

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

NOTICE OF BUSINESS

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2	6 YARWOOD STREET, MARSFIELD - LOT 10 DP 234293 Development Application for demolition and new dual occupancy (attached). LDA2013/0073. <i>INTERVIEW 5.00PM</i>	5
3	51 BAYVIEW STREET, TENNYSON POINT - LOT 2 in a Subdivision of LOT 103 DP 1003228. Development application for two storey dual occupancy (attached) including two swimming pools. LDA2012/0478. <i>INTERVIEW</i>	64

1 CONFIRMATION OF MINUTES - Meeting held on 15 October 2013

Report prepared by: Meeting Support Coordinator**File No.:** CLM/13/1/3/2 - BP13/1560

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 15/13, held on Tuesday 15 October 2013, be confirmed.

ATTACHMENTS

- 1 Minutes - Planning and Environment Committee - 15 October 2013

ITEM 1 (continued)

ATTACHMENT 1

Planning and Environment Committee
MINUTES OF MEETING NO. 15/13

Meeting Date: Tuesday 15 October 2013

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

Time: 5.30pm

Councillors Present: The Mayor, Councillor Maggio and Councillors Chung (Chairperson), Laxale, Pickering, Salvestro-Martin and Yedelian OAM.

Note: Councillor Salvestro-Martin arrived at the meeting at 5.45pm during discussion of Item 2.

Apologies: Councillor Etmekdjian.

In the absence of Councillor Etmekdjian, the Deputy Chairperson, Councillor Chung chaired the meeting.

Staff Present: Acting Group Manager – Environment and Planning, Service Unit Manager – Assessment, Business Support Coordinator – Environment and Planning, Senior Town Planner (2), Senior Development Engineer, Section Manager – Governance and Meeting Support Coordinator.

DISCLOSURES OF INTEREST

There were no disclosures of interest.

1 CONFIRMATION OF MINUTES - Meeting held on 17 September 2013

Note: This matter was considered later in the Meeting as outlined in these Minutes.

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

Note: Graeme Cordiner (objector), John Vinci (objector) and David Benson (applicant) addressed the committee in relation to this Item.

Note: Councillor Salvestro-Martin arrived at the meeting at 5.45pm during discussion of this Item.

ITEM 1 (continued)

ATTACHMENT 1

RESOLUTION: (Moved by the Mayor, Councillor Maggio and Councillor Yedelian OAM)

- (a) That Local Development Application No. 2012/0360 at 260 – 274 Victoria Road be approved subject to the **ATTACHED** conditions (ATTACHMENT 1) with an amendment to Condition 57 to add that the Traffic Management Plan (TMP) include a Communications Strategy identifying the specific means by which the community can report their concerns to the Principle Certifying Authority and Council about traffic issues arising from construction so that appropriate action can be taken.
- (b) That the persons who made submissions be advised of Council's decision.
- (c) That a copy of the Consent be forwarded to the Roads and Maritime Services for their records.
- (d) That once the Demolition and Construction Traffic Management Plan is approved, copies of the approved documents be provided to the adjoining residents and occupiers (including the residents who attended the mediation meeting) for information, as agreed in the mediation.

Record of Voting:

For the Motion: Unanimous

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

1 CONFIRMATION OF MINUTES - Meeting held on 17 September 2013

RESOLUTION: (Moved by Councillors Yedelian OAM and the Mayor, Councillor Maggio)

That the Minutes of the Planning and Environment Committee 14/13, held on Tuesday 17 September 2013, be confirmed.

Record of Voting:

For the Motion: Unanimous

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

ITEM 1 (continued)

ATTACHMENT 1

- 3 5 - 7 PEARSON STREET AND 18-20 WHARF ROAD, GLADESVILLE.
LDA2013/0221. Demolition, construction of a 3 storey residential care facility with basement car parking. Use of the facility will be in association with St Andrew Church at 18-20 Wharf Road.**

RESOLUTION: (Moved by the Mayor, Councillor Maggio and Councillor Laxale)

- (a) That Local Development Application No. LDA2013/0221 at 5 – 7 Pearson Street & 18 – 20 Wharf Road, Gladesville being LOT 10 in DP 9135, LOT 11 in DP 4710, LOT 11 in DP 401687 and LOTS 8, 9 & 10 in DP 4710 be approved subject to the **ATTACHED** conditions (ATTACHMENT 1).
- (b) That the persons who made submissions be advised of Council's decision.

Record of Voting:

For the Motion: Unanimous

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

The meeting closed at 6.01pm.

CONFIRMED THIS 5TH DAY OF NOVEMBER 2013.

Chairperson

2 6 YARWOOD STREET, MARSFIELD - LOT 10 DP 234293
Development Application for demolition and new dual occupancy
(attached). LDA2013/0073.

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

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

Report dated: 22/10/2013

File Number: grp/09/5/6/2 - BP13/1543

1. Report Summary

Applicant: Residential Logistics Pty Ltd

Owner: Dr P and Mrs N Sinha

Date lodged: 20 March 2013 (amended plans received 12 July 2013)

This report considers a development application (DA) for demolition of an existing single storey dwelling house and construction of a new two-storey attached dual occupancy at 6 Yarwood Street, Marsfield.

The original plans submitted were for an attached dual occupancy that had only a minimal setback to the rear boundary of the allotment. Council received submissions from nine (9) neighbours raising issues regarding building height, desired future character, setbacks, visual impact, privacy impacts, overshadowing, traffic and parking, density, deep soil, tree removal, sewage and stormwater drainage, asbestos removal and acoustic impacts.

Subsequently, the applicant has amended the plans to increase the rear setbacks to a minimum 5.042m (closest point) from the rear boundary as well as significantly changing the internal layout which provides a reduced level of overshadowing and increased privacy to the neighbouring allotments.

The amended plans were re-notified to neighbours and despite the above changes, a further nine (9) submissions were received from neighbouring properties raising the same issues as the original proposal.

The proposal has been assessed against the heads of consideration of Section 79C of the Environmental Planning and Assessment Act 1979, the Ryde LEP 2010, and Ryde DCP 2010. There is one significant non-compliance regarding floor space ratio (FSR) which is to be dealt with under a 'Deferred Commencement' condition requiring the development to be compliant with the maximum 0.5:1 FSR – at present, the floor space of the development is some 11.87m² over the maximum permitted of 0.5:1. Additionally, there are more minor non-compliances with Ryde DCP 2010 regarding rear setback, deep soil area, topography and excavation (cut and fill requirements) privacy and landscaping, however these are considered to be justifiable given a merit based assessment or through conditions to be imposed.

ITEM 2 (continued)

It is generally considered that although the proposal would result in an increase in dwelling density to the surrounding area and an increase in bulk and scale compared to the existing (single storey) dwelling on site, the proposed dual occupancy is acceptable when assessed using the objectives and controls of Ryde's DCP 2010 and is generally consistent with modern dual occupancy developments throughout the City of Ryde. It is therefore recommended that the DA be approved via a 'Deferred Commencement' consent which requires further amended plans for a maximum building size of 294.025m² to provide a compliant FSR of 0.5:1.

Reason for Referral to Planning and Environment Committee: Requested by Councillor Petch, Councillor Salvestro-Martin, Councillor Li, and Councillor Pendleton.

Public Submissions: Nine (9) submissions were received objecting to the development (original plans). A further **nine (9) submissions** were received objecting to the amended plans.

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

Value of works: \$605,158

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

RECOMMENDATION:

- (a) That Local Development Application No. LDA2013/0073 at 6 Yarwood Street, Marsfield being LOT 10 DP 234293 be approved subject to the Deferred Commencement conditions contained in **ATTACHMENT 1**.
- (b) That the persons who made submissions be advised of Council's decision.

ATTACHMENTS

- 1 Draft Conditions of Consent
- 2 Compliance Table Ryde DCP 2010
- 3 Map
- 4 A4 Plan
- 5 A3 Plans - subject to copyright provisions - **CIRCULATED UNDER SEPARATE COVER**

ITEM 2 (continued)

Report Prepared By:

Chris Young
Team Leader – Assessment

Ben Tesoriero Planning Consultant
Creative Planning Solutions

Report Approved By:

Liz Coad
Manager Assessment

Meryl Bishop
Acting Group Manager - Environment and Planning

ITEM 2 (continued)

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

Address : 6 Yarwood Street, Marsfield
(LOT 10 in Deposited Plan 234293)

Site Area : 588.05m² (Deposited Plan)
Site frontage to Yarwood Street of 14.63m
Curved secondary frontage to Coral Street of 28.565m
Southern boundary of 15.59m
Eastern side boundary of 36.435m

Topography and Vegetation : The topography of the local area is relatively undulating, with the site having a north-westerly aspect and having approximately a 1.7m fall across the site, sloping towards Yarwood Street. The site contains seven trees/shrubs, of which four are to be removed (with appropriate replacement planting) and three trees/shrubs to be retained and protected.

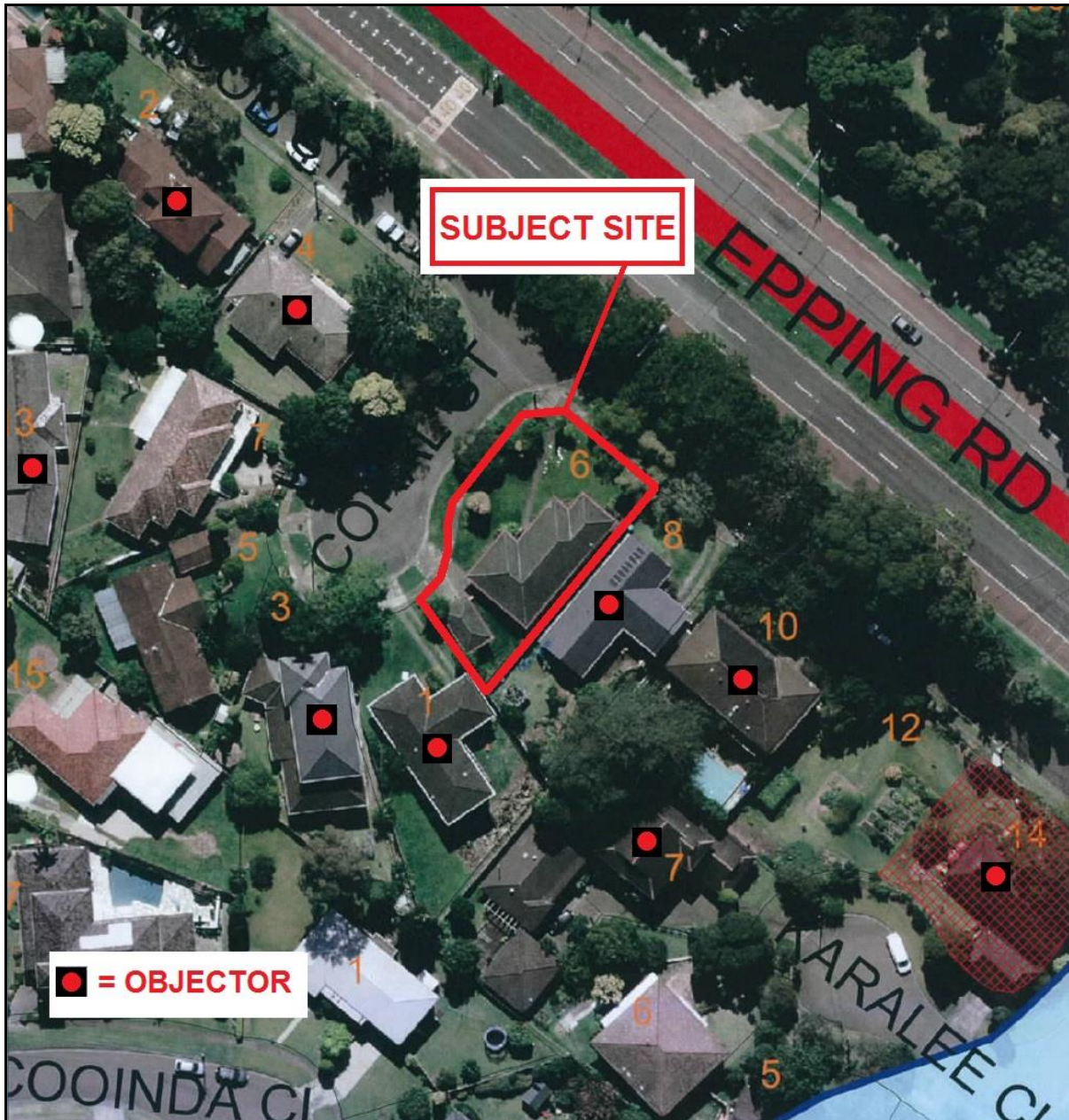
Existing Buildings : Single storey dwelling house, detached single car garage.

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 2 (continued)



Aerial Image of subject site, including annotations of those neighbouring properties objecting to the amended plans of the proposed development

ITEM 2 (continued)



View of subject site from the Coral Street frontage

3. Councillor Representations

Name of Councillor: Councillor Salvestro-Martin

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

Date: 28 April 2013

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

On behalf of applicant or objectors? Objectors

Any other persons (e.g. consultants) involved in or part of the representation: None

Name of Councillor: Councillor Petch

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

Date: 26 April 2013

ITEM 2 (continued)

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

On behalf of applicant or objectors? Objectors

Any other persons (e.g. consultants) involved in or part of the representation: None

Name of Councillor: Councillor Li

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

Date: 22 April 2013

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

On behalf of applicant or objectors? Objectors

Any other persons (e.g. consultants) involved in or part of the representation: None

Name of Councillor: Councillor Pendleton

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

Date: 22 April 2013

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

On behalf of applicant or objectors? Objectors

Any other persons (e.g. consultants) involved in or part of the representation: None

4. Political Donations or Gifts

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

ITEM 2 (continued)

5. Proposal

The following outlines the scope of works proposed at 6 Yarwood Street, Marsfield.

Existing Development:

- Demolition of the existing single storey dwelling house and associated detached garage structure.

Proposed Dwelling:

- Construction of a two storey dual occupancy with the following layout:

Dwelling A:

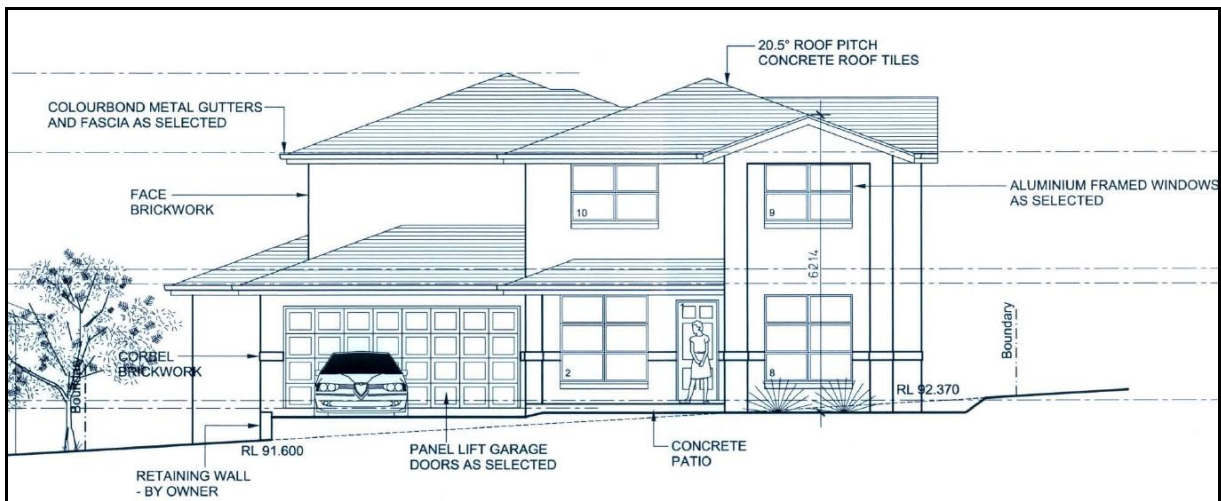
- Four (4) bedrooms on the upper floor including one (1) with en-suite
- One (1) bathroom on the upper floor
- Living room, dining room, family room, kitchen, laundry and study on the ground floor
- Double garage with access from Yarwood Street
- Small outdoor terrace accessed via sliding doors from the family room
- Landscaped rear yard with turf open space, boundary screening shrubs, clothes line and water tank
- Landscape front garden with turf open space, garden bed plantings and underground water detention system

Dwelling B:

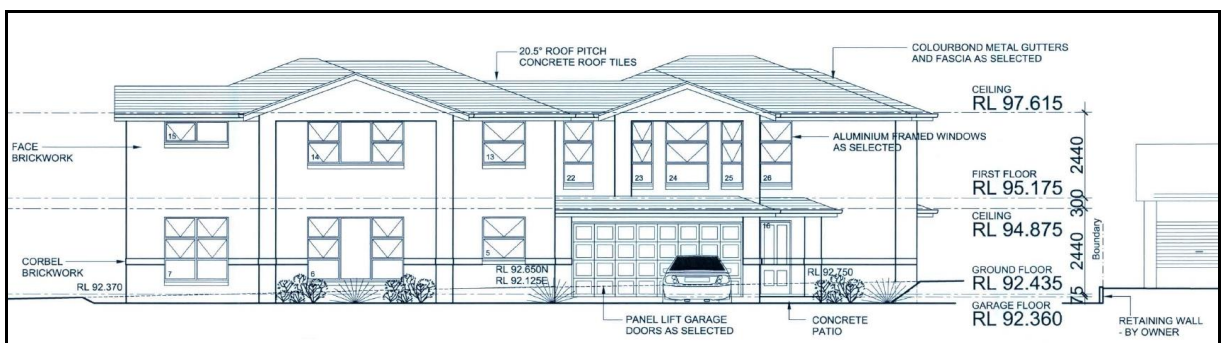
- Four (4) bedrooms on the upper floor including one (1) with en-suite
- One (1) bathroom on the upper floor
- Living room, dining room, family room, kitchen, and laundry on the ground floor
- Double garage with access from Coral Street
- Small outdoor timber deck accessed via sliding doors from the family room
- Landscaped rear yard with turf open space, garden bed planting, clothes line and water tank
- Landscape front garden with turf open space and garden bed plantings.

Below are the front elevation drawings of the amended plans, to both Yarwood Street and Coral Street.

ITEM 2 (continued)



Front Elevation – Yarwood Street



Front Elevation – Coral Street

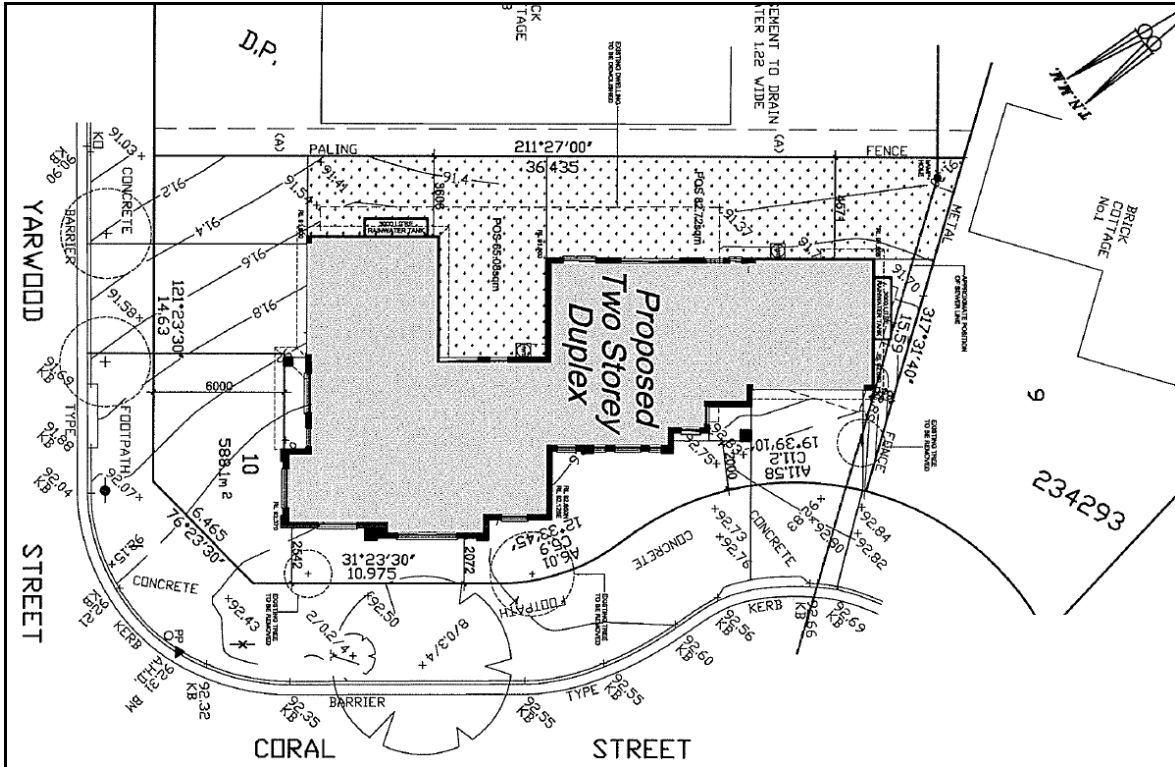
6. Background

The following is a brief overview of the development history relating to the proposed attached dual occupancy to be constructed on the subject site:

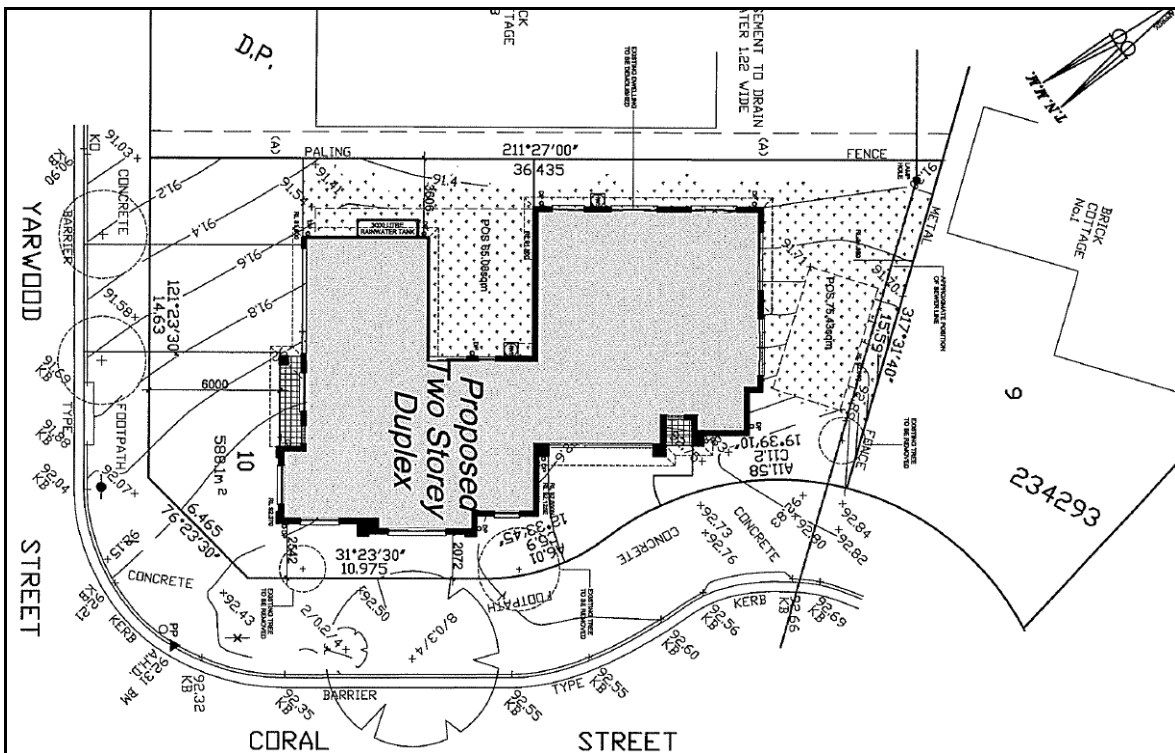
- LDA2013/0073 was lodged on 20 March 2013.
- Following the notification period of the original plans, nine (9) submissions were received objecting to the proposed development.
- Meeting held with applicant to discuss design amendments to satisfy issues of concern raised in the submissions on 19 June 2013. In particular, it was requested that the rear setback of the development be significantly increased to address issues regarding visual bulk when viewed from both the street and from neighbouring properties.
- Amended plans received by Council on 12 July 2013 with design changes including increasing the rear setback, minimising privacy impacts and reducing overshadowing.
- The amended plans were re-notified and a further nine (9) objections were received.

ITEM 2 (continued)

Below are the site plans (original and amended) of the development which show the changes undertaken.



Site Plan – Original Proposal. Note minimal rear setback from rear/southern boundary



Site Plan – Amended proposal. Note increased setback from rear/southern boundary.

ITEM 2 (continued)**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 27 March 2013 to 17 April 2013. It is noted that an extended notification period took place due to the Easter break coinciding with the notification period.

In response, nine (9) submissions were received from the owners of neighbouring properties as shown on the air photograph earlier in this report.

Amended plans were re-notified to adjoining property owners for a period from 19 July 2013 to 6 August 2013. In response, a further nine (9) submissions were received from the owners of the same neighbouring properties that previously objected to the proposal as identified in the air photograph earlier in this report, and which essentially raised the same issues as in their submissions to the original plans. The key issues raised in both rounds of submissions regarding the original and amended plans are summarised and discussed as follows.

A. Desired Future Character – *concerns are raised regarding the proposed development not being consistent with the desired future character of the low density residential area.*

Comment: The Ryde DCP 2010 stipulates what constitutes the desired future character of the low density residential area, as listed below.

- *Has a low scale determined by a maximum 2 storey height limit.*
- *Has a low density with free-standing dwellings.*
- *Has a limited number of dual occupancy (attached) buildings, and these buildings look similar to detached dwellings.*
- *Has dwellings located in a landscape setting which includes a clearly defined front garden and back yard.*
- *Has buildings which are well designed and have a high degree of amenity.*
- *Has streetscapes made up of compatible buildings with regard to form, scale, proportions (including wall plate heights) and materials.*
- *Has streetscapes with dwellings that have a generally consistent front setback and consistent street orientation.*
- *Has garages and other structures which are not prominent elements in the streetscape and which are compatible with the character of the dwelling.*
- *Requires minimal disturbance to the natural topography, which means that excavation is to be minimised.*
- *Has backyards, which are maximised in size.*
- *Has backyards which form a connected strip of vegetation in neighbourhoods and which include large trees.*
- *Has allotments with large deep soil areas which allow rainwater to be absorbed and trees to be planted.*

ITEM 2 (continued)

- *Has mature trees in streets, front gardens and backyards (existing mature trees are retained and new tree plantings encouraged).*
- *Has character areas where special features are retained and enhanced.*

It is considered that the proposed dual occupancy is largely consistent with the above desired future character of the low density residential area. The development has a reasonably low scale and fully complies with the maximum height prescribed in the DCP (2 storeys, 9.5m maximum and 7.5m wall plate). Also, the development complies with the requirement for dual occupancy developments as this is one of a limited number of dual occupancy developments in the locality, and this development has a look similar to a detached dwelling.

- B. *Building Height*** – *concerns are raised over height of the proposed building and that it is out of character with the surrounding properties.*

Comment: Ryde LEP 2010, Draft Ryde LEP 2013, and Ryde DCP 2010 prescribe a maximum building height for the subject site of 9.5m. The proposed development has a maximum building height of 7.669m, well below (some 1.831m less) than the general prescribed building height for land within the R2 Low Density Zone.

Through providing a development that is well below the maximum prescribed building height for the subject site it has significantly reduced the overall bulk and scale of the development and provided increased amenity to the neighbouring allotments in terms of level of overshadowing and visual impact.

It is noted that suggestions relating to increasing the level of excavation so as to reduce the building height have been made, however these are considered to be against the topography and excavation objectives of the Ryde DCP 2010 which aim to retain the natural ground levels and existing landform as well as minimise the extent of excavation and fill on sites.

Given the plans submitted with the development application demonstrate the proposed building height does not exceed the general prescribed building height for development within the R2 zoning of the site, objections on the grounds of excessive building height are not supported.

- C. *Density*** – *concerns are raised that the proposed development does not meet the density controls for multi-dwelling housing in the R2 Low Density Residential zone in Ryde LEP 2010.*

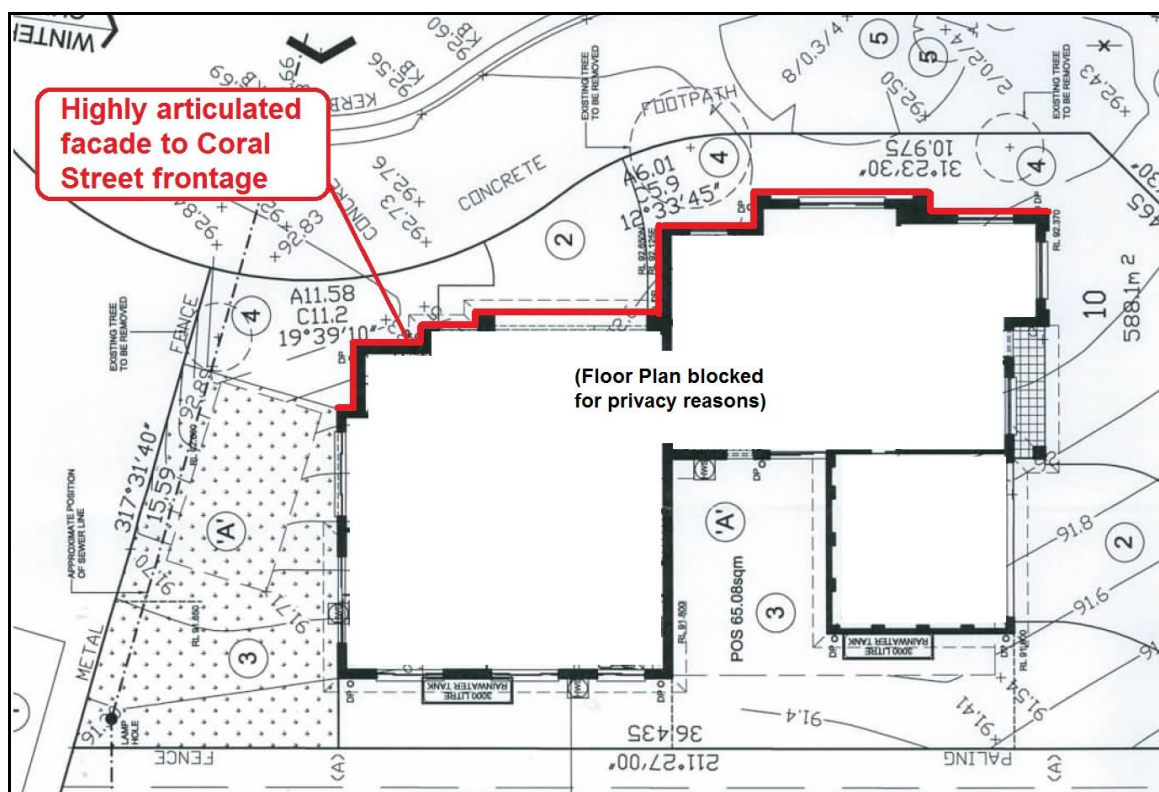
Comment: The density controls for multi-dwelling housing in Ryde LEP 2010 [clause 4.5A (1)] relate to development proposals of 3 or more dwellings (as per the definition of multi-dwelling housing in the LEP) and therefore do not apply to this development.

ITEM 2 (continued)

Ryde LEP 2010 does contain density controls for dual occupancy (attached) developments in clause 4.5A (2)], which state that the allotment must have a site area of not less than 580m², and have adequate arrangements made for disposal of sewage and stormwater disposal. In this regard, the land has an area of 588.05m², and conditions of consent will be imposed regarding disposal of sewage (ie subject to requirements of Sydney Water) and stormwater (subject to the requirements of Council’s Development Engineer). Therefore the development complies with the density requirements for dual occupancy (attached) under Ryde LEP 2010.

