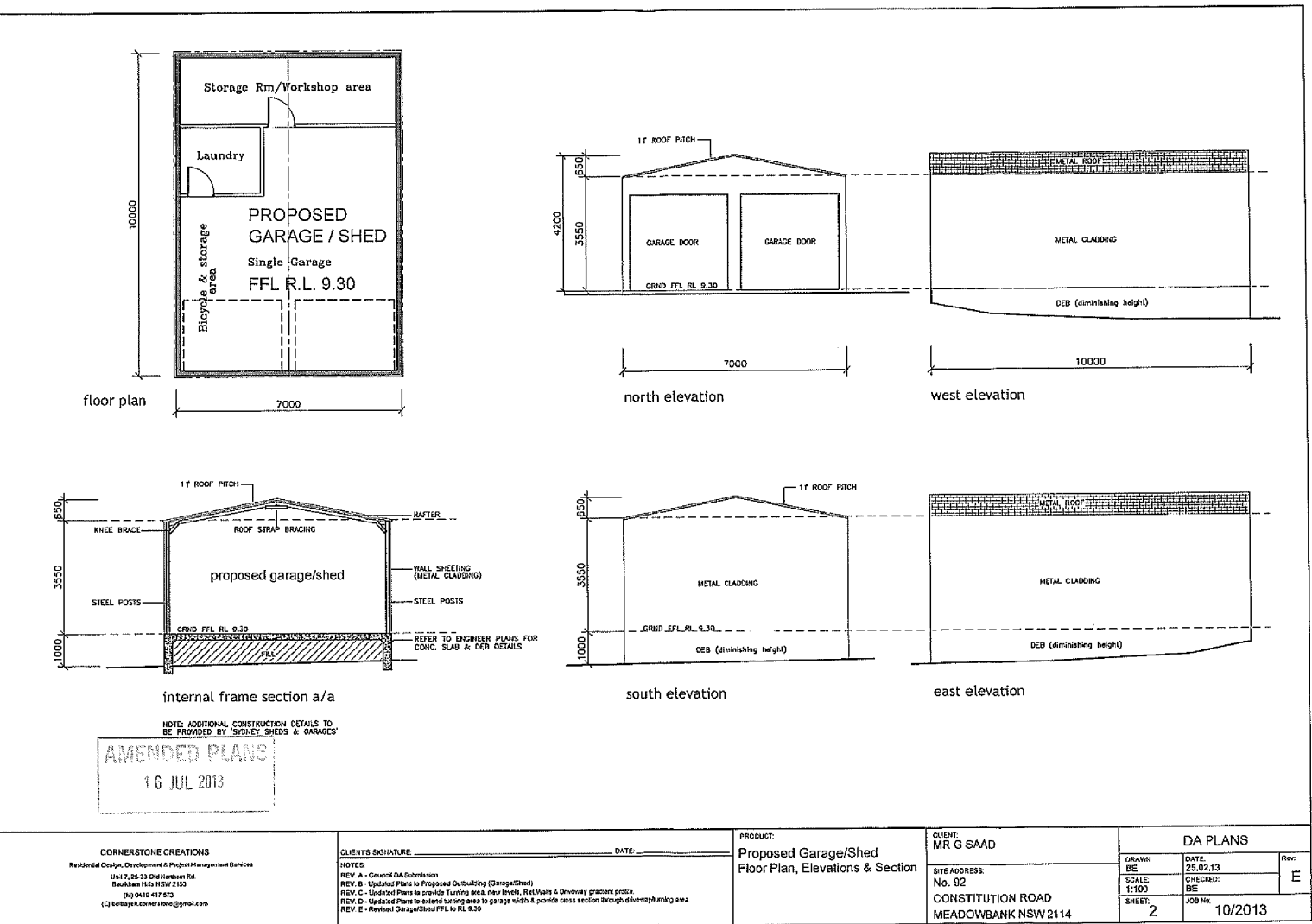
ITEM 3 (continued)

ATTACHMENT 3



ITEM 3 (continued)

