



28 FEBRUARY 2013

NOTICE OF MEETING

You are advised of the following meeting:

TUESDAY 5 MARCH 2013.

Planning and Environment Committee Meeting No. 3/13

Committee Room 2, Level 5, Civic Centre, 1 Devlin Street, Ryde - 4.00pm

**Planning and Environment Committee
AGENDA NO. 3/13**

Meeting Date: Tuesday 5 March 2013
Location: Committee Room 2, Level 5, Civic Centre, 1 Devlin Street, Ryde
Time: 4.00pm

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1 CONFIRMATION OF MINUTES - Meeting held on 19 February 2013

Report prepared by: Section Manager - Governance**File No.:** CLM/13/1/3/2 - BP13/87

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 2/13, held on Tuesday 19 February 2013, be confirmed.

ATTACHMENTS

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

ITEM 1 (continued)

ATTACHMENT 1

Planning and Environment Committee
MINUTES OF MEETING NO. 2/13

Meeting Date: Tuesday 19 February 2013
Location: Committee Room 2, Level 5, Civic Centre, 1 Devlin Street, Ryde
Time: 4.00pm

Councillors Present: Councillors Pendleton (Chairperson), Chung, Maggio, Salvestro-Martin and The Mayor, Councillor Petch.

Note: The Mayor, Councillor Petch was present for consideration for Items 1 and 4 only.

Note: Councillors Maggio and Salvestro-Martin arrived at the meeting at 5.00pm and were not present for consideration of Item 1.

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

Apologies: Councillor Yedelian OAM.

Leave of Absence: Councillor Simon.

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

DISCLOSURES OF INTEREST

There were no disclosures of interest.

1 CONFIRMATION OF MINUTES - Meeting held on 5 February 2013

Note: Councillors Salvestro-Martin and Maggio were not present for consideration of this Item.

RESOLUTION: (Moved by Councillor Chung and The Mayor, Councillor Petch)

That the Minutes of the Planning and Environment Committee 1/13, held on Tuesday 5 February 2013, be confirmed.

ITEM 1 (continued)

ATTACHMENT 1

Record of Voting:

For the Motion: Unanimous

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

2 12 FARNELL STREET, WEST RYDE. LOT 13 DP 28953. Local Development Application for a multi dwelling housing (attached) development containing 3 villa homes (2 x 3 and 1 x 2 bedroom), Two storey at front and single storey at rear. LDA2012/0049.

Note: Councillors Maggio and Salvestro-Martin arrived at the meeting at 5.00pm.

Note: Sam Khalil (objector) and Milan Samardzic (applicant) addressed the Committee in relation to this Item.

RECOMMENDATION: (Moved by Councillors Maggio and Chung)

- (a) That Council approves Local Development Application No. 2012/49 at 12 Farnell Street West Ryde being Lot 13 in DP 28593, via a Deferred Commencement consent subject to the conditions listed in **Attachment 2** in principle subject to a mediation as specified in part (b).
- (b) That a mediation take place by the Group Manager - Environment and Planning, the applicant and the objector from 10 Farnell Street West Ryde, to amend the height of the proposed development to improve the retention of the objectors view. That if the parties are in agreement the matter can be determined by the Group Manager Environment and Planning. Alternatively, a further report be presented to Planning and Environment Committee within three (3) months.
- (c) That the persons who made submissions be notified of Council's decision.

Record of Voting:

For the Motion: Councillors Chung, Pendleton and Maggio.

Against the Motion: Councillor Salvestro-Martin.

Note: This matter will be dealt with at the Council Meeting to be held on **26 FEBRUARY 2013** as dissenting votes were recorded and substantive changes were made to the published recommendation

3 33 RYEDALE ROAD, WEST RYDE. LOT 5 SEC 1 DP 2085. Local Development Application for the change of use for the rear of the existing shop from commercial to residential. LDA2012/0416.

Note: Dan Yu Xie, Chao Ping, Xi Fang Chen (objectors) and Dick Crompton (on behalf of the applicant) addressed the Committee in relation to this Item.

ITEM 1 (continued)

ATTACHMENT 1

Note: A series of documents from Dan Yu Xie dated 19 February 2013 was tabled in relation to this Item and a copy is ON FILE.

Note: A series of documents from Dick Crompton dated 19 February 2013 was tabled in relation to this Item and a copy is ON FILE.

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

- (a) That Local Development Application No. LDA2012/0416 at 33 Ryedale Road being Part LOT 5 DP 2085 SEC 1 be approved subject to the ATTACHED conditions.
- (b) That the persons who made submissions be advised of Council's decision.
- (c) That the matter be referred to Council's Manager Environmental Health & Building to ensure that appropriate enforcement action is taken to ensure compliance with the requirement to obtain an Occupation Certificate in relation to the approved development.

Record of Voting:

For the Motion: Unanimous

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

4 219 BLAXLAND ROAD, RYDE. LOTS 1, 2, 3 and 4 in DP 456020 and LOT 2 in DP548825. Section 96(1A) Application to amend the approved development for a mixed use building containing commercial/retail and residential development. MOD2012/0155.

Note: A request from Mrs Samadi (objector) for this matter to be deferred was been tabled.

Note: Clare Brown (on behalf of the applicant) addressed the Committee in relation to this Item.

Note: The Mayor, Councillor Petch arrived at the meeting at 5.55pm and was present for consideration of this item.

RESOLUTION: (Moved by Councillors Maggio and Salvestro-Martin)

- (a) That the Section 96 application to modify Local Development Application No. 2011/0303 at 219 Blaxland Rd Ryde being Lots 1, 2 3 and 4 in DP456020 and Lot 2 in DP548825 be approved subject to the following:
 1. Conditions 1, 7, 33, 34, 40, 42, 57, 60, 138, 149 and 150 be amended to read as follows:

ITEM 1 (continued)

ATTACHMENT 1

1. Development is to be carried out in accordance with the following plans and support information submitted to Council:

Plan Number	Title	Drawn by	Issue	Date
DA-A-020	Demolition Plan	Quattro Design Pty Ltd	A	07.06.11
12020 AP01	Cover	Mosca Pserras Architects	A	6/9/12
12020AP02	Data	Mosca Pserras Architects	A	6/9/12
12020AP03	Site Plan	Mosca Pserras Architects	A	6/9/12
12020AP04	Basement 2	Mosca Pserras Architects	A	6/9/12
12020AP05	Basement 1	Mosca Pserras Architects	A	6/9/12
12020AP06	Ground Floor	Mosca Pserras Architects	B	21/1/13
12020AP07	Level 1	Mosca Pserras Architects	A	6/9/12
12020AP08	Level 2	Mosca Pserras Architects	A	6/9/12
12020AP09	Level 3	Mosca Pserras Architects	A	6/9/12
12020AP10	Level 4	Mosca Pserras Architects	A	6/9/12
12020AP11	Level 5	Mosca Pserras Architects	A	6/9/12
12020AP12	Level 6	Mosca Pserras Architects	A	6/9/12
12020AP13	Roof	Mosca Pserras Architects	A	6/9/12
12020AP14	Elevations	Mosca Pserras Architects	A	6/9/12
12020AP15	Elevations	Mosca Pserras Architects	A	6/9/12
12020AP16	Sections	Mosca Pserras Architects	A	6/9/12
12020AP17	Sections	Mosca Pserras Architects	A	6/9/12
12020AP18	Adaptable Unit Details	Mosca Pserras Architects	A	6/9/12
12347-LCD	Landscape	NBRS + Partners		10/10/12

ITEM 1 (continued)

ATTACHMENT 1

01 -2	Concept Plan			
12347-LCD 02-2	Landscape Sections and Plant Species List	MBRS + Partners		10/10/12

7. Road Traffic Noise

- a. The proposed development is to include materials that satisfy the requirements for habitable rooms under Clause 102, Subdivision 3 of State Environmental Planning Policy (Infrastructure) 2007.
 - b. The residential units must be designed and constructed so that the road traffic noise levels inside the buildings comply with the satisfactory design sound levels recommended in Australian/New Zealand Standard *AS/NZS 2107:2000 Acoustics – Recommended design sound levels and reverberation times for building interiors*, when the windows and doors are closed. The recommendations outlined in the report from consultant Acoustic Logic, dated 22.03.2011 as amended by the Acoustic Glazing Review, prepared by Vipac Engineers and Scientists Limited and dated 2 October 2012 are to be implemented.
33. **Strata Subdivision Plan** – A strata subdivision plan in accordance with the approved architectural drawings is to be prepared and submitted to Council for approval prior to the issue of a **Occupation Certificate**.
34. **Section 94 Contribution** – A contribution for the services in Column A and for the amount in Column B shall be made to Council prior to the issue of the **Construction Certificate**.

A	B
Community and cultural Facilities	\$216,406.86
Open Space and Recreation Facilities	\$520,999.65
Civic and Urban Improvements	\$184,791.36
Roads and Traffic Management Facilities	\$25,240.88
Cycleways	\$15,743.70
Stormwater Management Facilities	\$49,468.67
Plan Administration	\$4,245.68
The total contribution is	\$1,016,896.81

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

ITEM 1 (continued)

ATTACHMENT 1

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

40. **BASIX Commitments** – The development is to incorporate the requirements and commitments provided in BASIX Certificate No 447714M dated 5 October 2012. The **Construction Certificate** plans and specifications are to detail all of the ‘CC plan’ commitments of the BASIX Certificate.

42. **Detailed Landscape Plan** – A detailed Landscape Plan is to be submitted and approved by Council in accordance with the approved Landscape Plan (Plan No 12347-LCD01 and 12347-LCD02, prepared by NBRSPartners dated 10/10/12) prior to the issue of a **Construction Certificate**. The detailed Landscape Plan must also incorporate the following:
 - (a) **Street tree planting** – Trees planted along Blaxland Road and Pope Street are to be frangible species.
 - (b) **Soil depth over structures** – Where planting is proposed over a structure, the development is to achieve the minimum standards for soil provision suitable to the proposed planting, as contained within the Residential Flat Design Code. Information verifying that the development complies with these requirements is to be provided on the **Construction Certificate** plans.
 - (c) **Outdoor furniture** – Outdoor furniture and fixtures such as bench seating, tables and bicycle racks (or the like) are to be incorporated into the outdoor court communal open space areas to allow passive recreational use of this space. Such furnishings should be shown on the detailed landscape Plan.
 - (d) **Stormwater and drainage tank screening** – Any underground stormwater tank which projects above the ground floor level at the street frontage is to be screened from view by plantings or other suitable treatment.

57. **Internal Car Parking** – To ensure safe and satisfactory access to the proposed development all internal driveways, vehicle turning areas, garage opening widths, parking spaces dimensions, safe sight distances and gradients etc shall be designed and constructed in accordance with relevant sections of Australian Standards AS 2890. The design shall ensure all vehicles using the site can enter and exit in a forward direction and that safe sight distances are available to all vehicles using the site.

ITEM 1 (continued)

ATTACHMENT 1

Amended plans including engineering certification from a traffic engineer indicating compliance with this condition are to be submitted with the **Construction Certificate** application.

60. **Site stormwater system** – To ensure satisfactory stormwater disposal and minimise downstream stormwater impacts, stormwater runoff from the site shall be collected and piped by gravity flow to Council’s existing underground stormwater system located in Blaxland Road via on-site stormwater detention system. Accordingly, the site concept stormwater drainage plans are to be revised by a chartered civil engineer for construction in accordance with City of Ryde, Development Control Plan 2010 – Part 8.2 – Stormwater Management and shall also incorporate but not limited to the following matters:
- (a) Clear unobstructed overland flow paths shall be provided where required to convey surcharge flow from the site to the public road.
 - (b) Apart from seepage flows and flows generated from the access driveway and loading dock area, under no circumstances shall flows from other areas of the site be piped to the basement car park drainage system.

Detailed engineering plans, including certification prepared by a chartered civil engineer with NPER registration with Engineers Australia, indicating compliance with this condition are to be submitted with the Construction Certificate application.

138. **Drainage Construction** – To ensure satisfactory stormwater disposal, the site stormwater drainage system shall be constructed in accordance with the construction certificate version of the following approved concept drainage plans prepared by Australian Consulting Engineers: 09AH399-D00 Rev A, 11AH019-D01-3 Rev A, 11AH019-D04 Rev E, 11AH019-D05 Rev B, 11AH019-D06 Rev D, 11AH019-D07 Rev A and 11AH019-D08 Rev A.
149. **Bicycle Parking**– A minimum 12 bicycle parking rails or lockers designed and installed in accordance with Australian Standard AS 2890.3, must be provided in a suitable location for the convenience of employees and visitors to the site. Suitable change facilities for cyclists must also be provided within the development.
150. **Car parking spaces** – 113 off-street car parking spaces being in accordance with the submitted plans. Such spaces are to be paved, line marked and made freely available at all times during business hours of the site for staff and visitors. These spaces are to be allocated as follows:
- i. 91 spaces for the residents
 - ii. 18 residential visitor spaces
 - iii. 4 commercial car parking spaces.

ITEM 1 (continued)

ATTACHMENT 1

2. That conditions 18 and 21 be retained on the consent.

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

Record of Voting:

For the Motion: Unanimous

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

The meeting closed at 5.58pm.

CONFIRMED THIS 5TH DAY OF MARCH 2013.

Chairperson

2 21 WILDING STREET, MARSFIELD. Lot 25 DP 235821. Local Development Application for a new two storey dwelling. LDA2012/0379.**INSPECTION: 4.30pm****INTERVIEW: 5.20pm**

Report prepared by: Team Leader - Fast Track Team**Report approved by:** Manager Assessment; Group Manager - Environment & Planning**Report dated:** 18/02/2013**File Number:** GRP/09/5/6/2 - BP13/249

1. Report Summary**Applicant: Metricon Homes****Owner: J Yang & A Cheung****Date lodged: 10 October 2012**

This report considers a development application for the construction of a new 2 storey dwelling at the subject property. The dwelling consists of 3 bedrooms (main with ensuite, walk-in-robe & retreat area), 2 study rooms, sitting room, leisure room, family / dining room, kitchen, bathroom, laundry and double garage.

The proposal has been assessed against the controls in Ryde Development Control Plan (DCP) 2010. There is one non-compliance regarding the north-eastern side setback at ground floor level which is only 1.314m (186mm less than the required setback of 1.5m for two storey dwellings. The first floor level on the north-eastern side is set back 2.314m and fully complies with Council's requirements.

The DA has been notified to neighbours with **3 submissions** being received, all from the adjoining property owners at 19 Wilding Street. The main concerns raised being:

- overshadowing onto the northern part of the dwelling at 19 Wilding Street;
- loss of sunlight to the solar panels at 19 Wilding Street;
- architectural style is not compatible with the majority of the dwellings in the street;
- loss of privacy due to the large opening on the south wall of the proposed building.

All of the concerns raised in the submissions have been addressed in the report. Overall, the proposal is considered acceptable for approval subject to conditions.

Reason for Referral to Planning and Environment Committee: Requested by the Deputy Mayor, Councillor Li.

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

Clause 4.6 - RLEP 2010 (objection required). None required.

ITEM 2 (continued)

Value of works: \$520,624.00

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

RECOMMENDATION:

- (a) That Local Development Application No. LDA2012/0379 at 21 Wilding Street, Marsfield be approved subject to the conditions in **Attachment 2**.
- (b) That the persons who made submissions be advised of Council's decision.

ATTACHMENTS

- 1 Compliance table.
- 2 Proposed conditions.
- 3 A4 plans.
- 4 A4 shadow diagrams.
- 5 A3 plans - subject to copyright provisions - **CIRCULATED UNDER SEPARATE COVER**.

Report Prepared By:

Colin Murphy
Team Leader - Fast Track Team

Report Approved By:

Liz Coad
Manager Assessment

Dominic Johnson
Group Manager - Environment & Planning

ITEM 2 (continued)

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

Address : 21 Wilding Street Marsfield.

Site Area : 646m²
Frontage - 20.934m
Depth - 31.87m/32.86m
Rear – 18.95m

Topography and Vegetation : The site has a fall of approximately 2.8m from the rear to the front boundary and contains no significant vegetation.

Existing Buildings : Single storey dwelling with garaging under.

Planning Controls

Zoning : Ryde LEP 2010
R2 Low Density Residential.

Other : Ryde DCP 2010

ITEM 2 (continued)



Figure 1: Locality Map



Figure 2: Existing Dwelling (Front Elevation)

ITEM 2 (continued)**3. Councillor Representations**

Name of Councillor: The Deputy Mayor, Councillor Li.

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

Date: 5 November 2012

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

On behalf of applicant or objectors: On behalf of objectors at No. 19 Wilding Street (adjoining neighbours to the southern side of the subject property)

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

4. Political Donations or Gifts

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

5. Proposal

The development proposes the construction of a new 2 storey dwelling at the subject property and is approximately midway on the north-western side of Wilding Street.

ITEM 2 (continued)

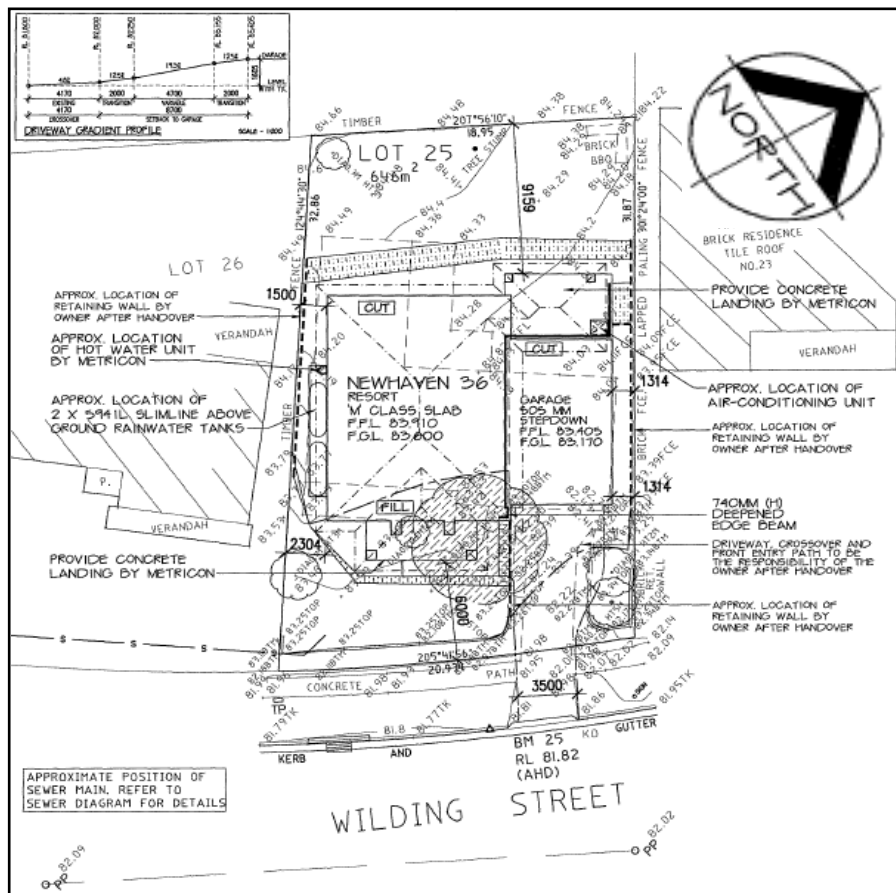


Figure 3: Site Plan

ITEM 2 (continued)

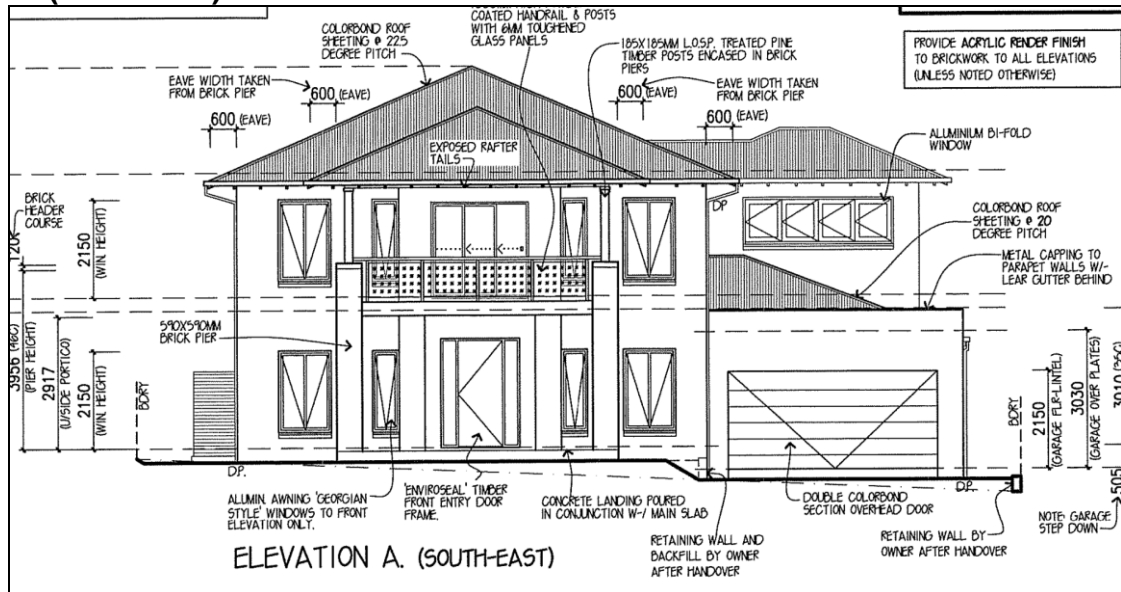


Figure 4: Proposed New Dwelling (Front Elevation)

6. Background

- On 10 October 2012 the application was submitted to Council.
- On 12 October 2012 neighbour notification commenced. (closing date for submissions – 29 October 2012)
- On 15 October 2012 a site inspection was carried out and photographs were taken.
- On 23 October 2012 a submission was received from the adjoining property owners at 19 Wilding Street.
- On 26 October 2012 a second submission was received from the adjoining property owners at 19 Wilding Street. (Handwritten submission)
- On 26 October 2012 a third submission was received from the adjoining property owners at 19 Wilding Street. (Typed submission)
- On 1 November 2012 a meeting was held at Council with the objecting neighbours to discuss the concerns raised in the submissions.
- On 5 November 2012 the application was called up to the Planning and Environment Committee by the Deputy Mayor - Councillor Li.

ITEM 2 (continued)

- On 12 December 2012 amended shadow diagrams that were prepared by the applicant (showing existing shadowing, proposed shadowing with elevational shadow details) were received.
- On 14 December 2012 the amended shadow diagrams were notified to the concerned neighbours at 19 Wilding Street (closing date for submissions – 7 January 2013)
- To date no further submissions have been received.

7. Submissions

The proposal was notified to adjoining property owners in accordance with Development Control Plan 2010 – Part 2.1, Notification of Development Applications from 12 October 2012 to 29 October 2012. During this period 3 submissions were received from the adjoining property owners at 19 Wilding Street. Amended shadow diagrams were notified to the concerned neighbours at 19 Wilding Street on 14 December 2012 with the closing date for submissions on 7 January 2013. No further submissions were received.

The main concerns raised being:

- **Overshadowing;**

The shadow diagram shows the proposed building was going to cast a very large scale of shadow onto the north part of our dwelling, which containing the most valuable and essential space of our living area including Family room, Dining room, Sunroom and even kitchen. Our daytime living would be compromised a great deal due to the loss of sunlight, especially during the cold winter morning time.

Officer's Comment: Council's DCP 2010: Part 3.3 Dwelling Houses & Dual Occupancy (attached) – Section 2.13.1 'Daylight and Sunlight Access' states:

- Neighbouring properties are to receive:
 - 2 hours sunlight to at least 50% of adjoining principal ground level open space between 9am and 3pm on June 21; and
 - 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.

The adjoining property at No 19 Wilding Street contains a part one/two storey dwelling, and on the northern side of that dwelling there are two windows (to a kitchen and sunroom) potentially affected by the proposed development.

ITEM 2 (continued)

The applicant has provided detailed shadow diagrams for Council's assessment – including plan view and elevational shadow diagrams for both the existing and proposed dwelling. These diagrams, which are 'Attachment 4' to this report, show:

- i) More than 2 hours of sunlight will be provided to at least 50% of adjoining principal ground level open space of 19 Wilding Street between 9am and 3pm on June 21; &
- ii) At least 3 hours of sunlight to a portion of the surface of north facing adjoining living area windows of 19 Wilding Street will be achieved between 9am and 3pm on June 21.

The proposed new dwelling therefore meets Council's requirements for '*Daylight and Sunlight Access*'.

The shadow diagrams at 'Attachment 4' also show that the proposed dwelling would only cause a minor increase in overshadowing to the neighbour to the south compared to the existing dwelling.

It should also be noted that the orientation of the land makes it unavoidable that the dwelling to the south would be affected by overshadowing from a two storey dwelling on the subject site. However the design of the proposed dwelling has attempted to minimise these impacts by fully complying with Council's DCP requirements such as height (proposed wall plate height 6.2m max which complies with the DCP requirement of 7.5m) and also the side setbacks (which range from 1.5m to 2.304m and complies with the minimum 1.5m in the DCP on this side of the site).

- **Loss of sunlight to the solar panels:**

The shadow would also reduce significant amount of sunlight that our solar panel was set up to receive.

Officer's Comment: The applicant's detailed shadow diagrams (see Attachment 4) also show that the solar panels at 19 Wilding Street will only be impacted by overshadowing at the hours of 9am - 11am on June 21. The solar panels will therefore receive sufficient sunlight for the major part of the day.

- **Architectural style of dwelling:**

The proposed DA has an architectural style that distinguishes it from the majority of the buildings in this street. The colourbond roofing would look incompatible with the roofs nearby, its straight up and down external facade also create imminent squash that could impact the property value nearby.

ITEM 2 (continued)

Officer's Comment: Council's DCP 2010: Part 3.3 Dwelling Houses & Dual Occupancy (attached) – Section 2.1 '*Desired Future Character*' states:

- Development is to be consistent with the desired future character of the low density residential areas.

The proposed new two storey dwelling is a modern design that meets the criteria set out in Section 2.1 '*Desired Future Character*'. Colourbond sheet roofing is a common roofing material that is widely used throughout the City of Ryde.

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

- **Loss of privacy due to the large opening on the south wall**

Our privacy would also be lost due to the large opening on the south wall of the proposed building, our indoor and outdoor activities would be under its direct vision.

Officer's Comment: Council's DCP 2010: Part 3.3 Dwelling Houses & Dual Occupancy (attached) – Section 2.13.2 '*Visual Privacy*' states:

- Overlooking from bedroom windows is less of a concern than overlooking from the windows of other habitable rooms.

There are only three window openings on the south-western elevation of the proposed new dwelling facing the objector's property, which are all at first floor level. Two of these are for a bathroom and an ensuite, the third is for a bedroom window. Overlooking from first floor bedrooms does not cause privacy concerns as the occupancy hours of bedrooms are generally at night and when people are asleep.

ITEM 2 (continued)

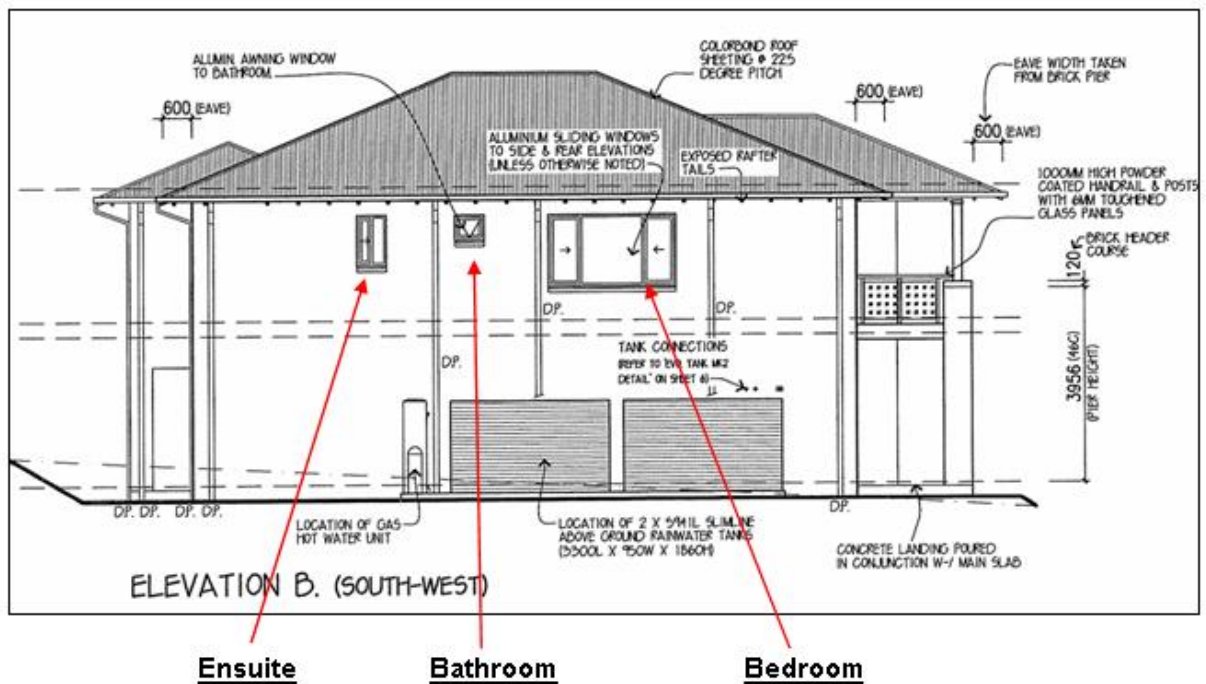


Figure 5: Window Openings on the South-Western Side

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

The subject property is zoned R2 Low Density Residential. The proposal is permissible with Council’s development consent.

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 proposed new dwelling is 8.53m, which complies with Ryde LEP 2010.

ITEM 2 (continued)

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 0.484:1, which complies with this clause.

(b) Relevant State Environmental Planning Policies (SEPPs)

State and Sydney Regional Environmental Planning Policies

SEPP BASIX:

A compliant BASIX Certificate has been submitted with the DA.

State Environmental Planning Policy No. 55 – Remediation of Land

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

(c) 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 was 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.

(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 DCP compliance table for this development proposal is held at **Attachment 1**.

There is only one non-compliance identified in the Compliance Table, which is discussed below:

- **Side Setback** - Council's DCP 2010; Part 3.3 - Dwelling Houses & Dual Occupancy (attached) – Section 2.8.2 '*Side Setbacks*' states that the outside walls of a two storey dwelling are to be setback 1.5m from side boundaries. In order to provide the required internal width for the garage, the north-eastern side setback is 1.314m (186mm less than the required setback) as shown in the diagram below. This is only for the single storey portion of the dwelling. The first

ITEM 2 (continued)

floor level on the north-eastern side is setback 2.314m and fully complies with Council's requirements. As the impact on the adjoining property is minimal, the side setback variation in this situation is considered satisfactory.