D. 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 and scale to the streetscape.

Comment: The existing dwelling is single storey, so any 2-storey development will result in an increase in visual bulk compared to the existing situation. However, the design of the development has attempted to minimise visual bulk by not only fully complying with the height requirements of Ryde LEP 2010 and DCP 2010, but also providing a highly articulated façade to the Coral Street frontage (the longer of the 2 street frontages of the subject site), which also steps back to follow the curve in the road frontage to Coral Street, as shown in the drawing below.



Plan showing highly articulated streetscape façade to Coral Street

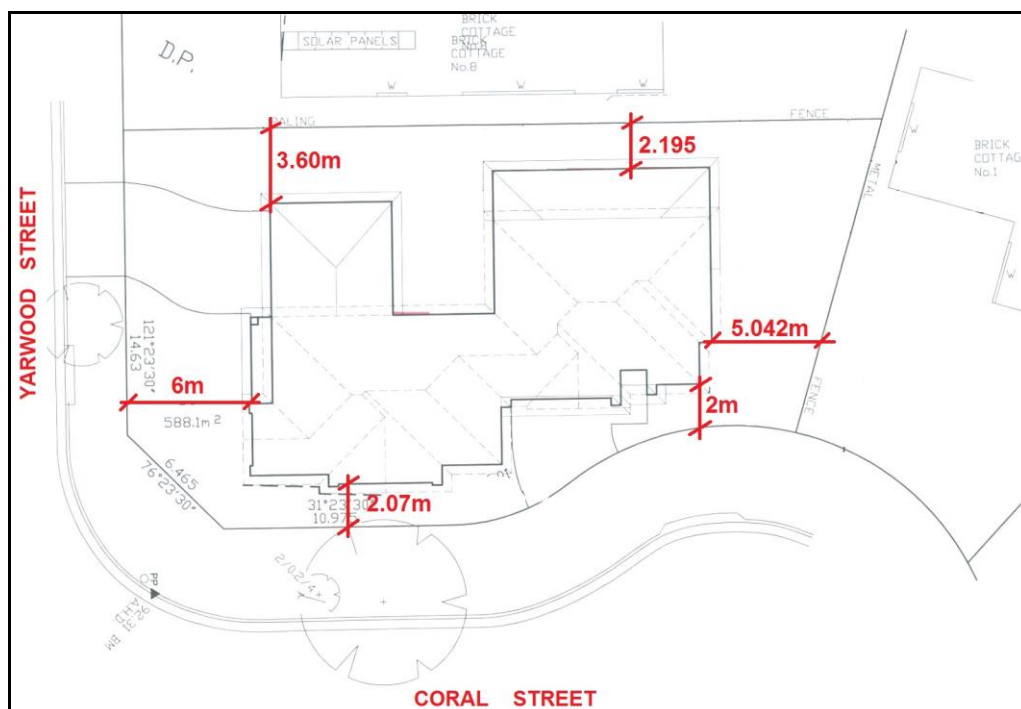
ITEM 2 (continued)

- E. Setbacks** – concerns are raised that the proposed development does not comply with the front and rear setback controls as provided by the Ryde DCP 2010 and that setbacks are not consistent with the neighbouring properties.

Comment: Council’s DCP 2010: Part 3.3 Dwelling Houses & Dual Occupancy (attached) – Section 2.8 ‘Setbacks’ states:

- Dwellings are generally to be set back six metres from the street front boundary.
- On corner sites, the setback along the secondary street (the street to which the house has its secondary frontage) is to be a minimum of two metres
- The rear of the dwelling is to be setback from the rear boundary a minimum distance of 25% of the length of the site or eight metres, whichever is the greater.
- The outside walls of a one storey dwelling are to be set back from the side boundaries not less than 900 mm.
- The outside walls of a two storey dwelling are to be set back from side boundaries not less than 1.5 metres.

In the original plans, the development complied with all of these setback requirements, except that the rear setback was originally proposed to be 0.979m (979mm) to the southern boundary. This was not acceptable, and so the applicant was requested to provide amended plans which significantly increased the rear setback to now be 5.042m (at closest point). The proposed building setbacks (front, secondary, side and rear) are shown in the following plan.



Plan demonstrating proposed setbacks (amended plans)

ITEM 2 (continued)

Given the highly irregular allotment shape of the subject site and the fact that the dual occupancy has two dwellings facing two different streets, strict application of the DCP controls are not considered to result in an outcome that reflects the setback control objectives. It is noted that the Ryde DCP 2010 does not provide any specific setback controls for dual occupancies on a corner allotment, thus a merit based assessment is required.

Although the development still does not fully comply with the rear setback requirement of 8m or 25% of the length of the site whichever is greater (ie 8.75m required at this site), the proposal is considered to be acceptable as discussed further in the DCP compliance section of this report.

With the irregular allotment shape it is considered very difficult to maintain a street setback that is both consistent throughout the length of the boundary and consistent with the neighbouring allotments. While it may initially seem that a 2m setback from Coral Street is minimal, it must be noted that Section 2.8.1 of the Ryde DCP 2010 prescribes that on corner allotments, the setback along the secondary street is to be a minimum 2m. Accordingly even if the subject site was developed for the purposes of a dwelling house, a comparable setback and visual built form on the Coral Street frontage would be experienced.

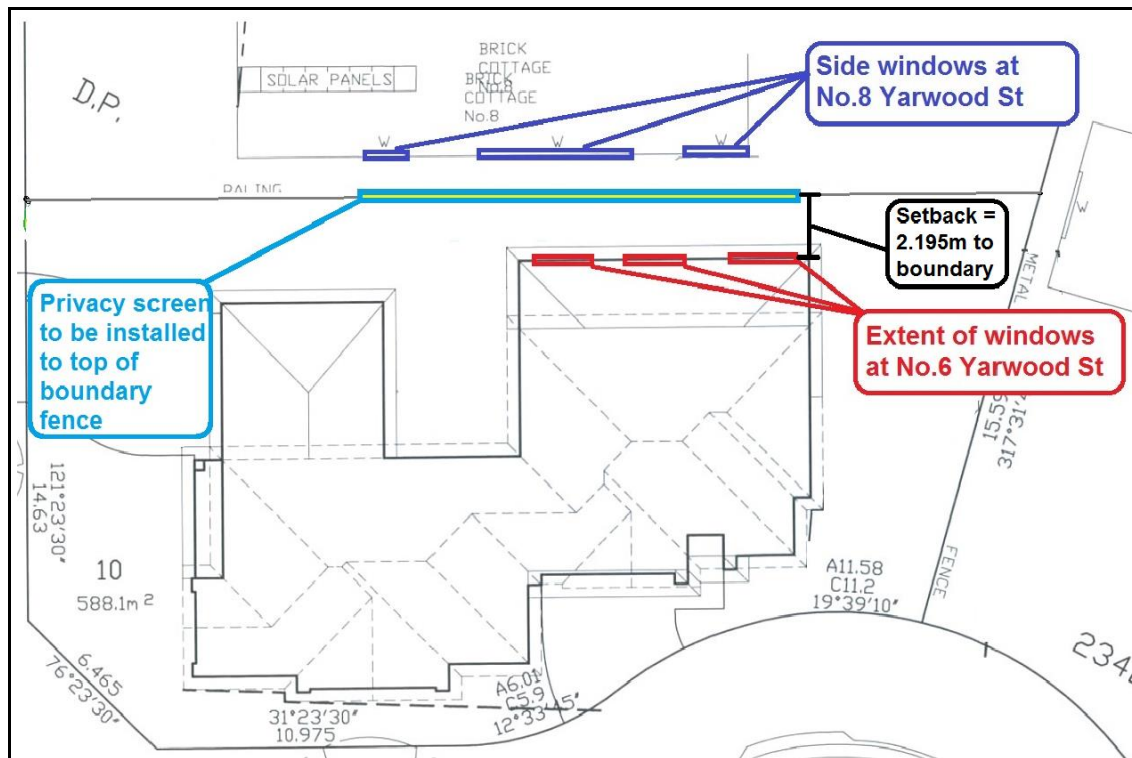
F. *Privacy Impacts* – concerns are raised that the proposed development will impact the privacy of neighbouring dwellings and allow for overlooking.

Comment: Section 2.13.2 of Part 3.3 of the Ryde DCP 2010 prescribes development controls for visual privacy. Specifically, that side windows are to be offset by distances sufficient to avoid visual connection between windows of the subject dwelling and those of the neighbouring dwelling. As shown in the plan below, the proposed Dwelling 'B' of the dual occupancy includes windows that are orientated and may align with windows of the neighbouring dwelling at No.8 Yarwood Street, and therefore causing privacy impacts.

It is noted that the proposed design does include increased sill heights on a number of windows to reduce the potential for overlooking however, to ensure no negative visual privacy impacts arise from the proposed development it is proposed that the following condition of consent be imposed that requires the installation of a privacy screen to the top of the south-eastern boundary fence (see proposed condition 33):

Lattice screening. The provision of a lattice screen 300mm high on top of the south-western boundary fence that aligns with the south-western edge of the family room window of Dwelling B to the edge of the northern most window of No.8 Yarwood Street, Marsfield. Details of compliance are to be provided in the plans for the **Construction Certificate**.

ITEM 2 (continued)



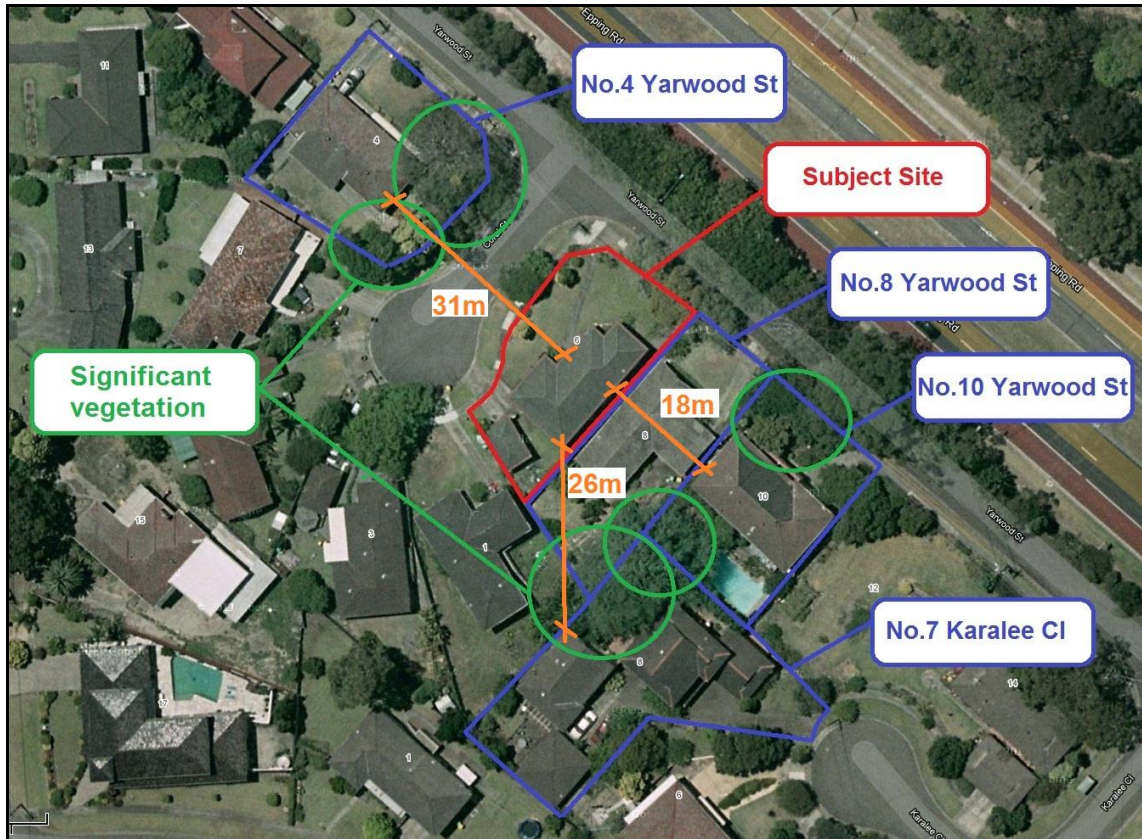
Extent of privacy screening to be installed to top of boundary fence

In terms of the proposed dual occupancy providing overlooking towards other neighbouring dwellings including those objectors at No.4 Yarwood Street, No. 10 Yarwood Street and No.7 Karalee Close, as is demonstrated in the air photo below these allotments are all of significant distance from the subject site and all have significant stands of existing mature vegetation providing effective screening to both the dwellings and the private open spaces. Given the modest height of the proposed dual occupancy, significant distance to the neighbouring objectors allotments and the significant vegetation buffers that exist between the allotments, it is considered that sufficient visual privacy will be maintained by the proposed development.

In this regard, it is considered that the proposed dual occupancy is acceptable in terms of maintaining adequate privacy to neighbouring dwellings and private open space.

Accordingly, neighbouring objections in regards to unreasonable loss of privacy are not supported.

ITEM 2 (continued)



Air photo indicating objections based upon privacy impacts and significant distance and vegetation buffers

- G. Overshadowing** – concerns are raised over the proposed development increasing overshadowing to neighbouring dwellings and private open space.

Comment: Ryde DCP 2010 contains the following requirements in terms of overshadowing of neighbouring properties:

For neighbouring properties ensure:

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

ITEM 2 (continued)

As demonstrated in the shadow diagrams submitted as part of the development application (see below), the proposed development will have some overshadowing impacts on the neighbouring dwellings at No.8 Yarwood Street and No.1 Coral Street.

In particular, No.1 Coral Street will be subject to some minor overshadowing to one (1) window the front of the dwelling and front garden between 9am and 12pm on the 21st June. However, no overshadowing will occur after 12pm, thus the dwelling and private open space of No.1 Coral Street will achieve the minimum amount of required amount of sunlight as prescribed in the Ryde DCP 2010.

The dwelling and private open space of No.8 Yarwood Street will be mostly unaffected by overshadowing between 9am and 12pm on the 21st of June with increased shadowing cast throughout the afternoon. Although it is acknowledged that the increased height of the proposed dual occupancy over that of the existing single storey dwelling will increase the level of overshadowing across the dwelling and private open space, it must be noted that the existing dwelling on the subject site would have cast a significant shadow across the dwelling at No.8 Yarwood Street due to its minimal setback from the boundary and the topography of the land. Additionally it is considered that the orientation of the allotment would mean that any two storey dwelling replacing the single storey dwelling on site would cast an increased shadow to No.8 Yarwood Street. The development fully complies with the requirements of DCP 2010 with regard to overshadowing of neighbouring properties.

With regards to the solar panels located on the roof of the dwelling at No.8 Yarwood Street it is considered that these will not be overshadowed until approximately 1:30pm on the 21st of June, therefore seeing them receive a considerable level of sunlight access. Furthermore it is noted that the shadows shown in Figure 9 below will be the worst case scenario with shadows being less severe at other times throughout the year.

ITEM 2 (continued)

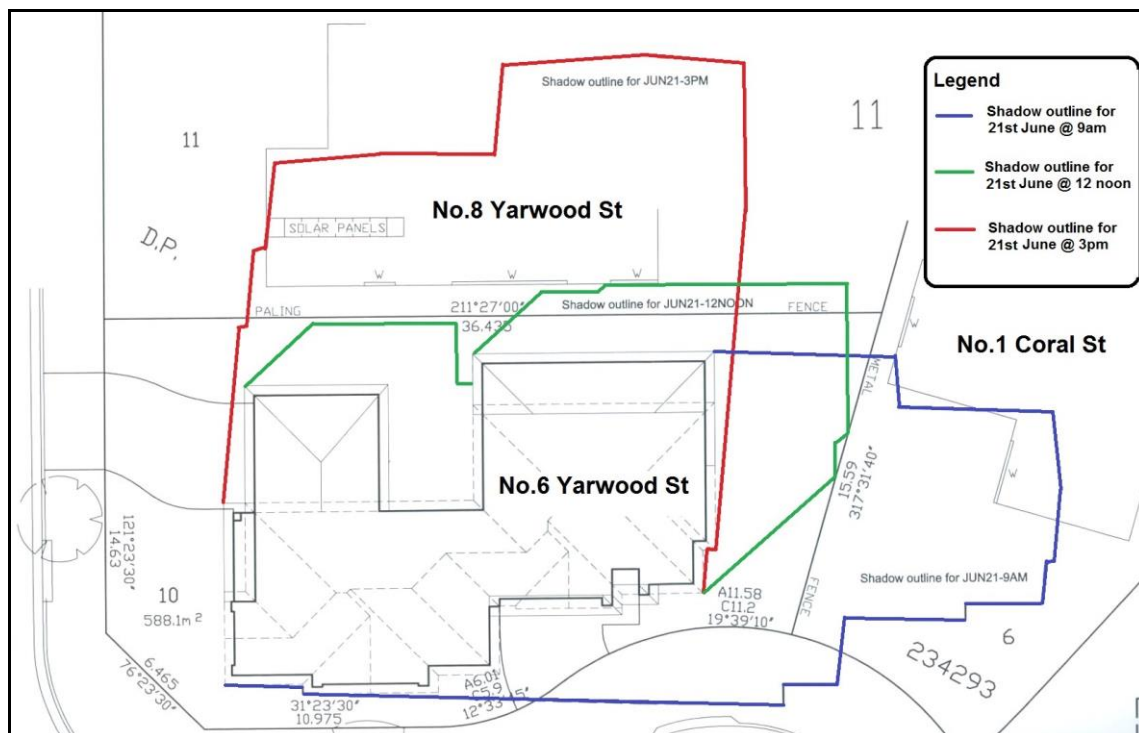


Figure 15 – Plan demonstrating proposed level of overshadowing

Accordingly, it is considered that the overshadowing impacts of the proposal are acceptable.

- H. Traffic and parking** – concerns are raised over the proposed development negatively impacting the traffic and parking including reducing the availability of on street parking.

Comment: Each dwelling is provided with a double garage that allows off street parking to two (2) vehicles (i.e. four (4) vehicles total) which conforms to the controls set out within the Ryde DCP 2010.

In terms of traffic generation, minimal impacts are expected due to the vehicular entries for each dwelling of the dual occupancy being separated (i.e. Dwelling 'A' vehicular access from Yarwood Street and Dwelling 'B' vehicular access from Coral Street). As the existing dwelling had its vehicular entry from Coral Street there will be minimal change from the existing arrangements on site to this street. Likewise, Yarwood Street is not considered to be negatively impacted due to the street experiencing only limited through traffic.

Given the above it is considered that objection based upon the proposal reducing the level of on street parking for residents and commuters is unfounded and therefore unsupported.

ITEM 2 (continued)

- I. Sewage, storm water and drainage** – concerns are raised over the development proposing works to be undertaken within or close to easements and right of ways or other infrastructure.

Comment: A review of the survey submitted with the application indicates that the development does not encroach upon any easement. A condition of consent will be imposed requiring the development to comply with the requirements of Sydney Water in relation to construction in proximity to any water supply or sewerage infrastructure. See conditions 31 and 62.

- J. Deep soil** – concerns are raised that the proposed development does not meet the 8m x 8m deep soil area requirement in Council's DCP.

Comment: Council has consistently allowed a variation to the requirement for an 8m x 8m square to be provided on unusually-shaped allotments (such as the subject site), where an equivalent area can be provided. On this site, an area of approximately 75m² (5m x 15m) is available to the southern side of the site, which is considered an acceptable deep soil area.

- K. Tree removal** – concerns are raised that the proposed development includes the removal of trees that are not shown on plans submitted.

Comment: Non-compliances in relation to tree removal addressed in the DCP Compliance Section of the report, below.

- L. Screen Planting** – concerns are raised regarding the row of proposed screen planting along the south-eastern boundary and the impact this will have to the neighbouring dwelling in terms of reducing available light, blocking gutters with debris and diminishing airflow.

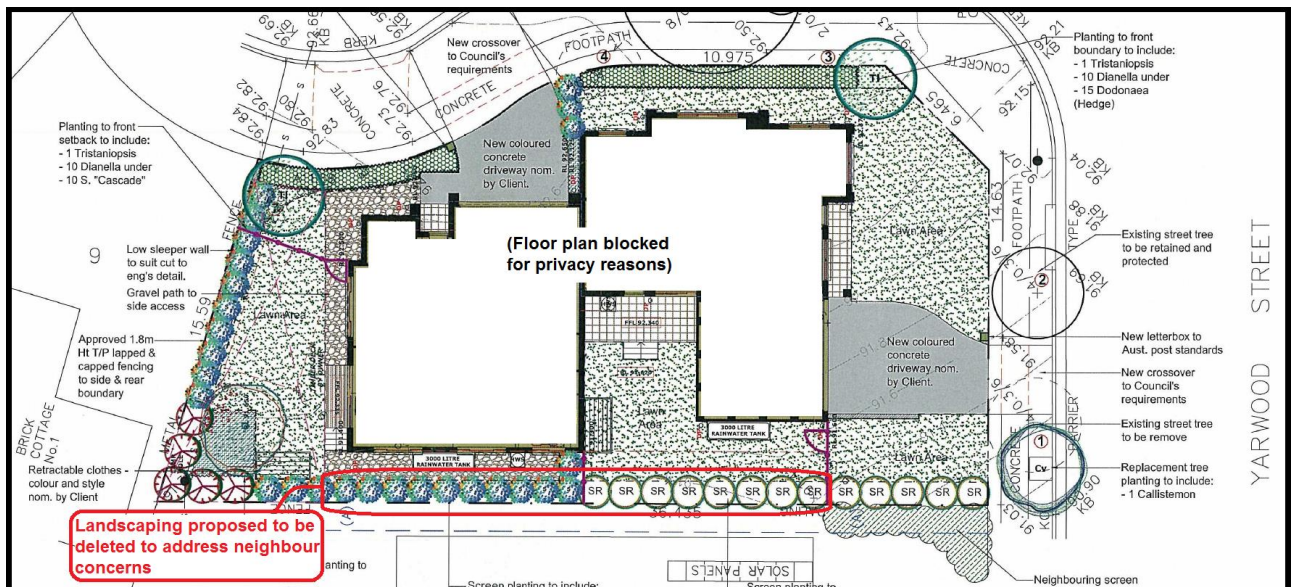
Comment: The proposed location and species selection would normally be considered appropriate given the visual privacy concerns raised by the neighbouring allotment at No.8 Yarwood Street.

However, given the neighbouring concerns regarding vegetation planting along this boundary, and the fact that a condition is to be imposed to install a privacy screen along this boundary it is recommended that the following condition be imposed

Deletion of Boundary Screen Planting. Boundary screen planting shown of the Landscape Plan prepared by Conzept Landscape Architects dated 08.07.2013 Revision E of eight (8) *Syzygium 'Resilience'* in the rear yard of Dwelling A and eight (8) *Syzygium 'Cascade'* within the rear yard of Dwelling 'B' adjacent to the dwelling at No.8 Yarwood Street are to be removed. Details of compliance are to be provided in the plans for the **Construction Certificate**.

ITEM 2 (continued)

The following is an extract of the landscaping plan showing the location of this planting to be deleted.



M. Asbestos removal – concerns are raised that the existing dwelling on site to be demolished contains asbestos which may be harmful to nearby residents.

Comment: A standard condition will be imposed requiring removal of asbestos in accordance with WorkCover guidelines. See conditions 19 and 20.

N. Acoustic Impacts – concerns are raised that the hot water systems will generate excessive noise impacts to surrounding neighbours.

Comment: This is a minor issue in the context of this application. Noise from modern hot water systems is generally negligible and within what would reasonably be expected in a residential development such as a dual occupancy.

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

A request for variation would be required for the non-compliance with the maximum floor space ratio (0.5:1) prescribed under Ryde LEP 2010. However a Deferred Commencement condition of consent is recommended to ensure compliance with the FSR thus negating the need to provide a Clause 4.6 variation.

ITEM 2 (continued)

9. Policy Implications

Relevant Provisions of Environmental Planning Instruments etc:

(a) Ryde Local Environmental Plan 2010

Zoning

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

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 7.669m, which complies with Ryde LEP 2010.

Clause 4.4 - Floor Space Ratio. This clause prescribes a maximum floor space ratio (FSR) of 0.5:1. The FSR for the proposed development has been calculated to be 0.52:1, which does not comply with this clause, however this is considered to be minor and is to be dealt with under the following deferred commencement condition to address the non-compliance:

Plan amendments. *The submission of amended plans for Council's approval which provide the following plan amendments:*

- *The gross floor area (as defined in the Ryde LEP 2010) of the attached dual occupancy is to be limited to a maximum of 294.025m² to provide a FSR of 0.5:1.*

(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.

ITEM 2 (continued)**(c) Any draft LEPs**

A Section 65 Certificate enabling the formal exhibition of Draft Local Environmental Plan 2011 was issued by the Department of Planning and Infrastructure on 23 April 2012. The Draft Plan has been placed on public exhibition between 30 May 2012 and 13 July 2012. Under this Draft LEP, the zoning of the property is R2 Low Density Residential. It is considered that the proposal is not contrary to the objectives of the Draft LEP or those of the proposed zoning.

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

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

The proposal has been assessed using the development controls contained in Ryde DCP 2010, refer to the Compliance Check Table at **ATTACHMENT 2**. The table identifies some areas of non-compliance that are acceptable on a merit assessment of the proposal, as discussed in the following section.

Floor Space Ratio

Clause 4.4 of the Ryde LEP 2010 and Section 2.6 of Part 3.3 of the Ryde DCP 2010 prescribe a maximum FSR within low density areas of 0.5:1. As demonstrated within the attached Compliance Checklist, the proposal will result in a dual occupancy development which has a FSR of 0.52:1, which does not comply.

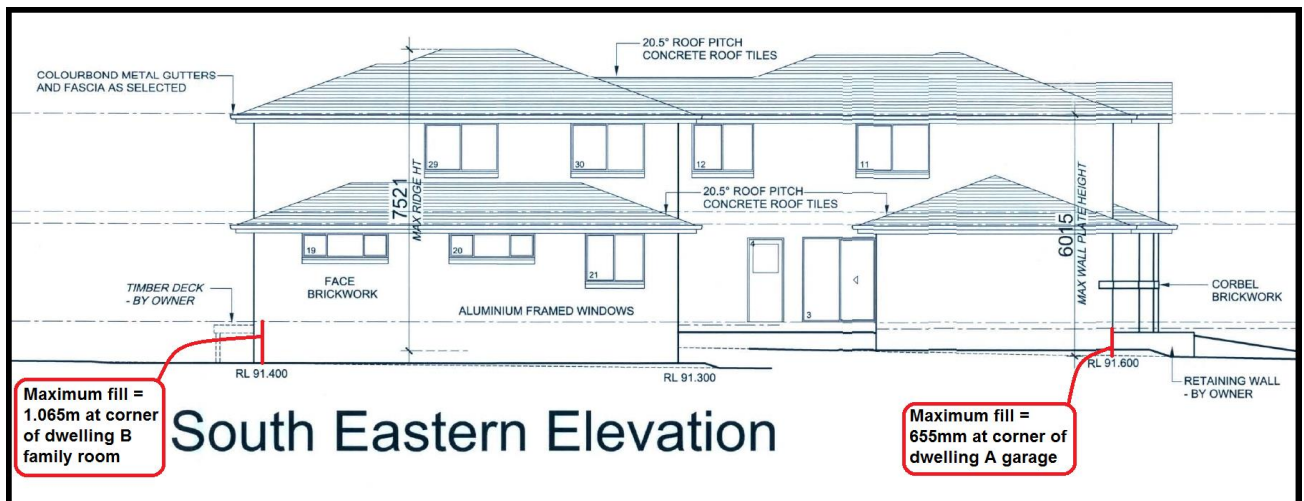
In order to achieve compliance with Council's LEP and DCP, it is recommended that the size (floor area) of the attached dual occupancy be reduced to a maximum of 294.025m², via a "Deferred Commencement" consent.

Topography and Excavation

Section 2.5.2 of Part 3.3 of the Ryde DCP 2010 prescribes development controls for topography and excavation. Specifically, that within the building footprint the maximum level of fill is to be 900mm and outside the building footprint the maximum level of fill is to be 500mm.

An assessment of the cut and fill arrangements for the proposed development have revealed that the proposed level of fill within the building footprint is 1.065m and proposed level of fill outside the building footprint is 655mm, as shown in the south-east elevation below.

ITEM 2 (continued)



Height and location of proposed fill

Although exceeding the maximum levels of fill on site, this non-compliance can be supported for the following reasons:

- Issues of privacy and overlooking with regards to fill outside the dwelling footprint are not considered to be significant due to area of non-compliance relating to outside the garage. Additionally, screen planting has been implemented adjacent to the area of non-compliance to further mitigate and privacy impacts.
- The boundary adjacent to the area of non-compliance within the dwelling footprint has been conditioned to include a privacy screen so as to address issues of privacy and overlooking.
- The finished floor level (FFL) of the existing dwelling on site exceeds that of the proposed, therefore providing a reduced FFL and increased amenity to the neighbouring allotments in terms of privacy.
- The dwelling fully complies with the maximum building height controls.
- Natural ground levels and topography have been maintained where possible across the site.
- The level of non-compliance is considered to be minor with a 165mm exceedence within the dwelling footprint and 155mm exceedence outside the dwelling footprint.
- The proposed development is considered to meet the topography and excavation objectives set out Section 2.5.2 of Part 3.3 of the Ryde DCP 2010.

Below is a list of the Topography and Excavation objectives from the Ryde DCP 2010 with the Assessing Officer's comment indicating how the proposed development performs against each of these objectives:

- *To retain natural ground levels and existing landform.*

ITEM 2 (continued)

Assessing Officer's Comment: The proposed development has utilised a range of both cut and fill techniques throughout the site in an attempt to retain natural ground levels and existing landform where possible.

- *To create consistency along streetscapes.*

Assessing Officer's Comment: As evidenced in Figure 3 above, the proposed dwelling does not create any inconsistency along Yarwood Street or Coral Street and has been informed by the surrounding streetscape character. With the proposed dwellings maximum building height being well under the 9.5m height limit it is considered this significantly reduces the visual dominance on the streetscape and is consistent with the approach taken by other developments within the Marsfield area.

- *To minimise the extent of excavation and fill.*

Assessing Officer's Comment: A balance of cut and fill techniques have been adopted on the subject site, however inevitably, when developing on sloping land, increased levels of cut and fill are generally required to secure a workable building footprint. It is noted that the level of cut and fill proposed on the subject site are relatively consistent.

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

Assessing Officer's Comment: The proposed level of fill is not considered to result in any unreasonable loss of privacy or security for neighbours as the areas of fill non-compliance relate primarily to garage and driveway entry and to the ground floor component of Dwelling B which is to include privacy screen along the boundary adjacent to the area of non-compliance. Additionally, privacy screen planting has been utilised elsewhere across the site to further mitigate any privacy impacts.

Given the above, and the proposed development's design being consistent with objectives of the topography and excavation controls, the proposed non-compliances are considered justifiable in this instance.

Setbacks

The non-compliance relating to the minimum 8m rear setback not being provided on the subject site has been addressed in detail in the Submissions section of this report, above.

Visual Privacy

Refer to discussion in the Submissions section of this report, above.

ITEM 2 (continued)*Deep Soil*

Section 2.5.1 of Part 3.3 of the Ryde DCP 2010 requires that an area with minimum dimensions of 8m x 8m is included in the rear yard, and that a maximum of 40% of the front garden area is to be hard paved. As demonstrated within the attached Compliance Checklist, the proposed rear yard does not include a singular deep soil area of 8m x 8m and Dwelling 'B' has a front yard that includes 42% hard paved area.

Although a deep soil area of 8m x 8m has not been provided in the rear yard, due to the relatively small and highly irregular shape of the allotment it is considered this control is very difficult to achieve on the subject site. While the numerical 8m x 8m dimension has not been met, the combined deep soil area of the rear yards has been calculated at over 140m², therefore significantly exceeding the minimum 64m² area which would be provided by an area of 8m x 8m. Due to the proposed area of deep soil exceeding the minimum by 76m² this non-compliance is deemed acceptable in this instance.

In terms of deep soil within the front garden of Dwelling 'B', given the proposed development is for the purposes of a dual occupancy on what is considered a highly irregular shaped allotment, this control is again considered difficult to achieve on the subject site. It is noted that deep soil has been incorporated as much as possible, however this non-compliance does not result in any significant impact to storm water absorption or vegetation growth on site. Furthermore, the deep soil requirement of the front garden of Dwelling 'A' has been adequately met with only 32% being hard paved, thus providing some offset for Dwelling B.