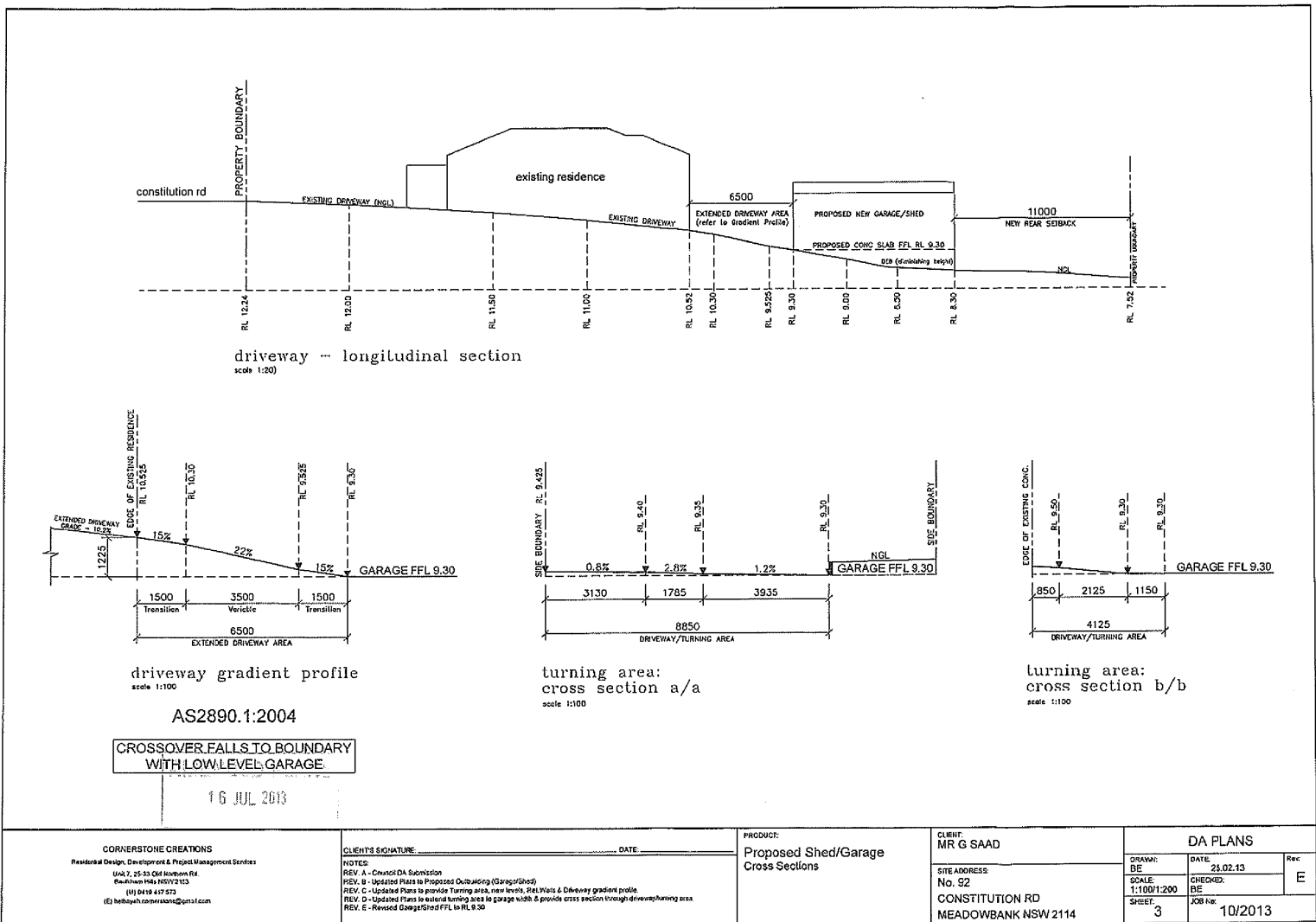
ATTACHMENT 3





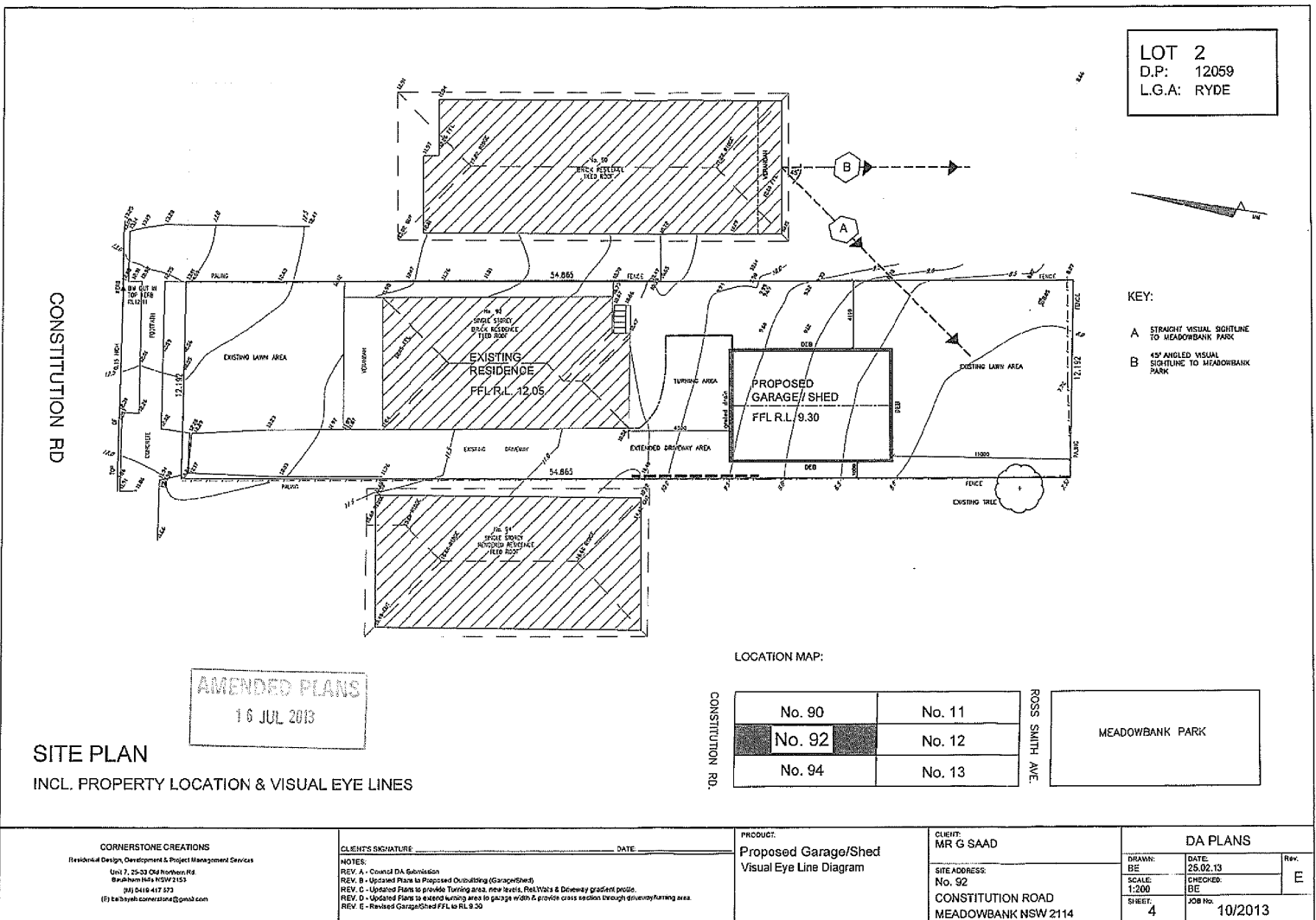
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ATTACHMENT 3