Side setback of Garage

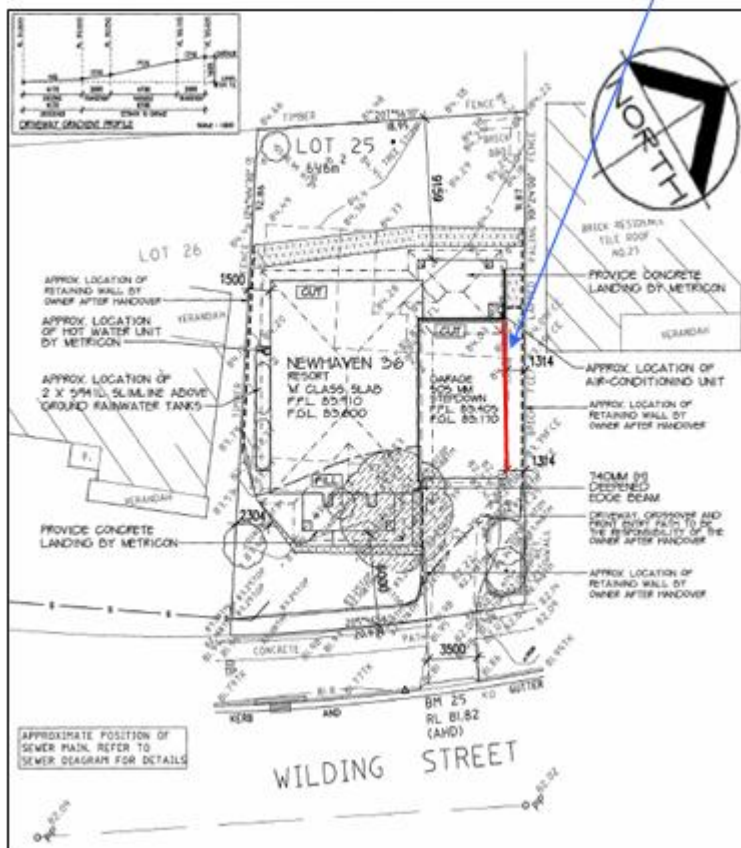


Figure 6: Site Plan Showing the Setback on the North-Eastern Side (Ground Floor Level)

10. Likely impacts of the Development

(a) Built Environment

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

(b) Natural Environment

The proposal would have minimal impact in terms of the natural environment. The proposal involves the removal of existing vegetation (none of which is significant), whilst matters regarding soil erosion/sediment control etc could be addressed via standard conditions on any consent if Council decides to approve the DA.

ITEM 2 (continued)**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 be in the public interest. The application substantially complies with Council's DCP and allows renewal of existing older housing stock.

13. Consultation – Internal and External

Internal Referrals - No internal referrals required with this application.

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 considered to be satisfactory for approval.

There is one non-compliance with DCP 2010: Part 3.3 Dwelling Houses and Dual Occupancy (attached), relating to the side setback of the dwelling (single storey portion only), however this is minor in the context of the development and does not warrant refusal or design amendments.

The proposal was notified to neighbouring properties with 3 submissions being received (all from the adjoining property owners at 19 Wilding Street to the south), raising concerns including overshadowing, impact to solar panels, compatibility with the street and privacy impacts. It is also considered that these issues do not warrant refusal of the application or design amendments, and can be addressed via standard DA conditions of consent.

The DA is recommended for approval subject to conditions.

ITEM 2 (continued)

ATTACHMENT 1

ATTACHMENT 1 – COMPLIANCE TABLE

RYDE LEP 2010	PROPOSAL	COMPLIANCE
4.3(2) Height • 9.5m overall	8.53m	Yes
4.4(2) & 4.4A(1) FSR • 0.5:1	0.484:1 (Source: SEE)	Yes

DCP 2010	PROPOSED	COMPLIANCE
<i>Part 3.3 – Dwelling Houses and Dual Occupancy (attached)</i>		
Desired Future Character		
Development is to be consistent with the desired future character of the low density residential areas.	The proposed development is consistent with the desired future character of the low density residential area.	Yes
Dwelling Houses		
- To have a landscaped setting which includes significant deep soil areas at front and rear.	Front and rear gardens proposed.	Yes
- Maximum 2 storeys.	Two storeys	Yes
- Dwellings to address street	Dwelling adequately presents to main street frontage	Yes
- Garage/carports not visually prominent features.	Double garage is recessed from the main building line to ensure it is not visually prominent	Yes
Public Domain Amenity		
• Streetscape		
- 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.	Although the front portico extends two storeys, the upper component of the portico features a balcony and is therefore not considered to be part of the actual portico entrance itself.	Yes
- Articulated street facades.	Articulated street facades	Yes
- Corner buildings to address both frontages	Subject site is not located on a corner allotment	N/A
Public Views and Vistas		
- A view corridor is to be provided along at least one side allotment boundary where there is an existing or potential	N/A - No water views available from the street. The proposed development maintains a compliant	NA

ITEM 2 (continued)

ATTACHMENT 1

DCP 2010	PROPOSED	COMPLIANCE
<p>view to the water from the street. Landscaping is not to restrict views.</p> <ul style="list-style-type: none"> - Garages/carports and outbuildings are not to be located within view corridor if they obstruct view. - Fence 70% open where height is >900mm 	<p>building envelope and therefore no obstruction to general views is envisaged. The proposed double garage is integrated with the proposed house and will not obstruct any view corridors. Existing front fence/retaining wall is to be retained</p>	<p>Yes</p> <p>N/A</p>
<p>Pedestrian & Vehicle Safety</p> <ul style="list-style-type: none"> - Car parking located to accommodate sightlines to footpath & road. - Fencing that blocks sight line is to be splayed. 	<p>The location of the new double garage is considered to accommodate satisfactory sightlines to the footpath and road. Existing front fence/retaining wall is to be retained</p>	<p>Yes</p> <p>NA</p>
Site Configuration		
<ul style="list-style-type: none"> • Deep Soil Areas - 35% of site area min. - Min 8x8m deep soil area in backyard. - Front yard to have deep soil area (only hard paved area to be driveway, pedestrian path and garden walls). 	<p>Greater than 35% if the site area capable of deep soil planting 8m x 8m capable of being achieved in the rear yard. The front yard has available deep soil area.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>
<p>Topography & Excavation</p> <p>Within building footprint:</p> <ul style="list-style-type: none"> - Max cut: 1.2m - Max fill: 900mm <p>Outside building footprint:</p> <ul style="list-style-type: none"> - Max cut: 900mm - Max fill: 500mm - No fill between side of building and boundary or close to rear boundary - No fill in overland flow path 	<p>Max cut: 700mm (rear south-western corner of kitchen and rear northern corner of outdoor room) Max fill: 700mm (front landing)</p> <p>Max cut: 850mm (foot of batter slope at rear south-western corner of dwelling house) Max fill: 500mm front porch area</p> <p>No fill proposed between side of building and boundary or close to rear boundary. Not in overland flow path</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>N/A</p>

ITEM 2 (continued)

ATTACHMENT 1

DCP 2010	PROPOSED	COMPLIANCE
- Max ht retaining wall 900mm	875mm	Yes
Floor Space Ratio		
FSR (max 0.5:1) Note: Excludes wall thicknesses, lifts/stairs; basement storage/vehicle access/garbage area; terraces/balconies with walls <1.4m; void areas.	0.479:1 - as per plans and SEE. Applicant uses site area as per Survey, 0.484:1 - using GFA as per plans and the site area as per Deposited Plan.	Yes
Height		
- 2 storeys maximum (storey) incl basement elevated greater than 1.2m above EGL).	2 storeys max.	Yes
- 1 storey maximum above attached garage incl semi-basement or at-grade garages.	No storeys proposed above attached double garage.	Yes
Wall plate (Ceiling Height) - 7.5m max above FGL or - 8m max to top of parapet.	TOW RL: 89.99 FGL below (lowest point): RL: 83.79 TOW Height (max)= 6.2m	Yes
NB: <i>TOW = Top of Wall</i> <i>EGL = Existing Ground Level</i> <i>FGL = Finished Ground Level</i> - 9.5m Overall Height	Ridge RL: 92.532 Lowest EGL RL: 84.00 Overall Height (max) = 8.53m	
<i>NB: EGL – Existing ground Level</i>		
- Habitable rooms to have 2.4m floor to ceiling height (min).	2.7 min floor to ceiling height on upper level, while lower level is 3.03m ceiling height.	Yes
Setbacks		
<ul style="list-style-type: none"> • Side <ul style="list-style-type: none"> ○ Two storey dwelling - 1500mm to wall, includes balconies etc. ○ Side setback to secondary frontage (cnr allotments): 2m to façade and garage/carports • Front <ul style="list-style-type: none"> - 6m to façade (generally) - 2m to secondary street frontage 	<p>To garage wall – 1.314m. This non-compliance is considered justifiable as the section of the dwelling at this location is only single storey in height.</p> <p>Subject site does not have a secondary street frontage</p> <p>6m to front portico Subject site does not have a secondary street frontage</p>	<p>No (1)</p> <p>N/A</p> <p>Yes</p> <p>N/A</p>

ITEM 2 (continued)

ATTACHMENT 1

DCP 2010	PROPOSED	COMPLIANCE
<ul style="list-style-type: none"> - Garage setback 1m from the dwelling facade - Wall above is to align with outside face of garage below. - Front setback free of ancillary elements e.g. RWT,A/C • Rear - 8m to rear of dwelling OR 25% of the length of the site, whichever is greater. Note: 8.215m is 25% of max. site length. 	<p>Garage setback 1m from main dwelling facade</p> <p>Single storey garage only, i.e. no wall above</p> <p>Front setback is free of ancillary elements</p> <p>9.159m</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
Car Parking & Access		
<ul style="list-style-type: none"> • General - Dwelling: 2 spaces max, 1 space min. - Where possible access off secondary street frontages or laneways is preferable. - Garage or carport may be in front If no other suitable position, no vehicular access to side or rear - Max 6m wide or 50% of frontage, whichever is less. - Behind building façade. • Garages - Garages setback 1m from façade. - Total width of garage doors visible from public space must not exceed 5.7m and be setback not more than 300mm behind the outside face of the building element immediately above. - Garage windows are to be at least 900mm away from boundary. - Solid doors - Materials in keeping or complementary to dwelling. • Parking Space Sizes (AS) Double garages: 5.4m w (min) - Internal length: 5.4m (min) 	<p>2 spaces</p> <p>Subject site does not have a secondary street frontage</p> <p>Garage not located in front of dwelling house</p> <p>External width: 5.88m</p> <p>Behind facade</p> <p>Setback from façade: 1m from main building facade</p> <p>Width of opening: 4.8m</p> <p>Door setback: 0mm</p> <p>Windows setback: Garage windows setback 1.314m from side boundary</p> <p>Solid proposed</p> <p>Materials are considered consistent with new dwelling.</p> <p>5.6m (excluding access stairs from laundry)</p> <p>9.1m</p>	<p>Yes</p> <p>N/A</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>

ITEM 2 (continued)

ATTACHMENT 1

DCP 2010	PROPOSED	COMPLIANCE
<ul style="list-style-type: none"> • Driveways - Extent of driveways minimised 	Driveway minimised	Yes
Landscaping		
<ul style="list-style-type: none"> • Trees & Landscaping - Major trees retained where practicable. - If bushland adjoining use native indigenous species for 10m from boundary - Physical connection to be provided between dwelling and outdoor spaces where the ground floor is elevated above NGL e.g. stairs, terraces. - Obstruction-free pathway on one side of dwelling (excl cnr allotments or rear lane access). - Front yard to have at least 1 tree with mature ht of 10m min and a spreading canopy. 	<p>No major trees are located on the subject site. A number of larger garden type shrub/hedge plantings are proposed to be removed as part of the development application particularly in the front setback (see CPS's Landscape-Arborist comments appended to this report), however these have been assessed by CPS's Landscape/Arborist as not to being significant or worthy of retention. Landscape planting proposed as part of the proposed development is considered more than satisfactory to compensate for the removal of these existing minor plantings. Trees on adjoining sites are not considered to be impacted upon by the proposed development. Not adjoining bushland.</p> <p>Floor level not elevated above NGL.</p> <p>Obstruction free pathway provided along the north-eastern side boundary of the dwelling house. Narrower path available on south-western side of dwelling house.</p> <p>Yes – The Landscape Plan indicates one (1) Magnolia grandiflora (Bull Bay Magnolia) with mature height</p>	<p>Yes</p> <p>NA</p> <p>NA</p> <p>Yes</p> <p>Yes</p>

ITEM 2 (continued)

ATTACHMENT 1

DCP 2010	PROPOSED	COMPLIANCE
<ul style="list-style-type: none"> - Backyard to have at least 1 tree with mature ht of 15m min and a spreading canopy. - Hedging or screen planting on boundary mature plants reaching no more than 2.7m. - OSD generally not to be located in front setback unless under driveway. - Landscaped front garden, with max 40% hard paving. 	<p>of 13m is proposed within the front yard. Yes – The Landscape Plan indicates one (1) Brachychiton Acerifolus Illawarra Flame Tree with mature height of 15m is proposed within the rear yard. Hedge Planting proposed along the boundaries has a mature height of not more than 2.5m. No OSD provided as part of the proposed development. Hard Paving: <40%</p>	<p>Yes Yes Yes Yes</p>
Dwelling Amenity		
<ul style="list-style-type: none"> • Daylight and Sunlight Access - Living areas to face north where orientation makes this possible. - Increase side setback for side living areas (4m preferred) where north is the side boundary. <p><u>Subject Dwelling:</u></p> <ul style="list-style-type: none"> - 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. - Private Open space of subject dwelling is to receive at least 2 hours sunlight between 9am and 3pm on June 21. <p><u>Neighbouring properties are to receive:</u></p> <ul style="list-style-type: none"> - 2 hours sunlight to at least 50% of adjoining principal ground level open space between 9am and 3pm on June 21. 	<p>Living areas are generally orientated northward where possible, however as north is to the side boundary the orientation of the allotment makes this difficult to achieve. North-east is the side boundary for the subject site. North facing windows will achieve minimum 3 hours solar access between 9am and 3pm on June 21 POS area of dwelling house will achieve at least 2 hours sunlight between 9am and 3pm on June 21 The submitted shadow diagrams indicate that 2 hours sunlight to at least 50% of adjoining principal ground level open space between 9am and 3pm on June 21 is provided.</p>	<p>Yes N/A Yes Yes Yes</p>

ITEM 2 (continued)

ATTACHMENT 1

DCP 2010	PROPOSED	COMPLIANCE
<ul style="list-style-type: none"> - At least 3 hours sunlight to a portion of the surface of north facing adjoining living area windows between 9am and 3pm on June 21. 	<p>The submitted shadow diagrams indicate that 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 is provided.</p>	<p>Yes</p>
<p>Visual Privacy</p> <ul style="list-style-type: none"> - Orientate windows of living areas, balconies and outdoor living areas to the front and rear of dwelling. 	<p>The outdoor living area is located at the rear of the proposed dwelling and is not considered to impact on the privacy of the adjoining development as it is located below natural ground level and will be largely screened by the proposed retaining wall and existing timber fence.</p>	<p>Yes</p>
<ul style="list-style-type: none"> - Windows of living, dining, family etc. placed so there are no close or direct views to adjoining dwelling or open space. 	<p>The only side facing window on the north-eastern elevation is the Bedroom 3 window located on the upper level of the proposed dwelling and are setback approximately 7.5m from the side boundary by virtue of the single storey garage located between the dwelling house proper and the side boundary. On the south-western elevation there is one window facing the side boundary from Bedroom 2, however this is not considered to result direct views of adjoining dwelling as the adjoining dwelling at 19 Wilding Street is single storey only and the windows would not align with Bedroom 2 of the proposed development.</p>	<p>Yes</p>
<ul style="list-style-type: none"> - Side windows offset from adjoining windows. 	<p>Windows offset from those adjoining.</p>	<p>Yes</p>
<ul style="list-style-type: none"> - Terraces, balconies etc. are not to overlook neighbouring dwellings/private open space. 	<p>First floor balcony orientated to the front of the dwelling house is to the street.</p>	<p>Yes</p>

ITEM 2 (continued)

ATTACHMENT 1

DCP 2010	PROPOSED	COMPLIANCE
<p>View Sharing</p> <ul style="list-style-type: none"> - The siting of development is to provide for view sharing. <p>Cross Ventilation</p> <ul style="list-style-type: none"> - Plan layout is to optimise access to prevailing breezes and to provide for cross ventilation. 	<p>Views are maintained by a complying building height, justified side setbacks and complying front & rear setback.</p> <p>Opportunities for good cross ventilation are considered to be optimised for prevailing breezes.</p>	<p>Yes</p> <p>Yes</p>
External Building Elements		
<p>• Roof</p> <ul style="list-style-type: none"> - Articulated. - 450mm eaves overhang minimum. - Not to be trafficable Terrace. - Skylights to be minimised and placed symmetrically. - Front roof plane is not to have both dormer windows and skylights. 	<p>Articulated</p> <p>450mm overhang minimum achieved</p> <p>None provided</p> <p>No skylights proposed</p> <p>None proposed</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
Fencing		
<p>• Front/return:</p> <ul style="list-style-type: none"> - To reflect design of dwelling. - To reflect character and height of neighbouring fences. - Max 900mm high for solid (picket can be 1m). - Max 1.8m high if 50% open (any solid base max 900mm). - Retaining walls on front building max 900mm. - No colourbond or paling - Max pier width 350mm. <p>• Side/rear fencing:</p> <ul style="list-style-type: none"> - 1.8m max o/a height. 	<p>Front fencing does not form part of the subject DA.</p> <p>Fencing does not form part of the subject DA. Existing fence to be retained and refurbished as required.</p>	<p>NA</p> <p>NA</p> <p>NA</p> <p>NA</p> <p>NA</p> <p>NA</p> <p>NA</p> <p>NA</p> <p>NA</p>
Part 7.2 – Waste Minimisation & Management		
<p>Submission of a Waste Management Plan</p>	<p>The applicant has submitted a Waste Management</p>	<p>Yes</p>

ITEM 2 (continued)

ATTACHMENT 1

DCP 2010	PROPOSED	COMPLIANCE
Part 8.2 – Stormwater Management		
• Stormwater		
- Drainage is to be piped in accordance with Part 8.2 – Stormwater Management.	Standard drainage conditions to apply.	Yes
Part 9.2 – Access for People with Disabilities		
Accessible path required from the street to the front door, where the level of land permits.	NA - Accessible path cannot be provided as level of land does not permit.	NA
Part 9.4 – Fencing		
• Front & Return Fences		
- Front and return fences that exceed 1m in height are to be 50% open.	Front and return fencing does not form part of the subject DA.	NA
Part 9.6 – Tree Preservation		
<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</p>	<p>No major trees are located on the subject site. A number of larger garden type shrub/hedge plantings are proposed to be removed as part of the development application particularly in the front setback (see CPS's Landscape-Arborist comments appended to this report), however these have been assessed by CPS's Landscape/Arborist as not to be significant or worthy of retention. Landscape planting proposed as part of the proposed development is considered more than satisfactory to compensate for the removal of these existing minor plantings. Trees on adjoining sites are not considered to be impacted upon by the proposed development.</p>	Yes

ITEM 2 (continued)

ATTACHMENT 1

DCP 2010	PROPOSED	COMPLIANCE
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.		

BASIX	PROPOSAL	COMPLIANCE
All ticked "DA plans" commitments on the BASIX Certificate are to be shown on plans (list) BASIX Cert 446908S dated 13 September 2012.		
• RWT 1500L	2 x 5,941L tanks	Yes
• Thermal Comfort	Passed	Yes
Water Target 40	Water: 40	Yes
Energy Target 40	Energy: 40	Yes
Correct description of property/proposal on 1 st page of Certificate.	Correct details shown	Yes

DEMOLITION	PROPOSAL	COMPLIANCE
• Plan showing all structures to be removed.	No demolition proposed as part of the subject DA	NA
• Demolition Work Plan	No demolition proposed as part of the subject DA	NA
• Waste Management Plan	No demolition proposed as part of the subject DA	NA

ITEM 2 (continued)

ATTACHMENT 2

ATTACHMENT 2 – CONDITIONS OF CONSENT

GENERAL

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

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

Document Description	Job No.	Sheet No.	Dated
<ul style="list-style-type: none"> • Site Plan • BASIX Commitments • Ground Floor Plan • First Floor Plan • Elevations • Elevations • Section • Ground Floor Electrical • First Floor Electrical 	650436	Sheet 1 of 11 Sheet 1E of 11 Sheet 2 of 11 Sheet 3 of 11 Sheet 4 of 10 Sheet 5 of 10 Sheet 6 of 11 Sheet 7 of 11 Sheet 8 of 11	Revision A - 17.07.12 28.09.12 30.07.12 30.07.12 30.07.12 30.07.12 30.07.12 30.07.12 30.07.12
<ul style="list-style-type: none"> • Landscape Area Plan 	-	Revision C	07.09.12
<ul style="list-style-type: none"> • Stormwater Layout 	M4004-650436	Sheet 1 of 2	21.09.12
<ul style="list-style-type: none"> • Stormwater Details 	M4004-650436	Sheet 2 of 2	21.09.12

2. **Building Code of Australia.** All building works approved by this consent must be carried out in accordance with the requirements of the Building Code of Australia.
3. **BASIX.** Compliance with all commitments listed in BASIX Certificate numbered 446908S dated 13 September 2012.

Protection of Adjoining and Public Land

4. **Hours of work.** Building activities (including demolition) may only be carried out between 7.00am and 7.00pm Monday to Friday (other than public holidays) and between 8.00am and 4.00pm on Saturday. No building activities are to be carried out at any time on a Sunday or a public holiday.
5. **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 2 (continued)

ATTACHMENT 2

6. **Illumination of public place.** Any public place affected by works must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.
7. **Development to be within site boundaries.** The development must be constructed wholly within the boundaries of the premises. No portion of the proposed structure shall encroach onto the adjoining properties. Gates must be installed so they do not open onto any footpath.
8. **Public space.** The public way must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances, without prior approval from Council.
9. **Public Utilities.** Compliance with the requirements (including financial costs) of any relevant utility provider (e.g. Energy Australia, Sydney Water, Telstra, RTA, Council etc) in relation to any connections, works, repairs, relocation, replacements and/or adjustments to public infrastructure or services affected by the development.
10. **Roads Act.** Any works performed in, on or over a public road pursuant to this consent must be carried out in accordance with this consent and with the Road Opening Permit issued by Council as required under section 139 of the Roads Act 1993.

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.

11. **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**.
12. **Structural Certification.** The applicant must engage a qualified practising structural engineer to provide structural certification in accordance with relevant BCA requirements prior to the release of the **Construction Certificate**.

ITEM 2 (continued)

ATTACHMENT 2

13. **Security deposit.** The Council must be provided with security for the purposes of section 80A(6) of the *Environmental Planning and Assessment Act 1979* in a sum determined by reference to Council's Management Plan prior to the release of the **Construction Certificate**. (category: dwelling houses with delivery of bricks or concrete or machine excavation)
14. **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
15. **Alignment Levels.** The applicant is to apply to Council, pay the required fee, and have issued site specific alignment levels by Council prior to the issue of the **Construction Certificate**.
16. **Long Service Levy.** Documentary evidence of payment of the Long Service Levy under Section 34 of the Building and Construction Industry Long Service Payments Act 1986 is to be submitted to the Principal Certifying Authority prior to the issuing of the **Construction Certificate**.
17. **Sydney Water – quick check.** The approved plans must be submitted to a Sydney Water Quick Check agent or Customer Centre, prior to the release of the **Construction Certificate**, to determine whether the development will affect any Sydney Water assets, sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. Plans will be appropriately stamped.

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

18. **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**.
19. **Tree planting – location.** The trees to be planted are to be a minimum of 3m from any property boundary. Details are to be submitted to and approved by the Principal Certifying Authority prior to the issue of the **Construction Certificate**.

ITEM 2 (continued)

ATTACHMENT 2

Prior to Construction Certificate

20. **Site stormwater system.** To ensure satisfactory stormwater disposal and minimise downstream stormwater impacts, stormwater runoff from of the site shall be collected and piped by gravity flow to public road via an **On-site detention** system designed in accordance with DCP 2010 Part 8.2, Stormwater Management. Accordingly, detailed engineering plans prepared by a chartered civil engineer with NPER registration with Engineers Australia together with certification indicating compliance with this condition are to be submitted with the Construction Certificate application.
21. **Boundary Levels.** The levels of the street alignment shall be obtained from Council. These levels shall be incorporated into the design of the internal driveways, carparking areas, landscaping and stormwater drainage design where applicable to ensure smooth transition.
22. **Driveway Grades.** The driveway access and footpath crossing(s) shall be designed to fully comply with the relevant section of AS 2890.1.-2004 and Council's issued alignment levels. Engineering certification indicating compliance with this condition is to be submitted with the Construction Certificate application.
23. **Vehicle Footpath Crossings.** Concrete footpath crossings shall be constructed at all locations where vehicles cross the footpath, to protect it from damage resulting from the vehicle traffic. The crossing(s) are to be constructed in plain reinforced concrete with location, design and construction shall conform to Council requirements. Accordingly, prior to issue of Construction Certificate an application shall be made to Council's Public Works division for driveway crossing alignment levels. These issued levels are to be incorporated into the design of the driveway access and clearly delineate on plans submitted with the Construction Certificate application.

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.

24. Site Sign

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

ITEM 2 (continued)

ATTACHMENT 2

25. **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.
26. **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).

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

DURING CONSTRUCTION

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

28. **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*.
29. **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.
30. **Sediment/dust control.** No sediment, dust, soil or similar material shall leave the site during construction work.

ITEM 2 (continued)

ATTACHMENT 2

31. **Use of fill/excavated material.** Excavated material must not be reused on the property except as follows:
- Fill is allowed under this consent;
 - The material constitutes Virgin Excavated Natural Material as defined in the *Protection of the Environment Operations Act 1997*;
 - the material is reused only to the extent that fill is allowed by the consent.
32. **Construction materials.** All materials associated with construction must be retained within the site.
33. **Site Facilities**
The following facilities must be provided on the site:
- toilet facilities in accordance with WorkCover NSW requirements, at a ratio of one toilet per every 20 employees, and
 - a garbage receptacle for food scraps and papers, with a tight fitting lid.
34. **Site maintenance**
The applicant must ensure that:
- approved sediment and erosion control measures are installed and maintained during the construction period;
 - building materials and equipment are stored wholly within the work site unless an approval to store them elsewhere is held;
 - the site is clear of waste and debris at the completion of the works.
35. **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".
36. **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 2 (continued)

ATTACHMENT 2

37. **BASIX.** The submission of documentary evidence of compliance with all commitments listed in BASIX Certificate numbered 446908S dated 13 September 2012.
38. **Landscaping.** All landscaping works approved by condition 1 are to be completed prior to the issue of the final **Occupation Certificate**.
39. **Road opening permit – compliance document.** The submission of documentary evidence to Council of compliance with all matters that are required by the Road Opening Permit issued by Council under Section 139 of the *Roads Act 1993* in relation to works approved by this consent, prior to the issue of the **Occupation Certificate**.
40. **Letterboxes and street/house numbering.** All letterboxes and house numbering are to be designed and constructed to be accessible from the public way. Council must be contacted in relation to any specific requirements for street numbering.

Prior to Occupation Certificate

41. **Disused Gutter Crossing.** Any disused gutter crossings (where applicable) shall be removed and kerb and gutter reinstated and footpath restored to Council's satisfaction.
42. **Work-as-Executed Plan.** To ensure stormwater drainage works are completed in accordance with approved plans, a Work-as-Executed (W.A.E) plan of the constructed site drainage system certified by a registered surveyor is to be submitted to the Principal certifying Authority and Council (If Council is not the appointed PCA) prior to issue of Occupation Certificate

The W.A.E plans is to note all departures clearly in red on a copy of the approved Construction Certificate plans and certification shall also be obtained from a chartered civil engineer with NPER registration with Engineers Australia, indicating the constructed works complied with DCP 2010. Part 8.2.

43. **On-Site Stormwater Detention System - Marker Plate.** To ensure the constructed On-site detention will not be modified, a marker plate is to be fixed to each on-site detention system constructed on the site. The plate construction, wordings and installation shall be in accordance with City of Ryde, Development Control Plan 2010: - Part 8.2; Stormwater Management. The plate may be purchased from Council's Customer Service Centre at Civic Centre, Devlin Street, RYDE.
44. **Positive Covenant, OSD.** To ensure the constructed On-site detention system will be maintained in operable condition a Positive Covenant under Section 88 E of the Conveyancing Act 1919, shall be created and registered on the subject land requiring the proprietor of the land to maintain the constructed stormwater detention system.

The terms of the 88 E instruments are to be generally in accordance with the Council's draft terms for Maintenance of Stormwater Detention Systems as specified in City of Ryde, Development Control Plan 2010: - Part 8.4; Title Encumbrances, Section 7 and to the satisfaction of Council.

ITEM 2 (continued)

ATTACHMENT 2

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.

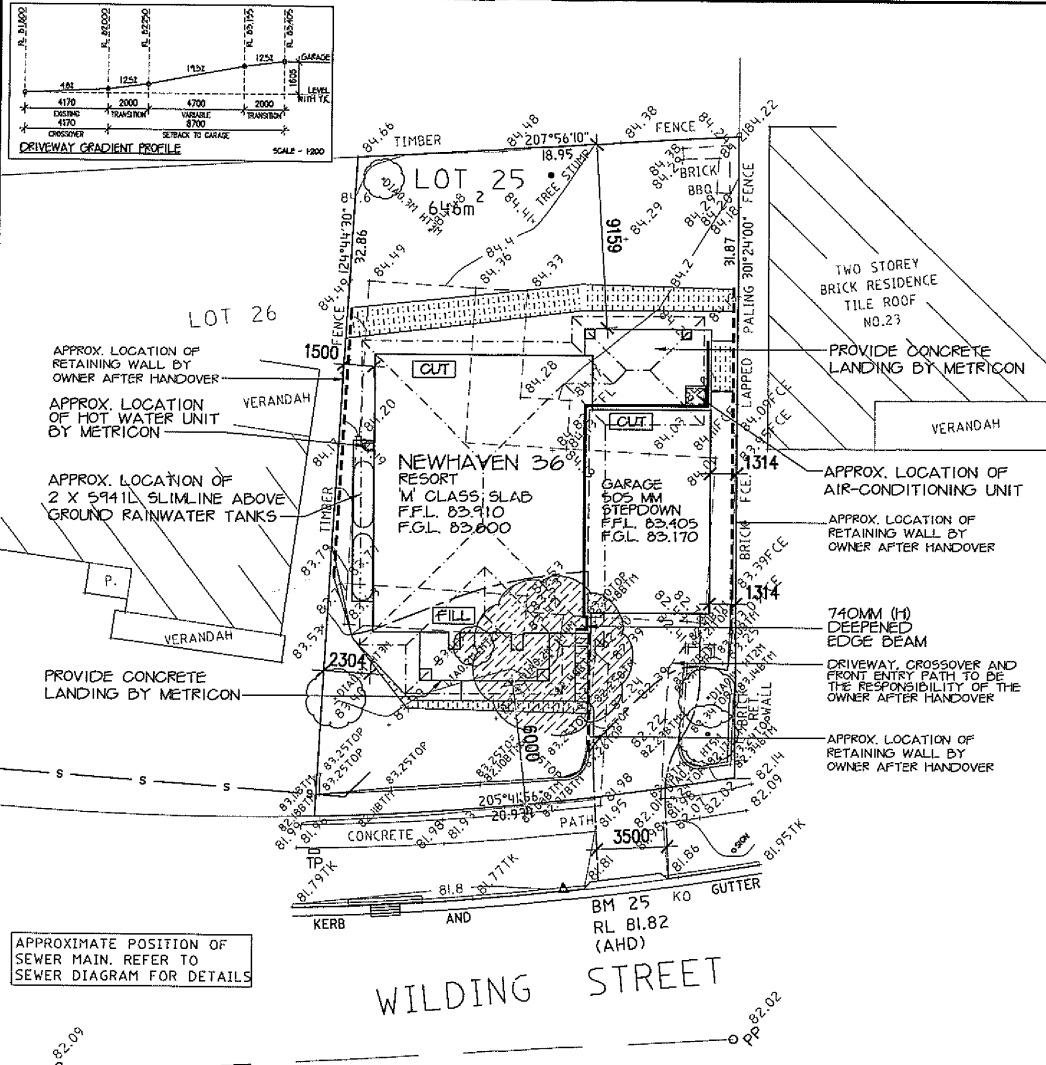
45. **Single dwelling only.** The dwelling is not to be used or adapted for use as two separate domiciles or a boarding house.