Additionally, the proposed level of deep soil across the subject site (47.42%) is considered to meet the objectives of the control by allowing sufficient absorption of rainwater, providing adequate space for existing and new mature tree growth and vegetation corridors and enabling movement of fauna along these vegetation corridors.

In this regard it is considered that the proposed deep soil across the site is acceptable.

Tree Removal

Section 2.12 of Part 3.3 of the Ryde DCP 2010 prescribes development controls for landscaping. Specifically, that major existing trees are to be retained in a viable condition whenever practicable, through the appropriate siting of buildings, accessways and parking areas and through appropriate landscape treatment. As per the plans provided, discrepancies are evident in regards to the number of existing trees on site which are to be retained and removed.

ITEM 2 (continued)

When referencing the Landscape plan prepared by Conzept Landscape Architects dated 28 February 2013, it identifies seven (7) trees on the subject site, three (3) of which are to be removed. However when referencing the Site Plan and Demolition Plan prepared by Residential Logistics dated 11 January 2013, it identifies seven (7) trees on site with four (4) trees to be removed including the tree adjacent to the proposed driveway on Yarwood Street.

The following condition of approval requiring that a revised landscape plan be submitted to Council that verifies those trees to be removed, trimmed, or otherwise impacted upon, along with compensatory tree planting has been recommended. This revised landscape plan will be assessed by Council to the satisfaction of Council’s Consulting Landscape Architects prior to issue of Construction Certificate.

Revised Landscape Plan. *A revised landscape plan must be submitted to Council that verifies those trees to be removed, trimmed, or otherwise impacted upon, along with compensatory planting. The landscape plan will be assessed by Council to the satisfaction of Council’s Landscape Architect prior to the release of the **Construction Certificate**.*

Section 94 of the Environmental Planning and Assessment Act 1979

Council’s Section 94 Development Contributions Plan - 2007

Council’s current Section 94 Development Contributions Plan 2007 (2010 Amendment - adopted 16 March 2011) requires a contribution for the provision of various additional services required as a result of increased development.

The contribution that are payable with respect to the increase housing density on the subject site (*being for residential development outside the Macquarie Park Area*) are as follows:

A – Contribution Type	B – Contribution Amount
Community & Cultural Facilities	\$4,120.85
Open Space & Recreation Facilities	\$10,144.67
Civic & Urban Improvements	\$3,450.29
Roads & Traffic Management Facilities	\$470.55
Cycleways	\$293.98
Stormwater Management Facilities	\$934.09
Plan Administration	\$79.27
The total contribution is	\$19,493.69

A condition for the payment of a Section 94 Contribution of \$19,493.69 has been included in the draft conditions of consent (**ATTACHMENT 1**).

ITEM 2 (continued)

Note: The above calculation has been reviewed by two assessment officers. A detailed copy of rates and calculation spreadsheet has been placed on the relevant development application file.

It should be noted that the above Section 94 figures were calculated using the most recently updated (June 2013 quarter) CPI figures from the Australian Bureau of Statistics (ABS). Updated figures for the September 2013 quarter are expected to be issued from the ABS around 27 October 2013, however the timeframes for preparing this report prevents these figures from being used in this report. A memo containing an updated Section 94 condition (see condition 24) will be distributed at the Planning & Environment Committee meeting on 5 November 2013 when this DA will be considered.

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 in terms of DCP compliance, and in terms of the submissions received.

The resultant impacts of the proposed dual occupancy on the built environment are considered to result in a development that is consistent with the desired future character of the low density residential areas, and consistent with the nature of development in the Marsfield and wider Ryde Local Government Area.

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

(b) Natural Environment

Given the nature of the proposed development being for the construction of a new dual occupancy that replaces an existing dwelling on site, and the development includes only minimal excavation and tree removal with compensatory planting, 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.

12. The Public Interest

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

ITEM 2 (continued)

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

13. Consultation – Internal and ExternalInternal Referrals

Development Engineer: Council's Development Engineer has raised no objection to the proposal subject to some 19 conditions of consent.

In particular, in terms of stormwater disposal, the development involves collection of stormwater from the roof and all hard-surfaces and disposal to Council's kerb and gutter system in Yarwood Street via an underground on-site detention system.

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 79C of the Environmental Planning & Assessment Act 1979 and is generally considered to be satisfactory for approval.

There is one (1) key non-compliance with Council's LEP 2010 relating to a minor exceedence in floor space ratio which is to be dealt with under 'Deferred Commencement' consent and will require the dwelling to be compliant with the maximum floor space ratio prescribed for the subject site. The additional non-compliances identified in terms of Ryde DCP 2010 regarding rear setback, deep soil area, topography and excavation (cut and fill requirements) privacy and landscaping are considered to be justifiable given a merit based assessment or through conditions to be imposed.

ITEM 2 (continued)

The proposal has attracted a large number of submissions both to the notification of the original proposal and to the amended plans received. The issues of concern are not considered sufficient to justify refusal or further design amendments.

The proposed development is considered to be consistent with the desired future character of the low density residential areas, which permits both dual occupancy and two-storey residential developments, and consistent with the nature of development in the Marsfield and wider Ryde Local Government Area.

On the above basis, LDA2013/0073 at 6 Yarwood Street, Marsfield is recommended for approval subject to the dwelling being reduced in size to a maximum of 294.025m² via deferred commencement consent.

ITEM 2 (continued)

ATTACHMENT 1

**DRAFT CONDITIONS OF CONSENT
6 YARWOOD STREET, MARSFIELD
LDA2013/73**

DEFERRED COMMENCEMENT

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

1. **Plan amendments.** The submission of amended plans for Council's approval which provide the following plan amendments:
 - The gross floor area (as defined in the Ryde LEP 2010) of the attached dual occupancy is to be limited to a maximum of 294.025m² to provide a FSR of 0.5:1.

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

GENERAL

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

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

The Development must be carried out in accordance with the amended plans approved under Part 1 Deferred Commencement.
2. **Building Code of Australia.** All building works approved by this consent must be carried out in accordance with the requirements of the Building Code of Australia.
3. **BASIX.** Compliance with all commitments listed in BASIX Certificate numbered 462619S_02, dated 3 July 2013.
4. **Support for neighbouring buildings.** If the development involves excavation that extends below the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
 - a. Protect and support the adjoining premises from possible damage from the excavation, and
 - b. Where necessary, underpin the adjoining premises to prevent any such damage, in accordance with relevant Australian Standards.

ITEM 2 (continued)

ATTACHMENT 1

Protection of Adjoining and Public Land

5. **Hours of work.** Building activities (including demolition) may only be carried out between 7.00am and 7.00pm Monday to Friday (other than public holidays) and between 8.00am and 4.00pm on Saturday. No building activities are to be carried out at any time on a Sunday or a public holiday.
6. **Hoardings.**
 - a. A hoarding or fence must be erected between the work site and any adjoining public place.
 - b. Any hoarding, fence or awning erected pursuant this consent is to be removed when the work has been completed.
7. **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.
8. **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.
9. **Public space.** The public way must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances, without prior approval from Council.

Works on Public Road

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

Engineering Requirements

12. **Design and Construction Standards.** All engineering plans and work shall be carried out in accordance with the requirements as outlined within Council's publication *Environmental Standards Development Criteria 1999 and City of Ryde Development Control Plan 2010 Section 8* except as amended by other conditions.

ITEM 2 (continued)

ATTACHMENT 1

13. **Service Alterations.** All mains, services, poles, etc., which require alteration shall be altered at the applicant's expense.
14. **Restoration.** Public areas must be maintained in a safe condition at all times. Restoration of disturbed road and footway areas for the purpose of connection to public utilities will be carried out by Council following submission of a permit application and payment of appropriate fees. Repairs of damage to any public stormwater drainage facility will be carried out by Council following receipt of payment. Restoration of any disused gutter crossings will be carried out by Council following receipt of the relevant payment.
15. **Road Opening Permit.** The applicant shall apply for a road-opening permit where a new pipeline is proposed to be constructed within or across the footpath. Additional road opening permits and fees may be necessary where there are connections to public utility services (e.g. telephone, electricity, sewer, water or gas) are required within the road reserve. No drainage work shall be carried out on the footpath without this permit being paid and a copy kept on the site.

DEMOLITION CONDITIONS

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

A Construction Certificate is not required for Demolition.

16. **Provision of contact details/neighbour notification.** At least 7 days before any demolition work commences:
 - a. Council must be notified of the following particulars:
 - (i) The name, address, telephone contact details and licence number of the person responsible for carrying out the work; and
 - (ii) The date the work is due to commence and the expected completion date
 - b. A written notice must be placed in the letter box of each property identified in the attached locality plan advising of the date the work is due to commence.
17. **Compliance with Australian Standards.** All demolition work is to be carried out in accordance with the requirements of the relevant Australian Standard(s).
18. **Excavation**
 - (a) All excavations and backfilling associated with the development must be executed safely, properly guarded and protected to prevent the activities from being dangerous to life or property and, in accordance with the design of a structural engineer.

ITEM 2 (continued)

ATTACHMENT 1

- (b) A Demolition Work Method Statement must be prepared by a licensed demolisher who is registered with the Work Cover Authority, in accordance with AS 2601-2001: *The Demolition of Structures*, or its latest version. The applicant must provide a copy of the Statement to Council prior to commencement of demolition work.
19. **Asbestos.** Where asbestos is present during demolition work, the work must be carried out in accordance with the guidelines for asbestos work published by WorkCover New South Wales.
20. **Asbestos – disposal.** All asbestos wastes must be disposed of at a landfill facility licensed by the New South Wales Environmental Protection Authority to receive that waste. Copies of the disposal dockets must be retained by the person performing the work for at least 3 years and be submitted to Council on request.
21. **Waste management plan.** Demolition material must be managed in accordance with the approved waste management plan.
22. **Disposal of demolition waste.** All demolition waste must be transported to a facility or place that can lawfully be used as a waste facility for those wastes.

Imported fill

23. **Imported fill – type.** All imported fill must be Virgin Excavated Natural Material as defined in the *Protection of the Environment Operations Act 1997*.

PRIOR TO CONSTRUCTION CERTIFICATE

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

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

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

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

24. **Section 94.** A monetary contribution for the services in Column A and for the amount in Column B shall be made to Council prior to the issue of any **Construction Certificate**:

ITEM 2 (continued)

ATTACHMENT 1

A – Contribution Type	B – Contribution Amount
Community & Cultural Facilities	\$4,120.85
Open Space & Recreation Facilities	\$10,144.67
Civic & Urban Improvements	\$3,450.29
Roads & Traffic Management Facilities	\$470.55
Cycleways	\$293.98
Stormwater Management Facilities	\$934.09
Plan Administration	\$79.27
The total contribution is	\$19,493.69

These are contributions under the provisions of Section 94 of the Environmental Planning and Assessment Act, 1979 as specified in Section 94 Development Contributions Plan 2007 (2010 Amendment) adopted by City of Ryde on 16 March 2011.

The above amounts are current at the date of this consent, and are subject to **quarterly** adjustment for inflation on the basis of the contribution rates that are applicable at time of payment. Such adjustment for inflation is by reference to the Consumer Price Index published by the Australian Bureau of Statistics (Catalogue No 5206.0) – and may result in contribution amounts that differ from those shown above.

A copy of the Section 94 Development Contributions Plan may be inspected at the Ryde Planning and Business Centre, 1 Pope Street Ryde (corner Pope and Devlin Streets, within Top Ryde City Shopping Centre) or on Council's website <http://www.ryde.nsw.gov.au>.

25. **Compliance with Australian Standards.** The development is required to be carried out in accordance with all relevant Australian Standards. Details demonstrating compliance with the relevant Australian Standard are to be submitted to the Principal Certifying Authority prior to the issue of the **Construction Certificate**.
26. **Structural Certification.** The applicant must engage a qualified practising structural engineer to provide structural certification in accordance with relevant BCA requirements prior to the release of the **Construction Certificate**.
27. **Security deposit.** The Council must be provided with security for the purposes of section 80A(6) of the *Environmental Planning and Assessment Act 1979* in a sum determined by reference to Council's Management Plan prior to the release of the **Construction Certificate**. (category: other buildings with delivery of bricks or concrete or machine excavation).
28. **Fees.** The following fees must be paid to Council in accordance with Council's Management Plan prior to the release of the **Construction Certificate**:
 - a. Infrastructure Restoration and Administration Fee
 - b. Enforcement Levy

ITEM 2 (continued)

ATTACHMENT 1

29. **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**.
30. **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**.
31. **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.

32. **Fencing.** Fencing is to be in accordance with Council's Development Control Plan and details of compliance are to be provided in the plans for the **Construction Certificate**.
33. **Lattice screening.** The provision of a lattice screen 300mm high on top of the south-western boundary fence that aligns with the south-western edge of the family room window of Dwelling B to the edge of the northern most window of No.8 Yarwood Street, Marsfield. Details of compliance are to be provided in the plans for the **Construction Certificate**.
34. **Revised Landscape Plan.** A revised landscape plan must be submitted to Council that verifies those trees to be removed, trimmed, or otherwise impacted upon, along with compensatory planting. The landscape plan will be assessed by Council to the satisfaction of Council's landscape architect prior to the release of the **Construction Certificate**.
35. **Deletion of Boundary Screen Planting.** Boundary screen planting shown of the Landscape Plan prepared by Conzept Landscape Architects dated 08.07.2013 Revision E of eight (8) Syzygium 'Resilience' in the rear yard of Dwelling A and eight (8) Syzygium 'Cascade' within the rear yard of Dwelling 'B' adjacent to the dwelling at No.8 Yarwood Street are to be removed. Details of compliance are to be provided in the plans for the **Construction Certificate**.

ITEM 2 (continued)

ATTACHMENT 1

Engineering Requirements

36. **Boundary Levels.** The levels of the street alignment shall be obtained from Council. These levels shall be incorporated into the design of the internal driveway, carparking areas, landscaping and stormwater drainage plans and must be obtained prior to the issue of the construction certificate.
37. **Driveway Grades.** The maximum grade of all internal driveways and vehicular ramps shall be 1 in 4 and in accordance with the relevant section of AS 2890.1. The maximum change of grade permitted is 1 in 8 (12.5%) for summit grade changes and 1 in 6.7 (15%) for sag grade changes. Any transition grades shall have a minimum length of 2.0m. The driveway design is to incorporate Council's issued footpath and gutter crossing levels where they are required as a condition of consent. A driveway plan, longitudinal section from the centreline of the public road to the garage floor, and any necessary cross-sections clearly demonstrating that the driveway complies with the above details, and that vehicles may safely manoeuvre within the site without scraping shall be submitted with the Construction Certificate application.
38. **On-Site Stormwater Detention.** Stormwater runoff from all impervious areas shall be collected and piped by gravity flow to a suitable on-site detention system in accordance with City of Ryde, Development Control Plan 2010: - Part 8.2; Stormwater Management.

Accordingly, revised engineering plans prepared by a qualified engineer shall be submitted with the construction certificate application, addressing, but not be limited to the following:

- a. Provision of an overflow out let pipe from the BASIX water tank of Dwelling A to the control pit of the OSD tank.
 - b. Provision of a 450x450 grated inlet pit within the back yard of Dwelling A to capture the surface flows and connect to the outlet pipe from the OSD tank to the street.
39. **Water Tank First Flush.** A first flush mechanism is to be designed and constructed with the water tank system. Details of the first flush system are to be submitted with the construction certificate application.
40. **Erosion and Sediment Control Plan.** An *Erosion and Sediment Control Plan (ESCP)* shall be prepared by a suitably qualified consultant in accordance with the guidelines set out in the manual "*Managing Urban Stormwater, Soils and Construction*" prepared by the Landcom. These devices shall be maintained during the construction works and replaced where considered necessary.

The following details are to be included in drawings accompanying the *Erosion and Sediment Control Plan*

- (a) Existing and final contours
- (b) The location of all earthworks, including roads, areas of cut and fill

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- (c) Location of all impervious areas
- (d) **Location and design criteria of erosion and sediment control structures,**
- (e) Location and description of existing vegetation
- (f) Site access point/s and means of limiting material leaving the site
- (g) Location of proposed vegetated buffer strips
- (h) Location of critical areas (drainage lines, water bodies and unstable slopes)
- (i) Location of stockpiles
- (j) Means of diversion of uncontaminated upper catchment around disturbed areas
- (k) Procedures for maintenance of erosion and sediment controls
- (l) Details for any staging of works
- (m) Details and procedures for dust control.

PRIOR TO COMMENCEMENT OF CONSTRUCTION

Prior to the commencement of any demolition, excavation, or building work the following conditions in this Part of the Consent must be satisfied, and all relevant requirements complied with at all times during the operation of this consent.

41. 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.

42. 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.

43. 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:

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- (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).

44. Excavation adjacent to adjoining land

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

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

46. Sediment and Erosion Control. The applicant shall install appropriate sediment control devices in accordance with an approved plan **prior** to any earthworks being carried out on the site. These devices shall be maintained during the construction period and replaced where considered necessary. Suitable erosion control management procedures shall be practiced. This condition is imposed in order to protect downstream properties, Council's drainage system and natural watercourses from sediment build-up transferred by stormwater runoff from the site.

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47. **Compliance Certificate.** A Compliance Certificate should be obtained confirming that the constructed erosion and sediment control measures comply with the construction plan and City of Ryde, Development Control Plan 2010: - Part 8.1; Construction Activities.
48. **Vehicle Footpath Crossings.** Concrete footpath crossings shall be constructed at all locations where vehicles cross the footpath, to protect it from damage resulting from the vehicle traffic. The location, design and construction shall conform to the requirements of Council. Crossings are to be constructed in plain reinforced concrete and finished levels shall conform with property alignment levels issued by Council's Public Works Division. Kerbs shall not be returned to the alignment line. Bridge and pipe crossings will not be permitted.

DURING CONSTRUCTION

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

49. **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*.
50. **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.
51. **Sediment/dust control.** No sediment, dust, soil or similar material shall leave the site during construction work.
52. **Use of fill/excavated material.** Excavated material must not be reused on the property except as follows:
- a. Fill is allowed under this consent;
 - b. The material constitutes Virgin Excavated Natural Material as defined in the *Protection of the Environment Operations Act 1997*;
 - c. the material is reused only to the extent that fill is allowed by the consent.
53. **Construction materials.** All materials associated with construction must be retained within the site.

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54. Site Facilities

The following facilities must be provided on the site:

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

55. Site maintenance

The applicant must ensure that:

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

56. 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".

57. Tree protection – no unauthorised removal. This consent does not authorise the removal of trees unless specifically permitted by a condition of this consent or otherwise necessary as a result of construction works approved by this consent.

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

PRIOR TO OCCUPATION CERTIFICATE

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

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

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

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59. **BASIX.** The submission of documentary evidence of compliance with all commitments listed in BASIX Certificate numbered 462619S_02, dated 3 July 2013.
60. **Landscaping.** All landscaping works approved under this consent are to be completed prior to the issue of the final **Occupation Certificate**.
61. **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**.
62. **Sydney Water – Section 73.** A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation. Application must be made through an authorised Water Servicing Co-ordinator. Please refer to the Building Developing and Plumbing section of the web site www.sydneywater.com.au then refer to “Water Servicing Coordinator” under “Developing Your Land” or telephone 13 20 92 for assistance.

Following application a “Notice of Requirements” will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Co-ordinator, since building of water/sewer infrastructure can be time consuming and may impact on other services and building, driveway or landscape design.

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

63. **Letterboxes and street/house numbering.** All letterboxes and house numbering are to be designed and constructed to be accessible from the public way. Council must be contacted in relation to any specific requirements for street numbering.

Engineering Conditions

64. **Disused Gutter Crossing.** All disused gutter and footpath crossings shall be removed and the kerb and footpath reinstated to the satisfaction of Council.
65. **Footpath Paving Construction.** The applicant shall, at no cost to Council, construct standard concrete footpath paving across the frontage of the property in Yarwood and Coral Streets. Levels of the footpath paving shall conform with levels issued by Council's Engineering Services Division.
66. **On-Site Stormwater Detention System - Marker Plate.** Each on-site detention system basin shall be indicated on the site by fixing a marker plate. This plate is to be of minimum size: 100mm x 75mm and is to be made from non-corrosive metal or 4mm thick laminated plastic. It is to be fixed in a

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prominent position to the nearest concrete or permanent surface or access grate. The wording on the marker plate is described in City of Ryde, Development Control Plan 2010: - Part 8.2; Stormwater Management. An approved plate may be purchased from Council's Customer Service Centre on presentation of a completed City of Ryde OSD certification form.

67. **Work-as-Executed Plan.** A Work-as-Executed plan signed by a Registered Surveyor clearly showing the surveyor's name and the date, the stormwater drainage, including the on-site stormwater detention system if one has been constructed and finished ground levels **is to be submitted to the Principal Certifying Authority (PCA)** and to Ryde City Council if Council is not the nominated PCA.
68. **Drainage Construction.** The stormwater drainage on the site is to be constructed in accordance with plan the Construction Certificate version of Job No53657M issue C dated 9/7/13 prepared by Rafeletos Zanuttini Pty Ltd.
69. **Compliance Certificates – Engineering.** Compliance Certificates should be obtained for the following (If Council is appointed the Principal Certifying Authority [PCA] then the appropriate inspection fee is to be paid to Council) and **submitted to the PCA:**
 - Confirming that all vehicular footway and gutter (layback) crossings are constructed in accordance with the construction plan requirements and Ryde City Council's *Environmental Standards Development Criteria – 1999 section 4*.
 - Confirming that the driveway is constructed in accordance with the construction plan requirements and Ryde City Development Control Plan 2010: - Part 8.3; Driveways.
 - Confirming that the site drainage system (including the on-site detention storage system) servicing the development complies with the construction plan requirements and City of Ryde, Development Control Plan 2010: - Part 8.2; Stormwater Management
 - Confirmation from Council that footpath paving for the frontages of Yarwood & Coral Streets have been constructed to the Council's satisfaction
 - Confirming that after completion of all construction work and landscaping, all areas adjacent the site, the site drainage system (including the on-site detention system), and the trunk drainage system immediately downstream of the subject site (next pit), have been cleaned of all sand, silt, old formwork, and other debris.
 - Confirming that the vehicular crossing has been removed and the kerb and gutter have been constructed in accordance with Council's *Environmental Standards Development Criteria -1999 section 4*

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70. **Positive Covenant, OSD.** The creation of a Positive Covenant under Section 88 of the Conveyancing Act 1919, burdening the property with the requirement to maintain the stormwater detention system on the property. The terms of the instruments are to be generally in accordance with the Council's draft terms of Section 88E instrument for Maintenance of Stormwater Detention Systems and to the satisfaction of Council.

End of consent

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Quality Certification

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

LDA No:	2013/0073
Date Plans Rec'd	20 March 2013. Amended Plans received 12 July 2013
Address:	6 Yarwood Street, Marsfield.
Proposal:	Demolition, new dual occupancy (attached).
Constraints Identified:	Nil

COMPLIANCE CHECK

RYDE LEP 2010	PROPOSAL	COMPLIANCE
4.3(2) Height • 9.5m overall	7.669m	Yes
4.4(2) & 4.4A(1) FSR • 0.5:1	0.52:1	No – Compliance under 'Deferred Commencement'

DCP 2010	PROPOSED	COMPLIANCE
Part 3.3 – Dwelling Houses and Dual Occupancy (attached)		
Desired Future Character		
Development is to be consistent with the desired future character of the low density residential areas.	The proposed development is consistent with the desired future character of the low density residential area as detailed further in this table. It is noted for future reference throughout this table that the proposed development is a dual occupancy.	Yes
Dwelling Houses		
- To have a landscaped setting which includes significant deep soil areas at front and rear.	Front and rear gardens proposed to both units of the dual occupancy with significant deep soil zones.	Yes
- Maximum 2 storeys.	Two storeys proposed.	Yes
- Dwellings to address street	Dwelling is considered to present to both street frontages, Yarwood Street and Coral Street.	Yes

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DCP 2010	PROPOSED	COMPLIANCE
<ul style="list-style-type: none"> - Garage/carports not visually prominent features. 	<p>Double garages to both dwellings are recessed from the main building line to ensure it is not visually prominent.</p>	<p>Yes</p>
Dual Occupancy – Linear Separation		
<ul style="list-style-type: none"> - Any urban housing, multi dwelling (attached), villa homes, duplex, dual occupancy (attached) within double the main frontage of the subject site or existing villa/dual occupancy site? 	<p>No existing or approvals within distance.</p>	<p>Yes</p>
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. - Single storey entrance porticos. - Articulated street facades. - Corner buildings to address both frontages 	<p>Front doors to dwelling 'A' face Yarwood Street, front doors to dwelling 'B' face Coral Street. Windows of Dwelling A face both Coral and Yarwood Street however Dwelling B does not have any ground floor windows due to the revised layout.</p> <p>Single entrance portico to both dwellings proposed.</p> <p>Highly articulated street façade to both Yarwood and Coral Street.</p> <p>Building is considered to address both street frontages.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</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>There is no water view from the street. The development allows for views along the side setback corridors; therefore there will be no obstruction to views.</p> <p>The proposed garages will not be located within any view corridors.</p> <p>Not applicable as no available views/view corridors.</p>	<p>N/A</p> <p>Yes</p> <p>N/A</p>

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DCP 2010	PROPOSED	COMPLIANCE
<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>Sightlines to footpath and road are considered to be provided as landscaping is not proposed adjacent to the driveway entrance.</p> <p>No front fencing has been proposed as part of the subject development application.</p>	<p>Yes</p> <p>N/A</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). - Dual occupancy developments only need 1 of 8 x 8m area (doesn't have to be shared equally). 	<p>251.45m² approx. (42.70% of site area).</p> <p>Singular 8m x 8m (64m²) deep soil zone not provided. It is noted however that a 64m² singular area of deep soil in the rear yard of dwelling B has been provided. Although not meeting the numerical dimensions of 8m x 8m it is considered the proposed deep soil zone is sufficient given the area is greater to that of an 8m x 8m area.</p> <p>100% permeable area in front yard of dwelling 'A' approx. 82m², dwelling 'B' 26.28m². Hard surface areas have been kept to a minimum.</p> <p>See above</p>	<p>Yes</p> <p>No - Justifiable</p> <p>Yes</p> <p>No - Justifiable</p>
<ul style="list-style-type: none"> • Topography & Excavation <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 	<p>Max cut: 770mm</p> <p>Max fill: 1.065m S corner of Dwelling B family room</p> <p>Max cut: 770mm</p> <p>Max fill: 655mm – Outside garage of Dwelling A</p>	<p>Yes</p> <p>No - Justifiable</p> <p>Yes</p> <p>No - Justifiable</p>

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DCP 2010	PROPOSED	COMPLIANCE
	Although exceeding the maximum levels of fill within and outside the dwelling footprint, as the non-compliances are minimal and do not compromise the privacy of the neighbouring allotments, overall building height or overshadowing impacts it is considered that this non-compliance is justifiable in this instance.	
<ul style="list-style-type: none"> - 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>No fill proposed between the side of the building and boundary or close to the rear boundary.</p> <p>Not in overland flow path 600mm</p>	<p>Yes</p> <p>N/A Yes</p>
Floor Space Ratio		
<ul style="list-style-type: none"> - Ground floor - First floor - Total (Gross Floor Area) - Less 36m² (double) or 18m² (single) allowance for parking <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>197.99m²</p> <p>143.91m²</p> <p>341.90m²</p> <p>305.90m²</p> <p>0.520:1</p>	<p>No – Compliance under ‘Deferred Commencement’</p>
Height		
<ul style="list-style-type: none"> - 2 storeys maximum (storey) incl basement elevated greater than 1.2m above EGL). - 1 storey maximum above attached garage incl semi-basement or at-grade garages. <p>Wall plate (Ceiling Height)</p> <ul style="list-style-type: none"> - 7.5m max above FGL or - 8m max to top of parapet. 	<p>2 storeys proposed.</p> <p>Max. one storey proposed above garage.</p> <p>TOW RL: 97.615 FGL below (lowest point): RL: 91.60 (where dining and family room meet on eastern side of building)</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>

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DCP 2010	PROPOSED	COMPLIANCE
NB: <i>TOW = Top of Wall</i> <i>EGL = Existing Ground Level</i> <i>FGL = Finished Ground Level</i>	TOW Height (max)= 6.015m	
- 9.5m Overall Height <i>NB: EGL – Existing ground Level</i>	Max point of dwelling (ridge) RL: 99.269 EGL below ridge (lowest point) RL: 91.60 Overall Height (max)= 7.669m	Yes
- Habitable rooms to have 2.4m floor to ceiling height (min).	2.44m min room height	Yes
Setbacks		
<ul style="list-style-type: none"> • Side <ul style="list-style-type: none"> ○ Two storey dwelling <ul style="list-style-type: none"> - 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 - 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 <ul style="list-style-type: none"> - 8m to rear of dwelling OR 25% of the length of the site, whichever is greater. Note: 8.75m is 25% of site length. 	<p>Minimum setback to south-eastern boundary of 2.195m. Minimum side setback on secondary frontage (Coral Street) of 2m.</p> <p>6m from Yarwood Street to front façade of Dwelling 'A' Minimum 2m front setback of Dwelling 'B' to secondary street frontage (Coral Street). Both garages setback 1m from the dwelling façade. Wall above aligns with outside face of garage below. Front setback free of ancillary elements.</p> <p>Minimum 5.042m to dwelling 'B'. Maximum of 7.5m to the rear building alignment.</p> <p>Due to the irregular and narrow shape of the allotment and the fact that it has two street frontages being utilised by the dual occupancy, it is considered in this instance that compliance with the 8m rear setback is unachievable. Additionally the existing dwelling on site provides only</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>No - Justifiable</p>

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DCP 2010	PROPOSED	COMPLIANCE
	<p>a 2.4m rear setback (i.e detached garage), therefore the proposed dwelling represents an increased rear setback.</p> <p>It is noted the site length varies due to the irregular allotment shape. Site length has been determined by finding the middle point of the front and rear boundary and constructing a line between the two points.</p>	
Car Parking & Access		
<ul style="list-style-type: none"> • General <ul style="list-style-type: none"> - Dual Occupancy (attached): 1 space max per dwelling. - Where possible access off secondary street frontages or laneways is preferable. - Max 6m wide or 50% of frontage, whichever is less. - Behind building façade. • Garages <ul style="list-style-type: none"> - 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 required - Materials in keeping or complementary to dwelling. • Parking Space Sizes (AS) <ul style="list-style-type: none"> - Double garages: 5.4m w (min) - Internal length: 5.4m (min) 	<p>Two (2) spaces per dwelling proposed. Total of four (4) spaces for the proposed dual occupancy.</p> <p>Access from: Yarwood Street for dwelling 'A' and Coral Street for dwelling 'B'. External width: 5.5m</p> <p>Both double garages are located behind the building façade.</p> <p>Both garages setback minimum 1m from dwelling façade. Width of opening: 4.8m</p> <p>Door setback: 300mm</p> <p>Windows setback: No windows proposed to either of the garages. Solid proposed Materials: consistent with new dwelling.</p> <p>5.4m 5.4m</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> <p>Yes</p>

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DCP 2010	PROPOSED	COMPLIANCE
<ul style="list-style-type: none"> • Driveways - Extent of driveways minimised 	Driveway minimised to allow only for exit and entry of vehicles.	Yes
Swimming Pools & Spas		
	No swimming pool proposed	N/A
Landscaping		
<ul style="list-style-type: none"> • Trees & Landscaping - Major trees retained where practicable. - Physical connection to be provided between dwelling and outdoor spaces where the ground floor is elevated above NGL e.g. stairs, terraces. - Obstruction-free pathway on one side of dwelling (excl cnr allotments or rear lane access). - Front yard to have at least 1 tree with mature ht of 10m min and a spreading canopy. - 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. 	<p>Major trees have been retained where practicable however it is noted some minor trees have been proposed to be removed. It is noted that there are discrepancies between the Landscape plan and Architectural site plan which note different trees to be removed and retained.. Condition is to be inserted which requires consistent plans to be submitted.</p> <p>Access to the outdoor spaces are provided through the incorporation of rear decks and terraces with stairs to the rear yards.</p> <p>Obstruction free pathways are provided on both sides of the dwelling.</p> <p>Front yard of both dwellings has a tree (<i>Tristanopsis laurina</i>) that is capable of reaching 10m with a spreading canopy</p> <p>Back yard of dwelling 'B' has a tree (<i>Fraxinus Raywood</i>) that is capable of reaching 15m with a spreading canopy.</p> <p>Assessed as being compliant with 2.7m height limit.</p> <p>OSD not located in front setback.</p>	<p>Yes / No To Be Conditioned</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>

