

Quality Certification

Assessment of Infill Affordable Housing

LDA No:	LDA2012/124
Date Plans Rec'd	3 May 2012. Amended Plans received 16 August 2012, 28 November 2012, 15 January 2013 and 7 February 2013.
Address:	58 to 60 Falconer Street, West Ryde
Proposal:	Demolition, erection of infill development under Affordable Housing State Environmental Planning Policy comprising 19 strata titled town houses consisting of 6 x 3 bedroom and 4 x 2 bedroom dwellings.
Constraints Identified:	

COMPLIANCE CHECK

Table 1: Ryde LEP 2010

RYDE LEP 2010	PROPOSAL	COMPLIANCE
2.3 Zoning and Landuse	The site is zoned R2 Low Density Residential under which the multi-dwelling housing is permissible with consent	Yes
4.3(2A) Height¹ <ul style="list-style-type: none"> • Dwellings with a street frontage – 8m (where adjoining lots have dwellings less than 9.5m) • Dwellings without street frontage – 6.5m 	Dwelling 1: 7.4m Dwelling 2: 6.0-6.5m Dwelling 3: 5.9 – 6.2m Dwelling 4: 5.4 – 6.2m Dwelling 5: 5.5 - 6.2m Dwelling 6: 5.7 – 6.3m Dwelling 7: 5.5 – 6.0m Dwelling 8: 5.8 – 6.3m Dwelling 9: 5.7 – 6.3m Dwelling 10: 5.5 – 6.3m	Yes Yes Yes Yes Yes Yes Yes Yes Yes Yes
4.4(2) & 4.4A(1) FSR <ul style="list-style-type: none"> • Maximum FSR permissible as per FSR Map - 0.5:1 • However clause 4.4(2) above only applies to a dwelling or dual occupancy (attached) 	Total GFA= 931m ² Site Area = 2220m ² Proposed FSR = 0.42:1	Yes

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

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4.5A Density controls for R2		
<ul style="list-style-type: none"> • For multi-dwelling housing the site area must be not less than 300m² for 1,2 or 3 bed units • Each dwelling must have its own contiguous private open space and separate access to that space from an unbuilt portion of the site 	<p style="text-align: center;">Minimum site area required – 3000m² Site area – 2220m²</p> <p>Private open space provided for all units. As required by Council, the applicant has proposed a separate access to same via a pedestrian walkway. However the pedestrian link presents difficulties with regard to safety, overshadowing and poor layout.</p>	<p>No (Refer to SEPP Affordable Rental Housing (SEPPARH))</p> <p>Yes</p>
<p>5.9 Preservation of trees or vegetation</p> <p>5.9(2) This clause applies to species or kinds of trees or other vegetation that are prescribed in the DCP</p> <p>5.9(3) A person must not ringbark, cut down, lop, remove, injure or wilfully destroy any tree of other vegetation to which the DCP applies without the authority conferred by development control or a permit granted by the Council.</p>	<p>This also refers to Section 9.6 of the DCP. The Council's Landscape Consultants (Moir Landscape Architecture) in their report of 31 January 2013 note that several mature trees have been omitted from the arboricultural report submitted with the application and recommend that the report be revised. The consultants have no objection to the removal of the three mature trees identified in the arboricultural report for removal.</p>	<p>Insufficient detail due to the inadequacy of the arboricultural report</p>

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

Requirement	Proposed	Comply
Division 1 In fill affordable housing		
10 Development to which Division applies 10(1)(a) Applies to multi housing if permitted with consent under EPI; 10(1)(b) Land does not contain a heritage item or interim heritage order 10(2) Development is in an accessible area ²	Permissible under RLEP 2010 No heritage items or interim heritage orders on site Site is 750m from West Ryde station and 400m of bus stops on Victoria Road, Hermitage Road and Parkes Road	Yes Yes Yes
13 Floor Space Ratio 13(1) Applicable if at least 20% of the GFA of the development is used for affordable housing 13(2) Maximum FSR is existing maximum FSR plus (i) 0.5:1 where 50% or more is used for affordable housing or (ii) Y:1 where the percentage is less than 50% and $Y=AH/100$ where AH is the % of GFA used for affordable housing 13(3) GFA does not include car parking (including any area used for car parking).	Units 3 & 4 are to be affordable. 185.5m ² of a total of 921m ² to be Affordable Housing (20%) Maximum allowable FSR of 0.5:1 + 0.2:1 = 0.7:1 Proposed FSR = 0.42:1	Yes Yes Noted
14 Standards that cannot be used to refuse consent		
Consent authority must not refuse consent on the following grounds:		
(a) (repealed)		
(b) Site area – if the site area on which it is proposed to carry out the development is at least 450m ² ;	The site area is 2220m ² . Therefore the development cannot be refused on the grounds that the site is too	Yes