End of consent

ITEM 2 (continued)

ATTACHMENT 3

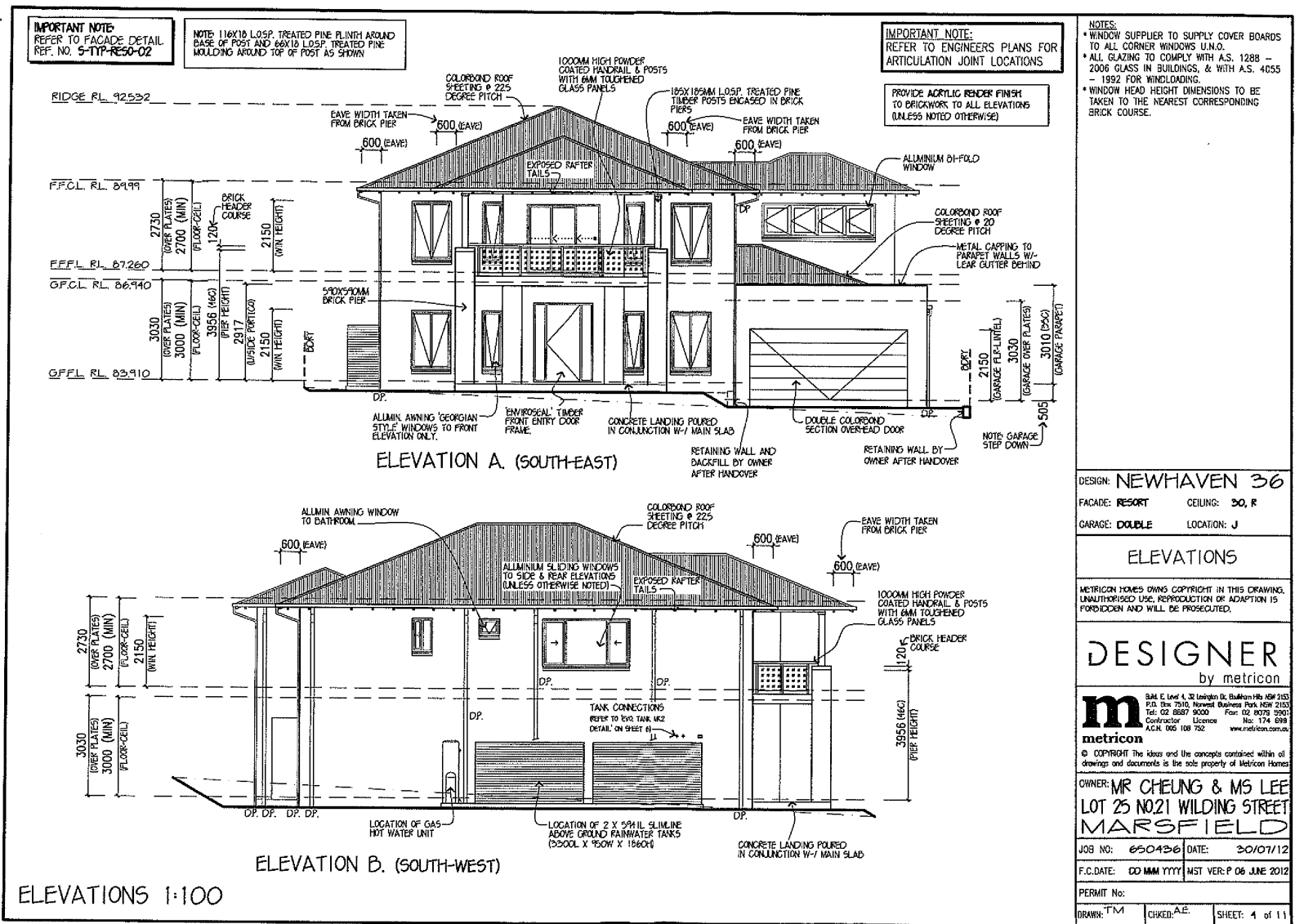
		LOT NO. 25
		DEPOSITED PLAN 235821
COUNCIL / LG RYDE		SLAB CLASS M
WIND SPEED N2		
EXCAVATION NOTES		
EXCAVATE APPROX. 800MM ON RL 83.600 AND FILL APPROX. 300MM		
EXCAVATIONS ARE TO START A MINIMUM OF 1000MM FROM THE EDGE OF THE BUILDING AND ARE TO BE BATTERED BACK TO SUIT		
IT IS THE RESPONSIBILITY OF THE OWNER TO PROVIDE A GRATED DRAIN ACROSS GARAGE OPENINGS (IF REQUIRED) DUE TO CONSTRUCTION OF DRIVEWAY		
IMPORTANT NOTES		
SITE CUTS ARE SUBJECT TO COUNCIL APPROVAL & NOT TO BE USED BY ANY OTHER CONTRACTORS OTHER THAN METRIGON HOMES PTY LTD		
STORMWATER TO DRAIN TO STREET VIA ON-SITE DETENTION / RAINWATER TANK(S)		
REFER TO HYDRAULIC ENGINEER'S DETAILS		
TEMPORARY SITE FENCING		
METRIGON TO PROVIDE FENCING TO ANY UNFENCED BOUNDARIES (AS REQUIRED)		
ALL WEATHER ACCESS		
METRIGON TO SUPPLY UP TO 5M SUITABLE ALL WEATHER ACCESS TO BUILDING PLATFORM DURING CONSTRUCTION		
SURVEY LEGEND		
<ul style="list-style-type: none"> 100' GULLY PIT 100' HYDRANT 100' SURFACE INLET PIT 100' SEWER INSPECTION COVER 100' SEWER MANHOLE 100' WATER METER 100' ELECTRICITY BOX 100' STORMWATER MANHOLE 100' TELEPHONE PIT 	<ul style="list-style-type: none"> — SEWER LINE — VEHICLE CROSSING — STOP VALVE — DEEP EDGE BEAM — GAS METER — LIGHT POLE — INVERT — TOP OF KERB — NO. KEEP OUTLET 	
ASPECT SURVEY DATE: 18.05.12		
CONTOUR INTERVALS: 200MM		
LEVELS TO AHD DATUM		
SITE PLAN		
		
<small>644 E Lind 4 St (adjacent to) Darling Rd NSW 203 P.O. Box 750, Ryde NSW 2112 Tel: 02 8887 8000 Fax: 02 8879 5901 Contractor License No: 174 699 A.C.N. 005 10 752 www.metricon.com.au</small>		
© COPYRIGHT The Plans and the concepts contained within all drawings and documents is the sole property of Metricon Homes		
MR CHEUNG & MS LEE LOT 25 NO.21 WILDING STREET MARSHFIELD		
JOB No 650436		
DATE: 20.06.12	DRAWN: PE	
SCALE: 1:200	SHEET: 1 OF 11	



PROPOSED ROOF COVERAGE			
ROOF COVERAGE AREA		279.4 SQM	
FLOOR SPACE RATIO			
GROUND FLOOR (INCL. 20.6 SQM OF GARAGE)		157.9 SQM	
FIRST FLOOR		151.5 SQM	
TOTAL LIVING AREA		309.4 SQM	
MEASURED TO INT. FACE OF EXT. WALLS EXCLUDES 20.6 SQM OF GARAGE		479.1	
MAX. ALLOWABLE BY COUNCIL		50%	
DEEP SOIL AREA			
SITE AREA		646 SQM	
TOTAL HARDCORE AREAS (INCLUDES EAVES DRIVEWAY)		320.84 SQM	
REMAINING SOFT AREA		>17.16 SQM	
DEEP SOIL AREA		49.1	
MINIMUM REQUIRED BY COUNCIL		35%	
O.S.D. CALCULATION			
ROOF FOOTPRINT		279.4 SQM	
ESTIMATED DRIVEWAY & PATHS		17.44 SQM	
TOTAL SITE COVERAGE		50.9%	
MAXIMUM ALLOWABLE BY COUNCIL PRIOR TO O.S.D. BEING REQUIRED		35%	
BUILDING HEIGHT RESTRICTION			
MAXIMUM 4.5 M RIDGE HEIGHT			
MAXIMUM 7.5 M WALL HEIGHT (F.F.L. MUST BE ACCURATE TO COMPLY)			
MAXIMUM 900MM CUT			
MAXIMUM 900MM FILL			
DEEP EDGE BEAM TO NATURAL GROUND NO EXPOSED FILL PERMITTED			
MAXIMUM 500MM EXPOSED FILL ALLOWED TO FRONT OF DWELLING			
EXISTING TREES TO BE LOPPED/REMOVED BY OWNER			
TREE REMOVAL REQUIREMENTS			
SITE TO BE CLEARED BY OWNER OF ANY EXISTING TREES AND/OR TRUNK REMAINS WHICH WILL AFFECT THE BUILDING AREA PRIOR TO CONSTRUCTION			
IT IS THE RESPONSIBILITY OF THE OWNER TO OBTAIN SEPARATE COUNCIL APPROVAL IF REQUIRED			
DEMOLITION REQUIREMENTS			
SITE TO BE CLEARED OF ALL EXISTING STRUCTURES (UNWALLED AND ALL SERVICES DELICATED BY THE OWNER TO THE SATISFACTION OF METRIGON HOMES PTY LTD.			
TERMITE PROTECTION			
PROVIDE TERMITE PROTECTION IN ACCORDANCE WITH A.S.3660.1			
SURVEYORS NOTES			
A. THIS SURVEY IS SPECIFICALLY FOR CONTOUR PURPOSES ONLY. THE SOUNDNESS OF THE SUBJECT PROPERTY HAS NOT BEEN INVESTIGATED AND THE POSITION SHOWN IS APPROXIMATE ONLY.			
B. AREAS AND DIMENSIONS ARE SUBJECT TO SURVEY.			
C. SERVICES SHOWN HAVE BEEN DERIVED FROM VISUAL EVIDENCE AVAILABLE AT THE TIME OF SURVEY. THE RELEVANT SERVICE AUTHORITY SHALL BE CONTACTED TO VERIFY THE EXISTENCE AND POSITION OF ALL SERVICES PRIOR TO THE COMMENCEMENT OF ANY CONSTRUCTION OR EXCAVATION.			
D. CONTOURS ARE INDICATIVE OF SURFACE TOPOGRAPHY ONLY. SURVEYED SPOT LEVELS ARE THE ONLY VALUES TO BE RELIED ON FOR REDUCED LEVELS ON PARTICULAR FEATURES.			
DRAWINGS AMENDMENTS			
A	17.07.12	DELETE HEDDL	BG

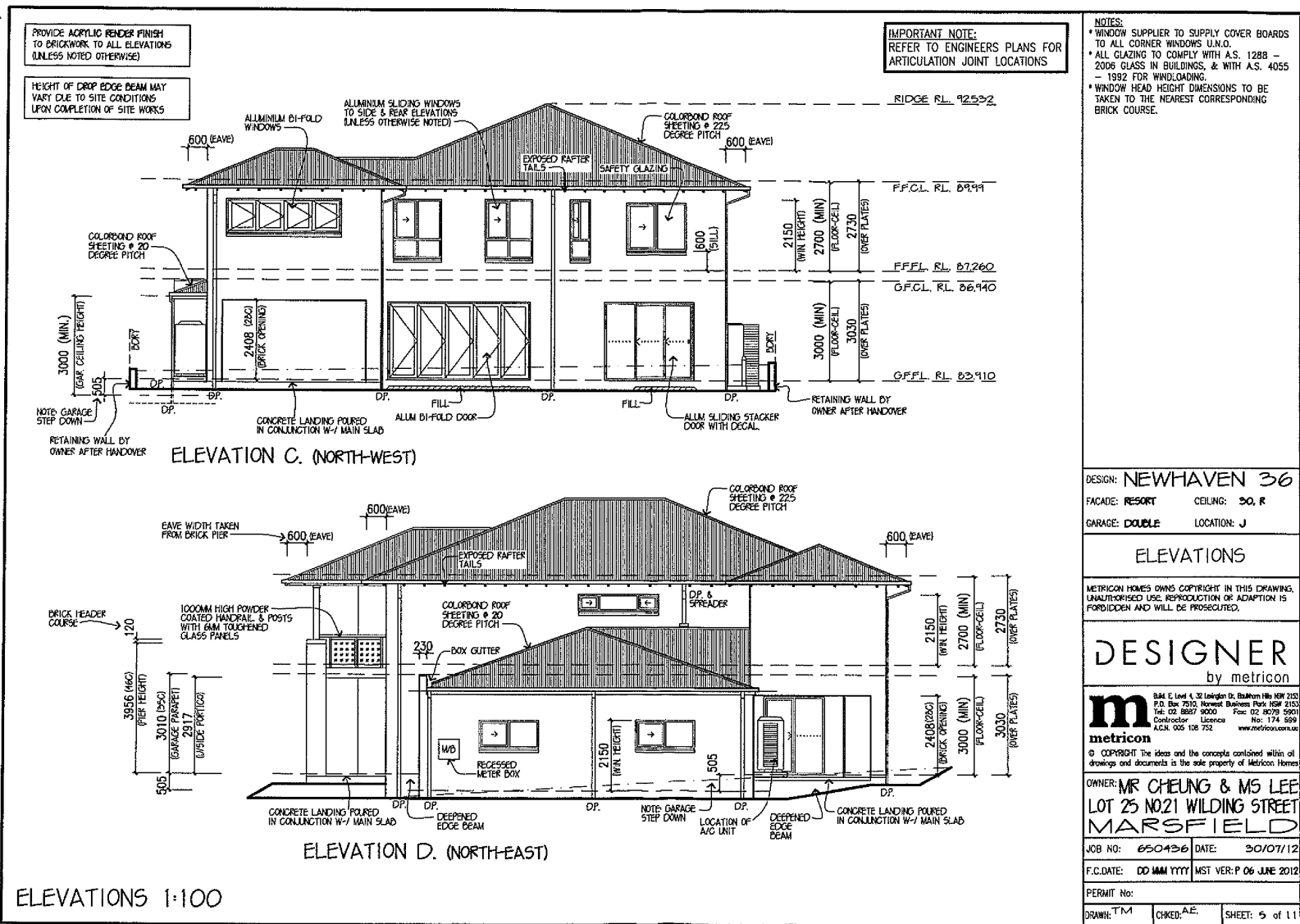
ITEM 2 (continued)

ATTACHMENT 3



ITEM 2 (continued)

ATTACHMENT 3



NOTES:

- * WINDOW SUPPLIER TO SUPPLY COVER BOARDS TO ALL CORNER WINDOWS U.N.O.
- * ALL GLAZING TO COMPLY WITH A.S. 1288 - 2006 GLASS IN BUILDINGS, & WITH A.S. 4055 - 1992 FOR WINDLOADING.
- * WINDOW HEAD HEIGHT DIMENSIONS TO BE TAKEN TO THE NEAREST CORRESPONDING BRICK COURSE.

IMPORTANT NOTE:
REFER TO ENGINEERS PLANS FOR ARTICULATION JOINT LOCATIONS

PROVIDE ACRYLIC RENDER FINISH TO BRICKWORK TO ALL ELEVATIONS (UNLESS NOTED OTHERWISE)

HEIGHT OF DROP EDGE BEAM MAY VARY DUE TO SITE CONDITIONS UPON COMPLETION OF SITE WORKS

DESIGN: **NEWHAVEN 36**
 FACADE: **RESORT** CEILING: **50, R**
 GARAGE: **DOUBLE** LOCATION: **J**

ELEVATIONS

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DESIGNER
by metricon

m metricon
 Burt E. Lovell, 30 Leighton Dr, Ballwin Hills NSW 2153
 P.O. Box 7010, Homebush Business Park NSW 2153
 Tel: 02 8887 9000 Fax: 02 8879 9901
 Contractor Licence No: 174 869
 A.C.N. 005 106 752 www.metricon.com.au

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OWNER: **MR CHEUNG & MS LEE**
LOT 25 NO21 WILDING STREET
MARSFIELD

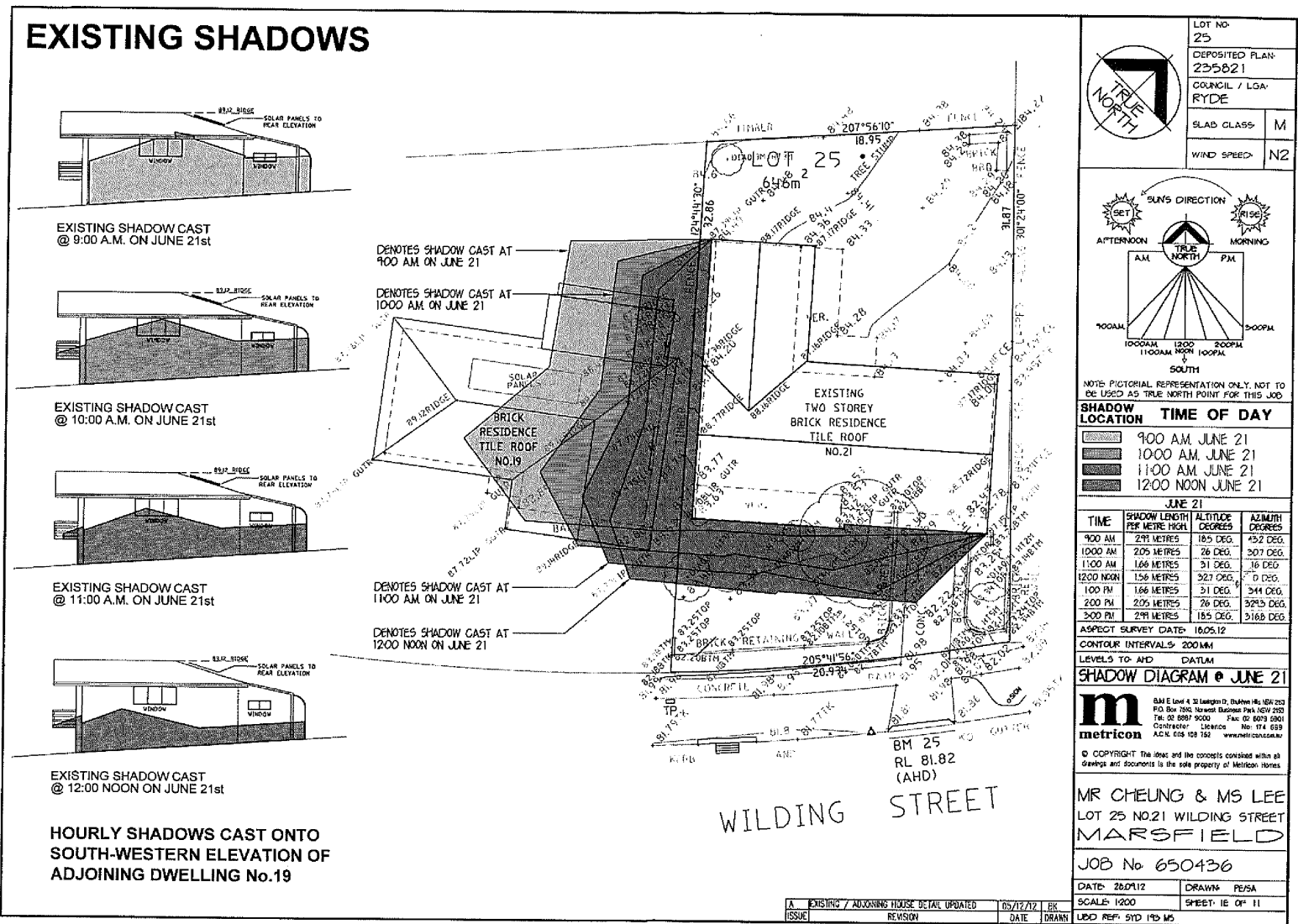
JOB NO: **650436** DATE: **30/07/12**

F.C. DATE: **DD MM YYYY** MST VER: **P 06 JUNE 2012**

PERMIT No:
 DRAWN: **T.M** CHKD: **A.E** SHEET: **5 of 11**

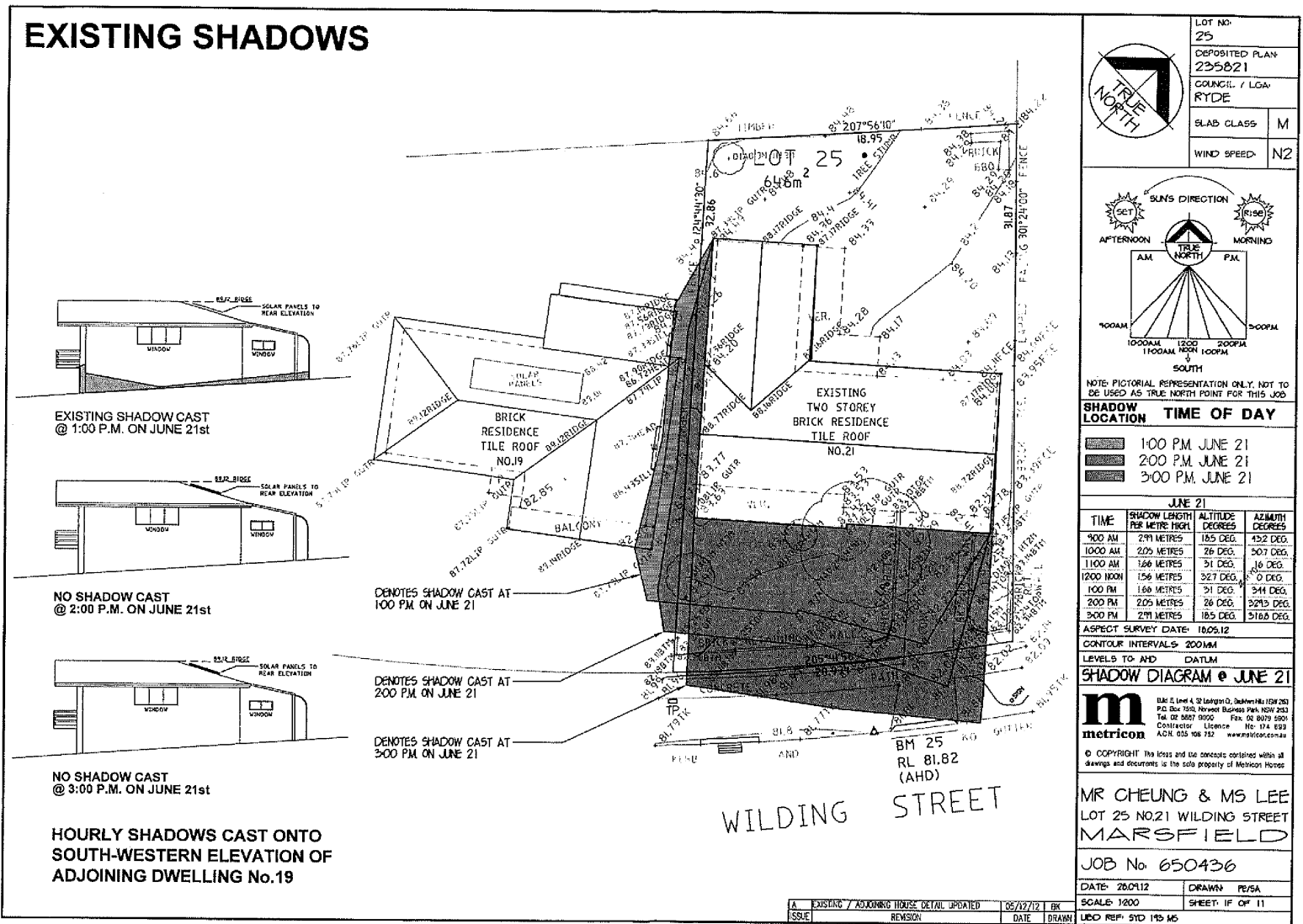
ITEM 2 (continued)

ATTACHMENT 4



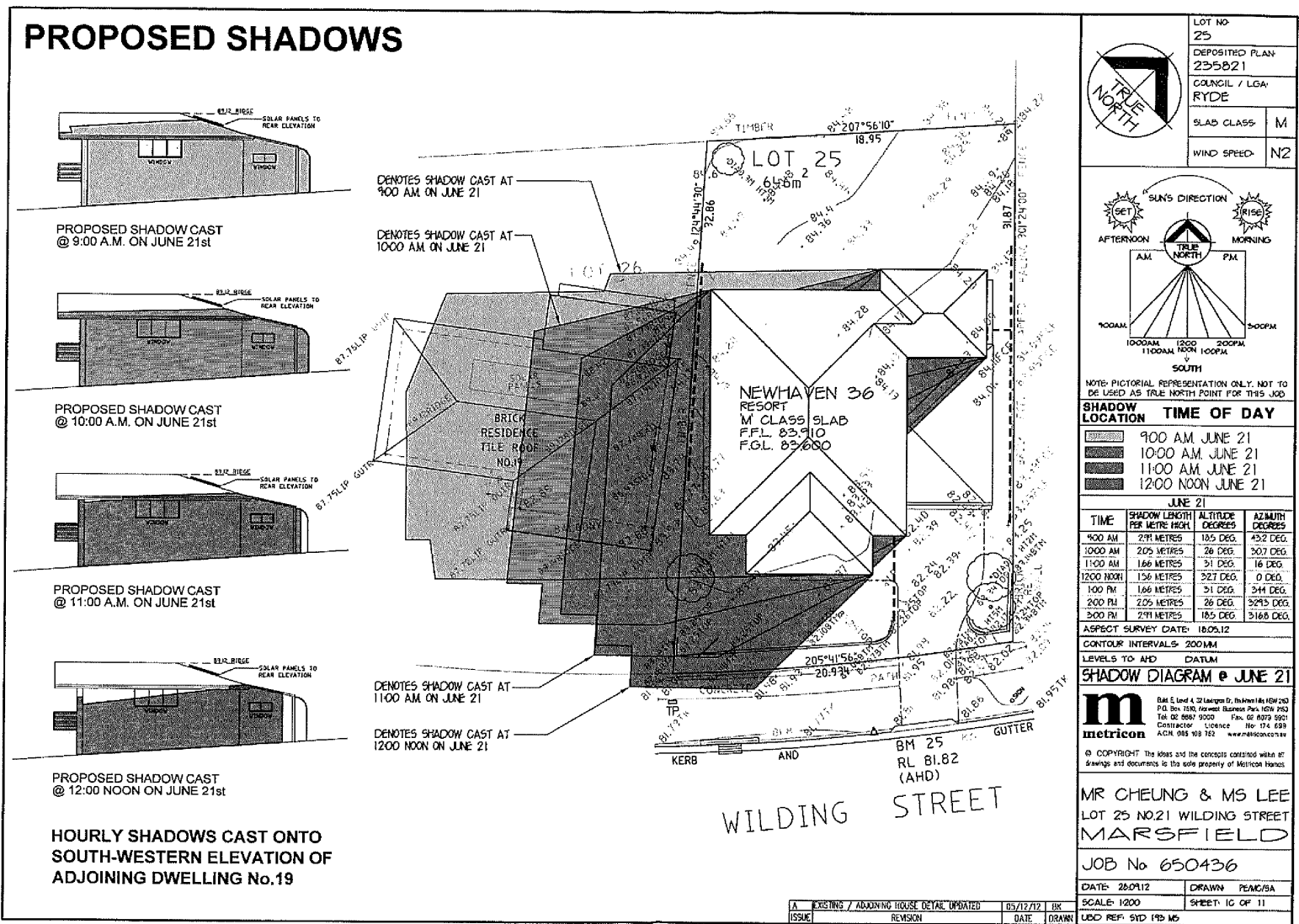
ITEM 2 (continued)

ATTACHMENT 4



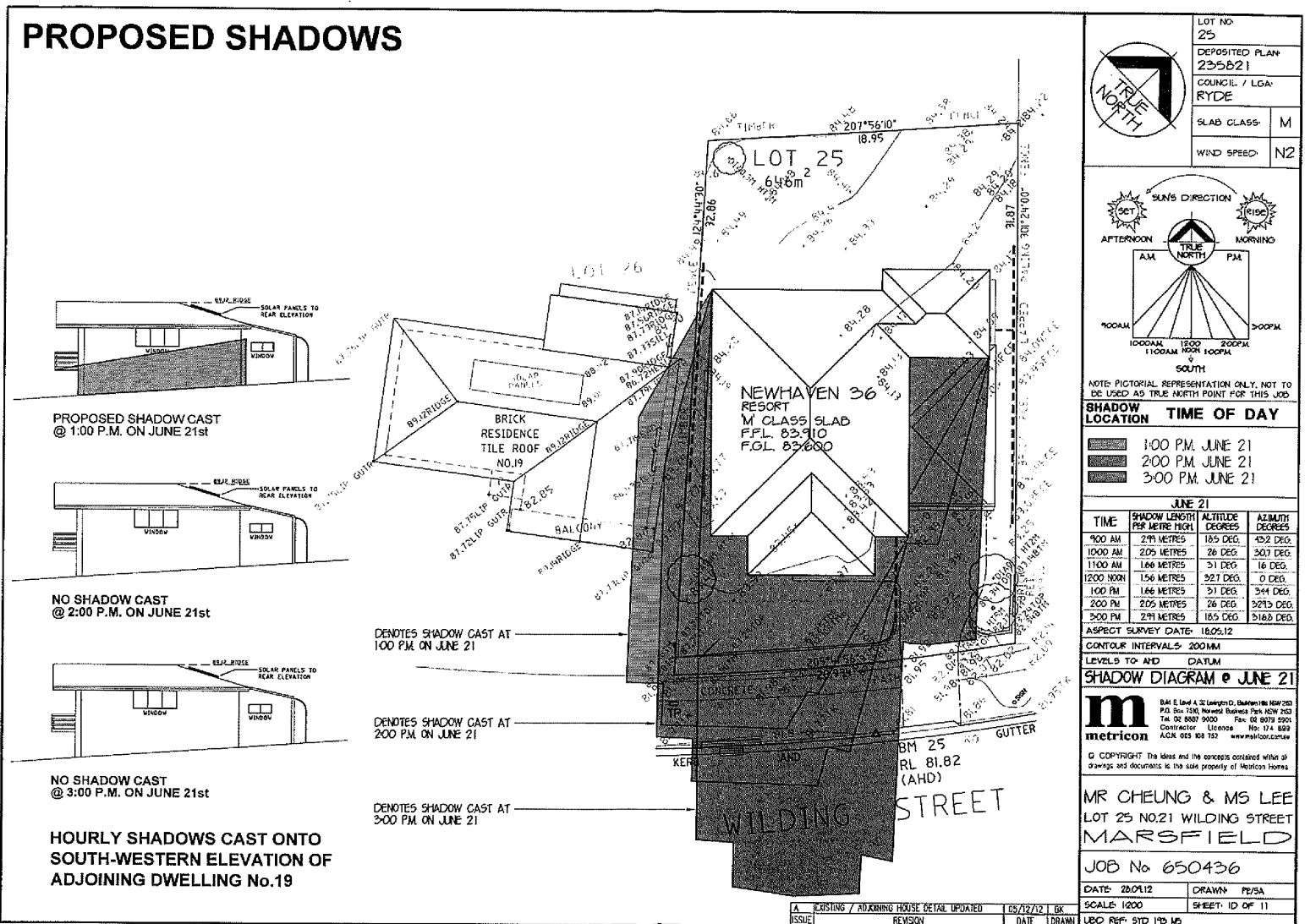
ITEM 2 (continued)

ATTACHMENT 4



ITEM 2 (continued)

ATTACHMENT 4



**3 21 GLADSTONE AVENUE, RYDE - LOT 54 DP 30343. Section 96
Application for modifications to approved two storey dwelling for
changes to the roof terrace access. MOD2012/0150.**

INSPECTION: 4.45pm

INTERVIEW: 5.25pm

Report prepared by: Team Leader - Assessment

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

Report dated: 18/02/2013

File Number: grp/09/5/6/2 - BP13/253

1. Report Summary

Applicant: A. Chandrahasan

Owner: Mukesh Gupta

Date lodged: 12 October 2012

This report considers a Section 96 application for modifications to an approved two storey dwelling for changes to increase the stair well area on the roof terrace. Specifically, the proposed modifications include an increase in the size of the approved trafficable roof terrace, and also changes (increase) to the size and dimensions of the approved planter box on the perimeter of the roof terrace.