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DCP 2010	PROPOSED	COMPLIANCE
<ul style="list-style-type: none"> - Landscaped front garden, with max 40% hard paving. 	Dwelling 'A' Hard Paving: approx. 30% Dwelling 'B' Hard Paving: 42%	Yes / No Justifiable
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. <u>Subject Dwelling:</u> - 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. <u>Neighbouring properties are to receive:</u> - 2 hours sunlight to at least 50% of adjoining principal ground level open space between 9am and 3pm on June 21. - At least 3 hours sunlight to a portion of the surface of north facing adjoining living area windows between 9am and 3pm on June 21. 	<p>Living areas have generally been orientated to the north where possible.</p> <p>Setbacks of over 4m have been provided for windows facing north.</p> <p>According to the shadow diagrams submitted, the subject dwellings north facing windows will receive a minimum of 3 hours of sunlight to a portion of their surface between 9am and 3pm on 21 June.</p> <p>According to the shadow diagrams, submitted the subject dwelling will receive a minimum of 2 hours of sunlight between 9am and 3pm on 21 June.</p> <p>According to the shadow diagrams submitted, the adjoining principal ground level open space will receive at least 2 hours of sunlight between 9am and 3pm on 21 June.</p> <p>According to the shadow diagrams, submitted the neighbouring properties will receive minimum 3 hours sunlight to a portion of the surface of north facing adjoining living area windows between 9am and 3pm on 21 June.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>

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ATTACHMENT 2

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. - Side windows offset from adjoining windows. - Terraces, balconies etc. are not to overlook neighbouring dwellings/private open space. 	<p>Windows of living areas, balconies and outdoor living areas have generally been orientated to the front and rear of the dwelling. It is noted that some windows of Dwelling B have been orientated towards the dwelling of No.8 Yarwood Street and may allow for potential overlooking due to the limited setback to the boundary. As such it is recommended that a condition be imposed that requires a privacy screen to be installed along this boundary to mitigate any negative privacy impacts from these windows.</p> <p>Windows to living, dining, family etc. do not afford any close or direct views to adjoining dwelling or open space.</p> <p>Windows have generally been offset from adjoining windows, however on Dwelling 'B' the kitchen, dining and family room on the ground floor and bedroom 2 & 3 on the first floor include windows which are generally aligned with those windows on neighbouring development at No.8 Yarwood St. As such it is recommended that a privacy screen to be installed along this boundary to mitigate any negative privacy impacts from these windows.</p> <p>Proposed balcony of dwelling 'A' is minor and has been screened by way of landscaping to reduce any impacts of overlooking.</p>	<p>Yes / No To Be Conditioned</p> <p>Yes</p> <p>No – Justifiable</p> <p>Yes</p>

ITEM 2 (continued)

ATTACHMENT 2

DCP 2010	PROPOSED	COMPLIANCE
<ul style="list-style-type: none"> • 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>Layout is considered acceptable in terms of provision of acoustic privacy through locating rooms of like uses adjacent to each other.</p> <p>No significant views identified.</p> <p>Allowance for cross ventilation provided as part of the proposal</p>	<p>Yes</p> <p>N/A</p> <p>Yes</p>
External Building Elements		
<ul style="list-style-type: none"> • Roof - Articulated. - 450mm eaves overhang minimum. - Not to be trafficable Terrace. - Skylights to be minimised and placed symmetrically. - Front roof plane is not to have both dormer windows and skylights. 	<p>Articulated 450mm overhang provided.</p> <p>None provided None proposed</p> <p>None proposed</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
Fencing		
<ul style="list-style-type: none"> • Front/return: - To reflect design of dwelling. • Side/rear fencing: - 1.8m max o/a height. 	<p>No front or return fencing proposed as part of the subject development application</p> <p>Height: 1.8m Materials proposed: Lapped and capped timber fence.</p>	<p>N/A</p> <p>Yes</p>
Part 7.2 – Waste Minimisation & Management		
Submission of a Waste Management Plan	The applicant has submitted a Waste Management	Yes
Part 8.2 – Stormwater Management		
<ul style="list-style-type: none"> • Stormwater 		
- Drainage is to be piped in accordance with Part 8.2 – Stormwater Management.	Drainage plans submitted and approved by Development Engineer subject to 19 conditions of consent.	Yes

ITEM 2 (continued)

ATTACHMENT 2

DCP 2010	PROPOSED	COMPLIANCE
Part 9.2 – Access for People with Disabilities		
Accessible path required from the street to the front door, where the level of land permits.	Pathway provided from the street to the front door.	Yes
Part 9.4 – Fencing		
<ul style="list-style-type: none"> • Front & Return Fences - Front and return fences that exceed 1m in height are to be 50% open. 	No front or return fencing proposed as part of the subject development application	N/A
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 the roots of neighbouring trees (possibly leading to instability and/or health deterioration), and canopy spread/shade from</p>	<p>Trees have been addressed in the Statement of Environmental Effects. It is noted that three (3) trees are proposed to be removed. These have been identified as being two (2) <i>Chamaecyparis ssp</i> (Cypress) which are considered insignificant in terms of providing amenity and one (1) small unidentified tree of exotic appearance on the south western side boundary. It is noted however that there are discrepancies between the Landscape plan and Architectural site plan which notes different trees to be removed and retained. Condition is to be inserted which requires consistent plans to be submitted.</p> <p>Removal supported and concurred by CPS Landscape / Arborist.</p>	To be conditioned –

ITEM 2 (continued)

ATTACHMENT 2

DCP 2010	PROPOSED	COMPLIANCE
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 Certificates 462595S & 462619S_02 dated 3 July 2013	BASIX certificate provided for both dwellings.	Yes
• RWT 3000L per dwelling	3000L proposed to each dwelling	Yes
• Swimming Pool	None proposed	N/A
• Thermal Comfort Commitments: - Construction - TCC – Glazing.	To comply	Yes Yes
• Solar Gas Boosted HWS 26-30 RECS+	To comply	Yes
• Natural Lighting - Kitchen (1) - bathrooms (3)	1 proposed to each dwelling 3 proposed to each dwelling	Yes Yes
Water Target 40	Water: 41 Dwelling 'A' Water: 40 Dwelling 'B'	Yes
Energy Target 40	Energy: 42 Dwelling 'A' Energy: 41 Dwelling 'B'	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.	Plan submitted	Yes
• Demolition Work Plan	Plan submitted	Yes
• Waste Management Plan	Plan submitted	Yes

ITEM 2 (continued)

ATTACHMENT 2

Summary of Issues/Non compliances:

Non compliances – justifiable

- Min. 8m x 8m deep soil area in backyard not provided
- Min. 8m setback to rear boundary not achieved
- Max. level of fill outside the dwelling footprint exceeded.
- Max. level of fill within the building footprint exceeded.

Non compliances – justifiable with condition of consent

- Some windows of the dwelling may have the potential to allow for overlooking to the neighbouring dwelling.
- Landscape plans and architectural site plans note different trees to be removed and retained on site.

Non compliances – non-justifiable

- Max. floor space ratio exceeded, to be dealt with under deferred commencement conditions

Certification

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

Name: Ben Tesoriero



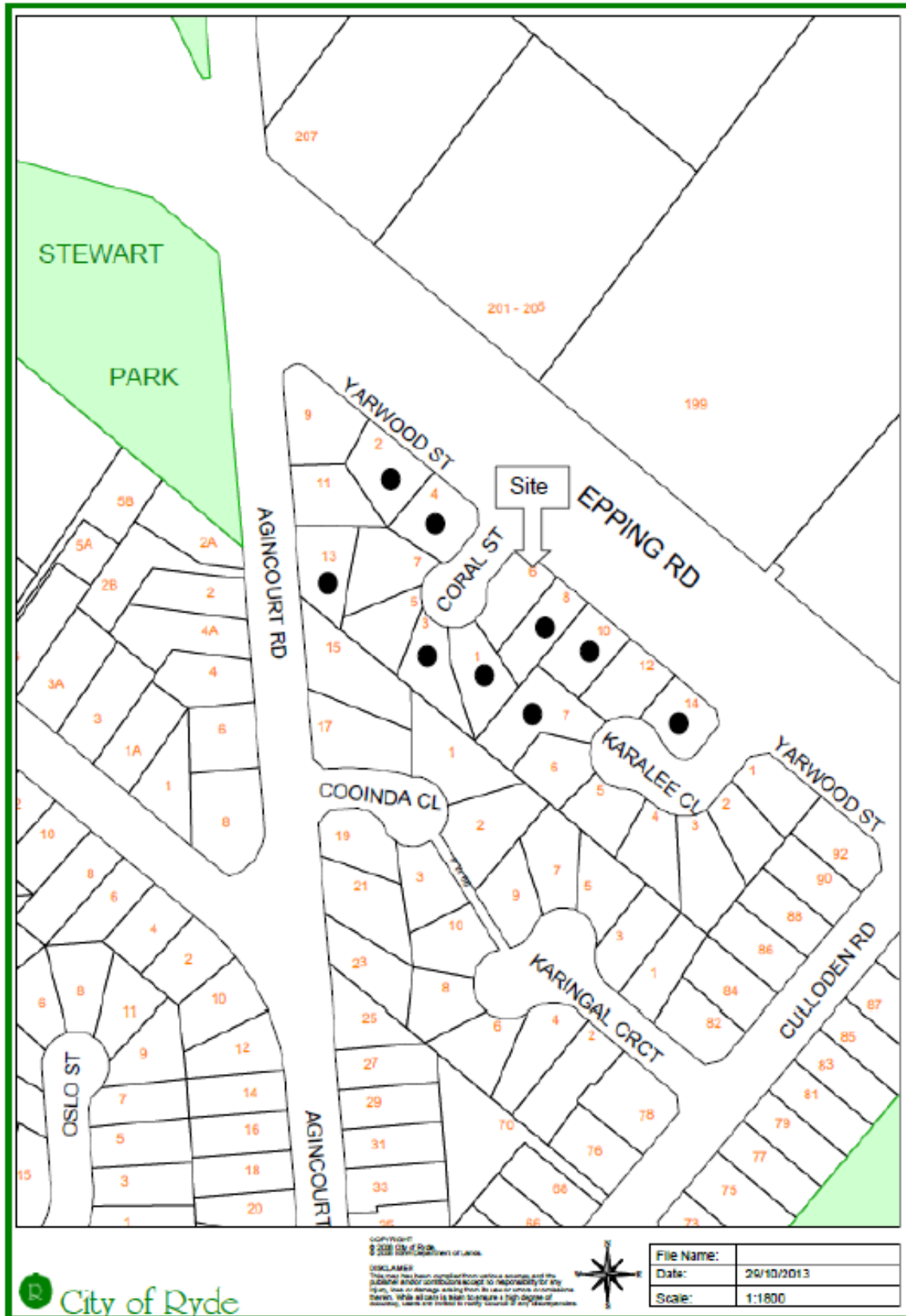
Signature:

Date: 7 October 2013

ITEM 2 (continued)

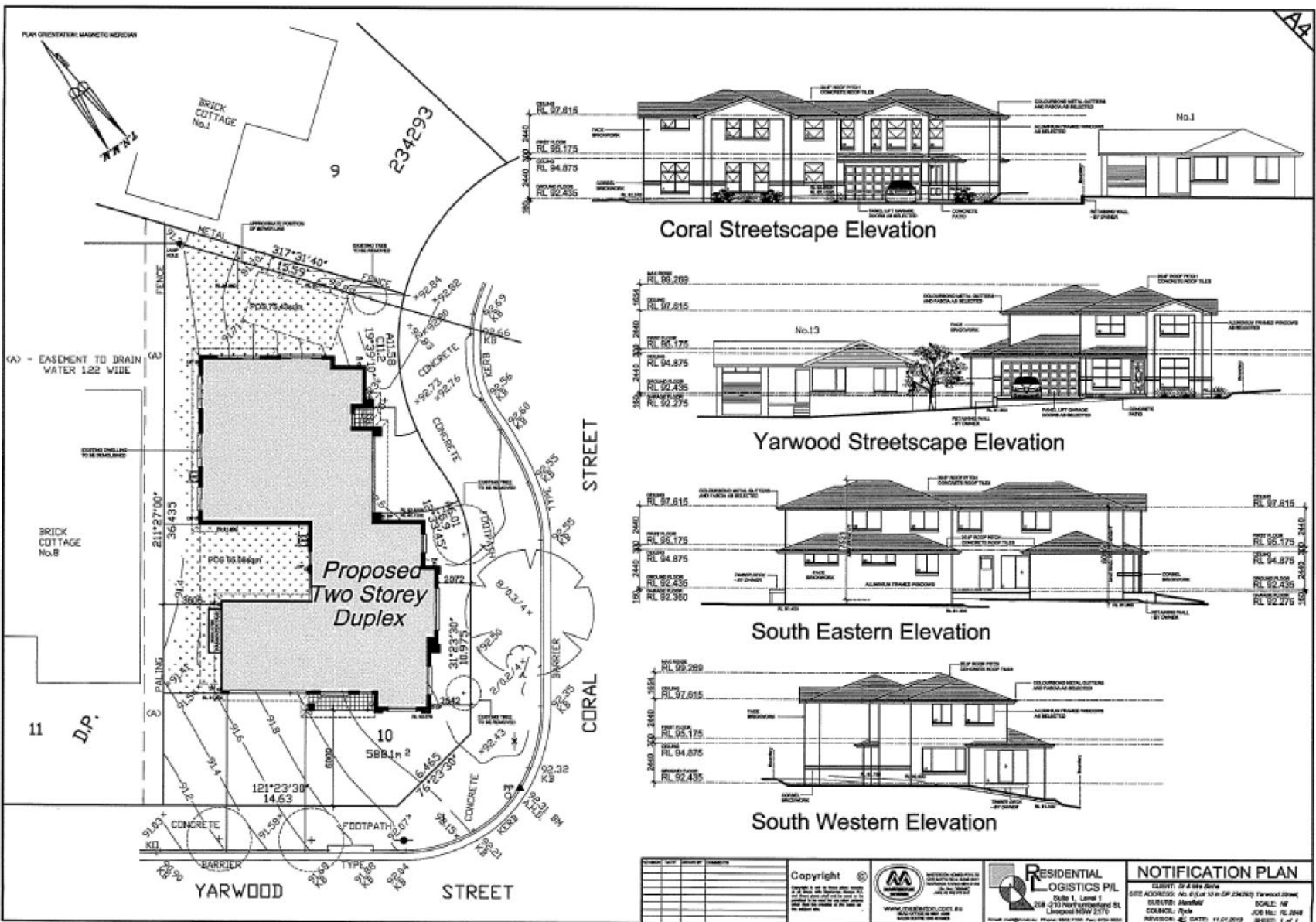
ATTACHMENT 3

● Indicates submissions received



ITEM 2 (continued)

ATTACHMENT 4



<table border="1"> <tr><th>NO.</th><th>DATE</th><th>REVISION</th></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> </table>	NO.	DATE	REVISION										<p>Copyright ©</p> <p>RESIDENTIAL LOGISTICS P/L</p> <p>10/10 Northumberland St Lindfield NSW 2110</p> <p>www.residentiallogistics.com.au 02 9439 8888</p>	<p>RESIDENTIAL LOGISTICS P/L</p> <p>Scale 1: Level 1</p> <p>204 - 210 Northumberland St Lindfield NSW 2110</p> <p>www.residentiallogistics.com.au 02 9439 8888</p>	<p>NOTIFICATION PLAN</p> <p>CLIENT: 504 696 5044</p> <p>SITE ADDRESS: No. 6/104 to 10/507 234293 Yarwood Street</p> <p>DESIGNER: HansRed</p> <p>SCALE: A4</p> <p>JOB No.: RL 204</p> <p>REVISION: DATE: 11/01/2019 SHEETS: 1 of 2</p>
NO.	DATE	REVISION													

3 51 BAYVIEW STREET, TENNYSON POINT - LOT 2 in a Subdivision of LOT 103 DP 1003228. Development application for two storey dual occupancy (attached) including two swimming pools. LDA2012/0478.

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

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

Report dated: 21/10/2013

File Number: grp/09/5/6/2 - BP13/1537

1. Report Summary

Applicant: Ms B Foristal, Mr F Foristal, Ms J Foristal & Mr A Foristal

Owner: Ms B Foristal, Mr F Foristal, Ms J Foristal & Mr A Foristal

Date lodged: 19 December 2012 (amended plans received 9 August 2013)

This report considers a development application (DA) for a two storey attached dual occupancy including two swimming pools within the foreshore building line at 51 Bayview Street, Tennyson Point.

The original DA was notified to neighbours and one (1) submission was received from the neighbouring property located immediately south (No. 53A Bayview Street) raising issues regarding the number/extent of non-compliance with Council's DCP2010 Part 3.3 Dwelling Houses and Dual Occupancy (Attached), and particularly where these non-compliances relate to impacts on the objector's property, including the height of the pool/deck above natural ground level, and privacy impacts on the objector's property.

The applicant submitted amended plans which reduced the pool deck height and included privacy screening to the swimming pool area to reduce any overlooking impacts. The amended plans were re-notified and two (2) further submissions were received from the same neighbour raising issues regarding visual privacy and landscaping.

The proposal has been assessed against the controls contained in Ryde DCP 2010 and there are several non-compliances relating to wall plate height, topography & excavation, pool coping height, overshadowing, hard paved area within front setback, pathways to side of dwellings and landscaping requirements. As discussed in the report, these non-compliances are considered to be justifiable because the proposal still enables the objectives of the DCP controls to be met, and also because the adverse impacts arising from such non-compliances on neighbouring properties can be addressed via conditions or have been addressed in the amended plans.

One of the main issues of concern raised by the neighbour in terms of DCP compliance is the height of the pool (and pool deck) above existing ground level and its impacts on their property. In this respect, as discussed in the report, although the pool/deck will be built some 2.75m above natural ground level (at the western end), this will result in a very similar built-form outcome to what exists on the objector's property, which also contains a swimming pool with its coping/deck up to 2m above ground level at its highest point. It must be noted that the topography of this location (which slopes steeply to the waterfront) makes it difficult to achieve full compliance with the DCP controls.

ITEM 3 (continued)

It is noted that the subject site has been vacant for many years (the site is a very large allotment with a dwelling at the front facing Bayview Street and has been recently subdivided to create the vacant portion as a separate allotment) – and the rear allotment is now for the first time the subject of a development proposal. It is realistic to expect that a new building to be erected on previously vacant land will have some impacts on neighbouring properties not previously experienced. It is considered that the design of this development is sympathetic and minimises adverse impacts to neighbouring properties.

Another issue that has arisen in the processing of this DA is the purpose and status of Council's DCP, particularly where the proposal involves variation (non-compliance) with the numerical controls in the DCP. In this regard, it is noted that changes in the *Environmental Planning and Assessment Amendment Act 2012*, re-inforced that consent authorities (ie Council) must be flexible in the way DCP controls are applied, and also must allow for reasonable alternative solutions to achieve the objective of a standard. In keeping with these legislative changes, although there are some non-compliances with the numerical controls in the DCP, it is considered that the alternative design solutions proposed by the applicant enable the objectives of the controls to be met. For example, 1.8m high privacy screens are proposed to the side of the pool deck facing the objector's property.

The proposal is considered to be consistent with the desired future character for the R2 Low Density Residential area which permits dual occupancy development, and the character of the existing residential development in the Tennyson Point area. It is therefore recommended that this DA be approved. Such approval should be a "deferred commencement" consent – because the subject land is a proposed new allotment in an approved (but not yet registered) subdivision.

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

Public Submissions: Three (3) submissions in total – one (1) submission was received objecting to the original plans, and two (2) further submissions were received from the same neighbouring property objecting to the amended plans.

SEPP 1 (or clause 4.6 RLEP 2010) objection required? Yes, Clause 4.6 variation to standard 6.3(2) Foreshore Building Line submitted in relation to swimming pools elevated above ground level.

Value of works: \$1,300,000

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

ITEM 3 (continued)

RECOMMENDATION:

- (a) That LDA2012/0478 at 51 Bayview Street, Tennyson Point being LOT 2 in a Subdivision of LOT 103 DP 10003228 be approved via a Deferred Commencement consent subject to the conditions contained within **ATTACHMENT 1**.

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

ATTACHMENTS

- 1** Draft Conditions of Consent (Deferred Commencement)
- 2** Compliance Table Ryde DCP 2010
- 3** Compliance Table - Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 and Sydney Harbour Foreshores and Waterways Area DCP for SREP (Sydney Harbour Catchment) 2005
- 4** Map
- 5** A4 Plans
- 6** Neighbour submission/plan in response to amended plans regarding impacts on their property (18 September 2013) - CIRCULATED UNDER SEPARATE COVER
- 7** Applicant response (26 September 2013) to neighbour submission - CIRCULATED UNDER SEPARATE COVER
- 8** A3 Plans - subject to copyright provisions - CIRCULATED UNDER SEPARATE COVER

Report Prepared By:

Chris Young
Team Leader – Assessment

Ben Tesoriero Planning Consultant
Creative Planning Solutions

Report Approved By:

Liz Coad
Manager Assessment

Meryl Bishop
Acting Group Manager - Environment and Planning

ITEM 3 (continued)

2. Site (Refer to attached map overleaf)

- Address** : 51 Bayview Street, Tennyson Point
(Proposed LOT 2 in subdivision of LOT 103 in Deposited Plan 1003228)
- Site Area** : 1218m²
3.50m wide access handle to Bayview Street
Skewed front boundary to 53 Bayview Street of 18.275m
Southern side boundary of 92.90m
Irregular rear boundary to Morrisons Bay of approx. 19.50m
Northern side boundary of 51.85m
Northern access handle side boundary of 33m
- Topography and Vegetation** : The topography of the local area is relatively steep with the site having a fall from Bayview Street to Morrisons Bay of approximately 11m. Significant foreshore vegetation is proposed to be retained and protected with other minor vegetation on site to be removed to enable construction.
- Existing Buildings** : Vacant allotment
- Planning Controls Zoning** : R2 – Low Density Residential under Ryde LEP 2010
R2 – Low Density Residential under draft Ryde LEP 2011
- Other** : Ryde DCP 2010
Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005
DCP for Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005.

ITEM 3 (continued)



Aerial Image of subject site, including location of objector's property



Subject Site (view from southern boundary). Note dwelling at the front of the site is located on Lot 1 in approved subdivision (ie a different allotment to the subject development).

ITEM 3 (continued)

3. Councillor Representations

Name of Councillor: Councillor Chung

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

Date: 10 September 2013

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

On behalf of applicant or objectors? Objectors at No 53A Bayview Street.

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

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 at 51 Bayview Street, Tennyson Point:

Proposed Development:

- Construction of a two storey dual occupancy with the following layout:

Unit 1:

- Master bedroom with walk-in-robe, en-suite and balcony, bedroom with built-in robe, gallery, bathroom and single car garage on the lower level of the first floor
- Two (2) bedrooms with built in robes on the upper level of the first floor, one (1) with balcony orientated towards Bayview Street.
- Family room, kitchen with walk-in pantry and dining room on the lower level of the ground floor
- Lounge room, laundry and bathroom on the mid level of the ground floor
- Media room and front entry on the upper level of the ground floor
- Large outdoor deck extending from the family room on the ground floor
- Elevated swimming pool and paved surrounds below the outdoor deck area

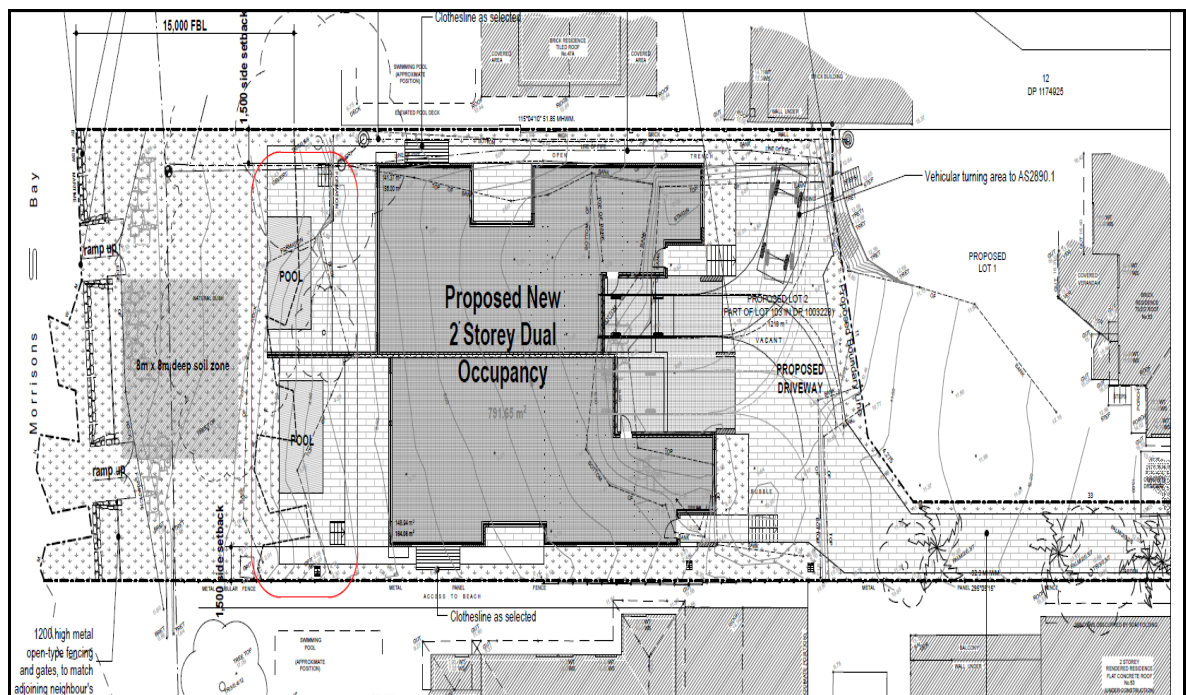
ITEM 3 (continued)

Unit 2:

- Master bedroom with walk-in-robe, en-suite and balcony, gallery, study, bathroom and single car garage on the lower level of the first floor
- Two (2) bedrooms with built in robes on the upper level of the first floor, one (1) with balcony orientated towards Bayview Street.
- Family room, kitchen with walk-in pantry and dining room on the lower level of the ground floor
- Study/library, laundry and bathroom on the mid level of the ground floor
- Media room and front entry on the upper level of the ground floor
- Large outdoor deck extending from the family room on the ground floor
- Elevated swimming pool and paved surrounds below the outdoor deck area

Landscaping:

- The front vehicular entry of the dual occupancy consists of hard paved area sufficient for vehicles to enter and exit in a forward direction, boundary plantings and planter boxes
- Access is provided along both sides of the dual occupancy with timber decking to the rear and small clothes line area
- Steps are provided adjacent to the swimming pool area leading down to a landscaped foreshore area consisting of existing and proposed tree plantings, screen planting to the front of the swimming pools, turf open space and 1200mm high open style foreshore fencing.



Site Plan of Proposed Development

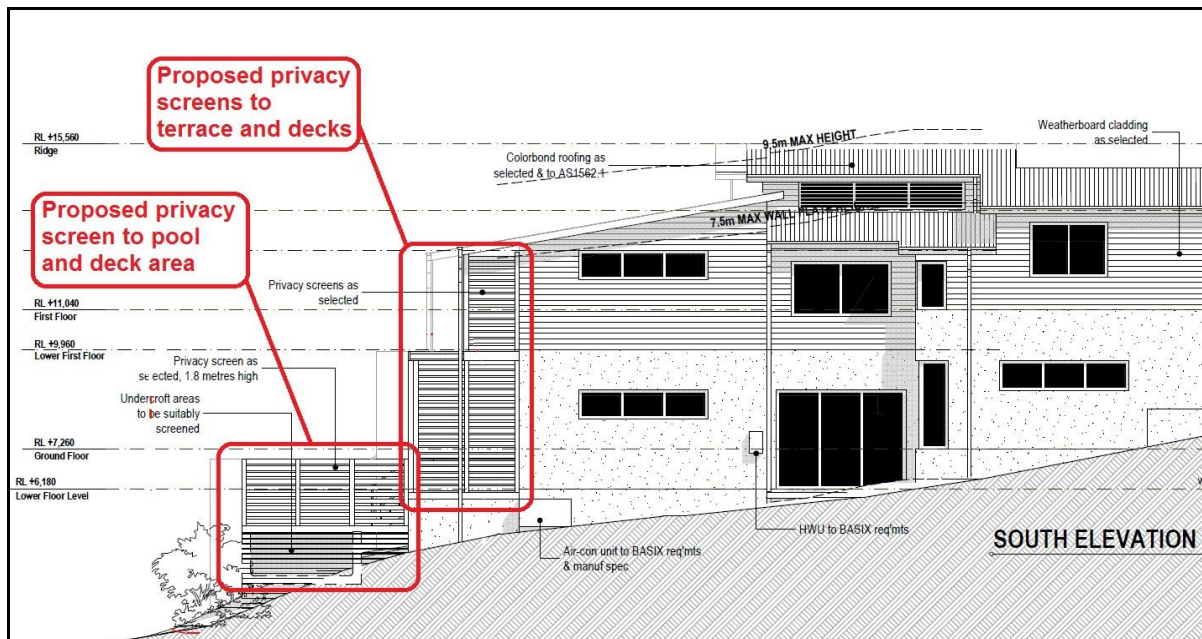
ITEM 3 (continued)

6. Background

The following is a brief overview of the development history relating to the proposed attached dual occupancy to be constructed on the subject site:

- The DA was lodged on 19 December 2012.
- Following the notification period one (1) submission was received from the neighbouring property located immediately south of the subject site (No.53A Bayview Street) regarding the number/extent of non-compliance with Council's DCP2010 Part 3.3 Dwelling Houses and Dual Occupancy (Attached), and particularly where these non-compliances relate to impacts on the objector's property. These include the height of the pool/deck above natural ground level, and privacy impacts on the objector's property.
- Additional information was requested by Council on 24 January 2013 in relation to the waterfront retaining walls, deep soil areas and building height clarification.
- Amended plans were received by Council on 4 February 2013 addressing the additional information requested by Council 24 January 2013.
- During February to April, Council's Health and Building (Enforcement) Team were investigating complaints regarding possible unauthorised works occurring at the site. Such works were relatively significant and involved jack-hammering, rock cutting/sawing and excavation, and concerns were raised that these works related to the construction of the subject dual occupancy proposal. However, the investigations revealed that the works related to laying of sewer and stormwater infrastructure in compliance with the previous subdivision approval (granted 7 January 2011 for a 2-lot subdivision), and were therefore not unauthorised works. Accordingly, no enforcement action was taken by Council officers beyond initial assessment and interviews with relevant parties.
- On 22 May 2013, a meeting was held between Council officers and the neighbouring objector (at Council offices) to discuss their concerns with proposed development. At that meeting, it was also agreed to undertake a site inspection to observe the concerns from their property, and this site inspection was undertaken on 11 June 2013.
- Meeting held with applicant on 3 July 2013 to discuss design amendments that would suitably address neighbour's concerns regarding privacy issues from the elevated pool and rear deck area as well as side facing windows.
- Amended plans received by Council on 9 August 2013 with design changes including reducing the pool deck height by some 360mm, installation of privacy screens (see elevation below) and providing an updated landscape plan and arborist report.

ITEM 3 (continued)



Amended South Elevation showing provision of privacy screens to the pool/deck area and side of balconies and terraces, as well as lowering the level of the pool/deck.

- Following the re-notification of the amended plans received by Council on 9 August 2013 two (2) further submissions were received objecting to the proposed development again from neighbouring property No.53A Bayview Street. The core concerns relating to this submission related to visual privacy issues from the rear swimming pool and deck area, first floor balcony, and bedroom windows and landscaping along the southern boundary.