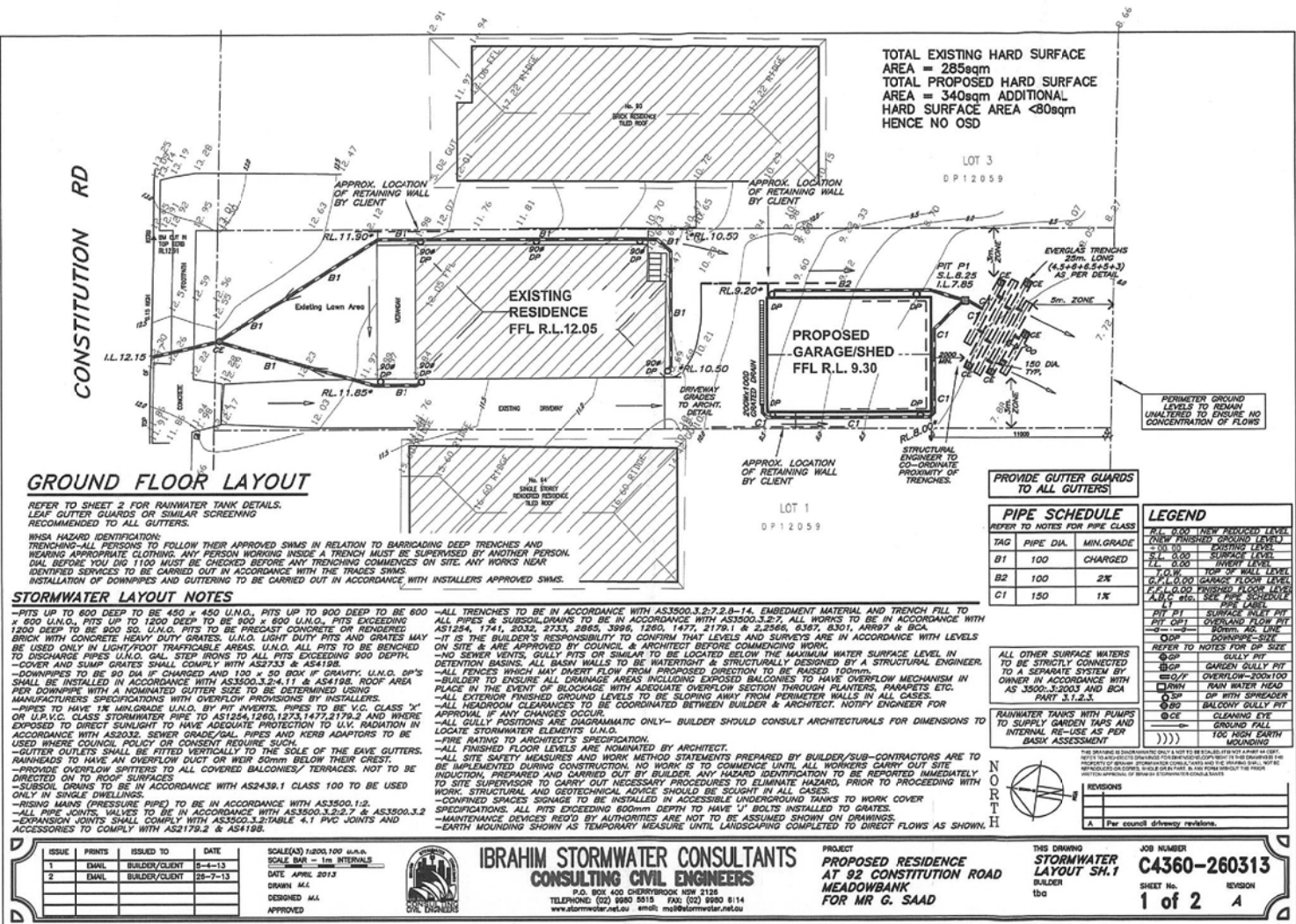
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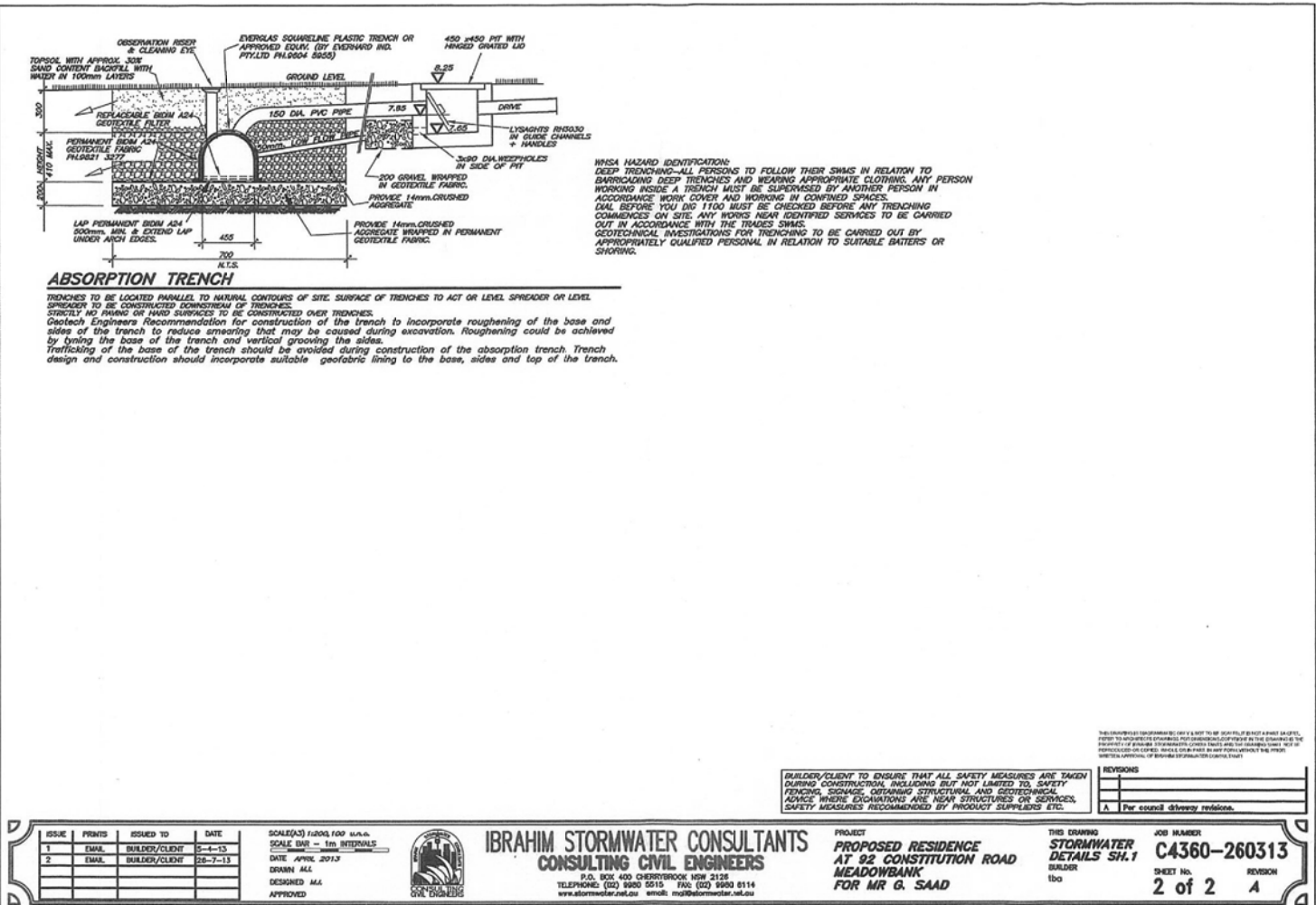
ITEM 3 (continued)

ATTACHMENT 3



ITEM 3 (continued)

ATTACHMENT 3



ITEM 3 (continued)

ATTACHMENT 4

● Indicates submissions received