This site has a long history since the original approval of the two storey dwelling (2 June 2004) of unauthorised works to the dwelling that were inconsistent with the original approval. There has been enforcement action including issuing Notice of Proposed Orders to demolish/reconstruct the roof terrace/planter box, however work has not been undertaken to correct the unauthorised work. Instead, there have been several applications for modification (Section 96) or Review of Determination (Section 82A) to attempt to seek approval for the unauthorised work.

This Section 96 application has been notified to neighbours and 1 submission was received raising the following key issues:

- the illegal structure constructed on the roof,
- unsympathetic to the streetscape,
- privacy impacts,
- number of storeys of dwelling,
- structure detracts from views,
- bulk and scale of building/FSR, and
- rear setback area encroachment.

The proposal has been assessed against the heads of consideration of Section 79C of the Environmental Planning and Assessment Act 1979 and Council's DCP 2010. The proposed modification to the original development consent generally meets the

ITEM 3 (continued)

requirements of the DCP, and whilst there is one identified non compliance with regard to the height of buildings in terms of number of levels under the DCP 2010, the variation is not considered to be significant in terms of the overall application, as the modifications to the original development consent would (if approved) be similar to neighbouring and other development approved by Council in the vicinity of the site, and would represent only a minor increase in the amount of additional built form to the roof terrace compared to what has already been approved at this site.

Reason for Referral to Planning and Environment Committee: Nature of the application.

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?: Not stated on application. Original cost in 2004 - \$320,000.00 (original DA i.e. LDA04/16-02)

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

RECOMMENDATION:

(a) That the Section 96 Application Number MOD2012/0150 at 21 Gladstone Avenue being Lot 54 DP 30343 be approved and Consent Number LDA2004/16 be modified in the following manner:

- **Condition 1** amended by adding the following Plans to the list of Approved Plans for this development:

Document Description	Date	Plan No/Reference
Roof Terrace Plan	25/11/10	10.29/DA03
Elevations (of Roof Terrace)	25/11/10	10.29/DA04

NOTE: These plans referenced above relate only to the additional approved works relating to the roof terrace. For full and further details of the approved plans for this development overall, refer to the original consent (LDA2004/16 dated 2 June 2004, as amended).

- **ALL** other conditions remain unaltered and must be complied with.

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

ITEM 3 (continued)

ATTACHMENTS

- 1 Photomontages of difference between proposed/constructed & approved roof structure.
- 2 Map
- 3 A3 Plans - Subject to Copyright for Councillors only

Report Prepared By:

Chris Young
Team Leader - Assessment

Report Approved By:

Liz Coad
Manager Assessment

Dominic Johnson
Group Manager - Environment & Planning

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

Address	: 21 Gladstone Avenue, Ryde (Lot 54 in Deposited Plan 30343)
Site Area	: 631.1m ² Frontage 12.07m (Cowell Street)/ 8.9m (Gladstone Avenue) Depth 34.52m
Topography and Vegetation	The topography of the local area is relatively steep, with the site having an easterly aspect and being located : near the crest of the land at the junction of Gladstone Avenue and Cowell Street. The subject site slopes toward Gladstone Avenue and does not include any significant vegetation.
Existing Buildings	: Dwelling house
Planning Controls Zoning	: R4 – High Density Residential under Ryde LEP 2010 R4 – High Density Residential under draft Ryde LEP 2011
Other	: Ryde DCP 2010

ITEM 3 (continued)



Air Photo – 21 Gladstone Avenue, Ryde



View of subject dwelling house at 21 Gladstone Avenue, Ryde

ITEM 3 (continued)

3. Councillor Representations

Nil.

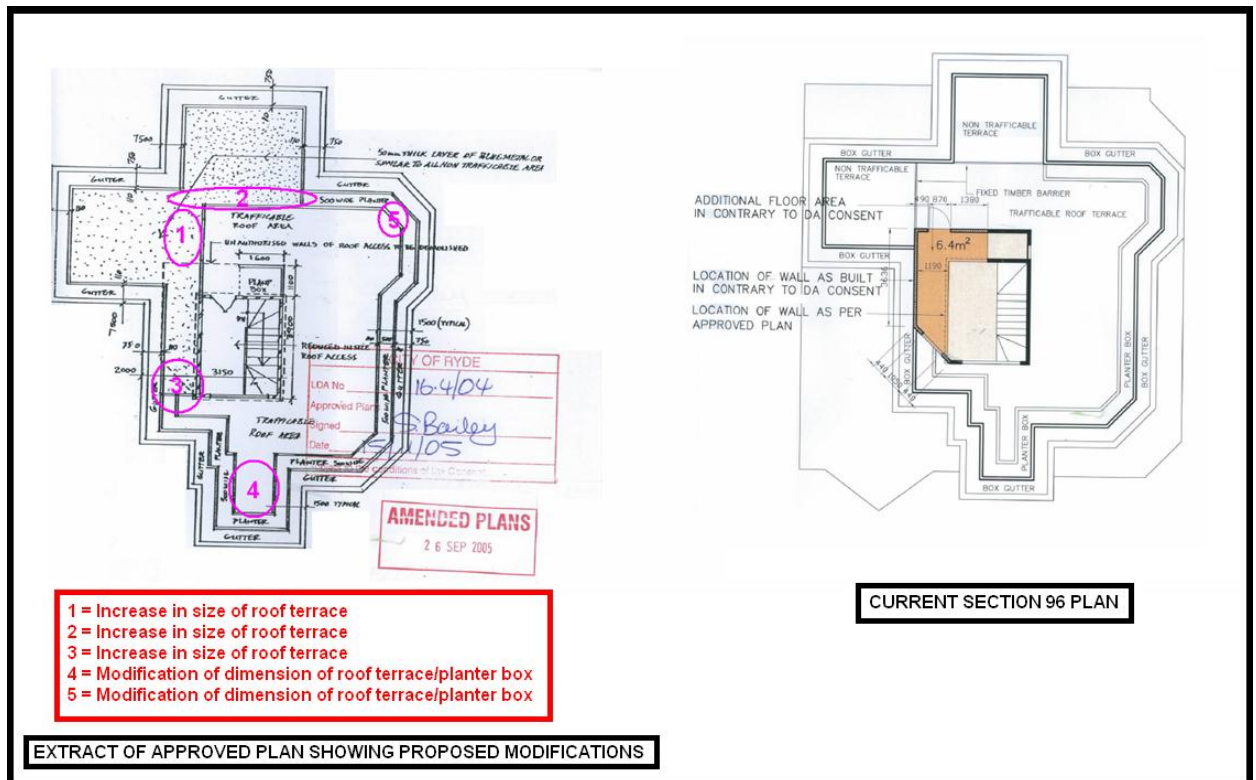
4. Political Donations or Gifts

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

5. Proposal

The application and plans for the current Section 96 modification application proposes to increase the size of the approved trafficable roof terrace, and also changes (increase) to the size and dimensions of the approved planter box on the perimeter of the roof terrace.

To enable a comparison to be made, the following drawings are an extract of the most recent approved plan (a previous Section 96 application approved 15 November 2005), and the current Section 96 plan showing the modifications proposed in the current application.



ITEM 3 (continued)**6. Background**

LDA2004/16 was approved under delegated authority on 2 June 2004 to “Demolish dwelling and construct two storey dwelling with roof terrace”. In the approved plans, the roof terrace was set in from the perimeter walls and had a covered structure over the stairwell.

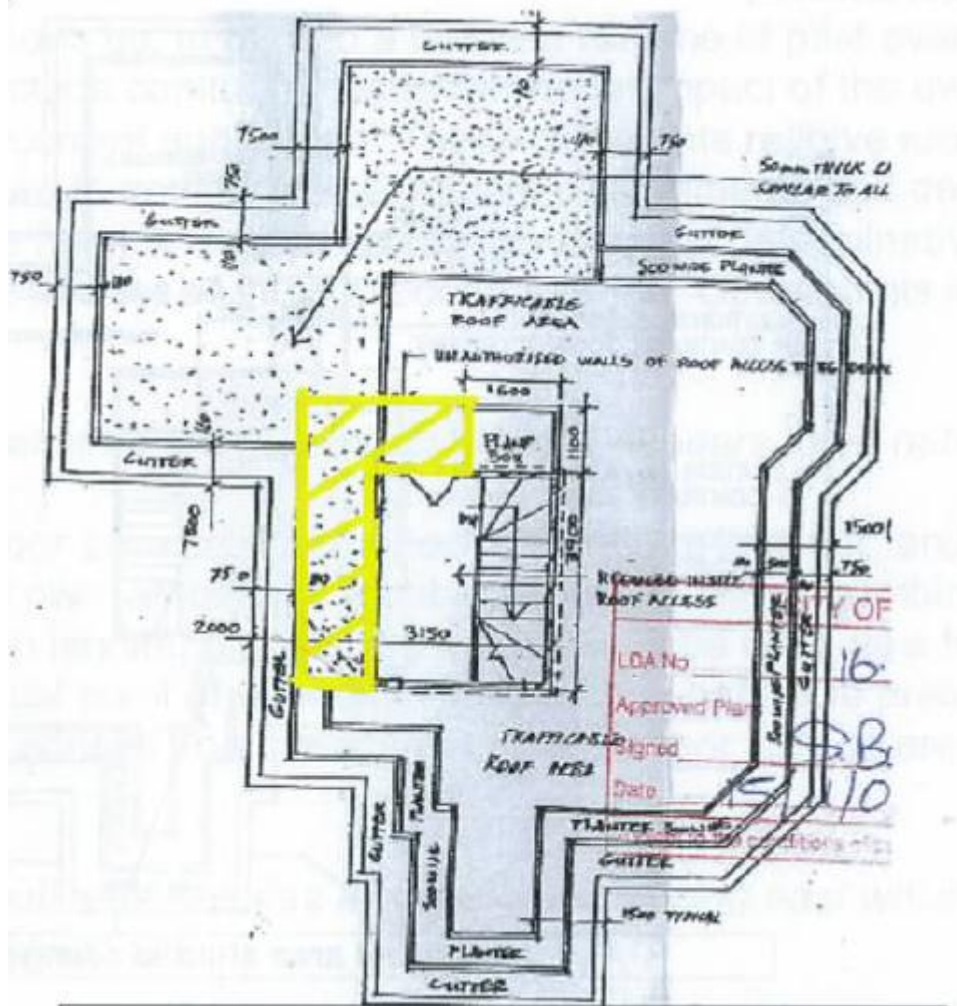
As a result of inspections of the dwelling house during construction certain unauthorised works, mainly to the design of the roof structure leading to the stairs over the roof were identified. This led to a number of Section 96 modification applications being submitted to rectify this work.

Section 96 application 2004/16.2 was lodged 6 October 2004 to extend the roof terrace over most of the roof area and to construct planter boxes around the perimeter. The applicant was advised 7 December 2004 that the proposal could not be supported by Council officers and the application was ultimately withdrawn on 4 February 2005.

Section 96 application 2004/16.3 was lodged 8 March 2005 to extend the roof terrace over the entire roof, extend the stair cover to include a plant room and to construct pergolas at a lower level. An amended plan was submitted reducing the trafficable area of the roof terrace. This application was also withdrawn after the applicant was advised that this could not be supported by Council officers.

Section 96 2004/16.4 was lodged 1 August 2005 and included changes to the stair structure to access the roof, modification to pitch the roof, increase in size of the roof terrace and a pergola over the first floor balcony. During a site inspection, as part of the assessment of Section 96 2004/16.4, it was revealed that the structure over the stair had been constructed differently from the approved plans. In response to Council’s concerns relating to a range of issues, amended plans were submitted on 26 September 2005 either removing or amending to Council’s satisfaction certain elements. In relation to the roof structure the applicant proposed to remove the unauthorised work. This area is shown by the yellow hatching on the following extract of the approved plan. The application was considered by Council’s former Development Committee on 15 November 2005 where the application, including the demolition was approved. Despite the approval to demolish the illegal work, the area shaded yellow has remained, and is the subject of the present Section 96 modification application (MOD2012/0150).

ITEM 3 (continued)



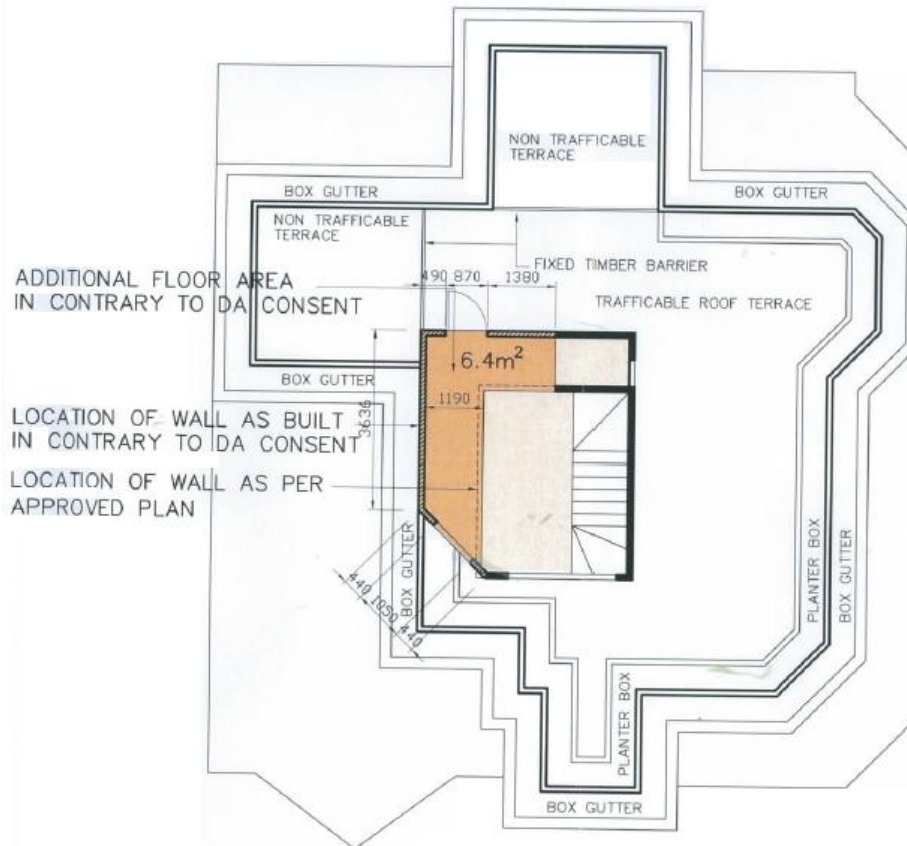
Extract of approved rooftop terrace showing area that was required to be demolished in yellow

Section 96 application 2004/16.5 was lodged on 7 November 2008 and proposed to increase the trafficable area of the roof terrace, alter the planter boxes and to retain the unauthorised part of the roof structure. This application was refused under delegated authority for the following reasons:

- It exceeds the FSR by 14.18m²;
- It increased that portion of the building that was 3 storeys; and
- The modifications detract from the appearance of the building.

Section 96 application (MOD2010/0160) was lodged on 25 November 2010. This application proposed modification of the approved design in respect of the structure on the roof. It proposed a minor reduction in the size of the roof structure as demonstrated in the following diagram.

ITEM 3 (continued)



Additional area shaded darker orange proposed as part of amended plans submitted with MOD2010/0160

Application MOD2010/0160 was refused on 23 August 2011 under delegated authority for the following reasons:

- The unauthorised part of the roof structure adds to the bulk and scale of the building and causes unacceptable streetscape impacts.
- The unauthorised part of the structure causes non-compliance with DCP 2010, Part 3.3 Dwelling houses and Dual Occupancy (attached) in that it causes 3 levels to the street and 2 levels above the garage.
- No justification has been given for departing from the owners undertaking in 2005 to demolish the unauthorised part of the structure.

On 25 October 2011 the applicant submitted a Section 82A application (APL2011/0001) to seek reconsideration of the refusal of the Section 96 application (MOD2010/0160) dated 23 August 2011. The Section 82A application did not propose any modifications to the proposal that was refused under the Section 96 modification MOD2010/0160. This Section 82A application was ultimately withdrawn by the applicant on 17 September 2012 because Section 82A cannot be used to review a decision regarding a refusal of a Section 96 application (Section 82A can only be used to review a decision regarding a DA).

ITEM 3 (continued)

On 11 October 2012 a new Section 96 application (MOD2012/0150) was lodged, being the Section 96 application which is the subject of this assessment report.

7. Submissions

The 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 16 October 2012 to 31 October 2012.

In response, one submission was received from the owners of the property at 6 Cowell Street – see location of adjoining property on aerial photograph earlier in this report. The issues raised in the submission are summarised and discussed as follows.

A. *The illegal structure constructed on the roof – concerns are raised over the illegal structure which has been constructed above the stair well on the rooftop of the dwelling house.*

Comment: These concerns appear to relate to Council's ability to grant retrospective approval to unauthorised works already undertaken via submission of a Section 96 application.

The Land and Environment Court has given consideration to such situations. In *Windy Dropdown v Warringah Council [2000] NSWLEC 240*, Justice Talbot made the following comments:

“...the broad construction of s 96 leads to a practical result that enables a consent authority to deal with unexpected contingencies as they arise during the course of construction of development or even subsequently, provided of course that the development to which the consent as modified relates is substantially the same development.

It follows from the foregoing analysis and reasoning that in my view an application that relates to development which has been already carried out can be made pursuant to s 96. The Court is therefore in a position to consider the subject application on the merits.”

It is evident that the proposed modifications had been commenced and/or completed. Making an application to amend an existing development consent retrospective to the subject works being undertaken is permissible and in itself is not a valid reason for refusal.

B. *Unsympathetic to the streetscape – concerns are raised over the impact the proposed/constructed building element on the rooftop detract from the amenity of the streetscape.*

ITEM 3 (continued)

Comment: As demonstrated in the built form analysis in the '*Likely impacts of the Development*' section of this report, the proposed/constructed building element is not considered to significantly vary the overall bulk and scale of the development when viewed from the street, other areas of the public domain, or from adjoining property given the high density nature of existing development on adjoining and adjacent sites, in comparison to the original approval of this development.

C. Privacy impacts – concerns are raised that the removal of the brick perimeter fence on the rooftop result in privacy impacts as well as the potential to result in overlooking into living areas from the proposed/constructed building element.

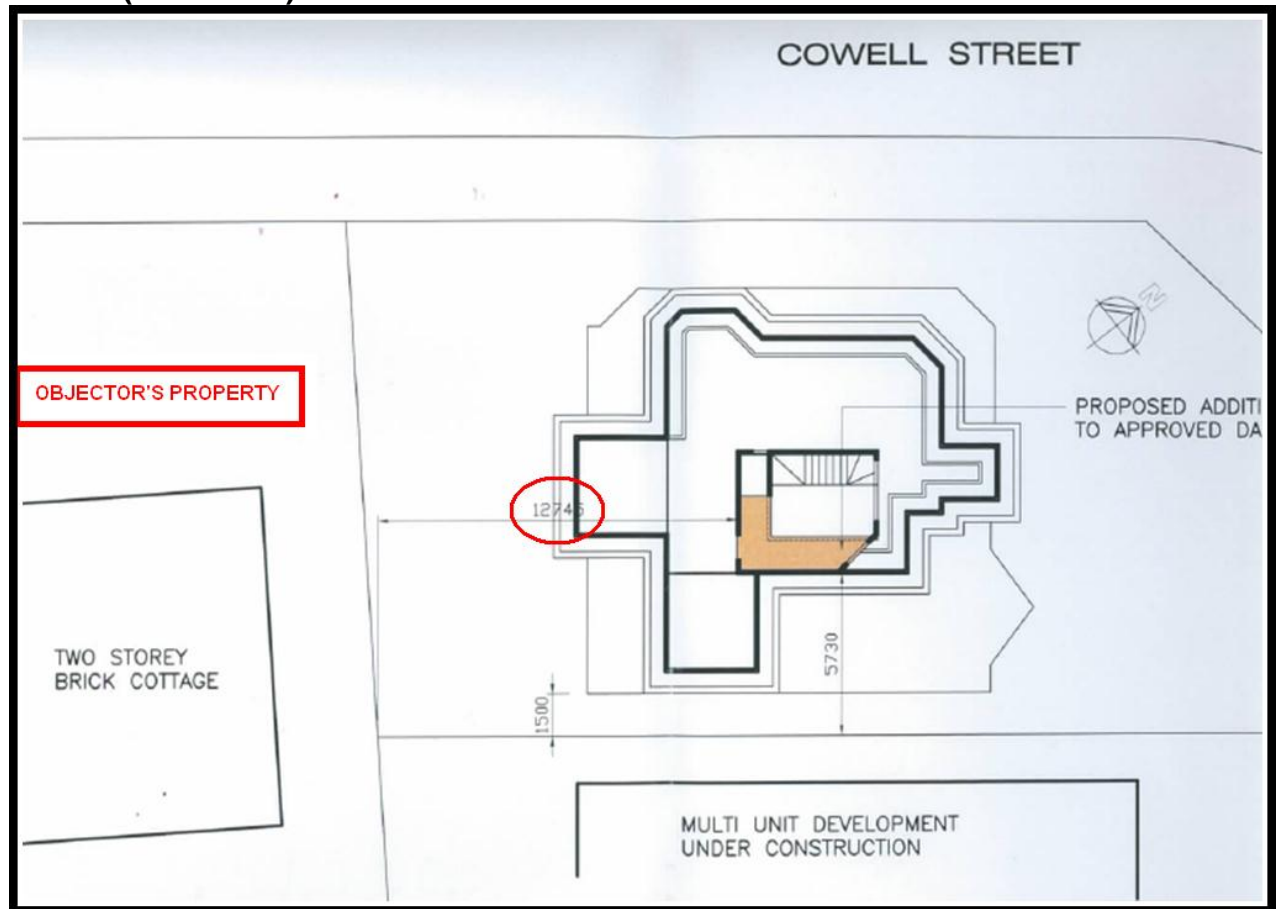
Comment: As demonstrated in the following drawing, the proposed/constructed building element is setback approximately 12.75m from the boundary of the objecting neighbour. Furthermore, no windows are proposed on the building element aside from two windows which face Gladstone Avenue, one of which has already been approved under separate application, and the second of which forms part of this Section 96 modification.

As also demonstrated on the plans submitted as part of this Section 96 application, the rooftop area includes two fixed timber barriers to reduce the trafficable area to those central portions of the rooftop, thus meaning the potential for overlooking of adjoining property is minimised.

It is also noted the submitted plans indicate a planter-box structure around the perimeter of the rooftop area to keep persons away from the edge of the rooftop and to hence reduce the potential for overlooking/privacy impacts.

Given the above, it is considered that the proposed/constructed building element will not result in an unsatisfactory loss of privacy to adjoining properties.

ITEM 3 (continued)



D. Number of storeys of dwelling – concerns are raised of the proposed/constructed building element not being consistent with the maximum number of storeys permitted as per Part 3.3 of the Ryde DCP 2010.

Comment: Section 1.1 of Part 3.3 of the Ryde DCP 2010 outlines the land to which Part 3.3 applies, stating the following:

“This Part applies to all land within the City of Ryde where dwelling houses and dual occupancies (attached) are permitted. It has specific relevance to low density residential areas”.

While it is noted the proposed development is for the purposes of an existing dwelling house, it is also noted that the existing dwelling house is not located in a low density residential area, and therefore according to Part 1.1 of the Ryde DCP 2010 Part 3.3 of the Ryde DCP 2010 is not of specific relevance to development on the subject site.

In this regard, while the number of storeys of a dwelling is a consideration in relation to the Section 96 modification, it is not of specific relevance for development on the subject site. This is because the subject site is located within

ITEM 3 (continued)

the R4 High Density Residential zone, and as demonstrated by Item 10 *‘Likely impacts of the Development’*, is located within a area where the bulk and scale of development means buildings are predominantly 3 to 4 storeys in height.

In addition to the above, it is noted that the modifications proposed in this application result in only a minor increase in floor space compared to the original approval, which was already for a 2 storey (plus basement) dwelling with roof terrace.

E. Structure detracts from views – concerns are raised that the proposed/constructed building addition of approximately 6-7m² will detract from the views at 6 Cowell Street, Ryde.

Comment: The following is a comparison showing the difference in bulk and scale of the subject dwelling house with the proposed/constructed building element compared to how the structure would look with the additional building element being removed when viewed from the objector’s property. The difference between the two images is considered insignificant in terms of the overall bulk and scale of the development.

Additionally, the amount of ‘view’ lost as a result of this building element is also considered insignificant not only in terms of the amount of view lost, but also the nature of the ‘view’ itself being sky and not water or district views which are generally more highly protected.

Given the above, the objection on the basis of loss of views is not supported.



ITEM 3 (continued)

F. Bulk and scale of building/FSR – concerns are raised that the proposed/constructed building addition of approximately 6-7m² result in unacceptable levels of bulk and scale/FSR.

Comment: The proposed/constructed building element is not considered to significantly vary the overall bulk and scale of the development when viewed from the public domain or from adjoining property. Furthermore, given the high density nature of existing development on adjoining and adjacent sites, the bulk and scale of the proposed is considered to be consistent with the existing and future character of the area.

In relation to FSR, clause 4.3 of the Ryde LEP 2010 prescribes a maximum 0.75:1 for this site which is within Zone No R4 High Density Residential. Furthermore, under the provisions of the Draft Ryde Local Environmental Plan 2011 the maximum permissible floor space ratio has been increased to 1:1. As constructed, the dwelling had a FSR of 0.523:1.

With the introduction of the Ryde LEP 2010, the calculation method for the gross floor area of a building has now changed via a new definition for 'gross floor area' which now measures from the inside face of external walls (i.e. excludes external wall thicknesses) and internal voids and stairs. As a result, the existing dwelling house is now significantly below the maximum 0.5:1 FSR which is substantially less than the maximum prescribed in the existing (and proposed) Local Environmental Plan.

G. Rear setback area encroachment – concerns are raised over the encroachment of the existing dwelling and the proposal into the rear setback area, thus impacting on the adjoining property objecting to the development at 6 Cowell Street, Ryde.

Comment: The existing dwelling's rear setback was approved under development consent LDA2004/0016. The rear setback of the existing dwelling is not the subject of this Section 96, as no change to the established/approved building setback is proposed.

The building element proposed/constructed is wholly contained within the existing building rear setback, and does not extend beyond the already approved rear setback of the rooftop structure. This means the proposed/constructed building element is approximately 12.7m from the rear boundary of the subject site.

Given the extensive setback of the proposed/constructed building element, and the fact this component is wholly located within the existing building rear setback.

ITEM 3 (continued)**8. SEPP1 (or clause 4.6 RLEP 2010) objection required?**

None required.

9. Policy Implications**Environmental Planning and Assessment Act, 1979****Section 96 – Modification of Consents**

In accordance with Section 96(1A), Council may consider a modification of development consent provided:

- The proposed development is substantially the same as the approved.
- The application for modification has been notified in accordance with the regulations; and
- Council has considered any submissions regarding the proposed modification

In this regard, it is considered that the Section 96 Application is substantially the same development as that approved by Council and the proposal satisfies the requirements of the above provisions.

Section 96(3) requires Council to consider relevant matters referred to in Section 79C(1) in assessing and application for modification of development consent.

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 R4 High Density Residential. The proposed development, being development for the purposes of a 'dwelling house' is permissible with consent under this zoning.

Mandatory Requirements

The following mandatory provisions apply:

(a) Clause 4.3 – Height of buildings

Clause 4.3 of the Ryde LEP 2010 prescribes a maximum height of 9.5m for the subject site. The existing dwelling on the subject site has an overall building height of 8.43m. This currently meets the minimum requirements as specified under the Ryde

ITEM 3 (continued)

LEP 2010. The current Section 96 modification application does not change this arrangement.

Accordingly the height of the dwelling house is considered satisfactory.

*(b) Clause 4.4 – Floor Space Ratio**Comment on current floor space ratio limit for site and changes to gross floor area calculation*

As noted previously, the maximum floor space ratio (FSR) applicable to the subject site's R4 zoning is 0.75:1 under Clause 4.3 of Ryde LEP 2010.

As indicated in the previous assessment report for Section 96 (LDA2004/16.4) to the Development Committee on 15 November 2005, that the dwelling as constructed had a floor space ratio (FSR) of 0.523:1 (or 14.18m² in excess of that permitted) when utilising the definition for FSR under the Ryde Planning Scheme Ordinance that was in place at the time.

The approved Section 96 2004/16.4 to demolish the component of the structure above the stairs on the rooftop would have resulted in a reduction of approximately 4.435m² of floor area from the existing dwelling house. This would have then reduced the FSR of the dwelling house to 0.508:1 if the demolition works had taken place.

With the introduction of the Ryde LEP 2010, the calculation method for the gross floor area of a building has now changed via a new definition for 'gross floor area' which now measures from the inside face of external walls (i.e. excludes external wall thicknesses) and internal voids and stairs. As a result, the existing dwelling house is now significantly below the 0.5:1 floor space ratio level.

Accordingly the proposal is deemed satisfactory in terms of the level of floor space provided.

(b) Relevant State Environmental Planning Policies (SEPPs)

None relevant.

(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 R4 High Density Residential, and the maximum permissible floor space ratio has been increased to 1:1, with the maximum permissible building height limit of 9.5m remaining.

ITEM 3 (continued)

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

(e) The provisions of any development control plan applying to the landRyde 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 Section 96 modification application against the key components of the Ryde DCP 2010 that are considered to apply to the development.

It is noted that previous assessments of the proposed development have cited the proposal's failure to meet certain components of Part 3.3 of the Ryde DCP 2010, most notably those relating to the three levels of the dwelling house that present to the street and 2 levels above the garage.

Section 1.1 of Part 3.3 of the Ryde DCP 2010 outlines the land to which Part 3.3 applies, stating the following:

"This Part applies to all land within the City of Ryde where dwelling houses and dual occupancies (attached) are permitted. It has specific relevance to low density residential areas"

While it is noted the proposed development is for the purposes of an existing dwelling house, it is also noted that the existing dwelling house is not located in a low density residential area, and therefore according to Part 1.1 of the Ryde DCP 2010 Part 3.3 of the Ryde DCP 2010 is not of specific relevance to development on the subject site.

Section 1.5 of the Ryde DCP 2010 outlines how to use Part 3.3 of the Ryde DCP 2010, specifically mentioning that Section 2 – General Controls, 'describes the desired character for the low density residential areas in the City of Ryde' and then explains/states 'the objectives for key aspects of a development and sets out the controls.'

Furthermore, Section 2.1 of the Ryde DCP 2010 specifies that the 'desired future character' of the low density residential areas of the City of Ryde is one that has a low scale determined by a maximum 2 storey height limit.