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 8 January 2013 to 6 February 2013. It is noted that an extended notification period took place due to the January school holiday period coinciding with the notification period in accordance with Council policy.

In response to the **original proposal**, one (1) submission was received from the owner of the neighbouring property as shown on the air photograph earlier in this report (No.53A Bayview Street). The issues of concern raised in the neighbour's submission regarding the **original proposal** are discussed as follows:

- DCP Non-Compliances.** A detailed, clause by clause submission was received from the neighbour in terms of the proposal's compliance with DCP 2010 (Part 3.3).

Comment: Rather than responding to each objection made in the submission in this section of the report, assessment in terms of Council's DCP is made in **ATTACHMENT 2**, and the areas of non-compliance are discussed in the DCP Compliance section, later in this report.

ITEM 3 (continued)

As a general comment/observation in response to the objection regarding DCP compliance, these issues of concern regarding extent and number of non-compliances with Council's DCP raise the issue of the purpose and status of DCPs within the Environmental Planning and Assessment Act framework. In this regard, it is noted that changes in the *Environmental Planning and Assessment Amendment Act 2012*, re-inforced that consent authorities (ie Council) must be flexible in the way DCP controls are applied, and also must allow for reasonable alternative solutions to achieve the objective of a standard. In keeping with these legislative changes, although there are some non-compliances with the numerical controls in the DCP, it is considered that the alternative design solutions proposed by the applicant enable the objectives of the controls to be met.

It is very common that development on some of the more "difficult" sites across the City of Ryde (particularly those with a steep slope such as in this case) will have some (often multiple) areas of non-compliance with the numerical controls in the DCP. In such developments – in keeping with the recent legislative changes mentioned above – it is necessary to also consider whether the development meets the objectives of the DCP control, and whether any resulting adverse impacts (particularly on neighbouring properties) can be met. As discussed throughout this report, it is considered that this development does meet the objectives of the DCP controls and satisfactorily minimises adverse impacts on neighbouring properties.

- B. *Site Preparation and Excavation Works.*** *Various site works including excavation, jack-hammering, rock cutting etc were being undertaken before lodgement of the DA, and therefore such works were unauthorised.*

Comment: As noted in the Background section (above), the site works undertaken (December 2012-February 2013) were in accordance with the previous (2011) subdivision approval for this site, and were not "unauthorised" works. The works generally involved laying of sewer and stormwater infrastructure.

Amended Plans

Amended plans were received on 9 August 2013, which were then re-notified to neighbours for a period from 12 to 28 August 2013. Two (2) further submissions were received from the same neighbour (No 53A Bayview Street). The issues of concern are summarised and discussed as follows.

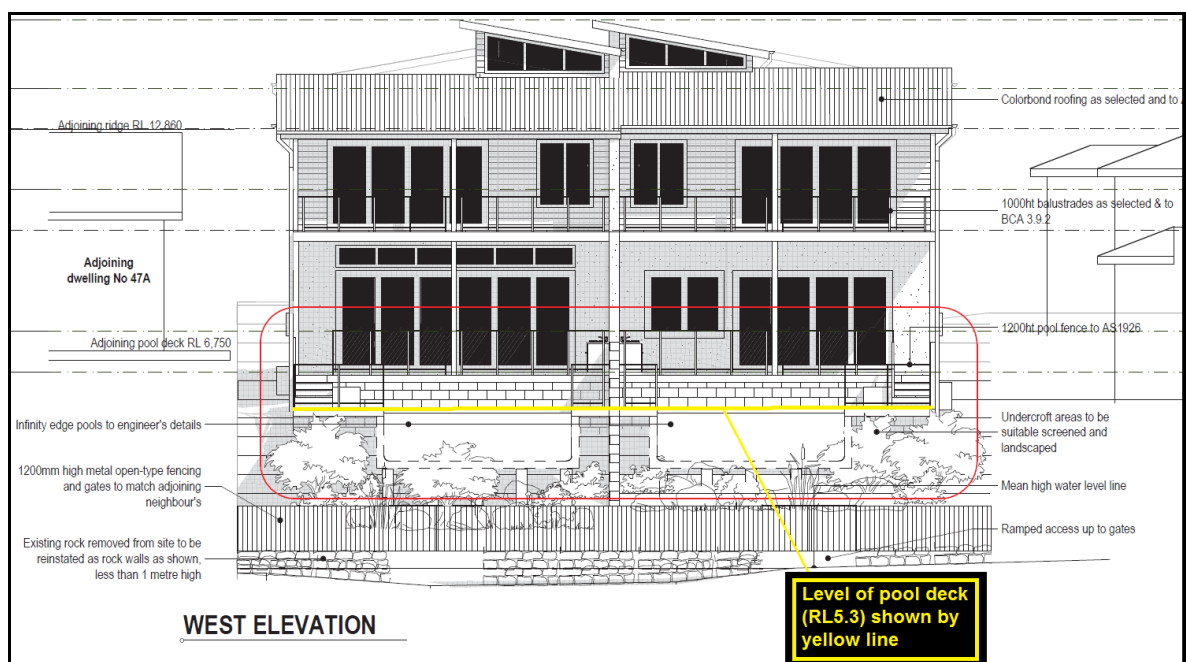
- C. *Swimming Pool and Deck*** – *Concerns are raised regarding the swimming pool and deck area providing for overlooking to the neighbouring pool and garden area.*

Comment: In Council officer's assessment of the original development application plans, visual privacy impacts from the swimming pool and deck area were identified as a potential issue due to their height above that of the neighbouring allotment at No.53A Bayview Street.

ITEM 3 (continued)

Accordingly, Council officers requested that revised plans be submitted that suitably address the privacy concerns relating to overlooking to the neighbouring private open space of No.53A Bayview Street.

Amended plans were received which included full height (1.8m) privacy screens to the length of the rear deck area (and also to the side of the 1st floor balcony – see drawing in the Background Section of this report (above)) which will prevent overlooking/privacy impacts on the neighbour. Furthermore, the height of the pool deck area was reduced by 360mm to increase the address concerns about the height of the pool above ground level. The west elevation of the proposed swimming pool (provided by the applicant) is shown below:



West Elevation

The objector has made two submissions regarding impacts from the swimming pool and deck area. In their second submission (dated 18 September 2013), the objector has provided a drawing to show privacy impacts on their property, together with a written submission. These are held at **ATTACHMENT 6** to this report (circulated under separate cover to Councillors). The applicant has provided a response to the objector's submission, and this held at **ATTACHMENT 7** to this report (also circulated under separate cover to Councillors).

Although it is noted that the swimming pool and deck area are still elevated above natural ground level and does not comply with the maximum 500mm coping height control, this is largely a result of the extremely steep topography across both allotments and the sharp cross fall due to highly modified landform. Accordingly it is inherently difficult to design a swimming pool with a coping that does not exceed 500mm above existing ground level on such a steeply sloping allotment.

ITEM 3 (continued)

In this regard, it is important to note that the objector's existing swimming pool/deck is also elevated above ground level by approximately 2m (at highest point), as a result of the sloping topography of the site. Therefore the subject proposal would result in a very similar built-form outcome to what exists on the objector's property. The height of the neighbour's pool above ground level, and the open/transparent fencing at the western end of the pool, are shown in the following photos.

However it should be noted that the objector's dwelling and pool (at No 53A) were constructed at a time when the subject land (No 51) was vacant at the rear, and so it would have been reasonable then not to provide full privacy screening to the pool and pool deck at No 53A.



Rear of existing pool on objector's property, showing height above ground level due to topography.

ITEM 3 (continued)



Existing pool on objector's property (subject site in background) – showing privacy screen wall that does not extend the full length of the pool.

It is noted that to ensure that privacy impacts are further mitigated from the subject deck and pool area, a condition of consent is to be imposed which requires the landscape screen planting along the side boundaries to be capable of reaching 2.7m in height with a dense foliage cover which will provide complimentary screening to assist in providing a suitable level of privacy to the neighbouring allotments (Refer to the DCP Compliance section of this report, below). See condition 1(c).

In relation to possible plant species, Council's Consultant Landscape Architect has suggested the use of either:

- *Syzygium australe* 'Pinnacle' – Lilly Pilly
- *Callistemon viminalis* 'Slim' – Bottlebrush

As both these cultivars are very narrow in form, ideal for growing in tight spaces and will provide dense foliage cover so as to provide a thick screen.

Given the above condition to be imposed relating to increasing the level of screen planting to the boundary and the installation of significant privacy screens, it is considered that neighbouring concerns relating to visual privacy from the rear deck and swimming pool area have been suitably addressed.

ITEM 3 (continued)

- D. ***First Floor Balcony*** – concerns are raised that views from the first floor balcony of Unit 2 will provide high level views to the private open space of the neighbouring allotment

Comment: The width of the balcony is only 1.5m, and the room adjacent is the main bedroom, which will not be used as a main living area. Additionally it is noted that the balconies include full height privacy screens to the side facing the neighbour's property, which will block any direct side views towards the neighbouring properties (Refer to elevation in the Background section earlier in report).

Again it is noted that due to the steep topography of the subject site it is considered very difficult to achieve full privacy to the private open spaces of neighbouring allotments and any two-storey dwelling on the subject site with balconies orientated to Morrisons Bay would allow for at least some level of overlooking.

Given the above, and the condition to be imposed relating to increasing the level of boundary screen planting (discussed later in report) it is considered that neighbouring concerns regarding visual privacy from the first floor balconies have been suitably addressed.

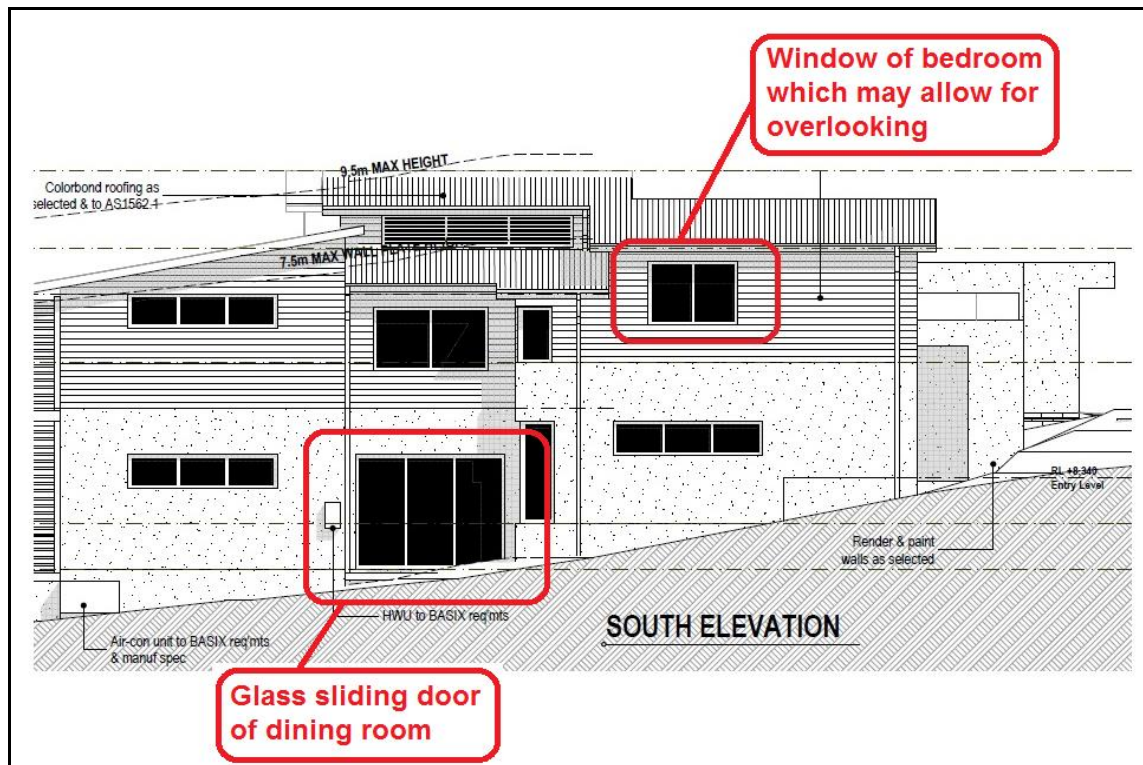
- E. ***Visual Privacy Impacts from Bedroom Windows*** – concerns are raised regarding the window of bedroom No.3 of Unit 2 impacting upon the privacy of the neighbouring dwelling.

Comment: Visual privacy issues from the windows of Bedroom 3 of Unit 2 is considered to be a valid issue of concern due to their location aligning with windows of the objector's property.

Accordingly, it is recommended that a condition of consent be imposed to require that this bedroom window be amended to have a 1.5m sill height, to prevent direct viewing into the objector's property while still allowing a reasonable level of amenity for the occupants of the development. See condition 1(a).

Given the above condition to be imposed relating to increasing the level of privacy to the dwelling at No.53A Bayview Street, it is considered that neighbouring concerns relating to visual privacy from the bedroom windows have been suitably addressed.

ITEM 3 (continued)



Location of bedroom 3 and dining room of Unit 2.

Although not mentioned in the objector's submission, a possible concern is also raised regarding privacy impacts from the glass sliding door of the dining room of unit 2 (also shown in elevation drawing above). In order to address privacy impacts from this door, it is recommended that a privacy screen be installed to prevent overlooking into the objector's property. This could be in the form of a free-standing screen (eg slatted timber panels) within the subject site or a screen erected on top of the boundary fence (eg 300mm high). See condition 1(b).

F. *Landscape Planting* – concerns are raised over inadequacy of boundary planting to provide any screening benefits to the neighbouring allotments.

Comment: Landscaping concerns regarding unsuitable species selection and lack of consideration for privacy screen planting are considered to be valid. Condition 1(c) is recommended to ensure amended landscaping details are provided which allows sufficient landscape screening to enhance privacy retention for the objector's property.

As noted previously, in relation to possible plant species, Council's Consultant Landscape Architect has suggested the use of either:

- *Syzygium australe* 'Pinnacle' – Lilly Pilly
- *Callistemon viminalis* 'Slim' – Bottlebrush

ITEM 3 (continued)

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

Yes, Clause 4.6 variation to standard 6.3(2) Foreshore Building Line submitted in relation to swimming pools elevated above ground level.

As assessed the proposed dual occupancy includes two (2) swimming pools that are elevated a maximum of 2.75m above existing ground level.

This issue is discussed in the Ryde LEP 2010 Mandatory Requirements section (see below).

9. Policy Implications

Relevant Provisions of Environmental Planning Instruments etc:

(a) Ryde Local Environmental Plan 2010

Zoning

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

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 development is 9.31m, which complies with Ryde LEP 2010.

Clause 4.4 - Floor Space Ratio. This clause prescribes a maximum floor space ratio (FSR) of 0.5:1. The FSR for the proposed development has been calculated to be 0.49:1, which complies with this clause.

Clause 6.3(2) - Foreshore Building Line. Sub-clause (2)(b) of this clause states that development consent must not be granted for swimming pools on land in the foreshore area except for swimming pools (at or below ground level(existing)).

As assessed the proposed dual occupancy includes two (2) swimming pools that are elevated a maximum of 2.75m above existing ground level therefore failing to comply with Clause 6.3(2) of the Ryde LEP 2010.

ITEM 3 (continued)

The applicant has submitted a Clause 4.6 Variation to vary the abovementioned development standard citing a number of reasons as to why strict compliance with this clause is unreasonable and unnecessary in this instance. These include significant changes in topography towards the foreshore building line area, excavation for the swimming pools not being a feasible option due to significant rock outcrops, existing vegetation significantly screens the swimming pools, the design of the dual occupancy responding to the site's topography and the proposed swimming pools being consistent with surrounding swimming pool design.

Furthermore, although exceeding the maximum prescribed height limit for the subject site, this non-compliance could be supported by Council for the following reasons:

- Extremely steep topography across the site makes it difficult to achieve construction of a swimming pool without seeing it elevated above existing ground level;
- To achieve a swimming pool that is located at or below existing ground level, significant excavation would be required would cause non-compliance with the topography and excavation controls of the Ryde DCP 2010;
- Excavation to set the swimming pool at or below ground level is not considered to be a feasible option due to the significant rock outcrops located on the allotment;
- As part of amended plans submitted the proposed pool has been reduced in height so as to reduce the privacy impacts on the neighbouring allotments;
- Loss of privacy and security of neighbours is to be minimised through the use of extensive privacy screens and boundary screen planting for the length of the pool;
- Steep falls across the site have made it difficult to secure feasible areas of flat useable open space;
- The swimming pools will be significantly screened from the waterfront by existing stands of mature vegetation as can be seen in the photo below;

ITEM 3 (continued)

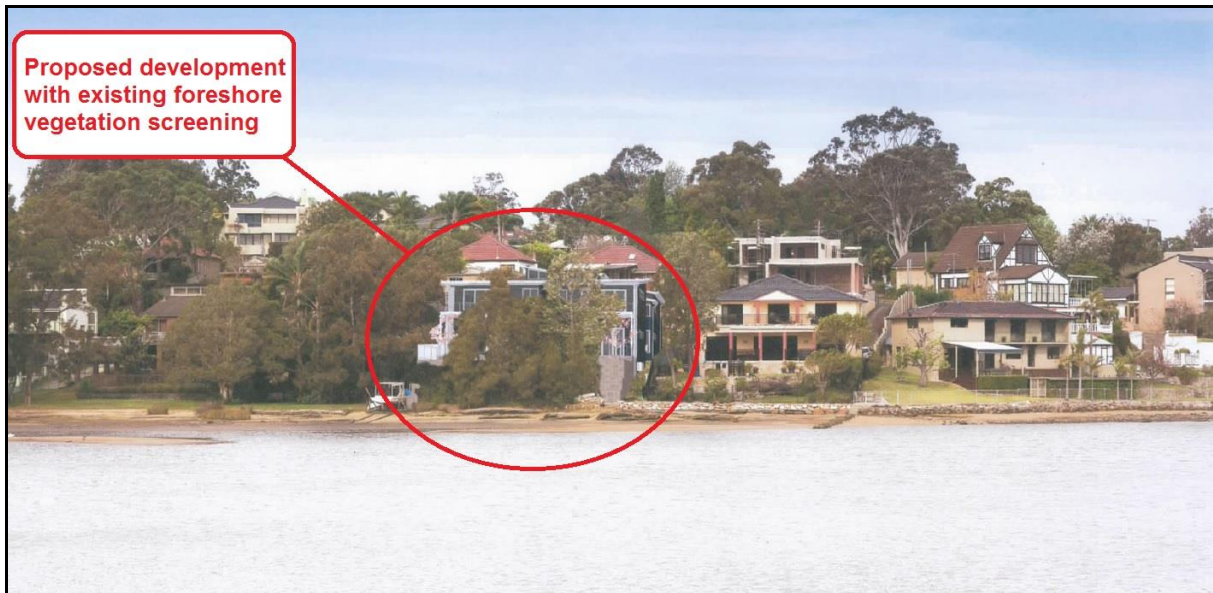


Photo showing proposed development with significant existing foreshore vegetative screening along Morrison's Bay

(b) Relevant State Environmental Planning Policies (SEPPs)

Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 applies to the subject site and has been considered in this assessment. Compliance with the relevant provisions is illustrated in the table at **ATTACHMENT 1**.

SEPP BASIX:

A compliant BASIX Certificate has been submitted with the DA.

(c) Any draft LEPs

A Section 65 Certificate enabling the formal exhibition of Draft Local Environmental Plan 2011 was issued by the Department of Planning and Infrastructure on 23 April 2012. The Draft Plan has been placed on public exhibition between 30 May 2012 and 13 July 2012. Under this Draft LEP, the zoning of the property is R2 Low Density Residential. It is considered that the proposal is not contrary to the objectives of the Draft LEP or those of the proposed zoning.

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

ITEM 3 (continued)

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

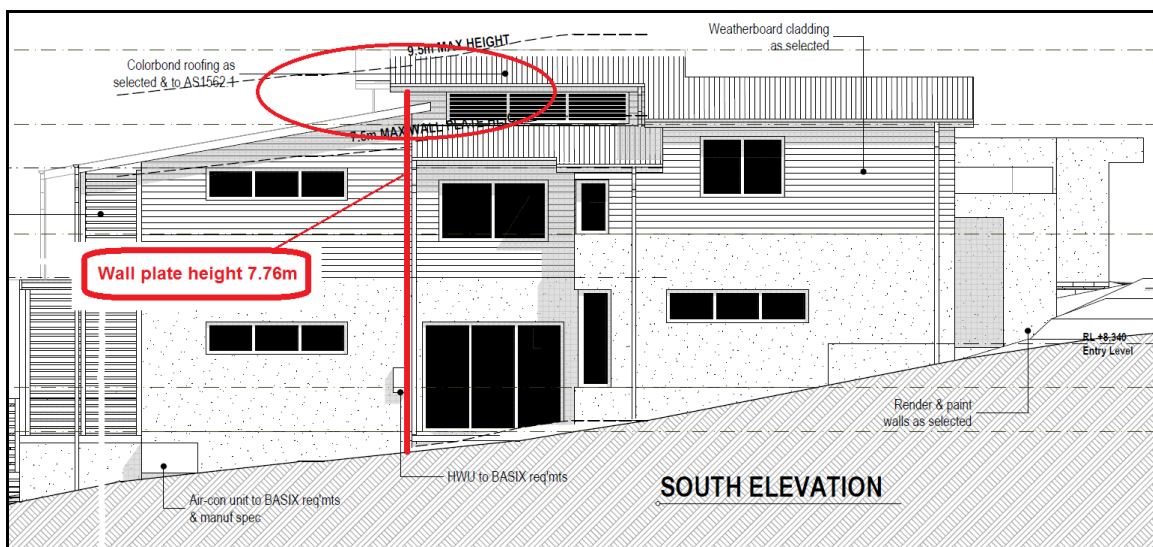
Ryde Development Control Plan (DCP) 2010.

The proposal has been assessed using the development controls contained in Ryde DCP 2010, refer to the Compliance Check Table at **ATTACHMENT 2**. There are a number of areas of non-compliance identified in the Table which are discussed in more detail in the following section.

Wall Plate Height

Section 2.7.1 of Part 3.3 of the Ryde Development Control Plan 2010 prescribes development controls for building height. Specifically that the wall plate height must not exceed 7.5m.

The proposal has a wall plate height along part of its section of 7.76m, therefore exceeding the maximum by 260mm at the highest point, which is towards the centre of the building when viewed at the south elevation – see below.



South Elevation showing wall plate height at South Elevation

Although exceeding the maximum wall plate height this non-compliance can be supported for the following reasons:

- The minor non-compliance of 260mm only occurs for a short distance along the southern elevation resulting in minimal impacts to adjoining dwellings.
- The overall maximum building height of 9.5m has been complied with (ie height measured to highest point).
- The development provides a highly stepped and terraced design which has attempted to respond to the site's natural topography and landform (refer to section drawing below).

ITEM 3 (continued)

- The development provides compliant front, side and rear setbacks and a compliant floor space ratio.
- The proposed dual occupancy is to be located on a battle-axe allotment, therefore the development will mostly not be visible from the public domain and have minimal impact on the streetscape.
- The proposed dual occupancy will be well screened when viewed from Morrison's Bay by the existing stands of mature vegetation along the foreshore.
- The proposed development is considered to meet the building height objectives set out Section 2.7.1 of Part 3.3 of the Ryde DCP 2010. To demonstrate this, below is a list of the Building Height objectives from the Ryde DCP 2010 with the Assessing Officer's comment indicating how the proposed development performs against each of these objectives following:

The design of the development will have minimal impact on the adjoining property to the south overall, because the wall plate height non-compliance occurs only at one point on the wall and is lower than the maximum wall-plate height elsewhere. The roof design (as shown in the south elevation drawing above) minimises the height at the rear of the building where this would have the most impact on the neighbour.

- *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,*

Assessing Officer's Comment: Although exceeding the maximum wall plate height permitted for the site by 260mm, *given* that the proposed development is generally consistent with Ryde's planning controls relating to overall building height, floor space ratio, setbacks, overshadowing and privacy impacts, this non-compliance is considered to be justifiable.

Additionally, as the proposed development is to be located on a battle-axe allotment, for the most part the development will not be visible from the streetscape, therefore there will be minimal negative impact from the public domain. Additionally, it is noted that the non-compliance occurs towards the rear of the development. In terms of being viewable from Morrison Bay, existing stands of mature vegetation along the foreshore will adequately screen the minor area of non-compliance.

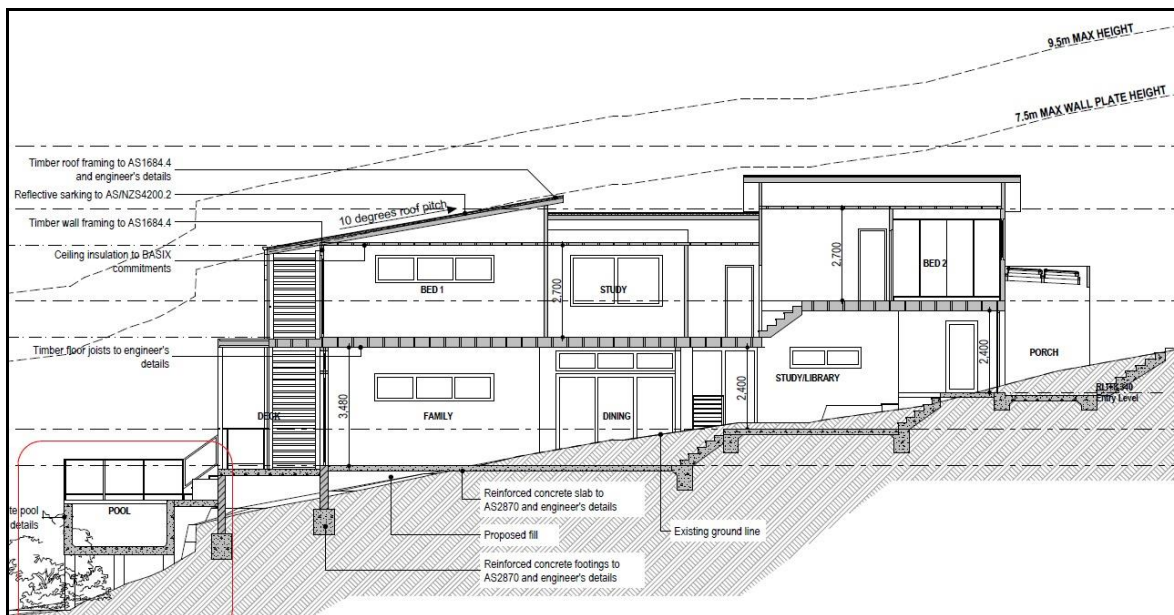
- *To ensure the height of dwellings does not exceed 2 storeys.*

Assessing Officer's Comment: As evidenced below the proposed development is a maximum of two storeys in height with a stepped design so as to reduce the overall height impact and attempt to be respond to the natural topography of the site.

ITEM 3 (continued)

The resultant impact of the above ensures the proposed development remains compliant with the overall maximum building height of 9.5m, and is considered to be in keeping with that of other development in the surrounding area.

Due to the proposed development's design being consistent with the established character and streetscape of the surrounding area, and the results of the non-compliance with the building height controls contained within the Ryde DCP 2010 not resulting in any unreasonable impact on adjoining development, the proposed non-compliances are considered justifiable in this instance.



Section showing two storey and terraced design of proposed dual occupancy

Topography & Excavation

Section 2.5.2 of Part 3.3 of Ryde DCP 2010 prescribes development controls for topography and excavation. Specifically, that outside the building footprint excavation is not to exceed 500mm and there is to be no fill between the side of the building and the boundary.

An assessment of the cut and fill arrangements for the proposed development have revealed that the proposed level of fill outside the building footprint is 3.02m with 1180mm of fill proposed at the side of the development.

Although exceeding the maximum levels of cut and fill on site, this non-compliance can be supported for the following reasons:

- The development has been significantly terraced to follow the natural topography across the site and reduce the need for cut and fill with the ground floor of each dwelling of the dual occupancy including and upper, mid and lower levels.

ITEM 3 (continued)

- The areas of non-compliance relates primarily to the elevated swimming pool areas at the rear of the development which have been suitably screened and lowered in height as part of amended design changes.
 - Steep falls across the site have made it difficult to secure feasible areas of flat useable open space.
 - Numerous privacy screens have been implemented across the development to minimise the impacts of privacy/overlooking.
 - The steep topography of the subject site and surrounding area makes it difficult to adhere to the maximum cut and fill levels; as such a merit based assessment focusing on the objectives of the controls is considered the most appropriate way of assessing the impacts of this non-compliance.
 - The proposed development is considered to meet the topography and excavation objectives set out Section 2.5.2 of Part 3.3 of the Ryde DCP 2010. Below is a list of the Topography and Excavation objectives from the Ryde DCP 2010 with the Assessing Officer's comment indicating how the proposed development performs against each of these objectives:
- *To retain natural ground levels and existing landform.*
Assessing Officer's Comment: The proposed development has utilised a range of both cut and fill techniques throughout the site in an attempt to retain natural ground levels and existing landform. Additionally the design of the development has been significantly terraced down the site to reduce the overall required level of cut and fill. However, it is noted that due to the steep topography of the land there are intrinsic difficulties in strictly adhering to this objective and maintaining a feasible building envelope.
 - *To create consistency along streetscapes.*
Assessing Officer's Comment: As the proposed development is to take place on a battle-axe allotment the development will not be highly visible from the streetscape, therefore having minimal impact to streetscape consistency. Additionally it is noted that the proposed development appears as a modest two storey development from the front.
 - *To minimise the extent of excavation and fill.*
Assessing Officer's Comment: A balance of cut and fill techniques have been adopted on the subject site, however inevitably, when developing on steeply sloping land great amounts of cut and fill are generally required to secure a workable building footprint. It is noted that the level of cut and fill proposed on the subject site are relatively consistent.
 - *To ensure that excavation & fill does not result in an unreasonable loss of privacy or security for neighbours.*
Assessing Officer's Comment: Loss of privacy has been mitigated across the site through providing a number of privacy screens and reduced floor levels as part of amended plans. Additionally it is noted that a condition of consent is to

ITEM 3 (continued)

be imposed that requires boundary screen planting to be planted to the side boundaries so as to minimise any privacy/overlooking impacts.

Given the above, and the proposed development's design being consistent with objectives of the topography and excavation controls, the proposed non-compliances are considered justifiable in this instance.

Pool Coping Height

Section 2.7.1 of Part 3.3 of Ryde DCP 2010 prescribes development controls for swimming pools and spas. Specifically that the finished coping level of the pool must not be higher than 500mm above the adjacent existing ground level.

As assessed, the proposed pool is elevated above the existing adjacent ground level by a maximum of approximately 2.75m. This non-compliance can however be supported for the following reasons:

- Extremely steep topography across the site makes it difficult to achieve construction of a swimming pool without exceeding the 500mm maximum coping height; as such a merit based assessment focusing on the objectives of the controls is considered the most appropriate way of assessing the impacts of this non-compliance.
- To achieve a maximum coping level of 500mm above existing ground level, significant excavation would be required therefore going against the topography and excavation controls of the Ryde DCP 2010.
- As part of amended plans submitted the proposed pool has been reduced in height so as to reduce the privacy impacts on the neighbouring allotments.
- Loss of privacy and security of neighbours is to be minimised through the use of extensive privacy screens and boundary screen planting for the length of the pool.
- Steep falls across the site have made it difficult to secure feasible areas of flat useable open space.
- The swimming pools will be significantly screened from the waterfront by existing stands of mature vegetation.

Given the above, the non-compliance in terms of the pool coping height exceeding the maximum allowable is considered to be acceptable in this instance.

Overshadowing

Section 2.13.1 of Ryde DCP 2010 requires 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.

ITEM 3 (continued)

The submitted shadow diagrams indicate that less than 3 hours sunlight will be achieved to some north facing adjoining living area windows at No.53A Bayview Street between 9am and 3pm on June 21.