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

- (a) 800 metres walking distance of a public entrance to a railway station or a wharf from which a Sydney Ferries ferry service operates, or
- (b) 400 metres walking distance of a public entrance to a light rail station or, in the case of a light rail station with no entrance, 400 metres walking distance of a platform of the light rail station, or
- (c) 400 metres walking distance of a bus stop used by a regular bus service (within the meaning of the [Passenger Transport Act 1990](#)) that has at least one bus per hour servicing the bus stop between 06.00 and 21.00 each day from Monday to Friday (both days inclusive) and between 08.00 and 18.00 on each Saturday and Sunday.”

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	<p>small. However, notwithstanding this, it is considered that a development of 10 dwellings is an overdevelopment of this area.</p>	
<p>(c) Landscaped area – at least 30% of the site area is to be landscaped</p>	<p>On Site Analysis Plan (DA-12), the applicant states that the Landscaped area = 1090m² (47.30%). However the landscape calculations plan (DA-22) shows 788m² (35%)</p>	<p>Yes (though there is conflict in figures provided by the applicant)</p>
<p>(d) Deep soil zones – There is a deep soil zone of not less than 15% of the site area;</p> <ul style="list-style-type: none"> - Each area forming part of the deep soil zone has a minimum dimension of 3m; and - If practicable, at least two thirds of the deep soil zone is located at the rear of the site area; 	<p>On Site Analysis Plan (DA-12), applicant states that the Deep Soil zone is 795m² (35.8%) but as stated above the landscape calculations plan (DA-22) shows the total landscaped area is only 788m² (35%).</p> <p>Four areas are identified on the Ground Floor plan (DA-13) as deep soil zone, but only 36.21m² of this has a minimum 3m x 3m dimension (1.6%). The two proposed deep soil zones with adequate dimensions are located between the units and the driveway. (The deep soil zones have not been addressed in the landscape calculations plan DA-22).</p> <p>It is noted that the Landscape Consultants (Moir Landscape Architecture) in their assessment report of 31 January 2013 recommend that Michael Siu's Landscape plan be revised to include percentage of deep soil zones.</p>	<p>No</p>
<p>(e) Solar Access - If living rooms and private open spaces for a</p>	<p>All living areas are north facing. Whilst overshadowing</p>	<p>Unclear</p>

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<p>minimum of 70% of the dwellings receive a minimum of 3 hours direct sunlight between 9am and 3pm in mid-winter;</p>	<p>diagrams have been submitted as part of the DA (7 February 2013), they only demonstrate the extent of overshadowing arising from the proposed dwellings. It is unclear what is the impact of the existing dwelling to the north (56 Falconer St) on units 1 – 4 (40% of development) or the impact of the 1.8m high rear boundary fences and screen planting will have on the private open space.</p>	
<p>(2)(a) Parking – if at least 0.5 parking spaces are provided for each dwelling containing 1 bedroom, at least 1 parking space for each dwelling containing 2 bedrooms and at least 1.5 parking spaces for each dwelling containing 3 or more bedrooms</p>	<p>Unit 1 (3 bed): 2 spaces Unit 2 (2 bed) : 1 space Unit 3 (2 bed) : 1 spaces Unit 4 (3 bed) : 2 spaces Unit 5 (3 bed) : 2 spaces Unit 6 (3 bed) : 2 spaces Unit 7 (3 bed) : 2 spaces Unit 8 (3 bed) : 2 spaces Unit 9 (2 bed) : 1 space Unit 10 (2 bed) : 1 space</p>	<p>Yes</p>
<p>(b) Dwelling size – if each dwelling has a GFA of at least 50m² in the case of a dwelling having 1 bedroom, 70m² in the case of a dwelling having 2 bedrooms or 95m² in the case of a dwelling having 3 or more bedrooms</p>	<p>Unit 1 (3 bed): 111m² Unit 2 (2 bed) : 75.5m² Unit 3 (2 bed) : 76m² Unit 4 (3 bed) : 109.5m² Unit 5 (3 bed) : 107.5m² Unit 6 (3 bed) : 94.5m² Unit 7 (3 bed) : 95.5m² Unit 8 (3 bed) : 95.5m² Unit 9 (2 bed) : 75m² Unit 10 (2 bed) : 91m²</p>	<p>Partial Unit 6 does not comply with the minimum required GFA.</p>
<p>(3) A Consent authority may consent to a development whether or not the development complies with the above standards.</p>	<p>Noted</p>	<p>Noted</p>
<p>15 Design requirements (1) A consent Authority must not consent to development to which this division applies unless it has taken into consideration the provisions of the Senior Living Policy; Urban Design Guidelines to the extent that those provisions are consistent with this policy (2) This Clause does not apply to</p>	<p>Refer to Table 3 below. It should be noted that there are a number of non-compliances with this policy.</p>	<p>Refer to Table 3 below.</p>