The stated objective of Section 2.1 is to ensure that development is consistent with the 'desired future character' of the low density residential areas. This leads to the development control requiring that 'development is to be consistent with the 'desired future character' of the low density residential areas'.

ITEM 3 (continued)

Again, given the proposed development is not located in a low density area, it is considered that it is inappropriate to strictly require development in high density residential areas to conform to the 'desired future character' of low density areas.

In this regard, while it is acknowledged that Part 3.3 provides the relevant development controls for dwelling houses, it is considered that any failure to comply with these development controls must be assessed on its merits, with particular attention to the wider context of the existing character, and 'desired future character', of high density residential areas.

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

As outlined in the assessments of the previous applications for this site, it is noted that the principal reasons for refusal related to the considered adverse impact upon the built environment of the roof structure, mostly by adding to the bulk and scale of the building. Further, the roof structure was considered unacceptable due to streetscape impacts.

A thorough assessment of the impacts of the proposed development on the built environment has been undertaken through the preparation of a series of photomontages and artist impressions of the proposed/constructed roof structure and how the structure would look with the additional component currently being sought approval for under the current Section 96 (MOD2012/0150) being removed (See Attachment 1).

These show that there would be minimal impact of the proposal on the built environment from a bulk and scale perspective, and also minimal impact on the streetscape from various positions on Gladstone Avenue and Cowell Street. The proposed/constructed development is considered to be consistent to that of the surrounding urban character. Given this, the proposal is supported on the basis its impact on the built environment is satisfactory.

(b) Natural Environment

Given the nature of the proposed development being a minor increase to the approved structure over the stair well on a rooftop, it is considered there will be no significant impact upon the natural environment as a result of the proposal.

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.

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

It is considered that approval of this DA would be in the public interest.

The development substantially complies with Council's current development controls, and includes a built form that is in keeping with the existing and the desired future character of the high density residential area.

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

None.

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 satisfactory for approval.

While there is one questionable area of non-compliance with the Ryde DCP 2010, however this is considered not to have specific relevance to the proposed development, and as such does not warrant refusal or further design amendments.

The proposal was notified to neighbouring properties and one submission was received, raising concerns including, the structure constructed on the roof is illegal, its unsympathetic to the streetscape, it creates privacy impacts, it doesn't comply with the number of storeys of a dwelling, the structure detracts from views, bulk and scale of building/FSR is unacceptable, and the rear setback area encroaches on that

ITEM 3 (continued)

permitted by the Ryde DCP 2010. An assessment of each of these objections considers these issues to be either unfounded or not significant enough to warrant refusal of the application or design amendments.

Accordingly the Section 96 application is recommended for approval.

ITEM 3 (continued)

ATTACHMENT 1

GRAPHIC REPRESENTATION OF DIFFERENCE BETWEEN PROPOSED/CONSTRUCTED ROOF STRUCTURE AND APPROVED ROOF TERRACE STRUCTURE

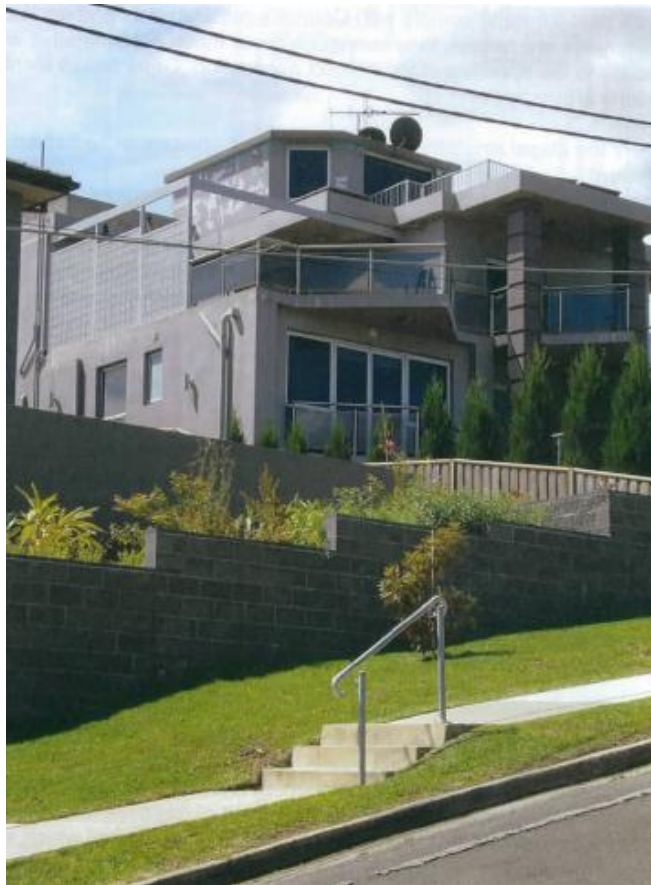


View westward towards the eastern facade of the dwelling house from Gladstone Avenue, with the photograph of the proposed/constructed roof structure to the right, and to the left the graphic representation of how the structure would look with the additional component currently being sought approval for under the current Section 96 (MOD2012/0150) being removed.

Only minimal impact on the bulk and scale of the overall building is evident, and only minimal impact on the streetscape when viewed from Gladstone Avenue.

ITEM 3 (continued)

ATTACHMENT 1



View towards the north-west of the southern and eastern facades of the dwelling house from Gladstone Avenue, with the photograph of the proposed/constructed roof structure to the right, and to the left the graphic representation of how the structure would look with the additional component currently being sought approval for under the current Section 96 (MOD2012/0150) being removed. Again, only minimal impacts on the bulk and scale of the building and streetscape are evident from Gladstone Avenue.

ITEM 3 (continued)

ATTACHMENT 1



View towards the south-west of the northern and eastern facades of the dwelling house from Cowell Street, with the photograph of the proposed/constructed roof structure to the right, and to the left the graphic representation of how the structure would look with the additional component currently being sought approval for under the current Section 96 (MOD2012/0150) being removed.

Even less impacts on the bulk and scale of the building and streetscape are evident from the corner of Gladstone Avenue and Cowell Street.

ITEM 3 (continued)

ATTACHMENT 1

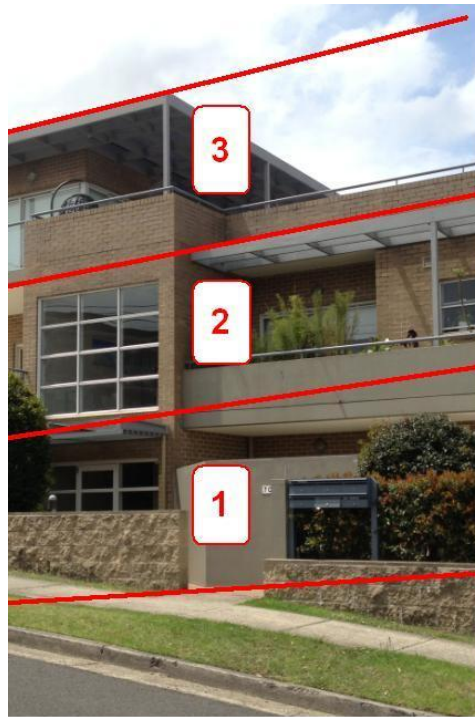


View towards the south-east of the western and partial northern facades of the dwelling house from Cowell Street, with the photograph of the proposed/constructed roof structure to the right, and to the left the graphic representation of how the structure would look with the additional component currently being sought approval for under the current Section 96 (MOD2012/0150) being removed.

The tiled roof dwelling house to the right of frame in each photograph of Figure 17 is the objecting property at 6 Cowell Street, Ryde. As demonstrated in the above images, the difference in bulk and scale of the subject dwelling house with the proposed/constructed building element compared to how the structure would look with the additional building element being sought approval for being removed is considered insignificant in terms of the overall bulk and scale of the development. Additionally, the amount of 'view' lost as a result of this building element is also considered insignificant, not only in terms of the amount of view lost, but also the nature of the 'view' itself being sky and not water or district views.

ITEM 3 (continued)

ATTACHMENT 1



Adjacent to subject site and objecting property at 7 Cowell Street, Ryde



Adjoining objecting property to west at 8 Cowell Street, Ryde



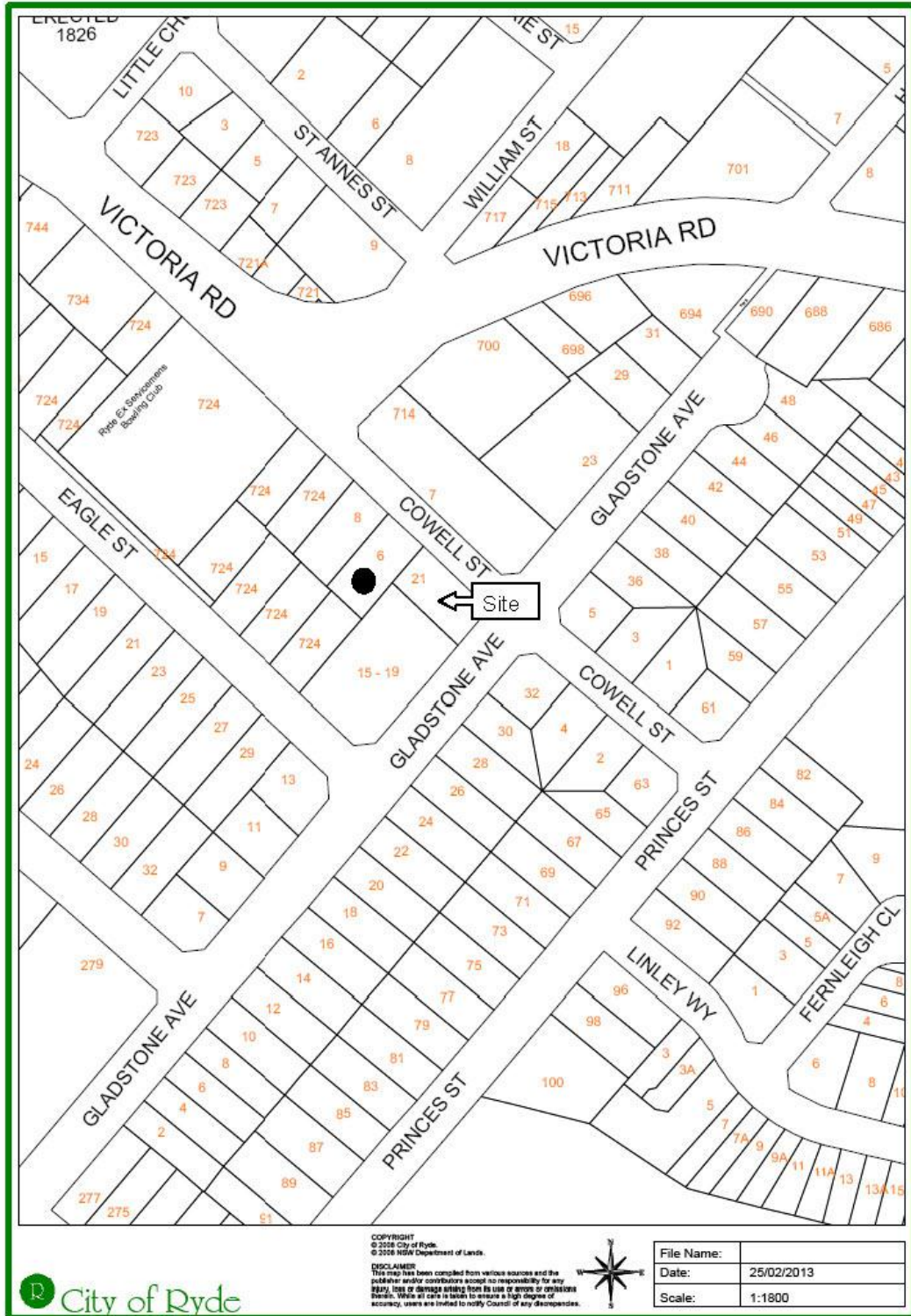
Adjoining subject site to south at 15-19 Gladstone Street, Ryde

Built form analysis of adjoining development clearly demonstrates the high density residential nature of the built environment, including buildings that are 3 and 4 storeys high. Given this, the proposed/constructed development is considered to be consistent to that of the surrounding urban character.

ITEM 3 (continued)

ATTACHMENT 2

● Indicates submission received



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

INSPECTION: 5.00pm

INTERVIEW: 5.30pm

Report prepared by: Team Leader - Assessment

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

Report dated: 20/02/2013

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

1. Report Summary

Applicant: Urbanesque Planning Pty Ltd

Owner: Graziella Mastro

Date lodged: 8 August 2012

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

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

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

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

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

ITEM 4 (continued)

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

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

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

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

Value of works?: \$250,000

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

RECOMMENDATION:

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

ITEM 4 (continued)**ATTACHMENTS**

- 1 Compliance Table Ryde DCP 2010.
- 2 Compliance Table for Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005.
- 3 Map.
- 4 A4 plans.
- 5 A3 plans - subject to copyright provisions - CIRCULATED UNDER SEPARATE COVER.

Report Prepared By:

Chris Young
Team Leader - Assessment

Report Approved By:

Liz Coad
Manager Assessment

Dominic Johnson
Group Manager - Environment & Planning

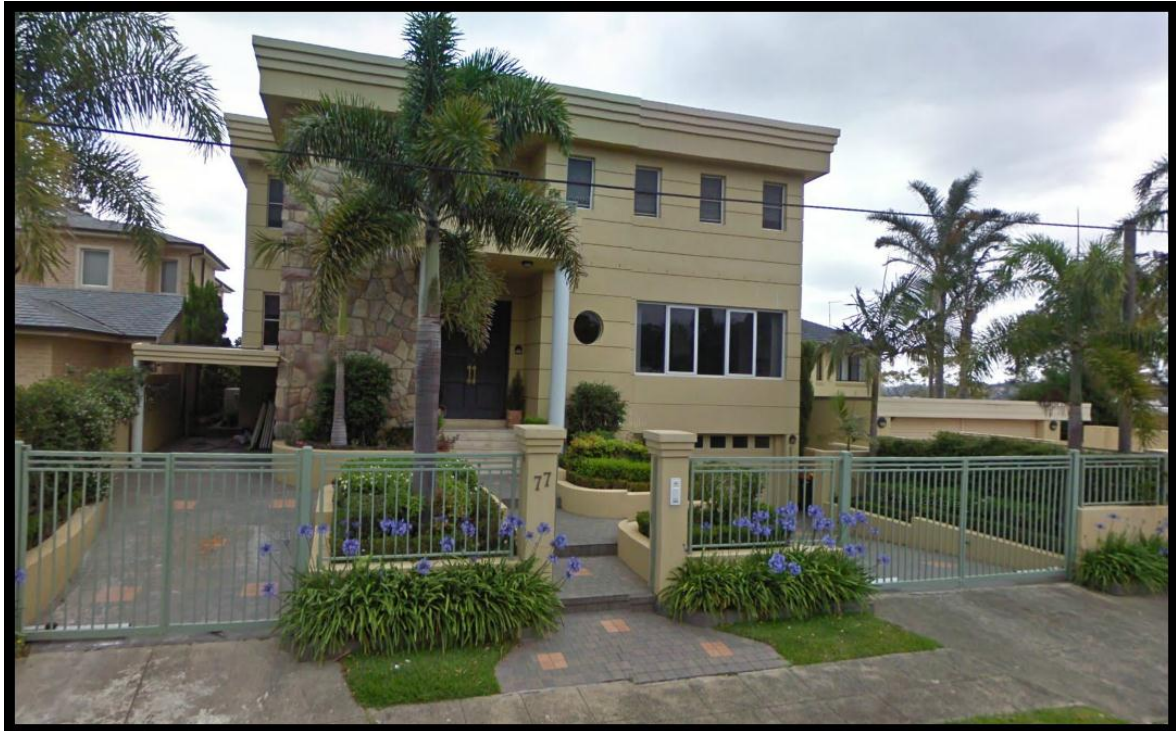
ITEM 4 (continued)

2. Site (Refer to attached map overleaf)

- Address** : 77 Wharf Road, Gladesville
(Lot 2 in Deposited Plan 536882)
- Site Area** : 789.1m² (Deposited Plan)
Frontage 17.221m (Deposited Plan)
Depth approx. 51.1m (Deposited Plan)
- Topography and Vegetation** : The topography of the local area is relatively steep, with the site having a westerly aspect and being located on the waterfront to Parramatta River. The subject site slopes toward Parramatta River from Wharf Road and does not include any significant vegetation.
- Existing Buildings** : Dwelling house, attached carport, swimming pool, outbuilding (boatshed).
- Planning Controls**
- Zoning** : R2 – Low Density Residential under Ryde LEP 2010
R2 – Low Density Residential under draft Ryde LEP 2011
- Other** : Ryde DCP 2010



ITEM 4 (continued)



3. Councillor Representations

Name of Councillor: (former) Councillor Tagg

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

Date: 24 August 2012

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

On behalf of applicant or objectors? Unknown

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

4. Political Donations or Gifts

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

5. Proposal

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

ITEM 4 (continued)

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

External Facade and Landscape Treatments:

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

First Floor:

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

Roof:

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

Front Fence:

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

6. Background

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

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

External Facade and Landscape Treatments:

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

First Floor:

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

ITEM 4 (continued)*Roof:*

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

Front Fence:

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

- On 4 September 2012 Council issued a request for additional information to the applicant based on a preliminary assessment of the subject development application. The key issues raised requiring submission of additional information were:

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

ITEM 4 (continued)

Applicant was requested to demonstrate development consent.

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

7. Submissions

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

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

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

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

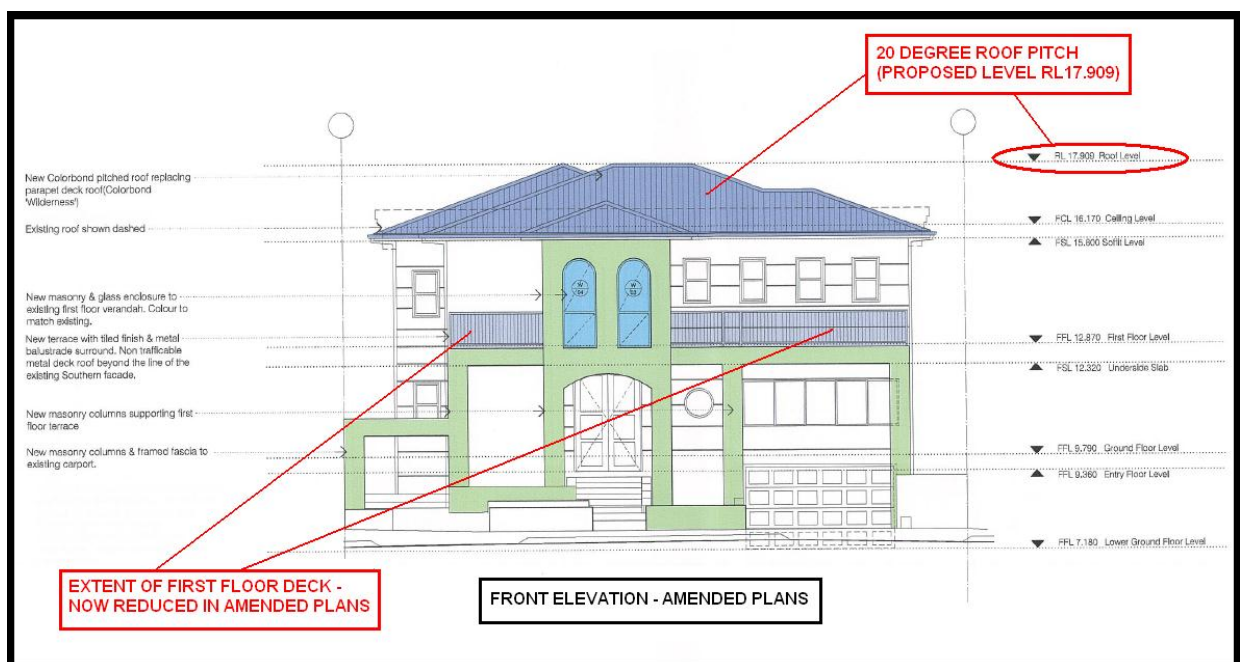
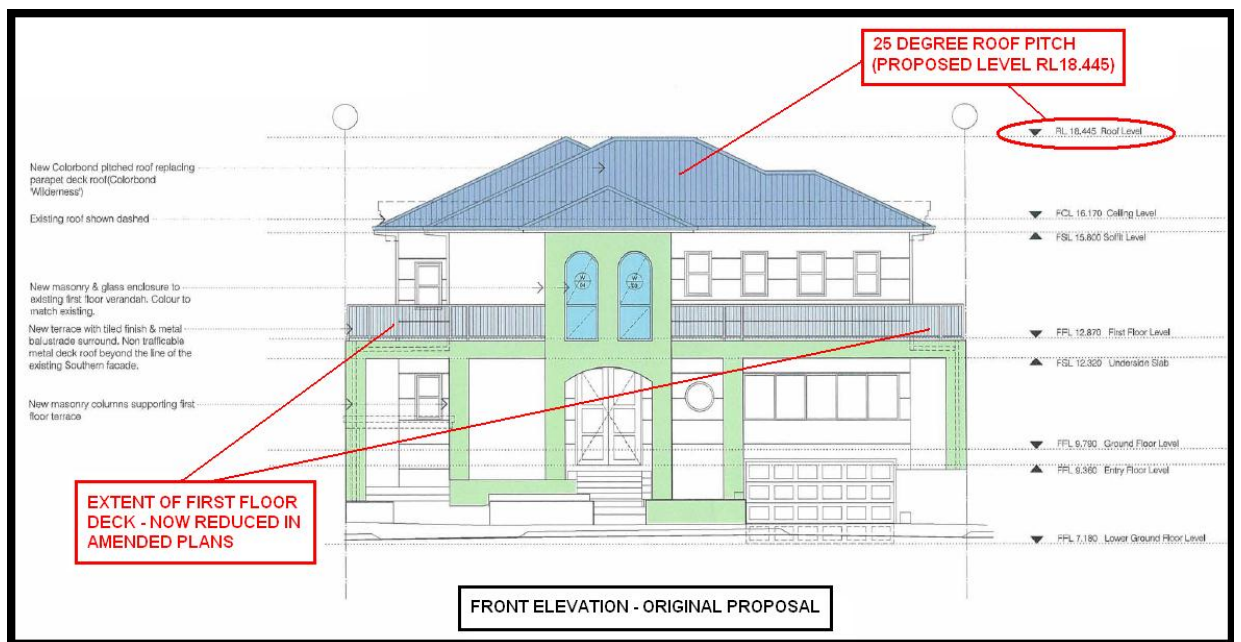
On 10 October 2012, amended plans were submitted to Council deleting the abovementioned decks/terraces on the side elevations, thus reducing the potential for loss of privacy to neighbours. Potential for overlooking from the

ITEM 4 (continued)

edges of the terrace is considered minimal and to only overlook front setback areas.

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

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



ITEM 4 (continued)

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

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

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

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

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

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

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

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

ITEM 4 (continued)

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

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

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

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

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

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

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

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

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

In this regard, the applicant has submitted a 'Clause 4.6 – Exception to development standards' statement with the development application package. A review of the submitted Clause 4.6 statement has determined that the statement has not been

ITEM 4 (continued)

completed in accordance with the Department of Planning & Infrastructure's *Varying development standards: A Guide August 2011*. In particular, given the substantial deviations from the prescribed development standards, the statement is not considered to have adequately addressed in sufficient detail why strict compliance with the standard, in the particular case, would be unreasonable or unnecessary, and justify on environmental planning grounds why it is necessary to contravene the development standard.

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

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

Mandatory Requirements

The following mandatory provisions apply:

(a) Clause 4.3 – Height of buildings

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

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

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

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

ITEM 4 (continued)

on environmental planning grounds why it is necessary to contravene the development standard.

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

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

(b) Clause 4.4 – Floor Space Ratio

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

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

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

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

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

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

ITEM 4 (continued)**(b) Relevant State Environmental Planning Policies (SEPPs)****Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 (SHCREP)**

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

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

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

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

(c) Any draft LEPs

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

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

(d) The provisions of any development control plan applying to the land**Ryde Development Control Plan (DCP) 2010.**

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

ITEM 4 (continued)*Building Height*

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

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

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

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

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

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

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

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

ITEM 4 (continued)

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



ITEM 4 (continued)

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

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

In this regard, the proposed works are not considered to contravene this objective for the height of buildings under the Ryde DCP 2010.

It is noted however, that the illegal building works that have been carried out to the existing dwelling house have expanded upon the three-storey component of the existing dwelling. These illegal building works are therefore not considered to be consistent with this objective for the height of buildings under the Ryde DCP 2010.

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

Given the above, the proposed building height additions to the existing dwelling house is considered unsatisfactory, and are not supported with reference to the Ryde DCP 2010.

Floor Space Ratio

Section 2.6 of Part 3.3 of the Ryde DCP 2010 prescribes development controls for the maximum floor space ratio of dwelling houses within low density areas. The maximum prescribed floor space ratio under Section 2.6 is 0.5:1 for dwelling houses. As demonstrated within the attached Compliance Checklist, when taking into account the existing floorspace (including unauthorised floor space), the proposal will result in a dwelling house which has a floor space ratio of 0.63:1, or 0.13:1 over the maximum permissible under the Ryde DCP 2010. This represents a 26% deviation from the development standard. Even without taking into consideration the unauthorised floor space, the floor space ratio of the proposal would be 0.58:1 or 0.08:1 (16%) over the maximum permissible under Ryde LEP 2010.

The following is an extract of the objectives relating to the floor space ratio controls contained within the Ryde DCP 2010, and an assessment of how the proposed development performs against each of these objectives.

- *To ensure bulk & scale are compatible with the desired future character of the low density residential areas & of dwelling houses.*

ITEM 4 (continued)

Comment: A maximum permissible floor space ratio of 0.5:1 is prescribed as the development control for dwelling houses within the City of Ryde local government area in low density residential areas such as that where the subject site is located.

The proposal seeks to increase the overall floor space ratio of the existing dwelling house to 0.63:1, or 0.13:1 over that of the maximum permissible.

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

- *To define the allowable development density for sites.*

Again, the proposed development seeks to expand upon the allowable density for dwelling houses in the low density residential area via a design that will see the overall floor space ratio increase to 0.63:1.

The proposed works, coupled with the illegal extensions which have taken place to the existing dwelling will push the proposed floor space ratio limit well beyond the density limit for sites in low density areas.

Given the above, the proposed gross floor area additions to the existing dwelling house are considered unsatisfactory, and are not supported with reference to the Ryde DCP 2010.

Desired Future Character

Section 2.1 of Part 3.3 of the Ryde DCP 2010 prescribes development controls to ensure development is consistent with the desired future character of the low density residential areas.

It is noted that the Ryde DCP 2010 specifies the desired future character of the low density residential areas of the City of Ryde is one that includes:

- streetscapes made up of compatible buildings with regard to form, scale, proportions (including wall plate heights) and materials.

By virtue of the proposal's non-compliance with the abovementioned building height controls and floor space ratio controls, it is considered that the proposal fails to result in a development that is consistent with the desired character of the low density residential areas. This is because the development is not considered to be compatible with surrounding buildings, particularly with regard to scale and proportion – Refer to assessment against building height and floor space ratio for further information.

ITEM 4 (continued)**Sydney Harbour Foreshores & Waterways Area Development Control Plan For SREP (Sydney Harbour Catchment) 2005**

The proposal has been assessed using the development controls contained in the Sydney Harbour Foreshores & Waterways Area Development Control Plan for the SHCREP. As demonstrated in the attached Compliance Checklist for this DCP, the proposed development has determined that the cumulative and incremental effects of further development along the foreshore are unsatisfactory when assessed against the performance criteria of the Statement of Character and Intent for the Landscape Character Area No. 14 for which the subject site is located under this DCP.

The above consideration is primarily based on the fact the proposed development has increased the height, bulk and scale of the existing dwelling considerably from what was already a dwelling of significant bulk and scale. For example, the increased scale of components of the built environment serve to diminish the scale of existing elements of the natural environment, such as vegetation, and landforms.

Given the above the proposal is not considered to preserve the remaining special features of the Landscape Character.

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

A thorough assessment of the impacts of the proposed development on the built environment has been undertaken as part of the completed assessment of the proposed development.

The resultant impacts of the increased building height and floor space ratio on the built environment are considered to result in a development that is not consistent with the desired character of the low density residential areas, particularly with regard to scale and proportion.

As a result, the proposed development is not supported on the basis of the impact it will incur on the built environment.

(b) Natural Environment

Given the nature of the proposed development being for alterations and additions to an existing dwelling house, it is considered there will be no significant impact upon the natural environment as a result of the proposal.

ITEM 4 (continued)**11. Suitability of the site for the development**

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

Slope Instability: Refer to the comments from Council's Consultant Geotechnical Engineer, later in this report.

12. The Public Interest

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

The development does not comply with Council's principal development standards for control of the size and scale of buildings under the Ryde LEP 2010, and Draft Ryde LEP 2011, being that of building height and floor space ratio. Additionally, the proposed development does not comply with Council's development controls for building height, floor space ratio, and desired future character as prescribed by the Ryde DCP 2010.

As a result, the overall bulk and scale of the new additions, coupled with a dwelling of already considerable bulk and scale, is considered to contradict the objectives and outcomes of the desired future character of the low density residential areas of the City of Ryde.

13. Consultation – Internal and ExternalInternal Referrals

None.

External Referrals**Consultant Structural Engineers**

The proposed development was referred to Council's external Consultant Structural Engineers for assessment. The response from the Consultant Structural Engineer was:

“As the proposed works are remote from the identified areas at the potential risk of slope instability, no special structural requirements are necessary to mitigate risks of slope instability and no site specific geotechnical assessment is required.”

Accordingly the proposed development is considered satisfactory from a structural engineering perspective.

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

There are no critical dates or deadlines to be met.

15. Financial Impact

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

16. Other Options

If Council is mindful to seek further amendments to address the issues of concern raised in this report, there is the option to defer the application to enable mediation to occur between the applicant and the objectors. If this option to defer is pursued, then it would need to be understood that there would still be some significant areas of non-compliance with Council's DCP given the nature of the existing dwelling.

17. Conclusion

The proposed development has been assessed using the heads of consideration listed in Section 79 of the Environmental Planning & Assessment Act 1979 and is generally considered to be satisfactory for approval.

The proposed development fails to comply with the mandatory requirements of the Ryde LEP 2010 and Draft Ryde LEP 2011 for building height and floor space ratio, and does not meet the development controls of Ryde DCP 2010 for building height, floor space ratio, and desired future character, particularly in relation to the proposed dwelling's scale and proportion.

On the above basis, it is therefore recommended that LDA2012/272 at 77 Wharf Road, Gladesville being Lot 2 DP 536882 be refused.