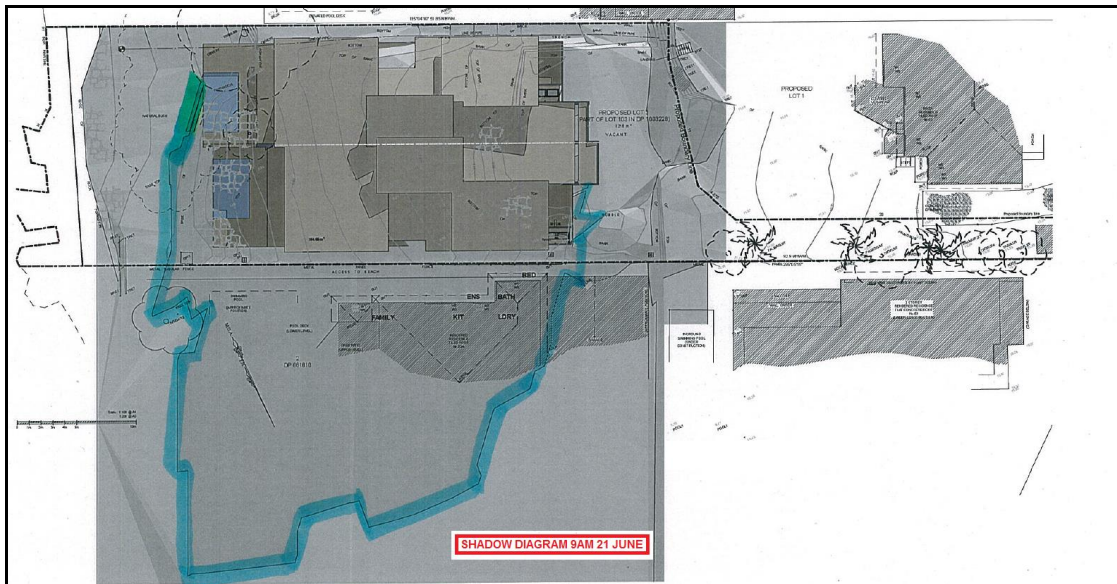
Although these windows may not receive the minimum 3 hours of sunlight to a portion of their surface, this non-compliance can be supported for the following reasons:

- The inability of the proposed development to comply with this control is largely considered to be a result of the orientation of the allotment.
- The proposed development is generally compliant with the Ryde DCP 2010's building envelope controls and provides a stepped design to further reduce building height.
- According to the shadow diagrams the overshadowing appears to mostly affect the bedroom, bathroom and en-suite windows
- The living areas of the neighbouring dwelling at No.53A Bayview Street appear to be located towards the western end of the dwelling where overshadowing is the least significant.
- It is considered that any dwelling on the subject site, regardless of design, height, bulk and scale, would create overshadowing to the neighbouring allotment at No.53A Bayview Street.
- The submitted shadow diagrams represent the overshadowing at the worst case scenario being on the winter solstice, overshadowing will be minimised during all other times of the year.
- The control contained within the Ryde DCP 2010 relating to sunlight to north facing living area windows states where this control must be adhered to 'where this can be reasonably maintained given the orientation topography of the subject site'. Given the orientation of the subject site it is considered that this cannot be reasonably maintained.

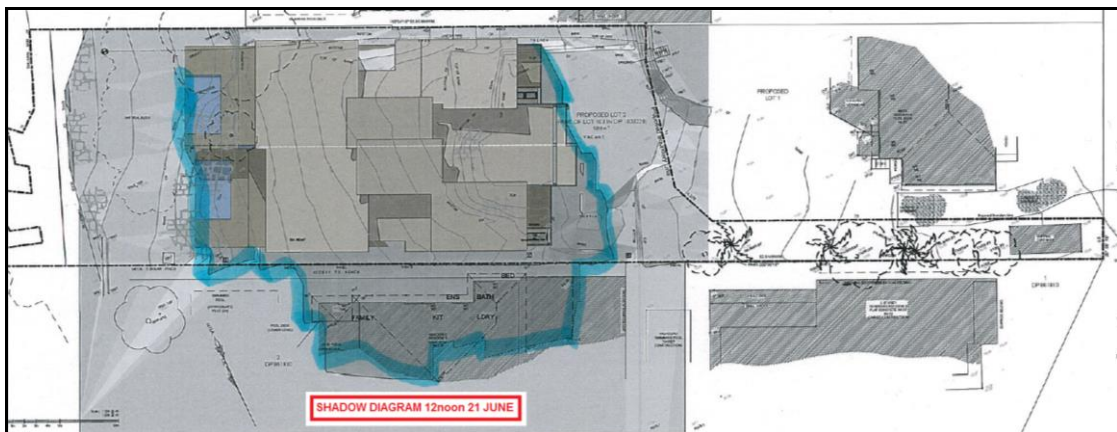
Given the above it is considered that this non-compliance is justifiable in this instance.

The following are the shadow diagrams for the proposed development, showing the impacts on the neighbouring property to the south.

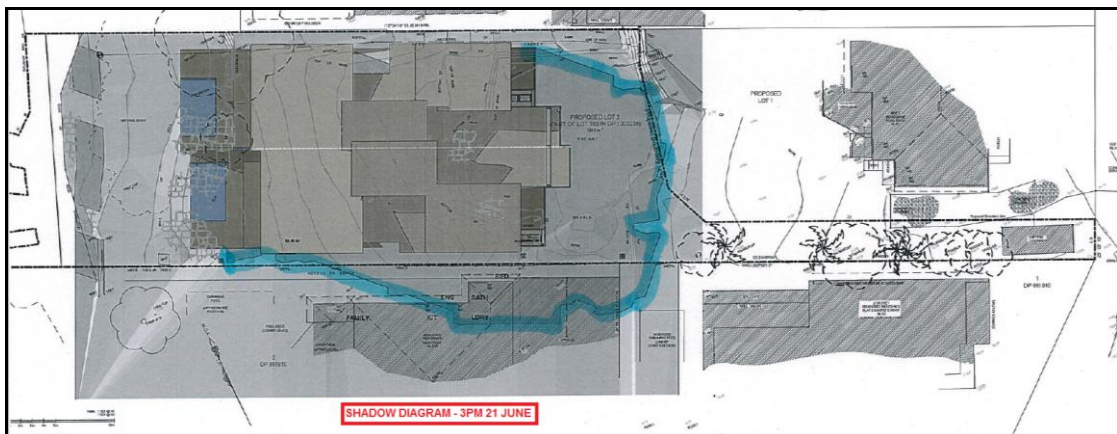
ITEM 3 (continued)



Shadow diagram – 9am



Shadow diagram – 12noon



Shadow diagram – 3pm

ITEM 3 (continued)

Hard Paving

Section 2.12 of Part 3.3 of Ryde DCP 2010 prescribes controls relating to landscaping. Specifically, that a landscaped front garden is to be provided where hard paved areas are to be minimised, and at a maximum, are to be no more than 40% of the front garden areas.

As assessed, the front garden area of the proposed dual occupancy includes 72.76% hard paving, therefore significantly exceeding the maximum 40% allowable. Although exceeding the level hard paving within the front garden area it is considered that this non-compliance is justifiable in this instance for the following reasons:

- This control relates to “regular-shaped” allotments which have a front yard/garden facing the street. As the proposed dual occupancy development is to take place on a battle-axe allotment it will not be visible from the streetscape therefore reducing any negative visual impacts from the public domain.
- The proposed development is for that of a dual occupancy, therefore requiring increased hardstand for the safe entry and exit of vehicles from both dwellings in a forward direction.
- The required level of deep soil planting zones across the entire site of 35% of the site area has been achieved.
- Deep soil planting has been incorporated where possible with the inclusion of soft landscaping to minimise the visual impact of the hard paved area and reduce the overall visual impact of the hard paved areas
- It is considered that sufficient deep soil has been incorporated across the remainder of the subject site to allow for the healthy growth of vegetation whilst providing for rainwater percolation.

Accordingly it is considered that the non-compliance in terms of the proposed level of hard paving within the front yard area is justifiable in this instance.

The objective of the hard-paving control is to minimise the streetscape impact of paving within the front setback of dwellings/dual occupancy developments. In this instance, as the site is located on a battle-axe allotment, the area of hard-paving in front of the dual occupancy development will not be visible from the street, as it will be behind the existing dwelling (in front of the proposed dual occupancy). The photo below shows the subject site when viewed from the street.

ITEM 3 (continued)



Subject site viewed from Bayview Street.

Pathway to Side of Dwelling

Section 2.12 of Part 3.3 of Ryde DCP 2010 prescribes development controls for landscaping. Specifically, that a pathway is to be provided along one side of the dwelling so as to provide pedestrian access from the front garden to the rear yard.

As assessed the proposed development provides full side access to the side of the dwelling for Unit 2 only. The side access of Unit 1 is obstructed by the proposed landscaping and handrail at the eastern end of the dwelling.

As such it is considered that the following condition of consent is to be imposed so as to provide both dwelling of the dual occupancy side access along the dwelling;

Side Access to Unit 1. A revised landscape plan must be submitted to Council that provides an obstruction free pathway to the side of Unit 1 that satisfies Section 2.12(f) of Part 3.3 of the Ryde DCP 2010. The landscape plan will be assessed by Council to the satisfaction of Council's landscape architects prior to the release of the **Construction Certificate**.

Landscaping

Section 2.12 of Part 3.3 of Ryde DCP 2010 prescribes development controls for landscaping. Specifically, that landscaping is to be located and designed so as to increase privacy between neighbouring dwellings and that the front garden is to have at least 1 tree capable of a minimum mature height of 10 metres with a spreading canopy.

ITEM 3 (continued)

When referencing the Landscape plan prepared by Space Landscape Designs dated 7 August 2013, it is evident that the boundary plantings are only capable of reaching a maximum height of 1m at maturity. Given the steep topography of the subject and surrounding allotments it is considered that more appropriate species selection is required so as to increase the level of visual privacy between neighbouring allotments. Additionally the front yard does not include a tree capable of reaching 10m in height at maturity with a spreading canopy.

Accordingly, the following condition of approval is to be imposed that requires a revised landscape plan be submitted to Council that includes boundary screen planting that is capable of reaching a maximum height 2.7m with appropriate foliage cover to ensure a high level of visual privacy between the allotments and that a tree capable of reaching 10m in height is provided to the front garden area. This landscape plan will be assessed by Council to the satisfaction of Council's consulting landscape architects prior to issue of Construction Certificate.

Revised Landscape Plan. *A revised landscape plan must be submitted to Council that includes boundary screen planting capable of reaching 2.7m in height with dense foliage cover to provide a high level of visual privacy. The screen planting shall extend from the front of the proposed dwelling to the bottom of the steps in the rear yard along both the northern and southern boundaries. Suggested plantings may include:*

- *Syzygium australe 'Pinnacle' – Lilly Pilly*
- *Callistemon viminalis 'Slim' – Bottlebrush*

Also, a tree capable of reaching 10m in height at maturity with a spreading canopy is also to be provided within the front garden area of the allotment.

Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 / Sydney Harbour Foreshore and Waterways DCP

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

The site is within the Foreshores and Waterways Area however is not located within a Wetlands Protection Zone. The site is not a Strategic Foreshore Site nor does it contain a Heritage Item. Compliance with the relevant provisions is illustrated in the table at **ATTACHMENT 3**.

Section 94 of the Environmental Planning and Assessment Act 1979

Council' Section 94 Development Contributions Plan - 2007

Council's current Section 94 Development Contributions Plan 2007 (2010 Amendment - adopted 16 March 2011) requires a contribution for the provision of various additional services required as a result of increased development.

ITEM 3 (continued)

The contribution that are payable with respect to the increase housing density on the subject site (*being for residential development outside the Macquarie Park Area*) are as follows:

A – Contribution Type	B – Contribution Amount
Community & Cultural Facilities	\$4,120.85
Open Space & Recreation Facilities	\$10,144.67
Civic & Urban Improvements	\$3,450.29
Roads & Traffic Management Facilities	\$470.55
Cycleways	\$293.98
Stormwater Management Facilities	\$934.09
Plan Administration	\$79.27
The total contribution is	\$19,493.69

A condition for the payment of a Section 94 Contribution of \$19,493.69 has been included in the draft conditions of consent (ATTACHMENT 1). See condition 20.

Note: The above calculation has been reviewed by two Assessment Officers. A detailed copy of rates and calculation spreadsheet has been placed on the relevant development application file.

It should be noted that the above Section 94 figures were calculated using the most recently updated (June 2013 quarter) CPI figures from the Australian Bureau of Statistics (ABS). Updated figures for the September 2013 quarter are expected to be issued from the ABS around 27 October 2013, however the timeframes for preparing this report prevents these figures from being used in this report. A memo containing an updated Section 94 condition (see condition 20) will be distributed at the Planning & Environment Committee meeting on 5 November 2013 when this DA will be considered.

10. Likely impacts of the Development

(a) Built Environment

A thorough assessment of the impacts of the proposed development on the built environment has been undertaken as part of the completed assessment of the proposed development. This has included a compliance check against all relevant planning controls detailed assessment report.

The resultant impacts of the proposed dual occupancy on the built environment are considered to result in a development that is consistent with the desired future character of the low density residential areas, and consistent with the nature of development in the Tennyson Point and wider Ryde local government area.

ITEM 3 (continued)

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

(b) Natural Environment

The proposal will have minimal impact in terms of the natural environment. The main impacts including sediment control and tree protection can be addressed via conditions of consent.

11. Suitability of the site for the development

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

Acid Sulphate Soils Class 5 – Buffer zone

Acid sulphate soil is the name given to naturally occurring sediment and soil containing iron sulphides. The exposure to the sulphides in these soils to oxygen by drainage or excavation leads to the generation of sulphuric acid. This happens when the soil beneath the water table is disturbed by exposure to air.

The City of Ryde has been advised by the New South Wales Government that certain properties within the City may be subjected to Acid Sulphate soil. The majority of land in Ryde and more specifically the subject site is included as Class 5 land. This class of land is not mapped as having a probability of containing acid sulphate but rather because activities carried out on the land may have the potential to alter groundwater in adjacent Class 1 to 4 land.

In general the use of Class 5 land for normal residential occupation will not be affected by the possibility of acid sulphate soil.

Any works proposed to be undertaken in Class 5 land which may lead to the lowering of the water table below one metre Australian Height Datum in adjoining Class 1, 2, 3 or 4 land would require the matter to be addressed in an application to Council. In general it would require a major activity such as sinking a bore to reduce the water table in adjoining or nearby land and therefore the proposed development is considered minimal in these respects.

12. The Public Interest

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

The development complies with Council's current development controls except for some justifiable non-compliances to the numerical controls in the DCP, and includes a built form that is in keeping with the existing and desired future character of the low density residential area.

ITEM 3 (continued)

13. Consultation – Internal and External

Internal Referrals

Development Engineer: Council's Development Engineer has assessed the proposal and advised that it is satisfactory subject to conditions.

External Referrals

Sydney Harbour Foreshores Advisory Committee: The proposal was referred to this Committee as required under the provisions of Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005.

The Committee has recommended that the consent authority (i.e. Council) satisfies itself that the proposal is consistent with Clause 21, 25 and 26 of the Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005, and also that consideration should be given to the principles of Landscape Character Type 14 of the Sydney Harbour Foreshores and Waterways Area DCP for SREP (Sydney Harbour Catchment) 2005.

Refer to ATTACHMENT 3 for an assessment of the proposal in terms of these planning controls. Based on this assessment, it is considered that the proposal is satisfactory in terms of both the Sydney REP and its associated DCP.

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.

The proposed development complies with the mandatory requirements of the Ryde LEP 2010 and Draft Ryde LEP 2011 for building height and floor space ratio, and satisfactorily meets the development controls of the Ryde DCP 2010.

ITEM 3 (continued)

The proposed development is considered to be consistent with the desired future character of the low density residential areas, and consistent with the nature of development in the Tennyson Point and wider Ryde local government area.

On the above basis, LDA2012/0478 at 51 Bayview Street, Tennyson Point is recommended for approval subject to conditions.

ITEM 3 (continued)

ATTACHMENT 1

**DRAFT CONDITIONS OF CONSENT
51 BAYVIEW STREET, TENNYSON POINT
LDA2012/478**

DEFERRED COMMENCEMENT

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

1. **Registration of Plan of Subdivision.** The submission of documentary evidence of the registration in the NSW Department of Lands of the plan of subdivision of the subject land (approved via Council's File Reference LDA2010/434).

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

GENERAL

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

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

Document Description	Date	Plan No/Reference
Site Plan	15.07.2013	Dwg. No.03, Ref: 12P1369
Ground Floor Plan	15.07.2013	Dwg. No.04, Ref: 12P1369
First Floor Plan	15.07.2013	Dwg. No.05, Ref: 12P1369
Elevations – East & North	15.07.2013	Dwg. No.06, Ref: 12P1369
West Elevation	15.07.2013	Dwg. No.07, Ref: 12P1369
South Elevation	15.07.2013	Dwg. No.08, Ref: 12P1369
Section A-A	15.07.2013	Dwg. No.09, Ref: 12P1369
Section B-B	15.07.2013	Dwg. No.10, Ref: 12P1369
Landscape Plan	07.08.2013	Dwg No. L-01, Revision C

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

- (a) The window of bedroom 3, unit 2 shall be provided with a minimum sill height of 1.5m.

ITEM 3 (continued)

ATTACHMENT 1

- (b) The provision of a privacy screen to the side of the unit 2 dining room sliding door. This privacy screen must achieve a minimum height of 2.1m (if free-standing) or 300mm (if erected on top of the existing boundary fence), and shall be constructed of similar materials to the other privacy screens indicated on the approved plans.
- (c) **Revised Landscape Plan.** A revised landscape plan must be submitted to Council that includes boundary screen planting capable of reaching 2.7m in height with dense foliage cover to provide a high level of visual privacy. The screen planting shall extend from the front of the proposed dwelling to the bottom of the steps in the rear yard along both the northern and southern boundaries. Suggested plantings may include:
- *Syzygium australe* 'Pinnacle' – Lilly Pilly
 - *Callistemon viminalis* 'Slim' – Bottlebrush

Also, a tree capable of reaching 10m in height at maturity with a spreading canopy is also to be provided within the front garden area of the allotment.

- (d) **Side Access to Unit 1.** A revised landscape plan must be submitted to Council that provides an obstruction free pathway to the side of Unit 1 that satisfies Section 2.12(f) of Part 3.3 of the Ryde DCP 2010.

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

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 446820M, dated 28 November 2012
4. **Support for neighbouring buildings.** If the development involves excavation that extends below the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
 - (a) Protect and support the adjoining premises from possible damage from the excavation, and
 - (b) Where necessary, underpin the adjoining premises to prevent any such damage, in accordance with relevant Australian Standards.

Protection of Adjoining and Public Land

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

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6. Hoardings

- (a) A hoarding or fence must be erected between the work site and any adjoining public place.
- (b) Any hoarding, fence or awning erected pursuant this consent is to be removed when the work has been completed.

7. **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.

8. **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.

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

Works on Public Road

10. **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.

11. **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.

Swimming Pools/Spas

12. **Pool filter – noise.** The pool/spa pump/filter must be enclosed in a suitable ventilated acoustic enclosure to ensure the noise emitted therefrom does not exceed 5dB(A) above the background noise level when measured at any affected residence.

13. **Depth markers.** Water depth markers are to be displayed at a prominent position within and at each end of the swimming pool.

14. **Wastewater discharge.** The spa/pool shall be connected to the Sydney Water sewer for discharge of wastewater.

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15. **Resuscitation Chart.** A resuscitation chart containing warning “YOUNG CHILDREN SHOULD BE SUPERVISED WHEN USING THIS POOL” must be provided in the immediate vicinity of the pool area so as to be visible from all areas of the pool.

Engineering Conditions

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

PRIOR TO CONSTRUCTION CERTIFICATE

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

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

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

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

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20. **Section 94.** A monetary contribution for the services in Column A and for the amount in Column B shall be made to Council prior to the issue of any **Construction Certificate**:

A – Contribution Type	B – Contribution Amount
Community & Cultural Facilities	\$4,120.85
Open Space & Recreation Facilities	\$10,144.67
Civic & Urban Improvements	\$3,450.29
Roads & Traffic Management Facilities	\$470.55
Cycleways	\$293.98
Stormwater Management Facilities	\$934.09
Plan Administration	\$79.27
The total contribution is	\$19,493.69

These are contributions under the provisions of Section 94 of the Environmental Planning and Assessment Act, 1979 as specified in Section 94 Development Contributions Plan 2007 (2010 Amendment) adopted by City of Ryde on 16 March 2011.

The above amounts are current at the date of this consent, and are subject to **quarterly** adjustment for inflation on the basis of the contribution rates that are applicable at time of payment. Such adjustment for inflation is by reference to the Consumer Price Index published by the Australian Bureau of Statistics (Catalogue No 5206.0) – and may result in contribution amounts that differ from those shown above.

A copy of the Section 94 Development Contributions Plan may be inspected at the Ryde Planning and Business Centre, 1 Pope Street Ryde (corner Pope and Devlin Streets, within Top Ryde City Shopping Centre) or on Council's website <http://www.ryde.nsw.gov.au>.

21. **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**.
22. **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**.
23. **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: OR dwelling houses with delivery of bricks or concrete or machine excavation).

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24. **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
25. **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**.
26. **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**.
27. **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.

28. **Fencing.** Fencing is to be in accordance with Council's Development Control Plan and details of compliance are to be provided in the plans for the **Construction Certificate**.
29. **Pool fencing.** The pool fence is to be erected in accordance with the approved plans and conform with the provisions of the *Swimming Pools Act 1992* and *Swimming Pools Regulation 2008*. Details of compliance are to be reflected on the plans submitted with the **Construction Certificate**.

Engineering Conditions

30. **Driveway Grades.** The maximum grade of all internal driveways and vehicular ramps shall be 1 in 4 and in accordance with the relevant section of AS 2890.1. The maximum change of grade permitted is 1 in 8 (12.5%) for summit grade changes and 1 in 6.7 (15%) for sag grade changes. Any transition grades shall have a minimum length of 2.0m. The driveway design is to incorporate Council's issued footpath and gutter crossing levels where they are required as a

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ATTACHMENT 1

condition of consent. A driveway plan, longitudinal section from the centreline of the public road to the garage floor, and any necessary cross-sections clearly demonstrating that the driveway complies with the above details, and that vehicles may safely manoeuvre within the site without scraping shall be submitted with the Construction Certificate application.

31. **Passing Bay.** A 6.0m wide driveway at the entrance extending minimum 5.5m into the property with a transition to the proposed access handle to the development shall be provided by creating a Right of Way over the proposed adjoining Lot 1 as marked in red on Drawing BT102A-DRV01 Issue 1 prepared by Clapham Design Services..Any existing kerbs removed and levels adjusted to provide for this. Details shall be provided prior to issue of a construction Certificate to demonstrate this.

32. **Convex Mirror.** A convex mirror shall be installed adjoining the south eastern side of the Lot 2 at the lower end of the access handle in such a way to increase visibility to drivers exiting the site from the garages of the incoming vehicles through the driveway. Details of the mirror are to be shown on the plans prior to the issue of the Construction Certificate.

33. **Control of Stormwater Runoff.** Stormwater runoff from all impervious areas shall be collected and piped towards the Morrison Bay via a gross pollutant trap in accordance with the City of Ryde, Development Control Plan 2010: - Part 8.2; Stormwater Management. The concept drainage design prepared by ALW Design Drawing No. SW12305 S1 & S2 Revision A shall be amended to incorporate but not be limited to the following:

- (a) Amend the levels at the rear of dwelling as per the amended architectural plan dated...

Detailed engineering plans including certification from a suitably qualified hydraulic engineer indicating compliance with this condition are to be submitted for approval with the Construction Certificate application.

34. **Water Tank First Flush.** A first flush mechanism is to be designed and constructed with the water tank system. Details of the first flush system are to be submitted with the construction certificate application.

35. **Erosion and Sediment Control Plan.** An *Erosion and Sediment Control Plan (ESCP)* shall be prepared by a suitably qualified consultant in accordance with the guidelines set out in the manual "*Managing Urban Stormwater, Soils and Construction*" prepared by the Landcom. These devices shall be maintained during the construction works and replaced where considered necessary.

The following details are to be included in drawings accompanying the *Erosion and Sediment Control Plan*

- (a) Existing and final contours
- (b) The location of all earthworks, including roads, areas of cut and fill

ITEM 3 (continued)

ATTACHMENT 1

- (c) Location of all impervious areas
- (d) **Location and design criteria of erosion and sediment control structures,**
- (e) Location and description of existing vegetation
- (f) Site access point/s and means of limiting material leaving the site
- (g) Location of proposed vegetated buffer strips
- (h) Location of critical areas (drainage lines, water bodies and unstable slopes)
- (i) Location of stockpiles
- (j) Means of diversion of uncontaminated upper catchment around disturbed areas
- (k) Procedures for maintenance of erosion and sediment controls
- (l) Details for any staging of works
- (m) Details and procedures for dust control.

PRIOR TO COMMENCEMENT OF CONSTRUCTION

Prior to the commencement of any demolition, excavation, or building work the following conditions in this Part of the Consent must be satisfied, and all relevant requirements complied with at all times during the operation of this consent.

36. 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.

37. 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.

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

ITEM 3 (continued)

ATTACHMENT 1

- (a) in the case of work for which a principal contractor is required to be appointed:
 - (i) the name and licence number of the principal contractor; and
 - (ii) the name of the insurer by which the work is insured under Part 6 of that Act.

- (b) in the case of work to be done by an owner-builder:
 - (i) the name of the owner-builder; and
 - (ii) if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

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

39. Excavation adjacent to adjoining land

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

- (b) The applicant must give at least seven (7) days notice to the adjoining owner(s) prior to excavating.

- (c) An owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this condition, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

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

Engineering Conditions

41. Sediment and Erosion Control. The applicant shall install appropriate sediment control devices in accordance with an approved plan **prior** to any earthworks being carried out on the site. These devices shall be maintained during the construction period and replaced where considered necessary. Suitable erosion control management procedures shall be practiced. This condition is imposed in order to protect downstream properties, Council's drainage system and natural watercourses from sediment build-up transferred by stormwater runoff from the site.

ITEM 3 (continued)

ATTACHMENT 1

42. **Compliance Certificate.** A Compliance Certificate should be obtained confirming that the constructed erosion and sediment control measures comply with the construction plan and City of Ryde, Development Control Plan 2010: - Part 8.1; Construction Activities.

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.

43. **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*.
44. **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.
45. **Sediment/dust control.** No sediment, dust, soil or similar material shall leave the site during construction work.
46. **Use of fill/excavated material.** Excavated material must not be reused on the property except as follows:
- (a) Fill is allowed under this consent;
 - (b) The material constitutes Virgin Excavated Natural Material as defined in the *Protection of the Environment Operations Act 1997*;
 - (c) the material is reused only to the extent that fill is allowed by the consent.
47. **Construction materials.** All materials associated with construction must be retained within the site.
48. **Site Facilities**
- The following facilities must be provided on the site:
- (a) toilet facilities in accordance with WorkCover NSW requirements, at a ratio of one toilet per every 20 employees, and
 - (b) a garbage receptacle for food scraps and papers, with a tight fitting lid.

ITEM 3 (continued)

ATTACHMENT 1

49. Site maintenance

The applicant must ensure that:

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

50. 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".

51. Tree protection – no unauthorised removal. This consent does not authorise the removal of trees unless specifically permitted by a condition of this consent or otherwise necessary as a result of construction works approved by this consent.

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

PRIOR TO OCCUPATION CERTIFICATE

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

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

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

53. BASIX. The submission of documentary evidence of compliance with all commitments listed in BASIX Certificate numbered 446820M, dated 28 November 2012.

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

ITEM 3 (continued)

ATTACHMENT 1

55. **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**.

56. **Sydney Water – Section 73.** A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation. Application must be made through an authorised Water Servicing Co-ordinator. Please refer to the Building Developing and Plumbing section of the web site www.sydneywater.com.au then refer to “Water Servicing Coordinator” under “Developing Your Land” or telephone 13 20 92 for assistance.

Following application a “Notice of Requirements” will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Co-ordinator, since building of water/sewer infrastructure can be time consuming and may impact on other services and building, driveway or landscape design.

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

57. **Letterboxes and street/house numbering.** All letterboxes and house numbering are to be designed and constructed to be accessible from the public way. Council must be contacted in relation to any specific requirements for street numbering.

Engineering Conditions

58. **Right Of Way.** A Right Of Way over the passing bay at the entrance shall be created in favour of proposed Lot 2 over proposed Lot 1 prior to issue of an Occupation certificate. The documents of registration of the ROW from the Land & Property Management Authority shall be submitted to the Principal Certifying Authority.

59. **Compliance Certificates – Engineering.** Compliance Certificates should be obtained for the following (If Council is appointed the Principal Certifying Authority [PCA] then the appropriate inspection fee is to be paid to Council) and **submitted to the PCA:**

- Confirming that the driveway and access handle are constructed in accordance with the construction plan requirements and Ryde City Development Control Plan 2010: - Part 8.3; Driveways.
- Confirming that the site drainage system servicing the development complies with the construction plan requirements and City of Ryde, Development Control Plan 2010: - Part 8.2; Stormwater Management.

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ATTACHMENT 1

- Confirming that after completion of all construction work and landscaping, all areas adjacent the site, the site drainage system (including the on-site detention system), and the trunk drainage system immediately downstream of the subject site (next pit), have been cleaned of all sand, silt, old formwork, and other debris.