ITEM 4 (continued)

ATTACHMENT 1

ATTACHMENT 1
Compliance Table Ryde DCP 2010
77 Wharf Road, Gladesville

LDA No:	2012/0272
Date Plans Rec'd	8 August 2012. Amended Plans received 10 October 2012
Address:	77 Wharf Road, Gladesville
Proposal:	Alterations to existing dwelling house, new front fence and gates
Constraints Identified:	Acid Sulphate Soils, Landslip/Slope Instability, Foreshore Building Line

COMPLIANCE CHECK

RYDE LEP 2010	PROPOSAL	COMPLIANCE
4.3(2) Height <ul style="list-style-type: none"> 9.5m overall 	10.729m	No
4.4(2) & 4.4A(1) FSR <ul style="list-style-type: none"> 0.5:1 	0.58:1 (not including the unauthorised floor space) 0.63:1 (including the unauthorised floor space)	No

DCP 2010	PROPOSED	COMPLIANCE
<i>Part 3.3 – Dwelling Houses and Dual Occupancy (attached)</i>		
Desired Future Character		
Development is to be consistent with the desired future character of the low density residential areas.	The proposed development is not consistent with the desired future character of the low density residential area as detailed further in this table.	No
Dwelling Houses		
<ul style="list-style-type: none"> To have a landscaped setting which includes significant deep soil areas at front and rear. Maximum 2 storeys. 	No changes proposed to front or rear landscape as part of the alterations and additions Two storeys. It is noted that the existing dwelling can be seen to present as 3 storeys due to the basement level	Yes Yes

ITEM 4 (continued)

ATTACHMENT 1

DCP 2010	PROPOSED	COMPLIANCE
<ul style="list-style-type: none"> - Dwellings to address street 	garage. Dwelling does address street however is considered to present an imposing form to the street due to the increase in bulk and scale of the proposed colourbond pitched roof.	No
<ul style="list-style-type: none"> - Garage/carports not visually prominent features. 	Side carport is proposed to have masonry columns & facade to match those of the new entrance portico and front façade of the dwelling. Although becoming a more prominent feature of the dwelling, given the bulk and scale of the existing dwelling and carport it is considered to present to the street and fit with the existing character of the neighbourhood. No change proposed to the garage as part of the alterations and additions	Yes
Alterations and Additions		
<ul style="list-style-type: none"> - Design of finished building appears as integrated whole. 	Design of the alterations and additions is considered to present as an integrated whole through providing a more uniform character in terms of design to the streetscape & character of the neighbourhood.	Yes
<ul style="list-style-type: none"> - Development to improve amenity and liveability of dwelling and site. 	Proposed alterations and additions are considered to improve the amenity and liveability of the dwelling and site through providing increased outdoor spaces to the front of the dwelling which address and present favourably to the streetscape.	Yes
Public Domain Amenity		
<ul style="list-style-type: none"> • Streetscape - Front doors and windows are to face the street. Side entries to be clearly apparent. 	Front doors and windows face street with additional windows on the first floor	Yes

ITEM 4 (continued)

ATTACHMENT 1

DCP 2010	PROPOSED	COMPLIANCE
<ul style="list-style-type: none"> - Single storey entrance porticos. 	<p>proposed, side entries clearly apparent. Single storey entrance portico proposed with masonry and glass enclosure to existing first floor verandah above.</p>	<p>Yes</p>
<ul style="list-style-type: none"> - Articulated street facades. - Corner buildings to address both frontages 	<p>New façade proposed to provide increased articulation to the existing dwelling through addition of masonry columns, first floor terrace and masonry & glass enclosure. Not on corner</p>	<p>Yes N/A</p>
<ul style="list-style-type: none"> • Public Views and Vistas - A view corridor is to be provided along at least one side allotment boundary where there is an existing or potential view to the water from the street. 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 >900mm 	<p>Existing dwelling allowed for no water views to the side of the allotment. Proposed alterations and additions are confined to the front of the dwelling seeing no negative impact. Integrated garage & carport are considered not to be located within view corridor or obstructing any views or vistas. Proposed timber and metal gates & fence is 50% open >900mm. It is considered there will be no obstruction to public views and vistas with the proposed fence as part of the alterations and additions.</p>	<p>N/A N/A Yes</p>
<ul style="list-style-type: none"> • Pedestrian & Vehicle Safety - Car parking located to accommodate sightlines to footpath & road. - Fencing that blocks sight line is to be splayed. 	<p>Integrated garage and carport is considered to allow for suitable sightlines to footpath to maintain pedestrian & vehicle safety. The proposed timber & metal front vehicle access gates & fencing is 50% open</p>	<p>Yes Yes</p>

ITEM 4 (continued)

ATTACHMENT 1

DCP 2010	PROPOSED	COMPLIANCE
	>900mm.	
Site Configuration		
<ul style="list-style-type: none"> • Deep Soil Areas - 35% of site area min. - Min 8x8m deep soil area in backyard. 	<p>No additional paved or hardstand areas proposed as part of the alterations & additions. Existing amount of deep soil area maintained.</p> <p>No change proposed to deep soil areas in the back yard as part of the alterations and additions</p>	<p>Yes</p> <p>Yes</p>
<ul style="list-style-type: none"> - Front yard to have deep soil area (only hard paved area to be driveway, pedestrian path and garden walls). 	<p>No change proposed to deep soil areas in the front yard as part of the alterations and additions</p>	<p>Yes</p>
<ul style="list-style-type: none"> • Topography & Excavation Within building footprint: <ul style="list-style-type: none"> - Max cut: 1.2m - Max fill: 900mm Outside building footprint: <ul style="list-style-type: none"> - Max cut: 900mm - Max fill: 500mm - No fill between side of building and boundary or close to rear boundary - No fill in overland flow path - Max ht retaining wall 900mm 	<p>Max cut: No cut proposed within building footprint as part of alterations & additions</p> <p>Max fill: No fill within building footprint as part of the alterations and additions</p> <p>Max cut: No cut proposed outside the building footprint as part of the alterations and additions</p> <p>Max fill: 670mm, however this forms part of the proposed retaining wall arrangement which aims to create a consistent height across front of the dwellings retaining walls and form a consistent presentation to streetscape.</p> <p>No fill proposed between side of building & boundary or close to rear boundary as part of the alterations and additions.</p> <p>Not in overland flow path</p> <p>Max retaining wall height</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>No</p> <p>Yes</p> <p>N/A</p> <p>No</p>

ITEM 4 (continued)

ATTACHMENT 1

DCP 2010	PROPOSED	COMPLIANCE
	<p>930mm, however this is part of existing retaining wall arrangements on site, and only represents a 3.3% variation on the Ryde DCP 2010 controls for maximum height of retaining walls. Accordingly, this variation is considered acceptable and is justifiable in this instance as the variation will not contravene the objectives of the Topography and Excavation controls within the Ryde DCP 2010.</p>	
<p>Floor Space Ratio</p>		
<p>FSR (max 0.5:1)</p> <p>Note: Excludes wall thicknesses, lifts/stairs; basement storage/vehicle access/garbage area; terraces/balconies with walls <1.4m; void areas.</p>	<p>0.58:1 (not including the unauthorised floor space)</p> <p>0.63:1 (including the unauthorised floor space)</p> <p><i>Refer to Table at the end of this Compliance Check for detailed calculations.</i></p>	<p>No</p>
<p>Height</p>		
<p>- 2 storeys maximum (storey) incl basement elevated greater than 1.2m above EGL). 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>TOW RL: 16.170 FGL below (lowest point): RL:7.180 TOW Height (max)= 8.99m</p> <p>Max point of dwelling RL:17.909 EGL below ridge (lowest point) RL:7.180 Overall Height (max)= 10.729m</p>	<p>Yes</p> <p>No</p>

ITEM 4 (continued)

ATTACHMENT 1

DCP 2010	PROPOSED	COMPLIANCE
- Habitable rooms to have 2.4m floor to ceiling height (min).	3.3m min ceiling height	Yes
Setbacks		
• Side		
○ Single storey dwelling		
- 900mm to wall, includes balconies etc.	All works proposed as part of the alterations and additions are located within the approved building setbacks and comply with the minimum controls set by the Ryde DCP2010	Yes
○ First floor addition		
- 150mm to wall, includes balconies etc.	See Above	Yes
○ Two storey dwelling		
- 1500mm to wall, includes balconies etc.	See Above	Yes
• Front		
- 6m to façade (generally)	Setback to front façade 5.6m, however this forms part of the existing dwellings support columns. As such the works proposed do not alter the dwellings original approved setbacks.	Yes
- 2m to secondary street frontage	Not on corner	N/A
- Garage setback 1m from the dwelling facade	Garage to remain unchanged as part of proposed alterations and additions	N/A
- Wall above is to align with outside face of garage below.	See above	N/A
- Front setback free of ancillary elements e.g. RWT,A/C	No change to ancillary elements as part of the alterations and additions	N/A
• Rear		
- 8m to rear of dwelling OR 25% of the length of the site, whichever is greater. Note: Xm is 25% of site length.	All works as part of the alterations and additions are located within the established rear setback and comply with	Yes

ITEM 4 (continued)

ATTACHMENT 1

DCP 2010	PROPOSED	COMPLIANCE
	the minimum controls set by the Ryde DCP2010. The approved rear setback is greater than 11m which is 25% of the site length.	
Outbuildings		
No outbuildings proposed as part of alterations and additions		
Car Parking & Access		
<ul style="list-style-type: none"> • General - Dwelling: 2 spaces max, 1 space min. - Max 6m wide or 50% of frontage, whichever is less. - Behind building façade. 	<p>No change to vehicular parking arrangements as part of the alterations and additions</p> <p>Garage width unchanged as part of proposed alterations and additions</p> <p>See above</p>	<p>N/A</p> <p>N/A</p> <p>N/A</p>
<ul style="list-style-type: none"> • Garages - Garages setback 1m from façade. - Total width of garage doors visible from public space must not exceed 5.7m and be setback not more than 300mm behind the outside face of the building element immediately above. - Garage windows are to be at least 900mm away from boundary. - Free standing garages are to have a max GFA of 36m². - Solid doors required - Materials in keeping or complementary to dwelling. 	<p>Garage to remain unchanged as part of proposed alterations and additions</p> <p>See above</p> <p>See above</p> <p>See above</p> <p>See above</p> <p>See above</p>	<p>N/A</p> <p>N/A</p> <p>N/A</p> <p>N/A</p> <p>N/A</p> <p>N/A</p>
<ul style="list-style-type: none"> • Carpports 		
<ul style="list-style-type: none"> - Sides 1/3 open (definition in BCA) - Design and materials compatible with dwelling. 	<p>Front, rear and southern sides of carport to remain open.</p> <p>Design and materials to be consistent with new front façade of dwelling proposed</p>	<p>Yes</p> <p>Yes</p>

ITEM 4 (continued)

ATTACHMENT 1

DCP 2010	PROPOSED	COMPLIANCE
	as part of the alterations and additions. Materials to consist of masonry columns and framed fascia to existing car port.	
<ul style="list-style-type: none"> Parking Space Sizes (AS) 		
<ul style="list-style-type: none"> Double garages: 5.4m w (min) - Single garage: 3m w(min) - Internal length: 5.4m (min) 	Parking spaces to remain unchanged as part of proposed alterations and additions	N/A
<ul style="list-style-type: none"> Driveways 		
<ul style="list-style-type: none"> - Extent of driveways minimised 	Driveways to remain unchanged as part of alterations and additions	N/A
Swimming Pools & Spas		
<ul style="list-style-type: none"> - Must comply with all relevant Acts, Regulations and Australian Standards. 	The proposed alterations and additions do not include a swimming pool or spa.	N/A
<ul style="list-style-type: none"> - Must at all times be surrounded by a child resistant barrier and located to separate pool from any residential building and/or outbuildings (excl cabanas) and from adjoining land. 	See above	N/A
<ul style="list-style-type: none"> - No openable windows, door or other openings in a wall that forms part of barrier 	See above	N/A
<ul style="list-style-type: none"> - Spa to have lockable lid if not fenced or covered 	See above	N/A
<ul style="list-style-type: none"> - Pools not to be in front setback 	See above	N/A
<ul style="list-style-type: none"> Pool coping height - 500mm maximum above existing round level <p><i>(only if no impact on privacy)</i></p>	See above	N/A
<ul style="list-style-type: none"> Pool Setback 		
<ul style="list-style-type: none"> - 900mm min from outside edge of pool coping, deck or surrounds to allow sufficient 	See above	N/A

ITEM 4 (continued)

ATTACHMENT 1

DCP 2010	PROPOSED	COMPLIANCE
space for amenity screen planting		
- Screen planting required for pools located within 1500mm, min bed width of 900mm for the length of the pool. Min ht 2m, min spacing 1m.	See above	N/A
- Pool setback 3m+ from tree >5m height on subject or adjacent property.	See above	N/A
- Pool filter located away from neighbouring dwellings, and in an acoustic enclosure.	See above	N/A
Landscaping		
The proposed alterations and additions are to occur within the existing building envelope. Accordingly no changes to site landscaping will result as part of the proposed alterations and additions. A minor increase in the amount of landscaped area for the front raised planters will result from redesigning retaining walls from curved radii to right angles.		
<ul style="list-style-type: none"> • Trees & Landscaping - Major trees retained where practicable. - If bushland adjoining use native indigenous species for 10m from boundary 	See above	N/A
- Physical connection to be provided between dwelling and outdoor spaces where the ground floor is elevated above NGL e.g. stairs, terraces.	See above	N/A
- Obstruction-free pathway on one side of dwelling (excl cnr allotments or rear lane access).	See above	N/A
- Front yard to have at least 1 tree with mature ht of 10m min and a spreading canopy.	See above	N/A
- Backyard to have at least 1 tree with mature ht of 15m min and a spreading canopy.	See above	N/A
- Hedging or screen planting on boundary mature plants reaching no more than 2.7m.	See above	N/A
- OSD generally not to be located in front setback unless under driveway.	See above	N/A
- Landscaped front garden, with	See above	N/A

ITEM 4 (continued)

ATTACHMENT 1

DCP 2010	PROPOSED	COMPLIANCE
max 40% hard paving.		
Dwelling Amenity		
<ul style="list-style-type: none"> • Daylight and Sunlight Access - Living areas to face north where orientation makes this possible. - Increase side setback for side living areas (4m preferred) where north is the side boundary. 	<p>No change to living areas as part of the proposed alterations and additions</p> <p>No change to side setbacks as part of the proposed alterations and additions</p>	<p>Yes</p> <p>Yes</p>
<p><u>Subject Dwelling:</u></p> <ul style="list-style-type: none"> - 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. - Private Open space of subject dwelling is to receive at least 2 hours sunlight between 9am and 3pm on June 21. <p><u>Neighbouring properties are to receive:</u></p> <ul style="list-style-type: none"> - 2 hours sunlight to at least 50% of adjoining principal ground level open space between 9am and 3pm on June 21. - At least 3 hours sunlight to a portion of the surface of north facing adjoining living area windows between 9am and 3pm on June 21. 	<p>No change to the north facing windows of the dwelling as part of the alterations and additions</p> <p>No change to the north facing windows of the dwelling as part of the alterations and additions</p> <p>The shadow diagrams submitted as part of the amended plans on 10th October 2012 indicate the proposed alterations and additions will not subject the neighbouring properties to any further overshadowing of adjoining principal ground level open space between 9am and 3pm on June 21.</p> <p>The shadow diagrams submitted as part of the amended plans on 10th October 2012 indicate the proposed alterations and additions will not subject the neighbouring properties to any further overshadowing of the surface of north facing adjoining living area windows between 9am and 3pm on June 21.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>

ITEM 4 (continued)

ATTACHMENT 1

DCP 2010	PROPOSED	COMPLIANCE
<ul style="list-style-type: none"> • Visual Privacy - Orientate windows of living areas, balconies and outdoor living areas to the front and rear of dwelling. - Windows of living, dining, family etc. placed so there are no close or direct views to adjoining dwelling or open space. 	<p>Windows and balconies proposed are orientated towards the street frontage hence issues of visual privacy have been minimised.</p> <p>No windows of living or dining areas with views to adjoining dwelling or open space are proposed as part of the alterations and additions.</p>	<p>Yes</p> <p>N/A</p>
<ul style="list-style-type: none"> - Side windows offset from adjoining windows. - Terraces, balconies etc. are not to overlook neighbouring dwellings/private open space. • Acoustic Privacy - Layout of rooms in dual occupancies (attached) are to minimise noise impacts between dwellings e.g.: place adjoining living areas near each other and adjoining bedrooms near each other. • View Sharing - The siting of development is to provide for view sharing. • Cross Ventilation - Plan layout is to optimise access to prevailing breezes and to provide for cross ventilation. 	<p>No side windows proposed as part of the alterations and additions.</p> <p>Terrace/balcony proposed has been orientated towards street frontage minimising issues of overlooking towards neighbouring dwellings and private open space.</p> <p>The proposed alterations and additions will not impact on any primary views.</p> <p>Opportunities for cross ventilation are maintained as a result of the alterations and additions.</p>	<p>N/A</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
External Building Elements		
<ul style="list-style-type: none"> • Roof - Articulated. 	<p>Alterations to the roof to accommodate the proposed design will result in an articulated roof that more closely represents the surrounding neighbourhood character however exceeds</p>	<p>Yes</p>

ITEM 4 (continued)

ATTACHMENT 1

DCP 2010	PROPOSED	COMPLIANCE
<ul style="list-style-type: none"> - 450mm eaves overhang minimum. 	<p>the Ryde DCP 2010 overall height restriction on dwelling houses. It is noted that concerns have been raised by residents at 79,79A & 75A as to the increase in height the proposed alterations and additions will cause.</p> <p>600mm eave overhang</p>	<p>Yes</p>
<ul style="list-style-type: none"> - Not to be trafficable Terrace. - Skylights to be minimised and placed symmetrically. - Front roof plane is not to have both dormer windows and skylights. - Attic to be within roof space 	<p>No trafficable terrace proposed as part of the alterations and additions</p> <p>No skylights proposed as part of the alterations and additions</p> <p>No dormer windows or skylights proposed as part of alterations and additions</p> <p>No attic proposed as part of alterations and additions</p>	<p>N/A</p> <p>N/A</p> <p>N/A</p> <p>N/A</p>
Fencing		
<ul style="list-style-type: none"> • Front/return: <ul style="list-style-type: none"> - To reflect design of dwelling. - To reflect character and height of neighbouring fences. - Max 900mm high for solid (picket can be 1m). - Max 1.8m high if 50% open (any solid base max 900mm). 	<p>The proposed front fencing of the alterations and additions reflects the design of the building through use of similar materials such as the rendered masonry walls to 900mm that will match the rendered masonry columns and new front facade of the dwelling.</p> <p>Character of the front fence is considered to match that of the existing character of the street through using a similar combination of materials (i.e. timber, masonry & metal) as well as a similar configuration and design.</p> <p>Maximum height of solid masonry walls proposed as part of the front fence is 900mm</p> <p>Front fence is max. 1.8m in height and is 50% open</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>

ITEM 4 (continued)

ATTACHMENT 1

DCP 2010	PROPOSED	COMPLIANCE
<ul style="list-style-type: none"> - Retaining walls on front building max 900mm. - No colourbond or paling 	<p>>900mm in accordance with Ryde DCP 2010</p> <p>Retaining walls as part of the front fence are max. 900mm in accordance with Ryde DCP 2010</p> <p>No colourbond or paling fence proposed as part of alterations and additions.</p>	<p>Yes</p>
<ul style="list-style-type: none"> - Max pier width 350mm. 	<p>No piers proposed as part of the alterations and additions</p>	<p>N/A</p>
<ul style="list-style-type: none"> • Side/rear fencing: - 1.8m max o/a height. 	<p>No side or rear fencing proposed as part of the alterations and additions</p>	<p>N/A</p>
<p>Special requirements for Battleaxe Lots</p>		
<p>Subject site is not located on a battleaxe allotment</p>		
<p>Part 7.1 – Energy Smart, Water Wise (only if BASIX not required)</p>		
<p>BASIX certificate submitted</p>		
<p>Part 7.2 – Waste Minimisation & Management</p>		
<p>Submission of a Waste Management Plan</p>	<p>The applicant has submitted a Waste Management plan.</p>	<p>Yes</p>
<p>Part 8.2 – Stormwater Management</p>		
<ul style="list-style-type: none"> • Stormwater 		
<ul style="list-style-type: none"> - Drainage is to be piped in accordance with Part 8.2 – Stormwater Management. 	<p>Drainage plans submitted however Development Engineering referral not undertaken.</p>	<p>Yes</p>
<p>Part 9.2 – Access for People with Disabilities</p>		
<p>Accessible path required from the street to the front door, where the level of land permits.</p>	<p>No change to pedestrian access arrangements from the street to the front door proposed as part of the alterations and additions</p>	<p>Yes</p>
<p>Part 9.4 – Fencing</p>		
<ul style="list-style-type: none"> • Front & Return Fences 		
<ul style="list-style-type: none"> - Front and return fences that exceed 1m in height are to be 50% open. 	<p>Proposed front fence is 50% open. No change proposed to return fences as part of alterations and additions.</p>	<p>Yes</p>
<p>Part 9.6 – Tree Preservation</p>		
<p>Where the removal of tree(s) is associated with the redevelopment of a site, or a neighbouring site, the applicant is</p>	<p>The proposed alterations and additions are not considered to impact on any site or adjoining significant trees.</p>	<p>Yes</p>

ITEM 4 (continued)

ATTACHMENT 1

DCP 2010	PROPOSED	COMPLIANCE
<p>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>		

BASIX	PROPOSAL	COMPLIANCE
<p>All ticked "DA plans" commitments on the BASIX Certificate are to be shown on plans (list) BASIX Cert A139768_02 dated 24th July 2012</p>	<p>BASIX commitments on plans</p>	<p>Yes</p>
<ul style="list-style-type: none"> • RWT 5000L 	<p>No change</p>	<p>N/A</p>
<ul style="list-style-type: none"> • Swimming Pool <ol style="list-style-type: none"> 1. <28kL 	<p>No change</p>	<p>N/A</p>

ITEM 4 (continued)

ATTACHMENT 1

BASIX	PROPOSAL	COMPLIANCE
2. outdoors	No change	N/A
<ul style="list-style-type: none"> • Thermal Comfort Commitments: - Construction - TCC – Glazing. 	No change No change	N/A N/A
• Solar Gas Boosted HWS 2/41-45 RECS+	No change	N/A
• HWS Gas Instantaneous 5 star.	No change	N/A
<ul style="list-style-type: none"> • Natural Lighting - kitchen - bathrooms () 	No change No change	N/A N/A
Water Target 40	No change	N/A
Energy Target 40	No change	N/A
Correct description of property/proposal on 1 st page of Certificate.	Correct details shown	Yes

DEMOLITION	PROPOSAL	COMPLIANCE
• Plan showing all structures to be removed.	No demolition proposed	N/A
• Demolition Work Plan	No demolition proposed	N/A
• Waste Management Plan	Plan submitted	Yes

Summary of Issues/Non compliances:

- Building height of the existing dwelling is currently over the maximum allowable height of 9.5m under the Ryde LEP 2010 and Ryde DCP 2010
- FSR of the existing dwelling is over the maximum of 0.5:1 under the Ryde LEP 2010 and Ryde DCP 2010
- The overall bulk and scale of the new additions coupled with a dwelling of already considerable bulk and scale is considered to contradict the objectives and development controls for the desired future character of the low density residential areas of the City of Ryde as set out in the Ryde DCP 2010

Certification

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

Name: Ben Tesoriero



Signature:

Date: 10 January 2013

ITEM 4 (continued)

ATTACHMENT 1

Site Photos



Photograph 1 – Dwelling subject of the proposed alterations and addition to right of frame, with adjoining development at 79 to 79A Wharf Road to the left of frame.



Photograph 2 – Dwelling subject of the proposed alterations and addition to left of frame, with adjoining development at 75A Wharf Road to the right of frame.

ITEM 4 (continued)

ATTACHMENT 1

Assessment Officer Comment: As illustrated in the Photographs 1 and 2, the bulk and scale of the dwelling at 77 Wharf Road (i.e. the dwelling for which the alterations and additions are subject) is inconsistent with the bulk and scale of neighbouring developments, and that of the desired future character of the low density residential areas. Specifically the following attributes are considered inconsistent;

- Height of the existing dwelling is already over the maximum permissible height of 9.5m as set out in the Ryde DCP 2010 & with the proposed alterations and additions going to exceed this height even further
- FSR of the existing dwelling is already over the maximum permissible of 0.5:1 as set out in the Ryde DCP 2010 and the proposed alterations and additions will see the FSR increase further. Refer to Attachment to for further information

Table 1: 77 Wharf Road Floor Space Ratio (FSR) Calculations

Existing FSR	FSR with Alterations & Additions	FSR with unapproved building works + Alterations & Additions
Lower Ground: 111.83m²	Lower Ground: 111.83m²	Lower Ground: 146.30m²
Less 36m ² for double garage = 75.83m²	Less 36m ² for double garage = 75.83m²	Less 36m ² for double garage = 110.30m²
Ground Floor: 202.84m²	Ground Floor: 202.84m²	Ground Floor: 202.84m²
First Floor: 144.04m²	First Floor: 151.68m²	First Floor: 159.89m²
Outbuildings: 25.00m²	Outbuildings: 25.00m²	Outbuildings: 25.00m²
Total GFA: 447.71m²	Total GFA: 455.35m²	Total GFA: 498.03m²
Total Site Area*: 784.10m²	Total Site Area*: 784.10m²	Total Site Area*: 784.10m²
FSR: 0.57:1	FSR: 0.58:1	FSR: 0.63:1

*Note: Total site area of 784.1m² based upon Ryde Council DP of 31 Perches. Calculations by Architect based upon total Site Area of 789.1m²

Assessment Officer Comment: As illustrated in the above table the existing FSR of the subject site, not including the unapproved building works, is already exceeding the maximum allowable of 0.5:1 as set out in the Ryde DCP 2010. When including the unapproved building works and the proposed alterations and additions the FSR reaches an amount that is considered unacceptable in terms of objectives and outcomes in the Ryde DCP 2010 which aim to ensure the bulk and scale of dwelling are compatible with the desired future character of the low density residential areas.

ITEM 4 (continued)

ATTACHMENT 2

Attachment 2
Compliance Table for Sydney Regional Environmental Plan
(Sydney Harbour Catchment) 2005
77 Wharf Road Gladesville.

Provision	Proposal	Compliance
<i>Cl. 21 Biodiversity, Ecology and Environmental Protection</i>		
(a) Development should have neutral or beneficial effect on quality of water entering waterways	The proposed development will see alterations and additions to the existing dwellings front façade, front setback and roof. As there is no change in land-use proposed and works are considered minor in terms of biodiversity, ecology and natural environment impacts it is considered the proposed development will have a neutral effect on the quality of water entering waterways.	Yes
(b) Development should protect and enhance terrestrial and aquatic species, populations and ecological communities and, in particular, should avoid physical damage and shading of aquatic vegetation (such as seagrass, saltmarsh and algal and mangrove communities)	With all works associated with the proposed development occurring a minimum 28m from the MWHM it is considered there will be minimal impacts on any terrestrial and aquatic species, populations and ecological communities. Additionally it is noted the there is no proposal to remove any existing vegetation on site thus seeing all vegetation retained. The shadow diagrams submitted with the subject development application indicate the proposed development will overshadow land areas only, and not adjacent	Yes

ITEM 4 (continued)

ATTACHMENT 2

Provision	Proposal	Compliance
	aquatic areas. Given the above, it is considered the proposed development will protect terrestrial and aquatic vegetation.	
(c) Development should promote ecological connectivity between neighbouring areas of aquatic vegetation (such as seagrass, saltmarsh and algal and mangrove communities)	All works are to be located a minimum 28m from the MHW. Accordingly, the proposed development is not considered to have a negative impact on ecological connectivity of aquatic vegetation.	N/A
(d) Development should avoid indirect impacts on aquatic vegetation (such as changes to flow, current and wave action and changes to water quality) as a result of increased access	All works are to be located a minimum 28m from the MHW. Accordingly, the proposed development is not considered to have any indirect impact on aquatic vegetation. It is noted that the proposed alterations are considered minor in terms of causing any indirect impacts on the natural environment.	Yes
(e) Development should protect and reinstate natural intertidal foreshore areas, natural landforms and native vegetation	All works are to be located a minimum 28m from the MHW. Accordingly, the proposed development is considered to protect the natural intertidal foreshore, natural landforms & native vegetation with minimal adverse impacts on the natural environment.	Yes
(f) Development should retain, rehabilitate and restore riparian land	All works are to be located a minimum 28m from the MHW. Therefore all riparian land is retained and the proposed development is not considered to have any adverse impacts. The proposed development does not aim to rehabilitate or restore riparian land.	N/A
(g) Development on land adjoining wetlands should maintain and enhance the ecological integrity of	The subject site does not adjoin any wetlands or wetland protection areas	Yes

ITEM 4 (continued)

ATTACHMENT 2

Provision	Proposal	Compliance
the wetlands and, where possible, should provide a vegetation buffer to protect the wetlands	Additionally, no works are proposed within 28m from the MHWM.	
(h) The cumulative environmental impact of development	With all works proposed to be located a minimum 28m from the MHWM, it is considered the cumulative environmental impact of development to be minimal. Additionally, the alterations and additions propose only minor changes to the dwelling façade, front setback & roof seeing no change in land use and thus negligible impacts on the natural environment.	Yes
(i) Whether sediments in the waterway adjacent to the development are contaminated, and what means will minimise their disturbance	Sediments in the adjoining waterway are not proposed to be disturbed during proposed works. Sediments are considered unlikely to be containment due to continued history of residential use on the subject site and the surrounding area.	Yes
Cl. 22 Public Access to, and Use of, Foreshores and Waterways		
(a) Development should maintain and improve public access to and along the foreshore, without adversely impacting on watercourses, wetlands, riparian lands or remnant vegetation	There is no existing public use of this part of the foreshore. Access to public will not be restricted any further than existing as result of the proposed alterations and additions. No adverse impacts on watercourses, wetlands, riparian lands or remnant vegetation has been identified due to no works taking place within this zone.	Yes
(b) Development should maintain and improve public access to and from the waterways for recreational purposes (such as swimming,	The proposal will not impede or alter existing public access to the river.	Yes

ITEM 4 (continued)

ATTACHMENT 2

Provision	Proposal	Compliance
fishing and boating), without adversely impacting on watercourses, wetlands, riparian lands or remnant vegetation		
(c) If foreshore land made available for public access is not in public ownership, development should provide appropriate tenure and management mechanisms to safeguard public access to, and public use of, that land	Land below high water mark remains available for public access (by boat) and presents no change from the existing relationship.	N/A
(d) The undesirability of boardwalks as a means of access across or along land below the mean high water mark if adequate alternative public access can otherwise be provided.	Not proposed	N/A
(e) The need to minimise disturbance of contaminated sediments	All works are proposed well above MHW and is considered not to disturb any contaminants in water/sediments. Additionally, sediments are considered unlikely to be containment due to continued history of residential use on the subject site and the surrounding area.	Yes
Cl. 24 Interrelationship of Waterway and Foreshore Uses		
(a) Development should promote equitable use of the waterway, including use by passive recreation craft	Proposal will not inhibit or prevent equitable use of waterway by passive recreation craft and presents no change from the existing relationship with the waterway.	Yes
(b) Development on foreshore land should minimise any adverse impact on the use of the waterway, including the use of the waterway for commercial and recreational uses	Proposal will not inhibit or prevent equitable use of waterway for commercial or recreational uses and presents no change from the existing relationship with the waterway.	Yes
(c) Development on foreshore land should minimise excessive	Development does not seek to increase or impede any	Yes

ITEM 4 (continued)

ATTACHMENT 2

Provision	Proposal	Compliance
congestion of traffic in the waterways or along the foreshore	existing traffic conditions in the waterway or along the foreshore and presents no change from the existing relationship with the waterway.	
(d) Water-dependent land uses should have propriety over other uses	Not applicable.	N/A
(e) Development should avoid conflict between the various uses in the waterways and along the foreshores	No change to existing use of site and waterway as part of the proposed development. It is therefore considered conflicts between various uses in the waterways & along the foreshore will be avoided.	Yes
Cl. 25 Foreshore and Waterways Scenic Quality		
(a) The scale, form, design and siting of any building should be based on an analysis of:		
(l) the land on which it is to be erected, and	With the subject site located at somewhat of a pinch point along the Parramatta River and along various ferry routes it is considered that the development will be viewable from the water. Although only the roof component of the alterations and additions will be visible, due to the increased height of the proposed hipped roof this can be considered to be an adverse impact on the scenic quality from the foreshore and waterway. With the topography also falling away quite steeply towards the foreshore the height increase will also seem more dramatic from the water. It is therefore considered that the scale of the proposed alterations	No

ITEM 4 (continued)

ATTACHMENT 2

Provision	Proposal	Compliance
	and additions has not been addressed in terms of the land on which it is being erected.	
(II) the adjoining land, and	The proposed development impacts upon adjoining residential land and waterways by way of increasing the visual bulk and scale of the existing dwelling from what was already a significantly visually dominant dwelling both from the streetscape and the waterways.	No
(III) the likely future character of the locality	With the proposed development seeing a considerable increase in height that is 10.2% higher than the ridge level of the neighbouring dwelling at 75A Wharf Road and 26.5% higher than the neighbouring dwelling at 79 Wharf Road and that far exceeds the maximum height permissible as prescribed in the Ryde DCP 2010 it is considered that the proposed development is not consistent with the current or likely future character of the locality.	Yes
(b) development should maintain, protect and enhance the unique visual qualities of Sydney Harbour and its islands, foreshores and tributaries	With the proposed development increasing the height, bulk and scale of an already large building, it is considered that there potential to impact on the visual qualities of Sydney Harbour may arise.	Yes
(c) the cumulative impact of water-based development should not detract from the character of the waterways and adjoining foreshores	Proposed development is totally land based and proposes no water based development. It is therefore considered that proposed	N/A

ITEM 4 (continued)

ATTACHMENT 2

Provision	Proposal	Compliance
	development does not detract from the character of the waterways and adjoining foreshores.	
<p>Cl. 26 Maintenance, Protection and Enhancement of Views</p> <p>(a) Development should maintain, protect and enhance views (including night views) to and from Sydney Harbour</p>	Views to and from Sydney Harbour will be generally maintained. Some minor views from Sydney Harbour may be interrupted due to the increase in height of the proposed hipped roof. This however is considered not to be significant due to the topography of the land allowing	Yes
<p>(b) Development should minimise any adverse impacts on views and vistas to and from public places, landmarks and heritage items</p>	Views and vistas to and from public places, landmarks and heritage items have generally been unchanged as a result of the proposed alterations and additions. It is considered that adverse impacts have been minimised.	Yes
<p>(c) The cumulative impact of development on views should be minimised</p>	The cumulative impact on views from the harbour is considered to be minimal as a result of the proposed development.	Yes
<p>Cl. 29 Consultation required for certain development applications</p> <p>(1) The consent authority must not grant development consent to the carrying out in the Foreshores and Waterways Area of development listed in Schedule 2, unless:</p> <p>(a) it has referred the development application to the Advisory Committee, and</p> <p>(b) it has taken into consideration any submission received from the Advisory Committee within 30 days after the date on which the application was forwarded to the</p>	<p>(1) It is acknowledged that the subject site is located within the Foreshores and Waterways Area as depicted in Figure 1 on page 14 of this report. The proposed alterations and additions do not include any items included in relation to Schedule 2 of the SREPSHC 2005.</p> <p>(a) As per Cl.29(3)</p>	N/A

ITEM 4 (continued)

ATTACHMENT 2

Provision	Proposal	Compliance
Committee.	(see below), it is the opinion of the assessment officer working on behalf of the consent authority (Ryde City Council) that the proposed development is minor and does not, to any significant extent, increase the scale, size or intensity of the use of the proposed buildings and works over that of the existing arrangements on site. Accordingly, the development application has not been referred to the Advisory Committee. (b) Noted.	
(2) In the case of an application to carry out development for more than one purpose, of which one or more is listed in Schedule 2 and one or more is not, the consent authority is only required to refer to the Advisory Committee that part of the application relating to development for a purpose so listed.	(2) Noted.	Noted.
(3) This clause does not apply to development that consists solely of alterations or additions to existing buildings or works and that, in the opinion of the consent authority, is minor and does not, to any significant extent, increase the scale, size or intensity of use of those buildings or works.	(3) As the proposed works are not identified under Schedule 2 of the SHCREP this clause does not apply.	N/A
Wetlands Protection Area along Lane Cove / Parramatta River frontage	Subject site does not front the wetlands protection area along Lane Cove / Parramatta River.	Yes

ITEM 4 (continued)

ATTACHMENT 2

Provision	Proposal	Compliance
<p>Cl. 62 Requirement for Development Consent (2) Development may be carried out only with development consent</p>	<p>The proposed development is currently seeking development consent via LDA2012/0272 under assessment with Ryde City Council.</p>	<p>Yes</p>
<p>(3) Development consent is not required by this clause: (a) For anything (such as dredging) that is done for the sole purpose of maintaining an existing navigational channel, or (b) For any works that restore or enhance the natural values of wetlands being works: (i) that are carried out to rectify damage arising from a contravention of this plan, and (ii) that are not carried out in association with another development, and (iii) that have no significant impact on the environment beyond the site on which they are carried out.</p>	<p>Not applicable. The proposed development does not include maintenance of an existing navigational channel. The proposed development does not include any works that aim to restore or enhance the natural values of wetlands. Not applicable. Not applicable. Not applicable.</p>	<p>N/A N/A N/A N/A N/A</p>
<p>Cl. 63 Matters for Consideration (2) The matters to be taken into consideration are as: (a) The development should have a neutral or beneficial effect on the quality of water entering the waterways,</p>	<p>The proposed development will see alterations and additions to the existing dwellings front façade, front setback and roof. As there is no change in land-use proposed and works are considered minor in terms of biodiversity, ecology and environmental impacts it is considered the proposed development will have a neutral effect on the quality of water entering waterways.</p>	<p>Yes</p>

ITEM 4 (continued)

ATTACHMENT 2

Provision	Proposal	Compliance
<p>(b) The environmental effects of the development, including effects on:</p> <p>(i) the growth of native plant communities,</p> <p>(ii) the survival of native wildlife populations,</p> <p>(iii) the provision and quality of habitats for both indigenous and migratory species,</p> <p>(iv) the surface and groundwater characteristics of the site on which the development is proposed to be carried out and of the surrounding areas, including salinity and water quality and whether the wetland ecosystems are groundwater dependant,</p>	<p>No impact on the growth of native plant communities due to all existing vegetation being retained and all proposed works to be located a minimum 28m from the MHWM.</p> <p>Wildlife populations are considered to be unharmed as result of the proposed development due to all existing habitats being retained.</p> <p>The quality of habitats for both indigenous and migratory species is fully retained as part of the proposed development.</p> <p>The proposed development is considered to have no adverse affects on surface and groundwater characteristics of the site and surrounding areas due to there being no significant change to land use and the development being in compliance with the stormwater controls set out in the Ryde DCP 2010.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
<p>(c) Whether adequate safeguards and rehabilitation measures have been, or will be, made to protect the environment.</p>	<p>Stormwater plans submitted as part of the proposal indicate that safeguards have been put in place to ensure all runoff, sedimentation & siltation is controlled so as to protect the environment.</p> <p>Rehabilitation measures are not considered necessary due to no works being undertaken within 28m of the MHWM.</p>	<p>Yes</p>
<p>(d) Whether carrying out the development would be consistent</p>	<p>Due to the subject site not being located within any</p>	<p>Yes</p>

ITEM 4 (continued)

ATTACHMENT 2

Provision	Proposal	Compliance
<p>with the principles set out in <i>The NSW Wetlands Management Policy</i> (as published in March 1996 by the then Department of Land and Water Conservation).</p> <p>(e) Whether the development adequately preserves and enhances local native vegetation,</p> <p>(f) Whether the development application adequately demonstrates:</p> <p>(i) how the direct and indirect impacts of the development will preserve and enhance wetlands, and</p>	<p>wetlands or wetland protection areas the proposal is considered to be consistent with principles set out in <i>The NSW Wetlands Management Policy</i>.</p> <p>The development is considered to adequately preserve the local native vegetation through proposing no works within 28m of the MHW, therefore retaining all existing local native vegetation.</p> <p>The proposed development is not located in any wetlands or wetland protection areas.</p>	<p>N/A</p> <p>Yes</p>
<p>(ii) how the development will preserve and enhance the continuity and integrity of the wetlands, and</p> <p>(iii) how soil erosion and siltation will be minimised both while the development is being carried out and after it is completed, and</p> <p>(iv) how appropriate on-site measures are to be implemented to ensure that the intertidal zone is kept free from pollutants arising from the development, and</p>	<p>The proposed development is not located in any wetlands or wetland protection areas.</p> <p>Soil erosion and siltation will be minimised during construction through implementation of sediment fences & sediment traps set up strategically across the site. Following construction all existing stormwater controls will remain unchanged.</p> <p>The submitted Stormwater Engineer plans as part of the proposal indicate sufficient sediment control measures will be put in place to ensure that the intertidal zone is kept free from pollutants arising from the development.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>

ITEM 4 (continued)

ATTACHMENT 2

Provision	Proposal	Compliance
(v) that the nutrient levels in the wetlands do not increase as a consequence of the development, and	The development is considered not to result in any increase in nutrient levels in any surrounding wetlands due to all works taking place a minimum 28m from the MHW. Additionally sediment and soil erosion control measures will be put in place during construction to mitigate any adverse affects as a result of runoff.	Yes
(vi) that stands of vegetation (both terrestrial and aquatic) are protected or rehabilitated, and	No development is proposed within the stands of existing vegetation (both terrestrial and aquatic) therefore protecting them from any adverse impacts.	N/A
(vii) that the development minimises physical damage to aquatic ecological communities, and	The development has aimed to minimise any adverse impacts on the aquatic ecological communities through ensuring no works are undertaken within 28m of the MHW.	Yes
(viii) that the development does not cause physical damage to aquatic ecological communities,	With all development works being located a minimum 28m from the MHW, it is considered that no physical damage to aquatic ecological communities will occur as result of the proposed development.	Yes
(g) Whether conditions should be imposed on the carrying out of the development requiring the carrying out of works to preserve or enhance the value of any surrounding wetlands.	No conditions to be imposed on the development in regards to carrying out works to preserve or enhance the surrounding wetlands.	Yes

ITEM 4 (continued)

ATTACHMENT 2

Maps

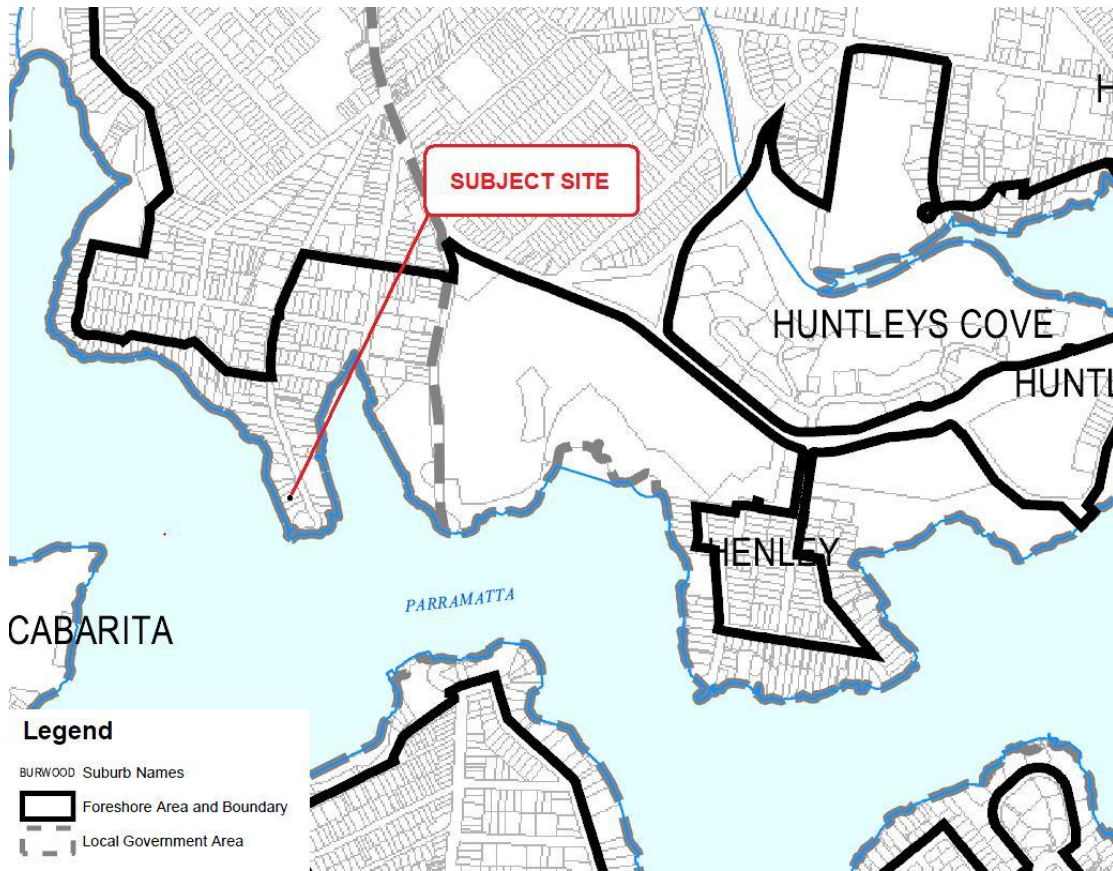


Figure 1: The map above illustrates the subject site at 77 Wharf Road, Gladesville lies within catchment boundary that is governed by the Sydney Harbour Catchment REP.

ITEM 4 (continued)

ATTACHMENT 2

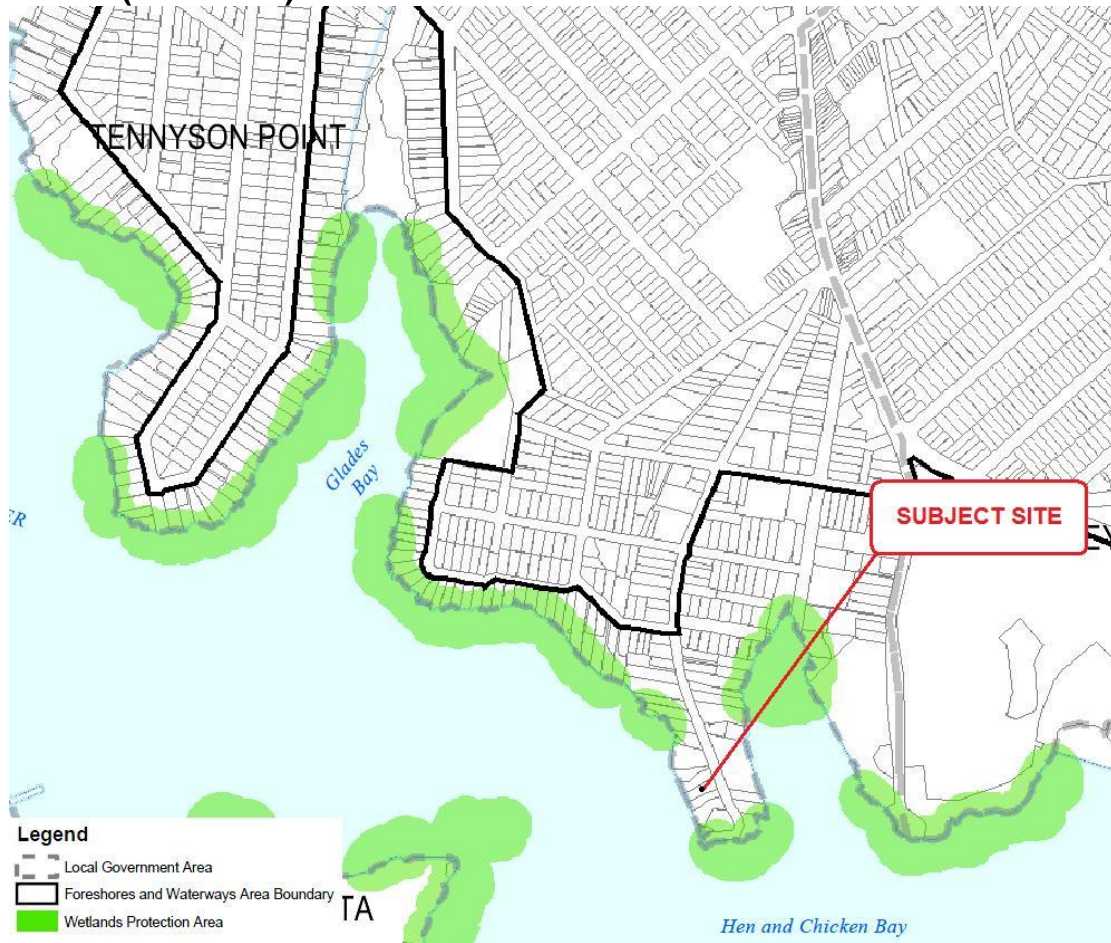


Figure 2: The map above illustrates that according to the Sydney Harbour Foreshore Authority REP the subject site at 77 Wharf Road, Gladesville is not located within a Wetlands Protection Area.

**SYDNEY HARBOUR FORESHORES & WATERWAYS AREA
DCP FOR SREP (SYDNEY HARBOUR CATCHMENT) 2005
(SHFWADCP 2005) COMPLIANCE TABLE**

In accordance with Section 3 of the SHFWADCP 2005, the following is an assessment of the proposed development against the performance criteria for the established Landscape Character type attributed to the subject site by the SHFWADCP 2005.

For the purposes of the following assessment, the subject site has been identified as being located with the Landscape Character Type 14, being the low topographic developed areas of the Lane Cove and Parramatta Rivers (Refer to Figure 1 of Attachment 3 on page 19)

ITEM 4 (continued)

ATTACHMENT 2

Provision	Proposal	Compliance
<p>Statement of Character and Intent: These areas are mostly developed with detached residential development on the upper slopes and boat shed and wharves along the foreshore. Further development in these areas must consider protecting key visual elements including rock outcrops, native vegetation, vegetation in and around dwellings and maintaining the density and spacing of development.</p>	<p>The proposed development is for the purposes of alterations and additions to the front façade and roof of the existing dwelling. The proposed development is not considered to impact on any rock outcrops or native vegetation being located a considerable distance from rock outcrops and existing foreshore vegetation. Density and spacing of the development remains unchanged as part of the proposal. Accordingly the proposed development is considered to be consistent with the character and intent for development in the Landscape Character Type 14 area.</p>	<p>Yes</p>
<p>Performance criteria:</p> <ul style="list-style-type: none"> ▪ consideration is given to the cumulative and incremental effects of further development along the foreshore and to preserving the remaining special features; ▪ development is to avoid substantial impact on the landscape qualities of the foreshore and minimise the removal of natural foreshore vegetation, radical alteration of natural ground levels, the dominance of structures protruding from rock walls or ledges or the erection of sea walls, retaining walls or terraces; ▪ landscaping is carried out between buildings to soften the built environment; and ▪ existing ridgeline vegetation and its dominance as the backdrop to the waterway, is retained. 	<ul style="list-style-type: none"> ▪ Consideration has been given to the cumulative and incremental effects of further development along the foreshore. The proposed development although attempting to be more consistent with surrounding development in terms of design has increased the height, bulk and scale of the existing dwelling considerably from what was already a dwelling of significant bulk and scale. Additionally the proposed development has exceeded the height controls prescribed in the Ryde DCP 2010. Given the above the proposal is not considered to preserve the remaining special features of the Landscape Character. 	<p>No</p>

ITEM 4 (continued)

ATTACHMENT 2

Provision	Proposal	Compliance
	<ul style="list-style-type: none"> ▪ It is considered that minimal impacts will result as part of the development, no natural existing foreshore vegetation is proposed to be removed, natural ground levels close to the shoreline have been maintained and no erection of rock walls, sea walls or ledges have been proposed. ▪ Due to the proposed alterations and additions only affecting the front façade, front setback no landscaping has been proposed and it is considered no additional landscaping between the buildings is necessary. ▪ No existing mature ridgeline vegetation was identified during the site inspection. 	
(c) Development should have neutral or beneficial effect on quality of water entering waterways	<p>The proposed development will see alterations and additions to the existing dwellings front façade, front setback and roof. As there is no change in land-use proposed and works are considered minor in terms of biodiversity, ecology and environmental impacts it is considered the proposed development will have a neutral effect on the quality of water entering waterways.</p>	Yes

ITEM 4 (continued)

ATTACHMENT 2

Landscape Character Map

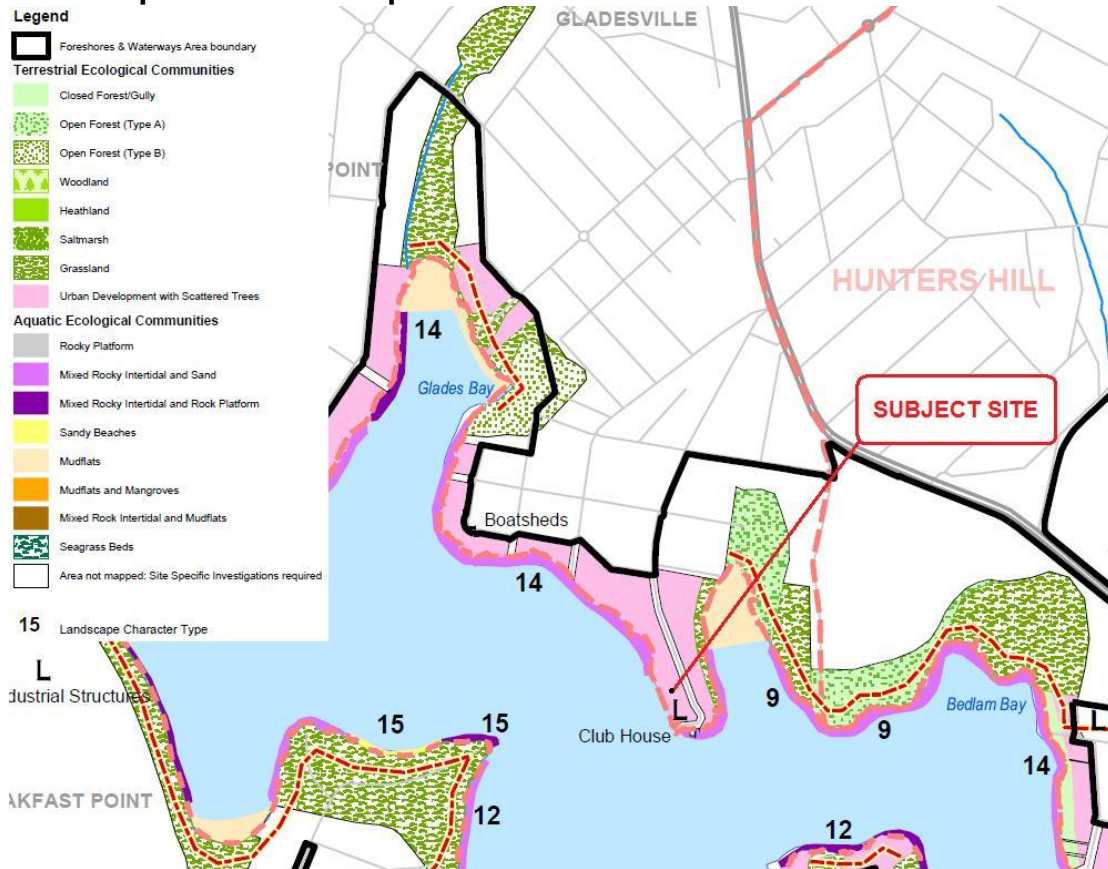
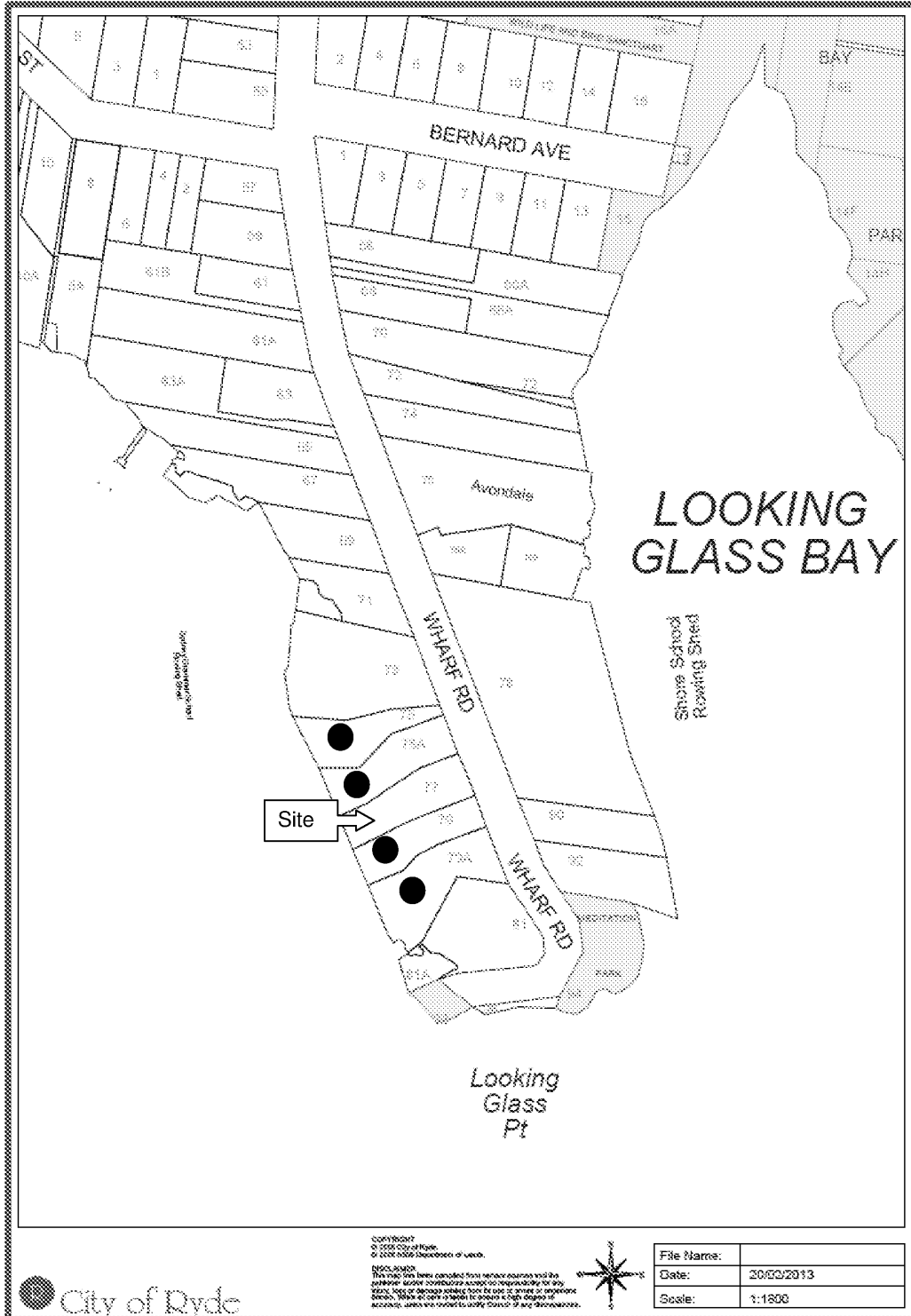


Figure 1: The above map illustrates the subject site at 77 Wharf Road, Gladesville has a terrestrial ecological community of urban development with scattered trees with no aquatic ecological communities identified.

ITEM 4 (continued)

ATTACHMENT 3

● Indicates submissions received



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accuracy, users are advised to verify details of any discrepancies.



File Name:	
Date:	20/03/2013
Scale:	1:1800

ITEM 4 (continued)

ATTACHMENT 4



BASIX Notes (Certificate A139768-02 24/07/2012)
 Pitched Roof / Ceiling R3.00(up)
 with medium solar absorptance 0.475-0.70
 Suspended Floor with open sub-floor R0.8(down)
 or (R1.50 including construction)
 W1 U 7.63 / SHGC 0.75 Standard Aluminium Single Clear
 W2 U 7.63 / SHGC 0.75 Standard Aluminium Single Clear
 W3 U 5.70 / SHGC 0.47 Standard Aluminium Single Pyrolytic Low e
 W4 U 5.70 / SHGC 0.47 Standard Aluminium Single Pyrolytic Low e
 Eaves 600mm

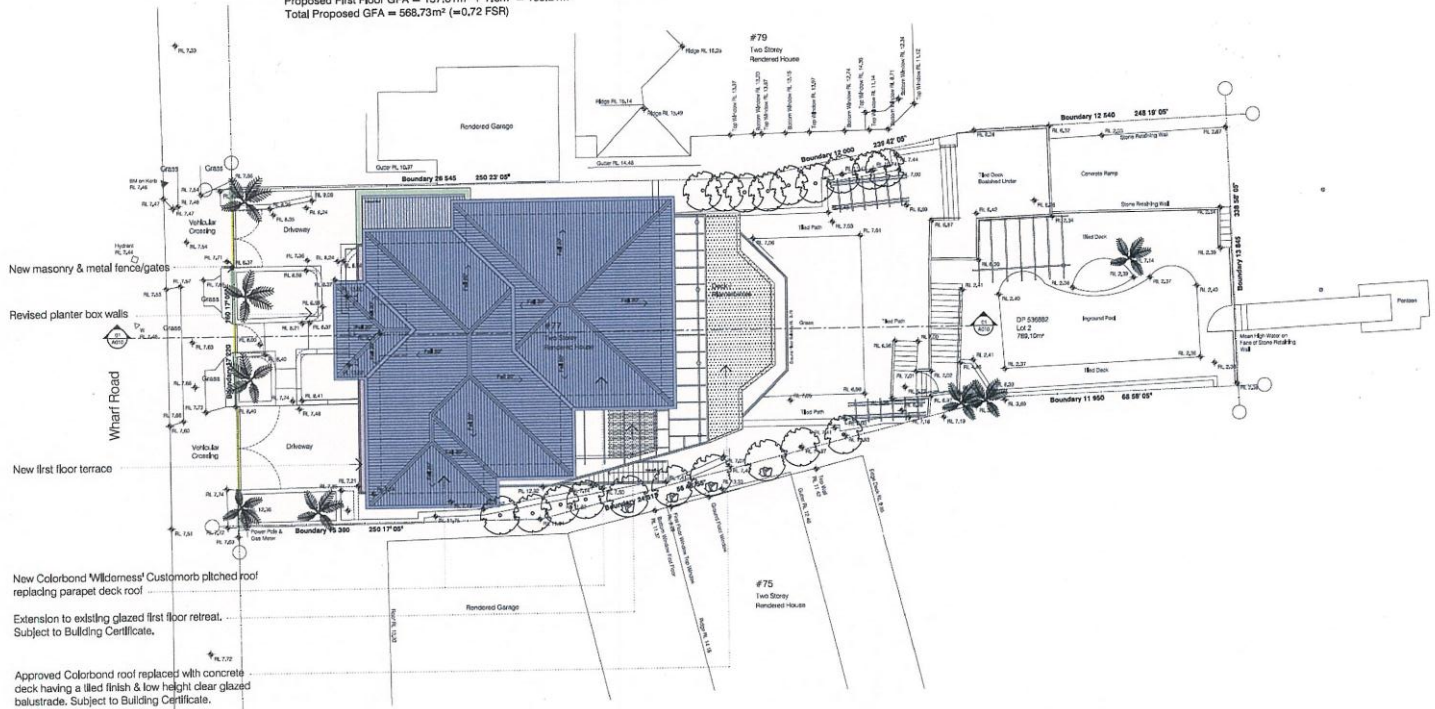
Notes
 All dimensions are in millimetres unless noted otherwise.
 Check all dimensions on site prior to commencement of the works shown on the drawing.
 Report any discrepancies or omissions to the architect for resolution before proceeding with the works.
 All work to comply with the Australian Standards, the Building Code of Australia & the relevant Authorities.