End of consent

ITEM 3 (continued)

ATTACHMENT 2

Quality Certification

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

LDA No:	2012/0478
Date Plans Rec'd	19 December 2012. Amended plans received 4 February 2013. Further amended plans received 9 August 2013.
Address:	51 Bayview Street, Tennyson Point
Proposal:	Two storey Dual Occupancy (attached) including two swimming pools within the foreshore building line
Constraints Identified:	Acid Sulphate Soils, Foreshore Building Line, Sydney Regional Environmental Plan (Sydney Harbour Catchment), Sydney Harbour Foreshores DCP

COMPLIANCE CHECK

RYDE LEP 2010	PROPOSAL	COMPLIANCE
4.3(2) Height • 9.5m overall	9.06m	Yes
4.4(2) & 4.4A(1) FSR • 0.5:1	0.49:1	Yes

DCP 2010	PROPOSED	COMPLIANCE
Part 3.3 – Dwelling Houses and Dual Occupancy (attached)		
Desired Future Character		
Development is to be consistent with the desired future character of the low density residential areas.	The proposed development is consistent with the desired future character of the low density residential area as detailed further in this table. It is noted here for future reference throughout this table that the proposed Dual Occupancy will be located on a Battleaxe allotment once the approved land subdivision is registered with the Department of Lands.	Yes
Dwelling Houses		
- To have a landscaped setting this includes significant deep soil areas at front and rear.	Front and rear gardens proposed. Rear yard maintains a large area of existing vegetation	Yes

ITEM 3 (continued)

ATTACHMENT 2

DCP 2010	PROPOSED	COMPLIANCE
	and deep soil area, front is predominantly hard paved to allow access in and out of the battleaxe lot arrangement. Areas of deep soil integrated where possible.	
<ul style="list-style-type: none"> - Maximum 2 storeys. - Dwellings to address street 	Two storeys proposed. Dwelling to be on a battleaxe block allotment, consequently it will only be partially visible from the street and is therefore considered acceptable in terms of addressing the street.	Yes Yes
<ul style="list-style-type: none"> - Garage/carports not visually prominent features. 	Double garage is recessed from the main building line by 3.4m to ensure it is not visually prominent	Yes
Dual Occupancy – Linear Separation		
<ul style="list-style-type: none"> - Any urban housing, multi dwelling (attached), villa homes, duplex, dual occupancy (attached) within double the main frontage of the subject site or existing villa/dual occupancy site? 	No existing or approvals within the prescribed distance of subject site. Proposed dual occupancy will be located on a battleaxe allotment. It is therefore considered that an acceptable amount of linear separation is proposed.	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. - Single storey entrance porticos. - Articulated street facades. - Corner buildings to address both frontages 	<p>Front doors and windows face towards the street, side entries are clearly apparent.</p> <p>Single entrance portico proposed</p> <p>Articulated street facade</p> <p>Not on corner</p>	Yes Yes Yes N/A
<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. 	Potential view corridor loss towards Morrisons Bay as result of the proposed new dwelling which is wider than the existing dwelling. Existing vegetation in the rear of 51 Bayview St was previously obscuring this view therefore it is considered that the potential loss of view is not	Yes

ITEM 3 (continued)

ATTACHMENT 2

DCP 2010	PROPOSED	COMPLIANCE
	significant. Landscaping along sides of the allotment considered not to impact view corridors.	
<ul style="list-style-type: none"> - Garages/carports and outbuildings are not to be located within view corridor if they obstruct view. 	No garage/carports or outbuildings proposed within view corridors.	N/A
<ul style="list-style-type: none"> - Fence 70% open where height is >900mm 	No fence proposed due to proposed dwelling being on a battleaxe allotment.	
<ul style="list-style-type: none"> • Pedestrian & Vehicle Safety <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>Car parking is not considered to be an issue due to it being located a significant distance from roads and footpaths as the proposed Dual Occupancy is located on a Battleaxe allotment.</p> <p>No fencing proposed as proposed Dual Occupancy is on a battleaxe allotment.</p>	Yes
Site Configuration		
<ul style="list-style-type: none"> • Deep Soil Areas <ul style="list-style-type: none"> - 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>426.35m² approx. (35% of site area).</p> <p>8m x 8m deep soil provided</p> <p>Front yard incorporates some deep soil area where possible (89.83m² / 27.23%) however due to the Dual Occupancy being proposed on a battleaxe allotment and the requirement specified in the Ryde DCP 2010 of cars needing to be able to enter and exit a Battleaxe allotment in a forward direction it has meant that the design does not incorporate a traditional front yard that a standard allotment does. In this instance the non-compliance is considered permissible as a significant portion of the rear yard has been maintained as deep soil zone.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>

ITEM 3 (continued)

ATTACHMENT 2

DCP 2010	PROPOSED	COMPLIANCE
<ul style="list-style-type: none"> - Dual occupancy developments only need 1 of 8 x 8m area (doesn't have to be shared equally). 	<p>8m x 8m deep soil zone maintained to rear foreshore area of the proposed Dual Occupancy.</p>	<p>Yes</p>
<ul style="list-style-type: none"> • Topography & Excavation <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 	<p>Max cut: 1000mm Max fill: 700mm</p> <p>Max cut: 900mm Max fill: 3.02m – Northern corner of Unit 1 swimming pool area.</p> <p>Maximum fill requirements not met due to the steep topography of the subject site. With a fall of over 11m across the site it is considered very difficult to maintain these maximum levels of cut and fill without compromising the design, amenity and liveability of the dwelling. It is evident efforts have been made to terrace the dwelling across the site and respond to the existing topography. With this in mind and the fact that the subject site lies to the rear of a battleaxe allotment it is considered that the non-compliance in terms of excavation is justifiable in this instance. Furthermore it is noted that the area of maximum non-compliance relates to an elevated swimming pool and not actual fill in terms of soil/material.</p>	<p>Yes Yes Yes No - Justifiable</p>
<ul style="list-style-type: none"> - No fill between side of building and boundary or close to rear boundary 	<p>Max. 1180mm fill proposed on southern side of dwelling to provide level access from sliding doors to rear terrace area. Given the steep gradient across the site this level of fill is considered appropriate to create level access to the side of the dwelling and does not result in any significant loss of privacy or</p>	<p>No - Justifiable</p>

ITEM 3 (continued)

ATTACHMENT 2

DCP 2010	PROPOSED	COMPLIANCE
	security for neighbours. The dwelling is also located to the rear of a battleaxe allotment and as such does not compromise the consistency along the streetscape.	
<ul style="list-style-type: none"> - No fill in overland flow path - Max ht retaining wall 900mm 	Not in overland flow path Max. retaining wall height proposed less than 1m as foreshore rock walls.	N/A Yes
Floor Space Ratio		
<ul style="list-style-type: none"> - Ground floor - First floor - Total (Gross Floor Area) - Less 36m² (double) or 18m² (single) allowance for parking <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 style="text-align: center;">317.59m² 318.82m² 636.41m² 600.41m²</p> <p style="text-align: center;">0.49:1</p>	Yes
Height		
<ul style="list-style-type: none"> - 2 storeys maximum (storey) incl basement elevated greater than 1.2m above EGL). - 1 storey maximum above attached garage incl semi-basement or at-grade garages. 	<p>2 storeys proposed</p> <p>1 storey proposed above attached garage</p>	Yes Yes
<p>Wall plate (Ceiling Height)</p> <ul style="list-style-type: none"> - 7.5m max above FGL or - 8m max to top of parapet. <p>NB: <i>TOW = Top of Wall</i> <i>EGL = Existing Ground Level</i> <i>FGL = Finished Ground Level</i></p> <ul style="list-style-type: none"> - 9.5m Overall Height <p>NB: <i>EGL – Existing ground Level</i></p>	<p>TOW RL: 13.94 FGL below (lowest point): RL:6.18 TOW Height (max)= 7.76m</p> <p>Max point of dwelling RL:15.56 EGL below ridge (lowest point) RL: 6.25 Overall Height (max)= 9.31m</p>	No - Justifiable Yes

ITEM 3 (continued)

ATTACHMENT 2

DCP 2010	PROPOSED	COMPLIANCE
- Habitable rooms to have 2.4m floor to ceiling height (min).	2.4m min room height	Yes
Setbacks		
<ul style="list-style-type: none"> • Side <ul style="list-style-type: none"> ○ Single storey dwelling <ul style="list-style-type: none"> - 900mm to wall, includes balconies etc. ○ Two storey dwelling <ul style="list-style-type: none"> - 1500mm to wall, includes balconies etc. ○ 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 - 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 	<ul style="list-style-type: none"> 1500mm to wall min 1500mm to wall min Not on a corner Proposed Dual Occupancy is on a Battleaxe allotment. Front setback to rear boundary of the adjoining property is min. 8.11m which is in line with Ryde DCP 2010 min. setback of 8m for battleaxe allotments. Not on corner Garage setback 1m from building façade Wall above aligns with face of garage below however an extended cover protrudes from above the garage providing extra covered parking. Front setback is free of any ancillary elements. 	<ul style="list-style-type: none"> Yes Yes N/A Yes N/A Yes Yes Yes
<ul style="list-style-type: none"> • Rear <ul style="list-style-type: none"> - 8m to rear of dwelling OR 25% of the length of the site, whichever is greater. Note: 13.5m is 25% of site length. 	<ul style="list-style-type: none"> Average 22m setback to rear of dwelling. Average calculated due to the irregular boundary line of the rock outcrop waterfront. 	<ul style="list-style-type: none"> Yes
<ul style="list-style-type: none"> • Sites wider than they are long <ul style="list-style-type: none"> - One side setback of 8m or 20% of allotment width, whichever is greater. NB: Side setback on irregular allotments can be measured at the centre line of the site (must have 8x8 DSA). 	<ul style="list-style-type: none"> Site is not wider than it is long 	<ul style="list-style-type: none"> N/A N/A

ITEM 3 (continued)

ATTACHMENT 2

DCP 2010	PROPOSED	COMPLIANCE
- Rear setback 4m min (in addition to 8m side setback)		N/A
Battle-axe (hatchet shaped) - Setback min 8m from front allotment. A single storey garage or outbuilding may be located within this setback.	Proposed dwelling is setback min. 8.11m from front allotment.	Yes
Outbuildings		
	No outbuildings as part of the proposal	N/A
Car Parking & Access		
<ul style="list-style-type: none"> • General - Dual Occupancy (attached): 1 space max per dwelling. - Where possible access off secondary street frontages or laneways is preferable. - Max 6m wide or 50% of frontage, whichever is less. 	<p>1 space per dwelling proposed in attached garage arrangement</p> <p>No access available from secondary street frontage or laneway</p> <p>External width Unit 1: 3.27m External width Unit 2: 3.54m Total width is 6.81m which exceeds the max. 5.7m set out in the Ryde DCP 2010. However as the proposed garages do are not visible and do not face the street this control is not considered to apply.</p>	<p>Yes</p> <p>Yes</p> <p>N/A</p>
- Behind building façade.	Car parking located behind facade	Yes
<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>Setback from façade:1m</p> <p>Width of opening Unit 1: 2.7m Width of opening Unit 1: 2.7m</p> <p>Total width: 5.4m</p> <p>Door setback: 300mm</p> <p>No garage windows proposed</p> <p>Garage not freestanding</p> <p>Solid proposed</p> <p>Materials: consistent & complimentary to new Dual Occupancy design proposal</p>	<p>Yes</p> <p>Yes</p> <p>N/A</p> <p>N/A</p> <p>Yes</p> <p>Yes</p>

ITEM 3 (continued)

ATTACHMENT 2

DCP 2010	PROPOSED	COMPLIANCE
<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. - No openable windows, door or other openings in a wall that forms part of barrier - Spa to have lockable lid if not fenced or covered - Pools not to be in front setback 	<p>Pool fence isolates pool area from dwelling and adjoining land.</p> <p>Gate location shown to top of stairs into pool area.</p> <p>Plans show no windows or doors within pool area.</p> <p>No Spa proposed.</p> <p>Proposed pools at rear</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>N/A</p> <p>Yes</p>
<p>Pool coping height</p> <ul style="list-style-type: none"> - 500mm maximum above existing round level <p><i>(only if no impact on privacy)</i></p>	<p>Pool coping RL: 5.18</p> <p>EGL (lowest point below coping): RL: 2.43</p> <p>Coping Height (max)= 2.75m</p> <p>Although the proposed pool coping exceeds the maximum height above existing ground level, due to the significant gradient across the site sloping steeply towards Morrisons Bay it is considered very difficult to maintain a pool coping level to the rear of the allotment that is not more than 500mm above existing ground level. It is noted that the elevated level of the swimming pool surrounds above the adjoining allotments may allow for privacy and overlooking impacts to neighbouring allotments at 53A and 47A Bayview Street however this is considered to have been mitigated through the addition of significant privacy screens. It is recommended that a condition be imposed that requires more suitable landscape screening species be implemented along the side boundaries to further mitigate any overlooking impacts.</p>	<p>No – Justifiable/To Be Conditioned</p>

ITEM 3 (continued)

ATTACHMENT 2

DCP 2010	PROPOSED	COMPLIANCE
<ul style="list-style-type: none"> • Pool Setback - 900mm min from outside edge of pool coping, deck or surrounds to allow sufficient space for amenity screen planting 	Setback (min): 6.3m	Yes
<ul style="list-style-type: none"> - 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. - Pool setback 3m+ from tree >5m height on subject or adjacent property. - Pool filter located away from neighbouring dwellings, and in an acoustic enclosure. 	<p>Pools are located more than 1500mm from the side boundary.</p> <p>No existing trees within prescribed setbacks.</p> <p>Pool filter & pumps located in the undercroft area to surrounding pool decking. Condition this area to be acoustically adequate.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>
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 	<p>Major trees retained on foreshore of allotment to maintain adequate tree canopy and visual screening to the dwelling from the water. It is noted that some trees have been proposed for removal to facilitate driveway and dwelling construction. These have been discussed in detail in the Arborists report prepared by Louise Bennet, consultant arborist for The Arborist Network.</p> <p>Not bushland adjoining</p>	<p>Yes</p> <p>N/A</p>
<ul style="list-style-type: none"> - 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). 	<p>Physical connections provided through implementation of steps and terraced paved areas.</p> <p>Obstruction free pathway provided to the side of Unit 2 only. Condition to be imposed that ensures obstruction free pathway provided to the side of Unit 1.</p>	<p>Yes</p> <p>Yes / No To be Conditioned</p>

ITEM 3 (continued)

ATTACHMENT 2

DCP 2010	PROPOSED	COMPLIANCE
<ul style="list-style-type: none"> - Front yard to have at least 1 tree with mature ht of 10m min and a spreading canopy. - 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. 	<p>Front yard does not contain 1 tree with a mature height of 10m and a spreading canopy.</p> <p>Backyard contains existing canopy tree capable of reaching 15m therefore additional canopy tree not required.</p> <p>Majority of hedging/screen planting on boundary to reach a maximum of 1m.</p> <p>4 <i>Bambusa multiplex</i> to reach a maximum height of 3m. It is considered that this is an acceptable species selection even though it exceeds the 2.7m height limit as it provides privacy and screening to living room windows on the ground floor.</p> <p>Assessment Officer's comment: The proposed planting selection to the sides of the dwelling provides little screening/privacy due to species selected (<i>Metrosideros collina</i> 'Tahiti' & <i>Gardenia augusta</i> 'Florida') having a limited mature height of 1m. Given that both neighbouring at properties at 47A & 53A have swimming pool areas and private open space adjoining (see Photograph 1 appended to the Compliance Table) it is advised that species with a mature height closer to the 2.7m maximum are considered to mitigate the opportunities for overlooking in all directions and increase the level of privacy to private open spaces.</p> <p>OSD located within rear setback.</p>	<p>No – To Be Conditioned</p> <p>Yes</p> <p>No – To Be Conditioned</p>
<ul style="list-style-type: none"> - OSD generally not to be located in front setback unless under driveway. - Landscaped front garden, with max 40% hard paving. 	<p>Hard Paving: 72.76%.</p> <p>Although the front garden includes minimal deep soil zones it is considered acceptable due to the allotment being a battle-</p>	<p>Yes</p> <p>No - Justifiable</p>

ITEM 3 (continued)

ATTACHMENT 2

DCP 2010	PROPOSED	COMPLIANCE
	axe arrangement and the need for cars to enter and exit the site in a forward direction. It is noted that deep soil and landscaping has been incorporated where possible	
<ul style="list-style-type: none"> • Landscaping for lots with Urban Bushland or Overland Flow constraints 	No Urban Bushland or Overland Flow constraints	N/A
Dwelling Amenity		
<ul style="list-style-type: none"> • Daylight and Sunlight Access <ul style="list-style-type: none"> - 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 21 June. - Private Open space of subject dwelling is to receive at least 2 hours sunlight between 9am and 3pm on 21 June. <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 21 June. 	<p>Living areas are orientated to the north in Unit 1. Being an attached Dual Occupancy with a common wall, living areas of Unit 2 are orientated generally to the rear (north-west) of the dwelling. Side setback has been increased to 4m for the living areas on Unit 1. Side setbacks of Unit 2 have been increased to 2.4m for some parts of the living areas to allow for more natural light to enter.</p> <p>North facing windows will achieve minimum 3 hours solar access between 9am and 3pm on 21 June</p> <p>POS area of dwelling house will achieve at least 2 hours sunlight between 9am and 3pm on 21 June</p> <p>The shadow diagrams submitted as part of the proposal indicate the proposed Dual Occupancy will subject the neighbouring property at 53A Bayview Street to some increased overshadowing of adjoining principal ground level open space between 9am and 3pm on 21 June. The adjoining principal</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>

ITEM 3 (continued)

ATTACHMENT 2

DCP 2010	PROPOSED	COMPLIANCE
<p>- At least 3 hours sunlight to a portion of the surface of north facing adjoining living area windows between 9am and 3pm on 21 June.</p>	<p>ground level open space will still however receive the minimum 2 hours of sunlight to at least 50% of this area with the pool having full solar access before 12pm on 21 June. This is considered to be a sufficient amount of sunlight. The shadow diagrams submitted as part of the proposal indicate the proposed Dual Occupancy will subject the neighbouring property at 53A Bayview Street to significant overshadowing to the north facing adjoining living area windows between 9am and 3pm on 21 June. The living area windows subject to overshadowing at 53A Bayview Street are indicated on the plans to be a small family room port hole window & kitchen windows on the ground floor.</p> <p>The inability of the proposed development to comply with this control is largely considered to be a result of the orientation of the allotment, the significant setback of the dwelling at 53A Bayview Street & steep gradient of the surrounding topography.</p> <p>The proposed development is compliant with the Ryde DCP 2010's building envelope controls, and even provides a side setback of 1.5m to the entire south-western boundary with 53A Wilding Street. Accordingly it is difficult to envisage any two storey dwelling house on the subject site that conforms to Ryde's building envelope controls to comply with this specific control.</p> <p>It is also noted during the site inspection that the adjoining dwelling at 53A Bayview Street</p>	<p>No - Justifiable</p>

ITEM 3 (continued)

ATTACHMENT 2

DCP 2010	PROPOSED	COMPLIANCE
	<p>has large spans of windows across the front and rear facade of their dwelling (see Photograph 2 & 3 appended to the Compliance Check table). These large spans of windows would achieve greater than 3 hours solar access to a portion of their surface between 9am and 3pm at the winter solstice</p> <p>Given the above, the level of overshadowing to the more minor side north-east facing windows is considered justifiable in this instance.</p>	
<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. - Side windows offset from adjoining windows. 	<p>Windows of living areas, balconies & outdoor living areas have primarily been located to the front and rear of the dwelling. Where this has not been possible screening has been implemented in the form of privacy screens or landscape screen planting.</p> <p>Generally all windows of living areas have been placed to minimise overlooking into adjoining dwellings and open space. Additionally it is noted that the windows of living rooms include a high sill height and are of a narrow design so as to reduce the opportunity for privacy/overlooking impacts</p> <p>Side windows have generally been offset from those adjoining where possible. It is noted that Window 18 in bedroom 3 on the first floor of Unit 1 aligns with a window at No.53A Bayview Street. Accordingly it is recommended that a condition be imposed to install a privacy screen or similar.</p>	<p>Yes</p> <p>Yes</p> <p>Yes / No To Be Conditioned</p>

ITEM 3 (continued)

ATTACHMENT 2

DCP 2010	PROPOSED	COMPLIANCE
<ul style="list-style-type: none"> - 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. 	<p>Terraces/balconies have been generally orientated to minimise overlooking to neighbouring dwellings & private open space. The two rear decks on the ground floor and two rear terraces on the first floor have been installed with appropriate full height privacy screens so as to mitigate any overlooking to the neighbouring dwellings and private open space.</p> <p>Acoustic privacy has been addressed in the proposal through designing each dwelling to be mirror image of the other seeing rooms of similar use adjoin each other as is recommended in the Ryde DCP 2010. Acoustic privacy has also been enhanced through incorporating a double thickness separating wall between the two dwellings.</p>	<p>Yes</p> <p>Yes</p>
<ul style="list-style-type: none"> • 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>Views are maintained by a complying overall 9.5m building height, justified side setbacks and complying front & rear setbacks. Although some minor views may be lost from the streetscape towards the water, existing vegetation on site that has been removed to facilitate construction has previously masked these views. Accordingly, it is not considered there to be any major change to view corridors or major views.</p> <p>Opportunities for good cross ventilation are considered to be optimised for prevailing breezes.</p>	<p>Yes</p> <p>Yes</p>

ITEM 3 (continued)

ATTACHMENT 2

DCP 2010	PROPOSED	COMPLIANCE
External Building Elements		
<ul style="list-style-type: none"> • Roof - Articulated. - 450mm eaves overhang minimum. - Not to be trafficable Terrace. - Skylights to be minimised and placed symmetrically. - Front roof plane is not to have both dormer windows and skylights. - Attic to be within roof space - Attics may be in garage if garage next to dwelling & not within front or rear setback 	<p>Articulated 450mm overhang minimum achieved None provided Two skylights proposed to each dwelling of the Dual Occupancy. Both sets of skylights are arranged symmetrically and provide natural light to the entrance porch below. No dormer windows proposed</p> <p>No attic proposed None proposed</p>	<p>Yes Yes Yes Yes Yes N/A N/A</p>
Fencing		
<ul style="list-style-type: none"> • Front/return: - To reflect design of dwelling. 	<p>No front or return fencing proposed as subject site is a Battleaxe allotment.</p>	<p>N/A</p>
<ul style="list-style-type: none"> - 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>N/A N/A N/A N/A 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 proposed development application.</p>	<p>N/A</p>
Special requirements for Battleaxe Lots		
<ul style="list-style-type: none"> o Must be setback from rear boundary of front allotment 8m min (in addition to having an 8m/25% rear setback). Single storey garage or carport may be within 	<p>Front and rear setbacks meet the 8m/25% requirements as set out in Ryde DCP 2010</p>	<p>Yes</p>

ITEM 3 (continued)

ATTACHMENT 2

DCP 2010	PROPOSED	COMPLIANCE
setback.		
<ul style="list-style-type: none"> o Must have hard paved area in front setback for turning, so vehicles can enter and exit in a forward direction. 	Hard paved area in the front setback provided for turning. Vehicles are able to enter and exit in a forward direction as is indicated on proposed Site Plan by Hose By Design dated 28/11/2012	Yes
<ul style="list-style-type: none"> o View corridor to water co-ordinated with that of front allotment or along access handle. 	View corridors to the water are maintained from the front allotment through a pitched roofing design that slopes down to a level of RL 12.96. Considering the steep gradient of the subject site, the front allotment has an RL 14.00 allowing views towards the water to be maintained.	Yes
Part 7.1 – Energy Smart, Water Wise (only if BASIX not required)		
BASIX certificate submitted		
Part 7.2 – Waste Minimisation & Management		
Submission of a Waste Management Plan	The applicant has submitted a Waste Management plan.	Yes
Part 8.2 – Stormwater Management		
<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. 	Drainage plans submitted and referred to Development Engineer for comment.	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.	Due to the subject site being a battleaxe allotment the only access to the front door is along the proposed driveway access handle.	Yes
Part 9.4 – Fencing		
<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. 	No front or return fences proposed as part of the Dual Occupancy as the subject site is a Battleaxe allotment.	Yes
Part 9.6 – Tree Preservation		
Where the removal of tree(s) is associated with the redevelopment of a site, or a neighbouring site, the applicant is required to demonstrate that	All trees to be removed have been detailed in an Arborist report as part of the proposal prepared by Louise Bennet, consultant Arborist for The	

ITEM 3 (continued)

ATTACHMENT 2

DCP 2010	PROPOSED	COMPLIANCE
<p>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>	<p>Arborist Network dated 29 July 2013.</p> <p>Tree preservation is also outlined in Section 9.6 of the SEE prepared by House Plans By Design dated 12 December 2012.</p>	

ITEM 3 (continued)

ATTACHMENT 2

BASIX	PROPOSAL	COMPLIANCE
All ticked "DA plans" commitments on the BASIX Certificate are to be shown on plans (list) BASIX Cert 446820M dated 28th November 2012	BASIX commitments on plans	Yes
<ul style="list-style-type: none"> RWT 5000L 	5000L RWT proposed under rear decking.	No
<ul style="list-style-type: none"> Swimming Pool 		
1. <28kL	23kL	Yes
2. outdoors	Outdoor pool proposed	Yes
<ul style="list-style-type: none"> Thermal Comfort Commitments: 		
- Construction	Concrete slab on ground	Yes
- TCC – Glazing.		Yes
<ul style="list-style-type: none"> HWS Gas Instantaneous 5 star. 	Gas instantaneous 5 star	Yes
<ul style="list-style-type: none"> Natural Lighting 		
- kitchen	Yes	Yes
- bathrooms ()	2	Yes
Water Target 40	Water: 41	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
<ul style="list-style-type: none"> Plan showing all structures to be removed. 	No structures to be removed	Yes
<ul style="list-style-type: none"> Demolition Work Plan 	No demolition work proposed	Yes
<ul style="list-style-type: none"> Waste Management Plan 	Plan submitted	Yes

Summary of Issues/Non compliances:

Non-compliances – Justified

- Maximum 7.5m wall plate height exceeded
- Maximum 40% hard paved area in front yard exceeded
- Maximum fill levels outside the building footprint as part of Ryde DCP 2010 exceeded
- Control limiting any fill between the dwelling and side boundary not achieved
- Overshadowing to neighbouring dwelling at 53A results in north facing living room windows not receiving the minimum three hours of sun between 9pm & 3pm on the 21 June
- Pool coping height is over the maximum 500mm above existing ground level

ITEM 3 (continued)

ATTACHMENT 2

Non-compliances – Resolved via conditions

- Species selection to the side boundaries is noted to only achieve a maximum height of 1m. Given the steep gradient of the subject site and the proposed balconies extending from the front of the dwelling, overlooking towards the allotment at the front of the battle-axe may be an issue. Privacy and overlooking issues may also arise between the proposed dwellings private open space to the rear and adjoining private open space. It is considered that if the planting as part of the Landscape Plan is reselected to increase mature heights to closer to 2.7m issues of privacy and overlooking may be mitigated.
- Side facing windows may allow for overlooking to neighbouring dwelling.
- Tree capable of reaching max. 15m in height not provided in front garden area
- Obstruction free pathway not provided on one side of dwelling

Non-compliances – Not justified

None.

Certification

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

Name: Ben Tesoriero

Signature:



Date: 7 October 2013

ITEM 3 (continued)

ATTACHMENT 2

SITE PHOTOS



Photograph 1 – Dwelling at 47A Bayview Street with elevated pool in adjoining private open space to 51A Bayview Street.

Assessment Officers comment: Note the level of the swimming pool and surrounding private open space. Opportunities for overlooking are considered to be an issue that will affect privacy in both directions. This may easily be rectified through appropriate screen planting that can reach a height of 2.7m.

ITEM 3 (continued)

ATTACHMENT 2



Photograph 2 – Dwelling subject to possible overshadowing (53A Bayview Street) from the proposed Dual Occupancy at 51 Bayview Street.

Assessment Officer Comment: Note the large spans of windows facing the front of the dwelling that would achieve greater than 3 hours solar access to a portion of their surface between 9am and 3pm at the winter solstice.

ITEM 3 (continued)

ATTACHMENT 2



Photograph 3 – Dwelling subject to possible overshadowing (53A Bayview Street) from the proposed Dual Occupancy at 51 Bayview Street.

Assessment Officer Comment: Note the photograph partially showing the large spans of windows facing the rear of the dwelling that would achieve greater than 3 hours solar access to a portion of their surface between 9am and 3pm at the winter solstice.

ITEM 3 (continued)

ATTACHMENT 3

**SYDNEY REGIONAL ENVIRONMENTAL PLAN (SYDNEY HARBOUR CATCHMENT) 2005
(SREPSHC 2005) COMPLIANCE TABLE**

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 add a dual occupancy to the subdivided lot at 51 Bayview Street, Tennyson Point. As there is no change in land-use proposed, it is considered the proposed development will have a neutral effect on the quality of water entering waterways. It is also noted that the new development will adopt modern stormwater drainage measures which is considered to be beneficial over that of the existing arrangements, hence contributing to a neutral impact 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)	The proposed development although occurring on the lower portion of the site will not impact on any significant terrestrial vegetation due to all works being setback a minimum of 6m from the MHWL which therefore maintains all existing foreshore vegetation. The shadow diagrams submitted with the subject development application indicate the proposed development will overshadow land areas only, and not adjacent aquatic areas. Given the above, it is considered the proposed development will protect terrestrial and aquatic vegetation.	Yes
(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 approximately 6m from the MHWL. Additionally with all existing aquatic vegetation retained and protected the proposed development is not considered to have a negative impact on ecological connectivity of aquatic vegetation.	Yes

ITEM 3 (continued)

ATTACHMENT 3

Provision	Proposal	Compliance
(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 approximately 6m from the MHW. Changes to flow, current and wave action will be mitigated during construction through implementation of stormwater management systems such as sediment, siltation and erosion control and following construction through employing modern stormwater dissipating techniques and rainwater harvesting technologies. Accordingly, the proposed development is not considered to have any indirect impact on aquatic vegetation.	Yes
(e) Development should protect and reinstate natural intertidal foreshore areas, natural landforms and native vegetation	All works are to be located approximately 6m from the MHW. Accordingly, the proposed development is considered to protect the natural intertidal foreshore, natural landforms & native vegetation with minimal adverse impacts.	N/A
(f) Development should retain, rehabilitate and restore riparian land	All works are to be located approximately 6m of 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 as it is considered to be in good health.	N/A
(g) Development on land adjoining wetlands should maintain and enhance the ecological integrity of the wetlands and, where possible, should provide a vegetation buffer to protect the wetlands	The subject site although adjoining wetlands does not propose any works to be done within 6m of the MHW. Ecological integrity of the wetlands is considered to be maintained through retaining all existing foreshore vegetation, therefore providing a significant vegetation buffer of protection.	Yes
(h) The cumulative environmental impact of development	With all works proposed to be located 6m from the MHW, it is considered the cumulative environmental impact of development to be minimal.	Yes

ITEM 3 (continued)

ATTACHMENT 3

Provision	Proposal	Compliance
(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. Additionally sediments are considered unlikely to be containment due to continued history of residential use.	Yes
<i>Cl. 22 Public Access to, and Use of, Foreshores and Waterways</i>		
(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 development. Although the site survey indicates beach access pathway between 51 & 53A Bayview Street, Tennyson Point this is considered an informal access way that is not accessible to the public. 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, fishing and boating), without adversely impacting on watercourses, wetlands, riparian lands or remnant vegetation	The proposal will not impede or alter existing public access to the river for recreational purposes. All relationships between the subject site and the waterways will be as existing.	Yes
(c) If foreshore land made available for public access is not in public ownership, development should provide appropriate tenure and management mechanisms to safeguard public access to, and public use of, that land	Land below high water mark remains available for public access and presents no change from the existing relationship.	N/A

ITEM 3 (continued)

ATTACHMENT 3

Provision	Proposal	Compliance
(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 not considered to be contaminated due to the long term residential use of the surrounding land.	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 congestion of traffic in the waterways or along the foreshore	Development does not seek to increase or impede any existing traffic conditions in the waterway or along the foreshore and presents no change from the existing relationship with the waterway.	Yes
(d) Water-dependent land uses should have propriety over other uses	Not applicable.	N/A
(e) Development should avoid conflict between the various uses in the waterways and along the foreshores	No change to existing use of site and waterway as part of the proposed development. It is therefore considered conflicts between various uses in the waterways & along the foreshore will be avoided.	Yes

ITEM 3 (continued)

ATTACHMENT 3

Provision	Proposal	Compliance
Cl. 25 Foreshore and Waterways Scenic Quality		
(a) The scale, form, design and siting of any building should be based on an analysis of:	Scale, form, design & siting are considered suitable in context of existing and neighbouring development.	Yes
(I) the land on which it is to be erected, and	The proposal is considered to respect the existing topography, vegetation and foreshore of the subject site and surrounding land.	Yes
(II) the adjoining land, and	No adverse affects identified upon adjoining residential land or adjoining waterway as the proposal adheres to all controls set out in the Ryde DCP 2010 which aim to mitigate any adverse affects resulting from proposed development.	Yes
(III) the likely future character of the locality	The proposal will not adversely affect the likely future character of the locality due to the new dwelling having a design and character that is consistent and in line with that of the surrounding locality.	Yes
(b) development should maintain, protect and enhance the unique visual qualities of Sydney Harbour and its islands, foreshores and tributaries	Proposed development is considered compatible with surrounding development and is not proposing any design that is inconsistent with the existing foreshore character. It is therefore considered the proposed development will not have any adverse impacts on visual qualities on Sydney Harbour and its islands, foreshores & tributaries.	Yes
(c) the cumulative impact of water-based development should not detract from the character of the waterways and adjoining foreshores	Proposed development is totally land based and proposes no water based development. It is therefore considered that proposed development does not detract from the character of the waterways and adjoining foreshores.	N/A

ITEM 3 (continued)

ATTACHMENT 3

Provision	Proposal	Compliance
<p>Cl. 26 Maintenance, Protection and Enhancement of Views (a) Development should maintain, protect and enhance views (including night views) to and from Sydney Harbour</p>	<p>Views to and from Sydney Harbour will be generally maintained. Some minor views across the subject site may be interrupted due to the proposed 2 storey dwelling replacing an open rear yard arrangement. This however is considered to be acceptable given the topography of the subject site and the fact that any development proposed on this site will likely have an impact on views across the site.</p>	<p>Yes</p>
<p>(b) Development should minimise any adverse impacts on views and vistas to and from public places, landmarks and heritage items</p>	<p>Views and vistas to and from public places, landmarks and heritage items have generally been maintained through appropriate setbacks, heights and terracing of building form. It is considered that adverse impacts have been minimised.</p>	<p>Yes</p>
<p>(c) The cumulative impact of development on views should be minimised</p>	<p>The cumulative impact on views is considered to be acceptable as all major views have been maintained through appropriate design of the proposed dwelling.</p>	<p>Yes</p>
<p>Cl. 29 Consultation required for certain development applications (1) The consent authority must not grant development consent to the carrying out in the Foreshores and Waterways Area of development listed in Schedule 2, unless: (a) it has referred the development application to the Advisory Committee, and (b) it has taken into</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 12 of this report. The proposed development includes 'retaining walls' which are included in relation to Schedule 2 of the SREPSHC 2005. (a) As part of the original development application designs, large retaining walls to</p>	<p>Yes</p>

ITEM 3 (continued)

ATTACHMENT 3

Provision	Proposal	Compliance
consideration any submission received from the Advisory Committee within 30 days after the date on which the application was forwarded to the Committee.	the swimming pools located close to the foreshore were proposed. However as part of the amended plans these walls have been deleted, therefore it is not considered necessary to refer this development application to the advisory committee in this instance. (b) N/A	
(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) It is noted that the proposed retaining walls as part of the original development application were deleted as part of the amended plans.	Yes
Part 6 Wetlands protection		
Wetlands Protection Area along Lane Cove / Parramatta River frontage	As depicted on the Wetlands Protection Area Map No. 2 the subject site is not located within a Wetlands Protection Area. See attached Map 2.	Yes

ITEM 3 (continued)

ATTACHMENT 3

Maps

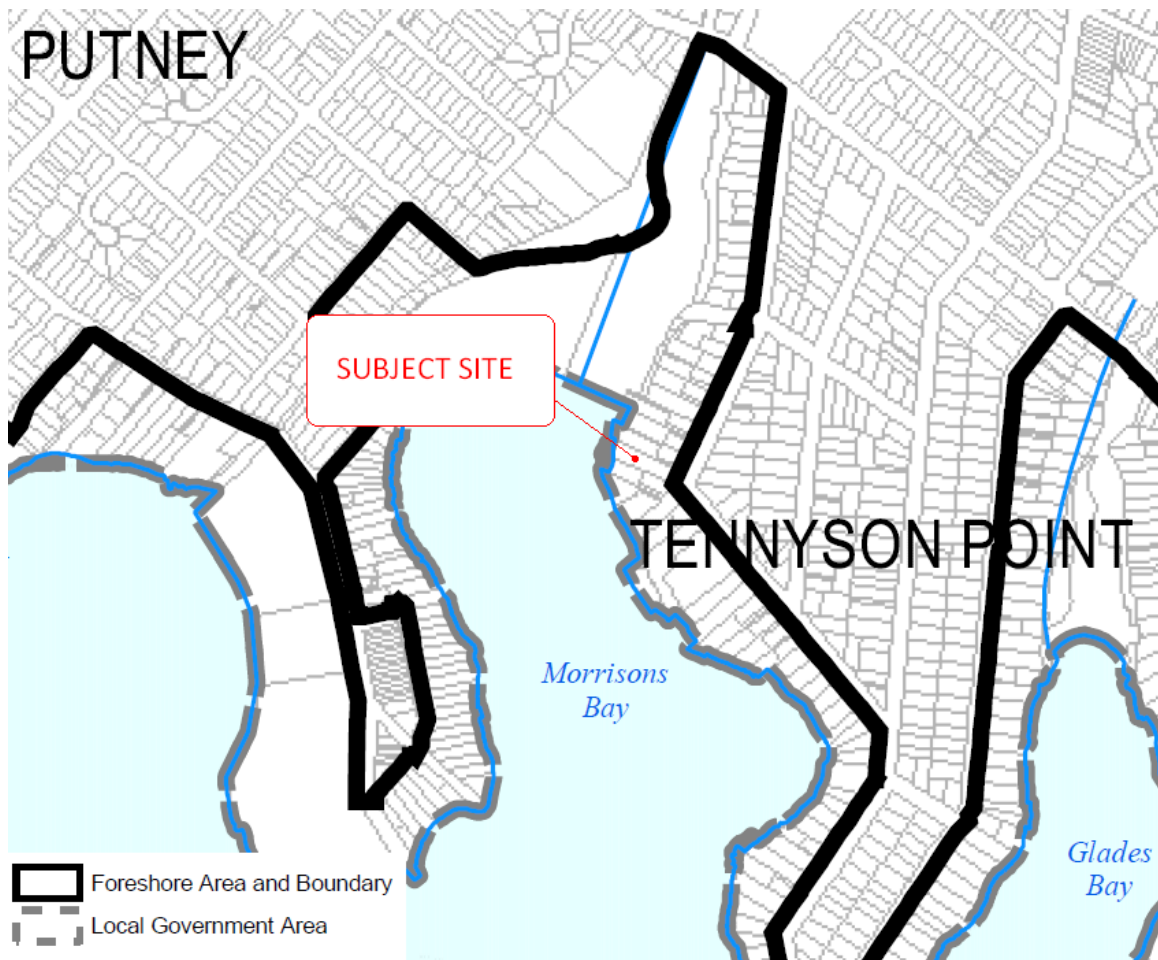


Figure 1: Sydney Harbour Catchment Area REP Map.
The map above illustrates the subject site at 151 Bayview Street, Tennyson Point lies within catchment boundary that is governed by the Sydney Harbour Catchment REP.

ITEM 3 (continued)

ATTACHMENT 3

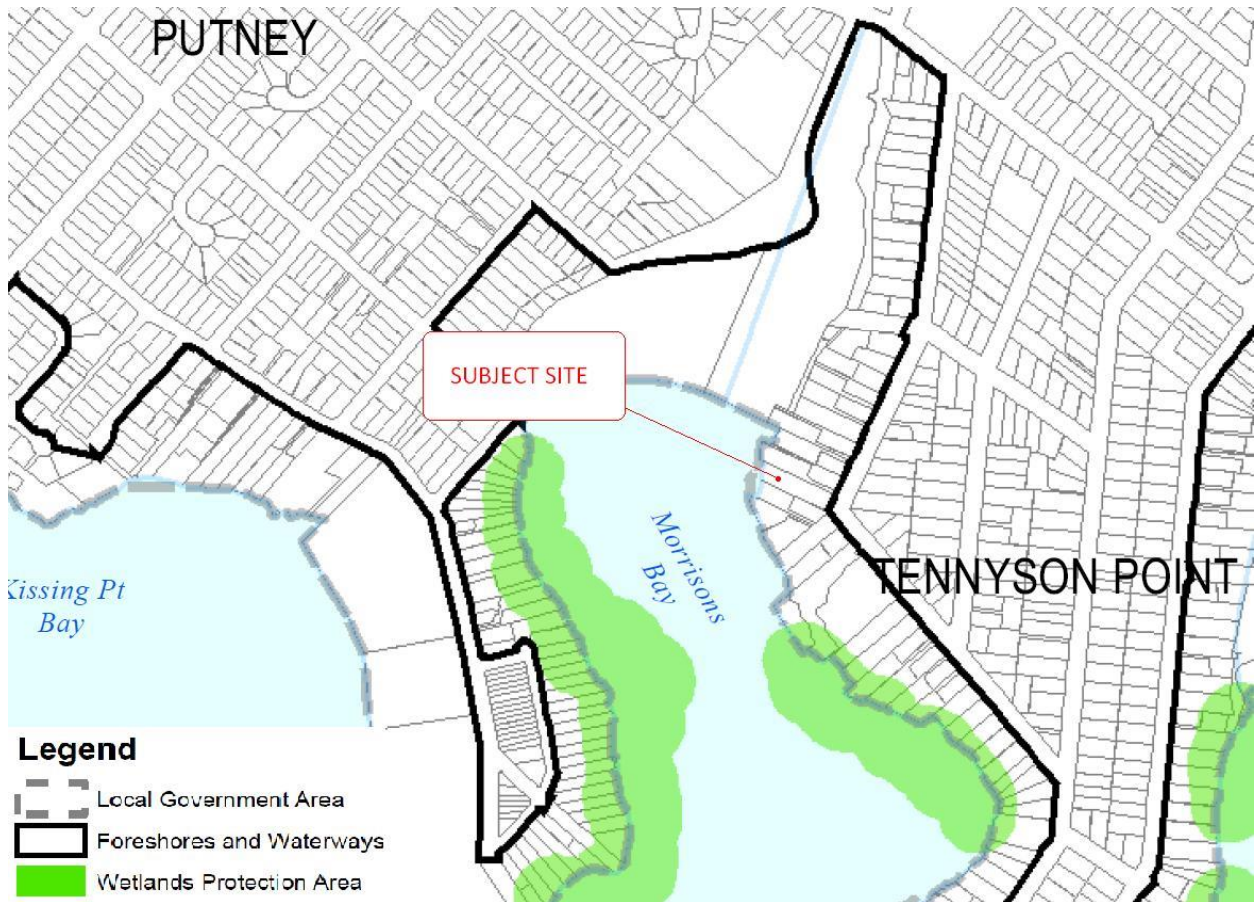


Figure 2: Wetland Protection Area Map.

The map above illustrates that according to the Sydney Harbour Foreshore Authority REP the subject site at 51 Bayview Street, Tennyson Point is not located within a Wetlands Protection Area.

ITEM 3 (continued)

ATTACHMENT 3

**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 13)

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 a detached residential dwelling house. The proposed development is not considered to impact on any rock outcrops or native vegetation. New landscape planting is proposed in and around the proposed development, with the proposed dwelling house largely complying with the required setback controls of the Ryde DCP 2010 to ensure adequate spacing between development. 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 	<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 is considered to be consistent 	

ITEM 3 (continued)

ATTACHMENT 3

Provision	Proposal	Compliance
<p>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;</p> <ul style="list-style-type: none"> ▪ 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. 	<p>with the character and established built form of the waterfront, and makes use of a recently subdivided residential allotment zoned for residential purposes.</p> <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 the erection of a minor rock wall on the foreshore less than 1m in height is considered to have minimal visual impact on the landscape qualities of the foreshore. ▪ The landscape plans submitted as part of the proposal indicate a sufficient level of native landscaping has been carried out between buildings and across the subject site to allow sufficient softening of the built environment. ▪ No existing mature ridgeline vegetation was identified during the site inspection. The only trees to be removed on site have been classified the in the Arboricultural Impact Assessment Report by The Arborist Network dated 29 July 2013 as having low retention value. 	

ITEM 3 (continued)

ATTACHMENT 3

Provision	Proposal	Compliance
(c) Development should have neutral or beneficial effect on quality of water entering waterways	The proposed development will add a dual occupancy to the subdivided lot at 51 Bayview Street, Tennyson Point. As there is no change in land-use proposed, it is considered the proposed development will have a neutral effect on the quality of water entering waterways. It is also noted that the new development will adopt modern stormwater drainage measures which is considered to be beneficial over that of the existing arrangements, hence contributing to a neutral impact of water entering waterways.	Yes

ITEM 3 (continued)

ATTACHMENT 3

Landscape Character Map

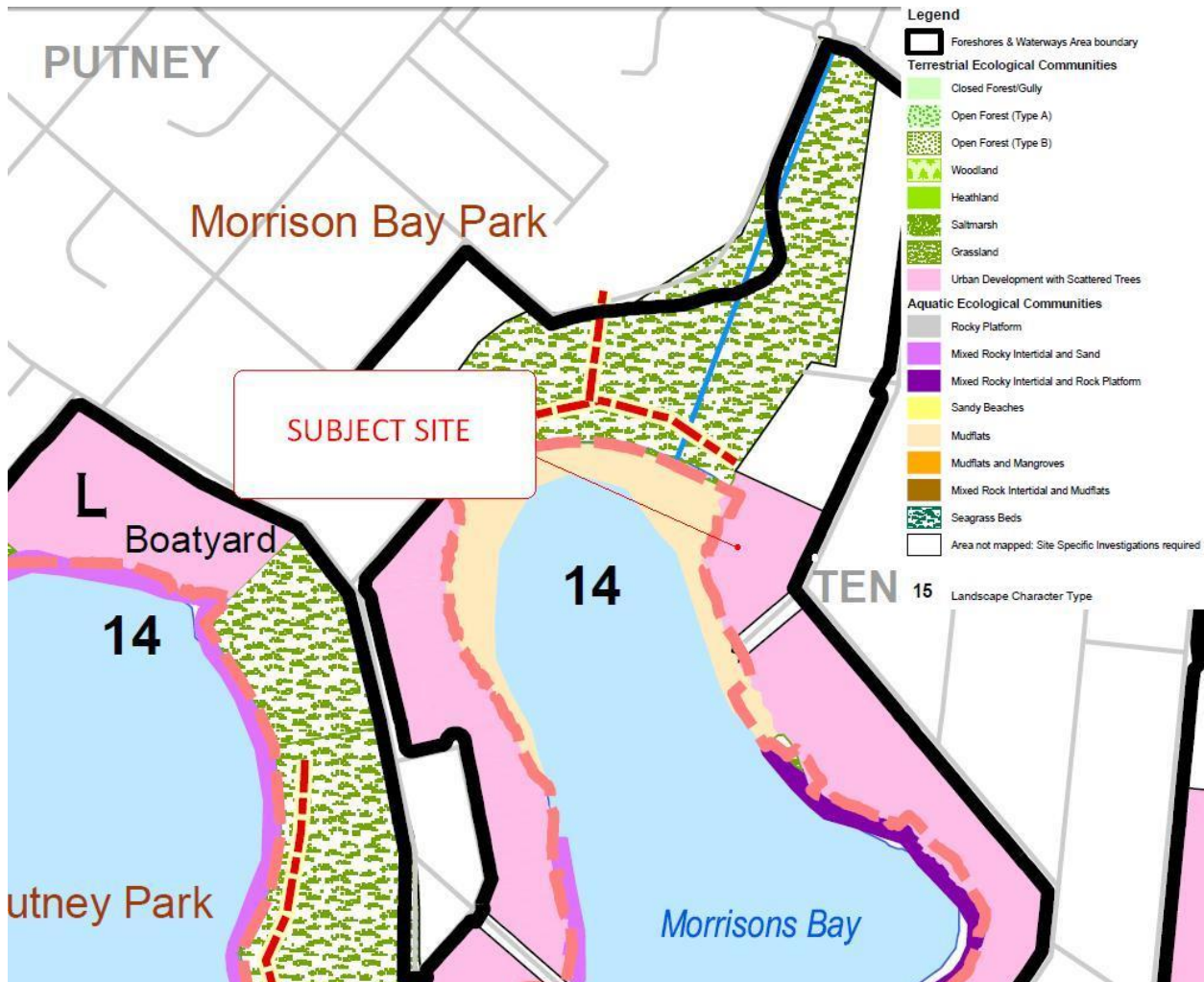
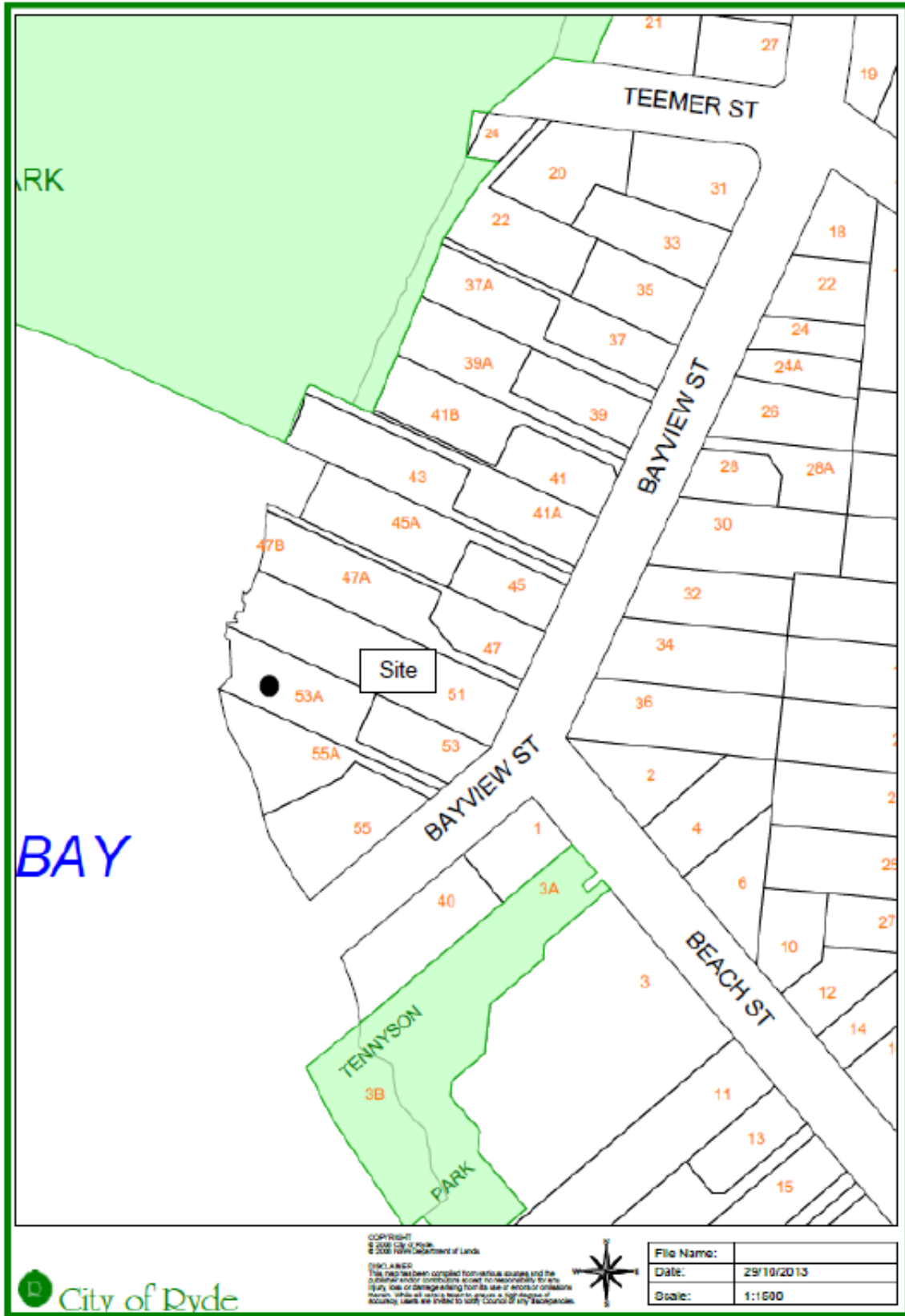


Figure 3: The above map illustrates the subject site at 51 Bayview Street, Tennyson Point has a terrestrial ecological community of urban development with scattered trees & and aquatic ecological community of mudflats.

ITEM 3 (continued)

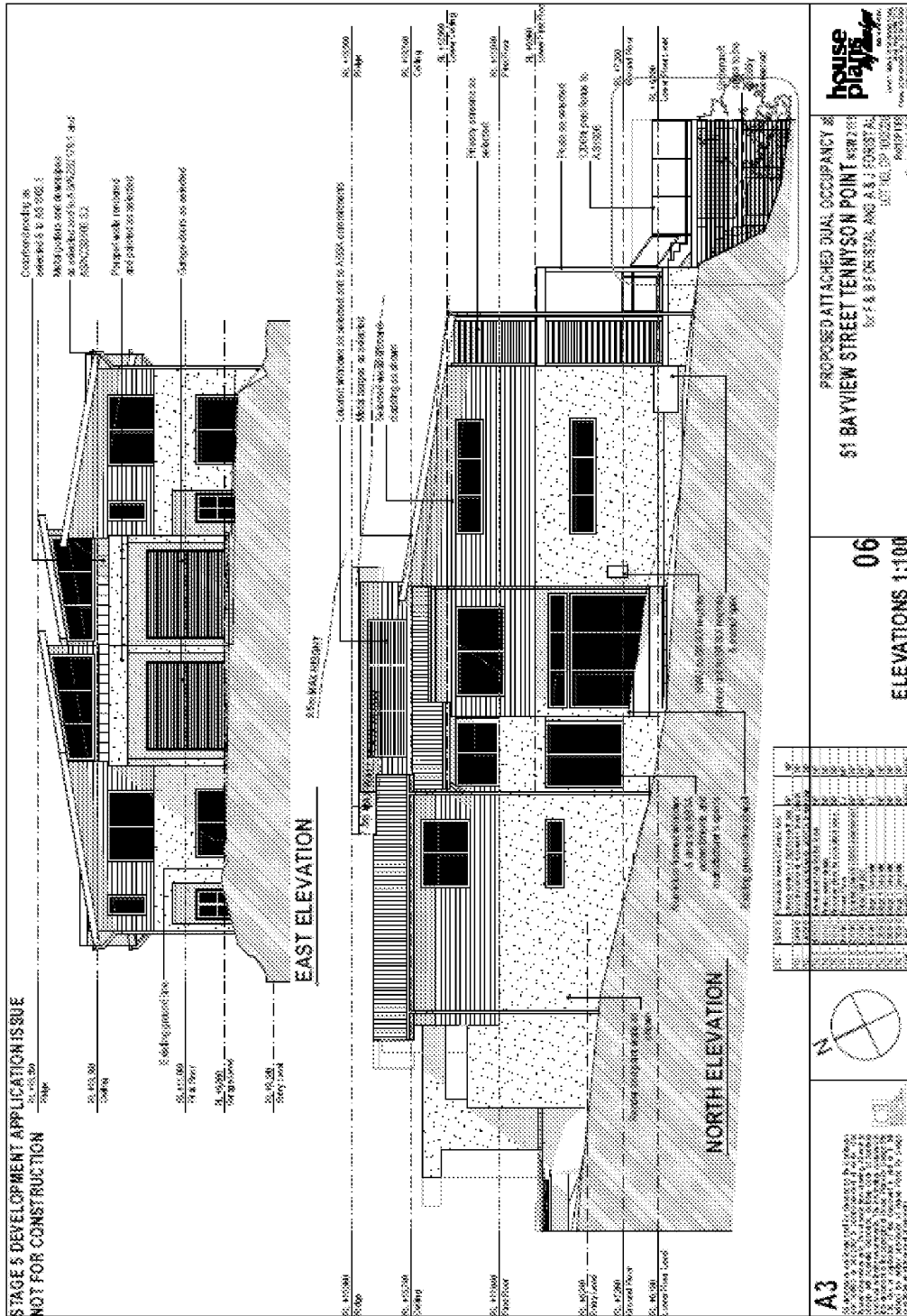
ATTACHMENT 4

● Indicates submissions received



ITEM 3 (continued)

ATTACHMENT 5



ITEM 3 (continued)

ATTACHMENT 5

STAGE 3 DEVELOPMENT APPLICATION ISSUE
NOT FOR CONSTRUCTION

A3

WEST ELEVATION

WEST ELEVATION 1:100

07

PROPOSED ATTACHED BUNAL OCCUPANCY & RESIDENCE
51 BAYVIEW STREET TENNISON POINT
FOR S.S. STORAGE AND A.S. STORAGE
LOT 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100

house plans

ITEM 3 (continued)

ATTACHMENT 5

**STAGE 3 DEVELOPMENT APPLICATION ISSUE
NOT FOR CONSTRUCTION**

LEGEND

31.422.006	Ridge
31.425.001	Window
31.425.002	Window Sill
31.425.003	Window Frame
31.425.004	Window Glass
31.425.005	Window Panel
31.425.006	Window Jamb
31.425.007	Window Sill Panel
31.425.008	Window Sill Panel
31.425.009	Window Sill Panel

NOTES

- Refer to the attached drawings for the proposed development.
- The proposed development is shown in black lines.
- The existing site conditions are shown in grey lines.
- The proposed development is shown on the site plan.
- The proposed development is shown on the floor plan.
- The proposed development is shown on the section drawing.
- The proposed development is shown on the elevation drawing.
- The proposed development is shown on the site plan.
- The proposed development is shown on the floor plan.
- The proposed development is shown on the section drawing.
- The proposed development is shown on the elevation drawing.

SOUTH ELEVATION

31.425.001	Window
31.425.002	Window Sill
31.425.003	Window Frame
31.425.004	Window Glass
31.425.005	Window Panel
31.425.006	Window Jamb
31.425.007	Window Sill Panel
31.425.008	Window Sill Panel
31.425.009	Window Sill Panel

PROPOSED ATTACHED DUAL OCCUPANCY 2E
51 BAYVIEW STREET TENNYSON POINT NSW 2214
BY P.A. BEARSON AND A.J. CONNOR
DATE OF ISSUE 12/01/2013
REVISIONS
DRAWN BY PAB
CHECKED BY PAB
DATE 12/01/2013

08 SOUTH ELEVATION 1:100

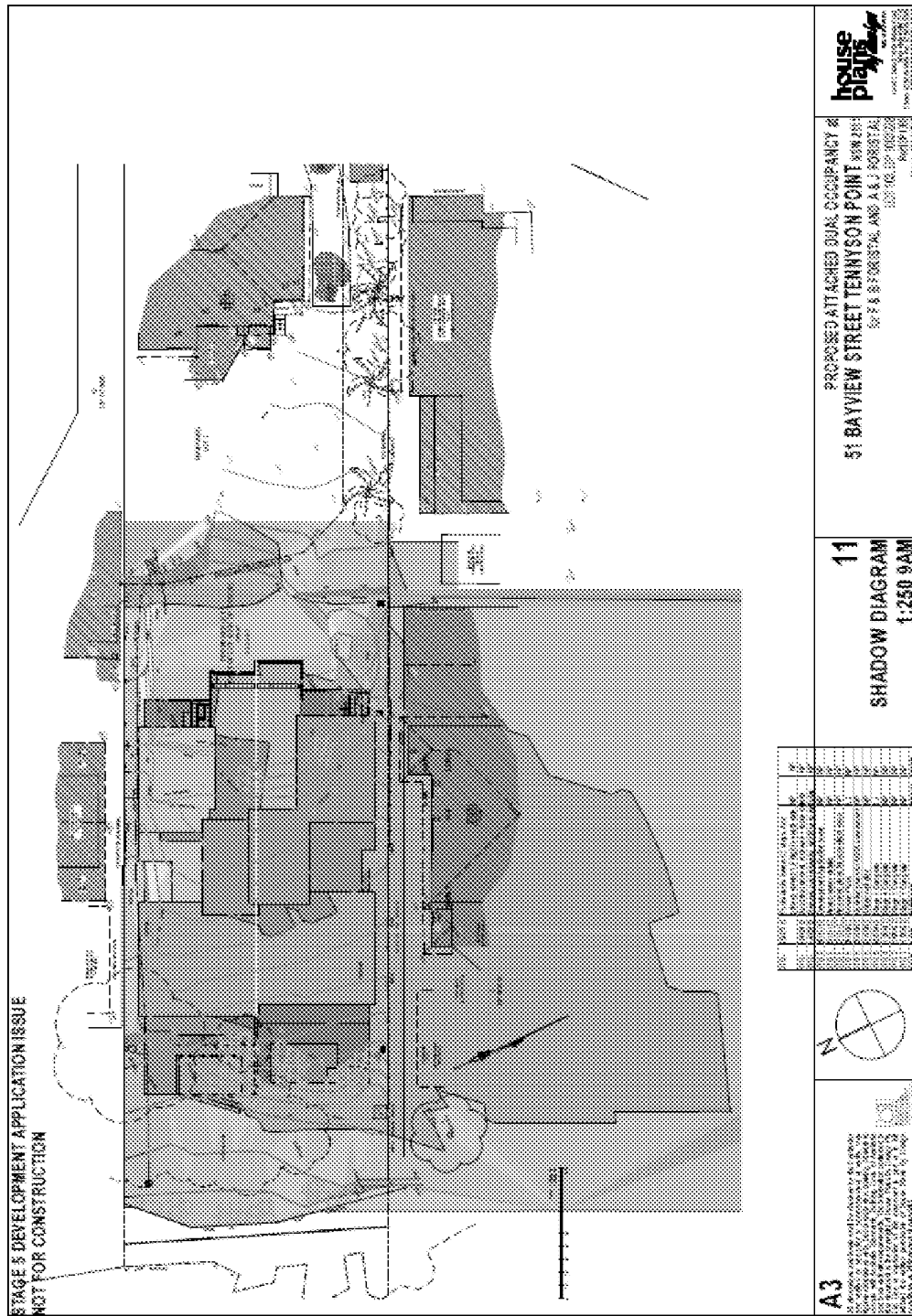
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PROPOSED ATTACHED DUAL OCCUPANCY 2E
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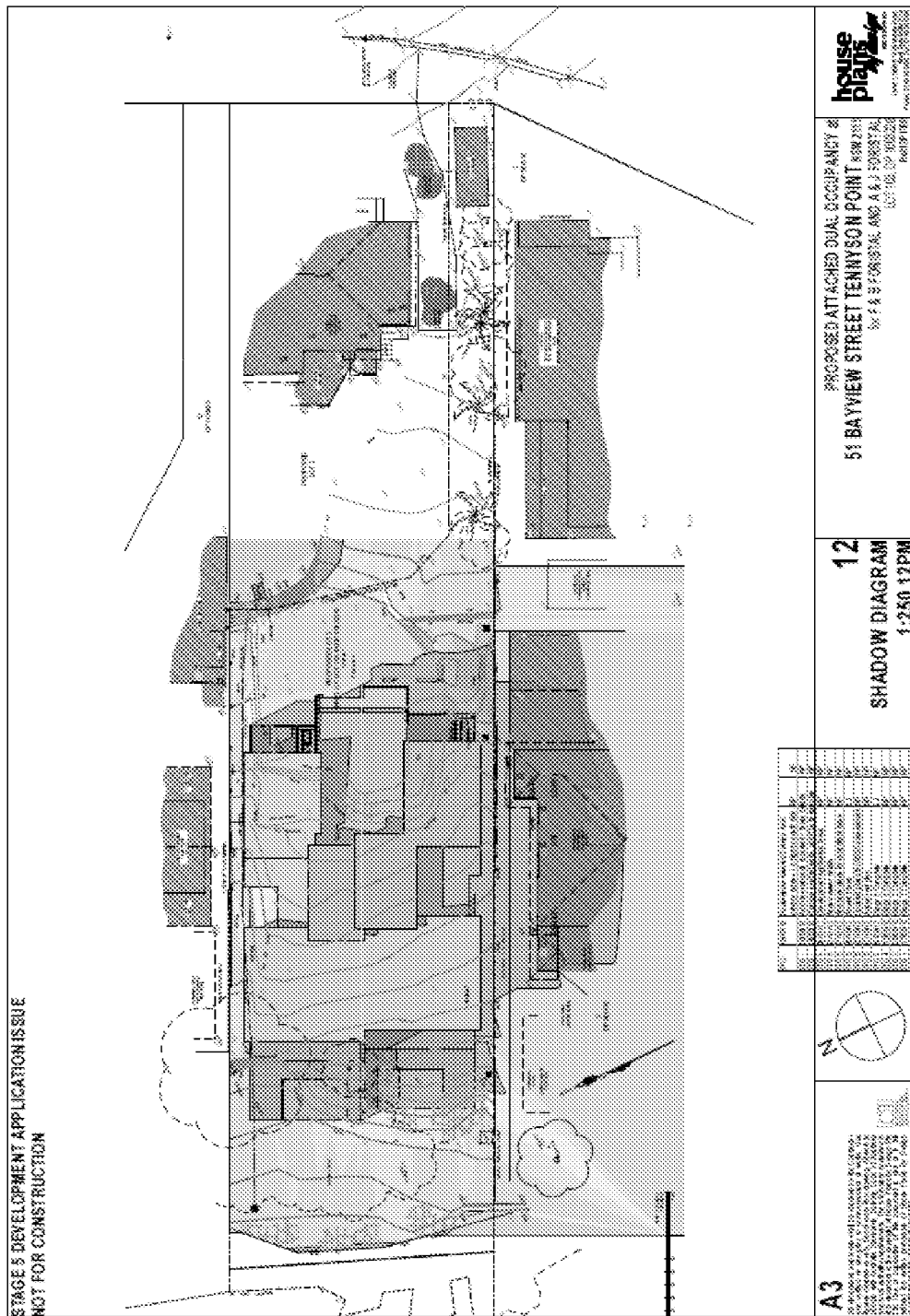
ITEM 3 (continued)

ATTACHMENT 5



ITEM 3 (continued)

ATTACHMENT 5



ITEM 3 (continued)

ATTACHMENT 5