SITE DESCRIPTION
 R2 Zoning - Low Density Residential
 Max Building Height - J - 9.5m
 Maximum Wall Plate 7.5 metres
 FSR - D - 0.5 : 1
 Foreshore Building Line
 Acid Sulphates - Class 5

FSR
 Site Area 789.1m²
 Max GFA = 394.55m² (0.5 FSR)

Existing Basement GFA = 179.8m² + 36m² Garage (Maximum) = 143.8m²
 Existing Ground Floor GFA = 224.72m²
 Existing First Floor GFA = 170.86m² (Less FF Stair Void) = 157.61m²
 Total Existing GFA = 526.13m² (=0.67 FSR)

Proposed Basement GFA = 143.9m² + 35m² (Extension) = 178.8m² (Exclude Garage)
 Proposed First Floor GFA = 157.61m² + 7.8m² = 165.21m²
 Total Proposed GFA = 568.73m² (=0.72 FSR)



- New masonry & metal fence/gates
- Revised planter box walls
- New first floor terrace
- New Colorbond 'Wilderness' Customorb pitched roof replacing parapet deck roof
- Extension to existing glazed first floor retreat. Subject to Building Certificate.
- Approved Colorbond roof replaced with concrete deck having a tiled finish & low height clear glazed balustrade. Subject to Building Certificate.

AMENDED PLAN
 10 OCT 2012
 Scale 1:200
 Project # 2011-22
 Drawing # A001

4d Architecture & Design
 133 Blues Point Road, McManus Point NSW 2060
 T - 61 2 9959 3452 F - 61 2 9959 5779 www.4darchitecture.net

Issue
 A Development Application 19/07/2012
 B Amendments 21/08/2012

Project Residential Alterations & Additions
 #77 Wharf Road Gladesville NSW 2111
Drawing Site / Roof Plan

ITEM 4 (continued)

ATTACHMENT 4

Notes
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BASIX Notes (Certificate A199768-02 24/07/2012)
Pitched Roof / Ceiling R3.00(up) with medium solar absorbance 0.475-0.70
Suspended Floor with open sub-floor R0.8(down) or (R1.50 including construction)
W1 U 7.63 / SHGC 0.75 Standard Aluminium Single Clear
W2 U 7.63 / SHGC 0.75 Standard Aluminium Single Clear
W3 U 5.70 / SHGC 0.47 Standard Aluminium Single Pyrolytic Low e
W4 U 5.70 / SHGC 0.47 Standard Aluminium Single Pyrolytic Low e
Eaves 600mm



AMENDED PLANS
10 OCT 2012

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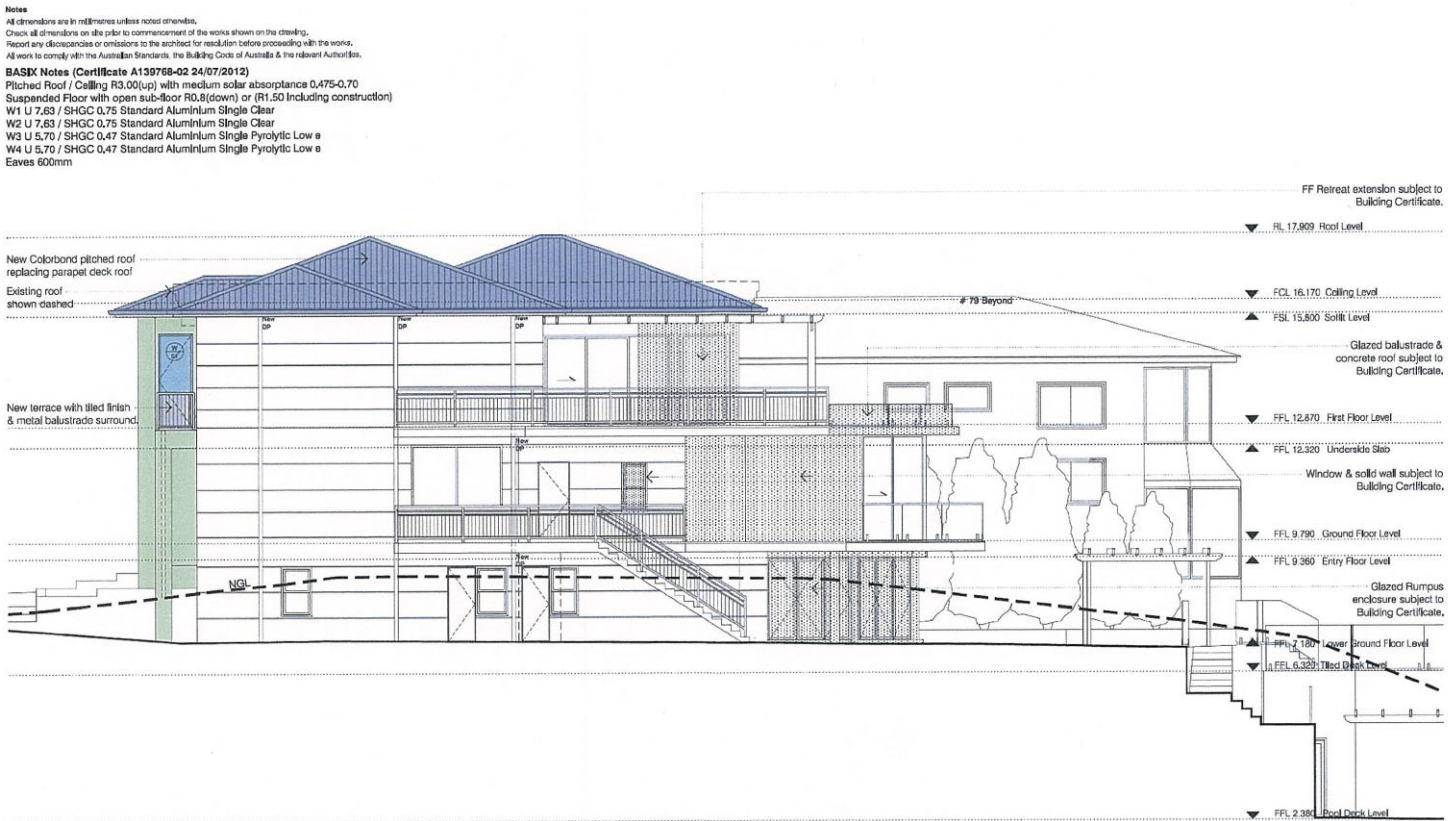
Issue
A Development Application 19/07/2012
B Amendments 21/08/2012

Project Residential Alterations & Additions
#77 Wharf Road Gladesville NSW 2111
Drawing Eastern Elevation

Scale 1:100
Project # 2011-22
Drawing # A005

ITEM 4 (continued)

ATTACHMENT 4



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Pitched Roof / Ceiling R3.00(up) with medium solar absorptance 0.475-0.70
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W4 U 5.70 / SHGC 0.47 Standard Aluminium Single Pyrolytic Low e
Eaves 600mm

AMENDED PLANS
10 OCT 2012

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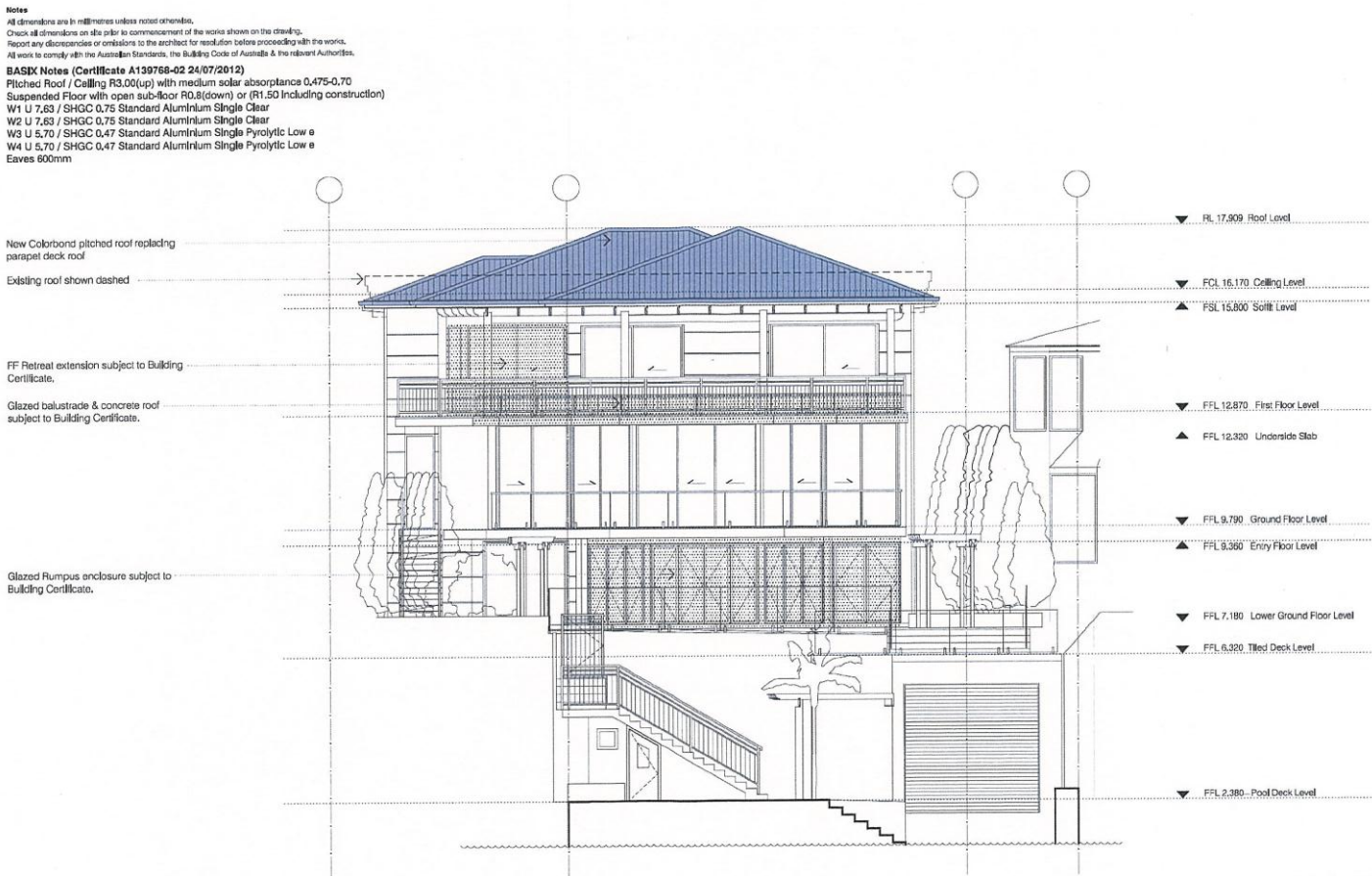
Issue
A Development Application 19/07/2012
B Amendments 21/09/2012

Project Residential Alterations & Additions
#77 Wharf Road Gladesville NSW 2111
Drawing Northern Elevation

Scale 1:100
Project # 2011-02
Drawing # A007

ITEM 4 (continued)

ATTACHMENT 4



AMENDED PLANS
10 OCT 2012

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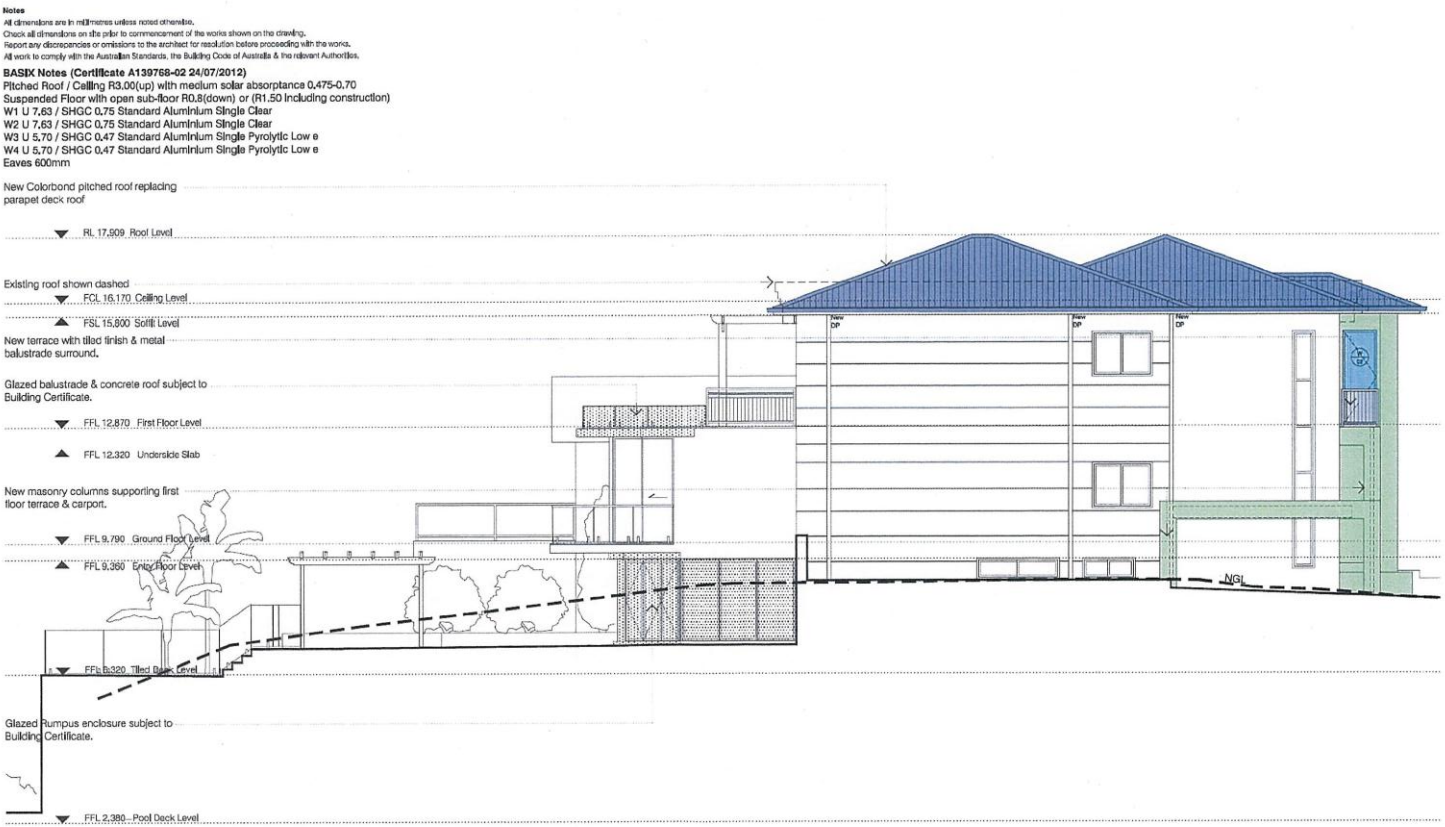
Issue
A Development Application 19/07/2012
B Amendments 21/09/2012

Project Residential Alterations & Additions
#77 Wharf Road Gladesville NSW 2111
Drawing Western Elevation

Scale 1:200
Project # 2011-22
Drawing # A008

ITEM 4 (continued)

ATTACHMENT 4



AMENDED PLANS
19 OCT 2012

<p>4d Architecture & Design 133 Blues Point Road McManus Point NSW 2060 T + 61 2 9559 3452 F + 61 2 9559 9779 www.4darchitecture.net</p>	<p>Issue</p> <p>A Development Application 19/07/2012</p> <p>B Amendments 21/09/2012</p>	<p>Project Residential Alterations & Additions #77 Wharf Road Gladesville NSW 2111</p> <p>Drawing Southern Elevation</p>	<p>Scale 1:100</p> <p>Project # 2014-22</p> <p>Drawing # A009</p>
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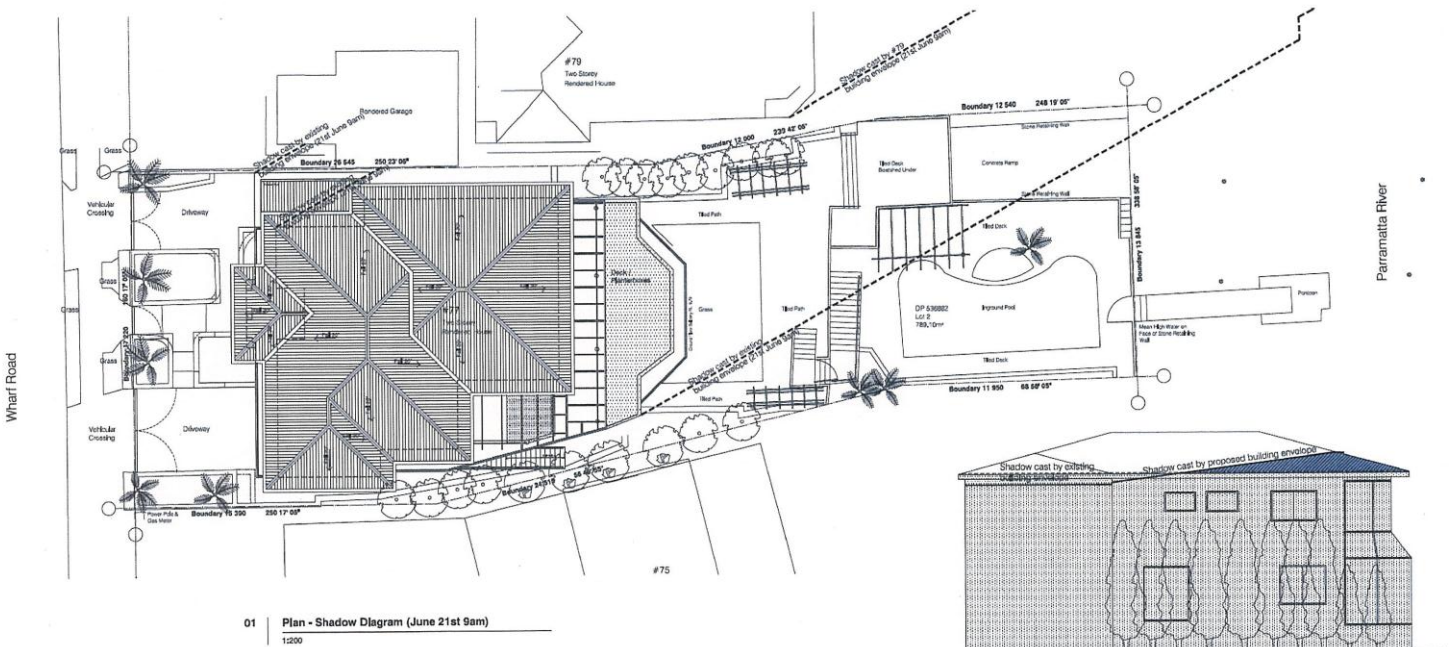
ITEM 4 (continued)

ATTACHMENT 4



Notes
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All work to comply with the Australian Standards, the Building Code of Australia & the relevant Authorities.

■ ADDITIONAL SHADOW



01 Plan - Shadow Diagram (June 21st 9am)
1:200

02 #79 Northern Elevation - Shadow Diagram (June 21st 9am)
1:150

AMENDED PLANS
10 OCT 2012
Scale VANES
Project # 2011-22
Drawing # SH001

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Issue
A Development Application 19/07/2012
B Amendments 21/08/2012

Project Residential Alterations & Additions
#77 Wharf Road Gladesville NSW 2111
Drawing Shadow Diagrams (June 21st 9am)

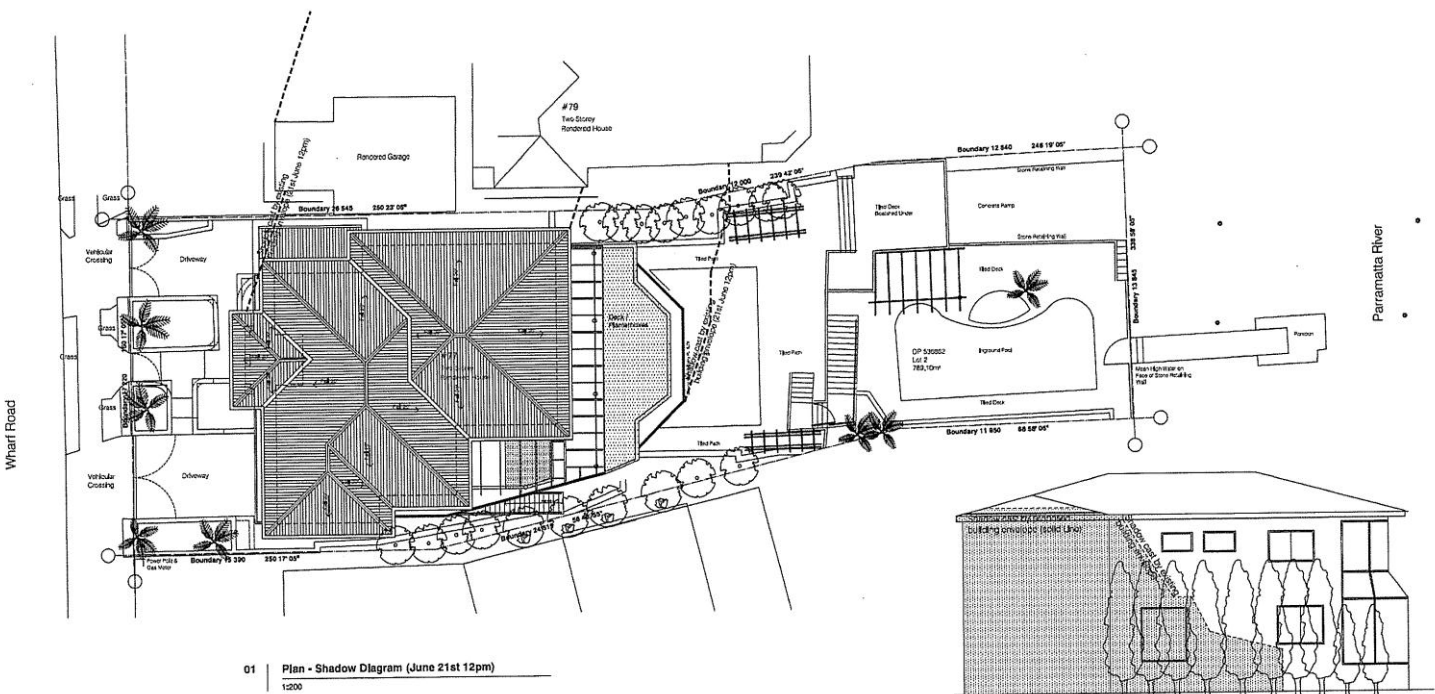
ITEM 4 (continued)

ATTACHMENT 4



Notes
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■ ADDITIONAL SHADOW



01 Plan - Shadow Diagram (June 21st 12pm)
1:200

02 #79 Northern Elevation - Shadow Diagram (June 21st 12pm)
1:150

AMENDED PLANS
10 OCT 2012

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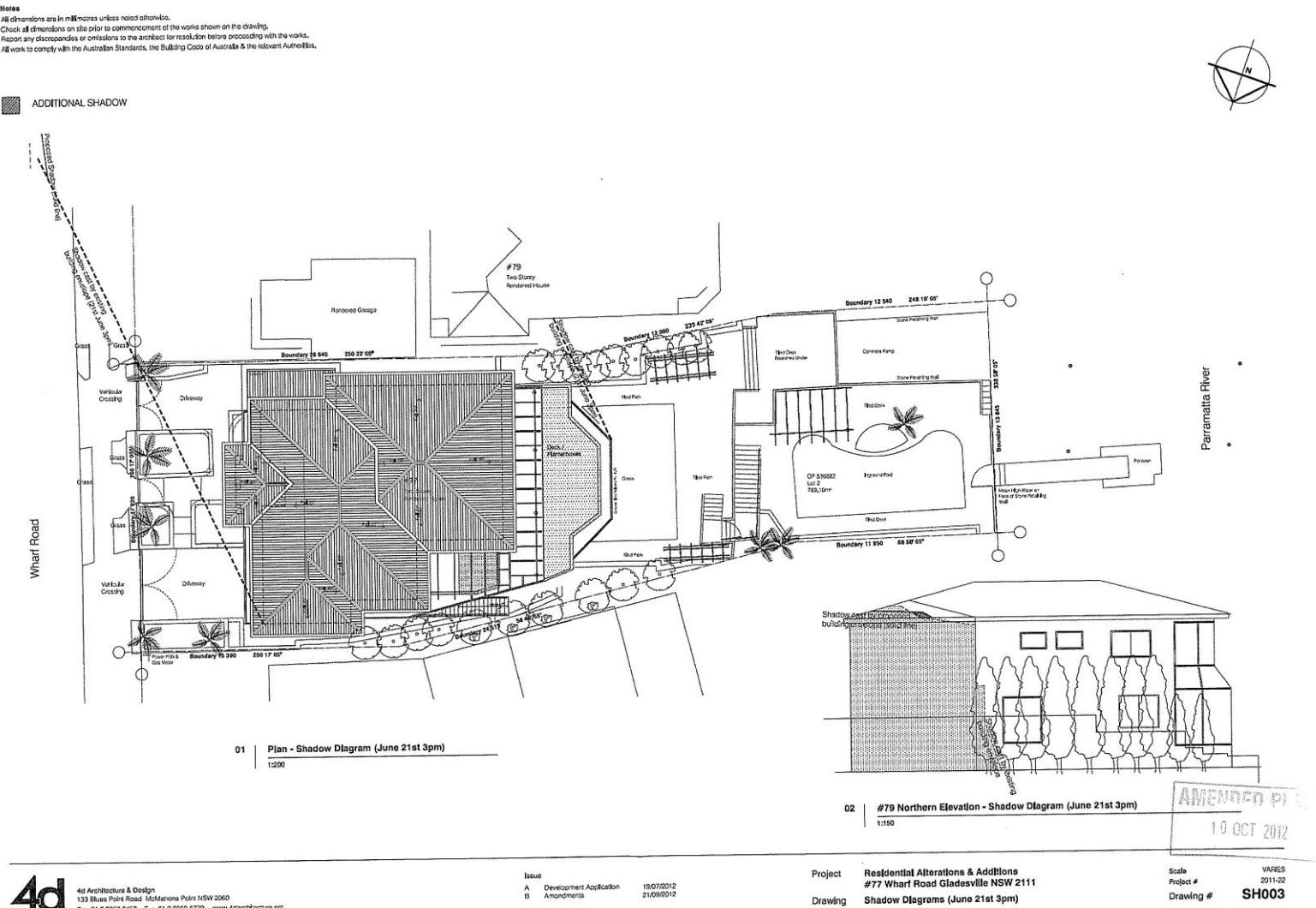
Issue
A Development Application 19/07/2012
B Amendments 21/09/2012

Project Residential Alterations & Additions
#77 Wharf Road Gladesville NSW 2111
Drawing Shadow Diagrams (June 21st 12pm)

Scale WARES
Project # 2011-33
Drawing # SH002

ITEM 4 (continued)

ATTACHMENT 4

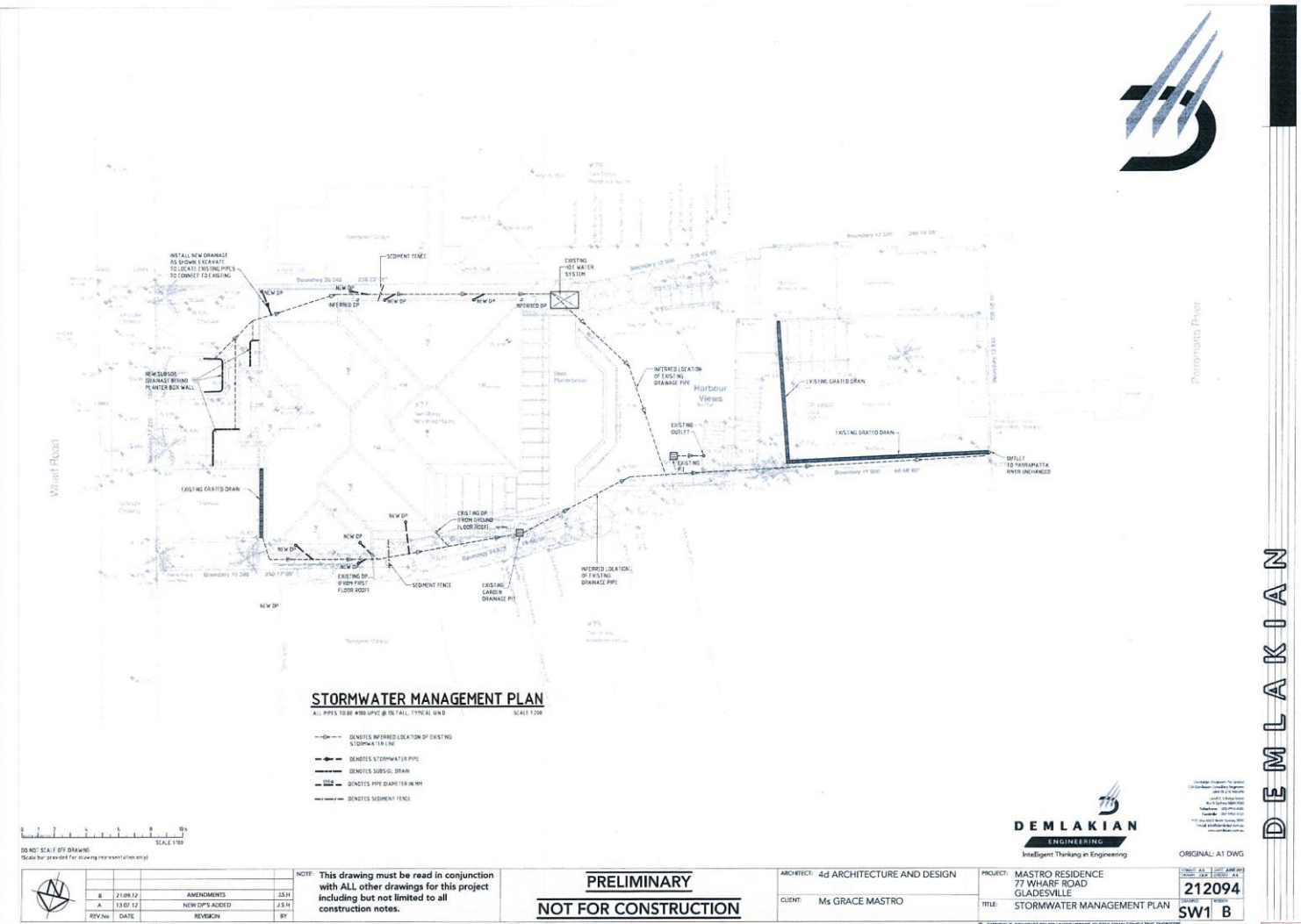


ITEM 4 (continued)

ATTACHMENT 4



D E M L A K I A N



CONFIDENTIAL ITEMS

5 UNAUTHORISED DEVELOPMENT 29 VIMIERA ROAD EASTWOOD

Confidential

This item is classified CONFIDENTIAL under Section 10A(2) of the Local Government Act, 1993, which permits the meeting to be closed to the public for business relating to the following: (g) advice concerning litigation, or advice as comprises a discussion of this matter, that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

Report prepared by: Team Leader - Building Compliance
File No.: GRP/12/5/5/3 - BP13/240