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development for the proposes of a residential flat building		
<p>16A Character of local area A consent authority must not consent to development to which this Division applies unless it has taken into consideration whether the design of the development is compatible with the character of the local area.</p>	<p>Whilst there a number of other multi-unit developments on Falconer Street, it is considered that the layout of the development in terms of its bulk and massing at right angles to the established pattern of development, the alteration in the established side setbacks which determine the rhythm of building and void is incompatible with the character of the area and would not enhance either the character of the area or the streetscape.</p> <p>The 'motel/villa-style' design of the development with a garage/car parking -dominant facade, poorly considered pedestrian access and insufficient deep soil zones to accommodate new canopy trees, would set an undesirable precedent for future multi-unit developments, and in particular 'affordable' housing. This is discussed in more detail in Table 3 below which tests the development against the proposed development against the character of the surrounding area.</p>	No
<p>17 Must be used for affordable housing for 10 years Relates to conditions which a consent authority must impose if consent is issued under this Division</p>	Noted	Noted
<p>Clause 18 Subdivision Land on which development has been carried out under this Division may be subdivided with consent</p>	Noted. The applicant has submitted a subdivision plan.	Yes

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

Consideration	Comment	Complies
<p>1 Responding to context Street layout and hierarchy – What is the pattern and hierarchy of streets in the local area? Are there opportunities for introducing new streets or lanes How does the built form vary between different types of street? What are the patterns of planting in the streets and gardens? What are the typical front setbacks and building heights? Where are there anomalies to any of these patterns and why?</p>	<p>Street layout and hierarchy The proposal will not result in the creation on any new public streets, though the layout (dominated by a single straight driveway through the site) whilst similar to other multi-dwelling developments in the area, weakens the street hierarchy and established pattern of development in the area.</p> <p>Much of the onsite planting and tree cover will be removed to accommodate the proposed development whilst the proposed deep soil zones (which should be capable of providing replacement landscaping and canopy trees) fail to comply with the minimum requirements.</p> <p>Though the dwellings on either side of the site are currently single storey, the frontage of the development is below the maximum building height and the difference in height alone does not render the development incompatible.</p> <p>The proposed setback from Falconer Street will be 1.6-1.7m forward of the adjoining dwellings.</p>	<p>No</p>
<p>Block and lots What are the predominant block and lot patterns? How have these changed over time (for example by subdivision or amalgamation)?</p>	<p>Block and lots The proposal requires the amalgamation of the two lots to accommodate any more than dual occupancy on the site. Whilst the precedent has</p>	<p>No</p>

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<p>What are the typical plot sizes, shape and orientation? Which lots are better for intensification and which are not? Is amalgamation necessary to support future development? Are there any corner sites, sites with two street frontages, or sites that are relatively wide or shallow and are therefore more suitable for intensification?</p>	<p>been established for multi unit developments in the immediate vicinity of the site, there are concerns that further lot consolidation and multi-unit development in close proximity to these existing developments will erode the predominant lot pattern in the area and detract from the low density character of the area.</p>	
<p>Built Environment Look for buildings that have a good relationship to the street or characteristics that contribute positively to neighbourhood character. Do buildings have a consistent scale and massing? Is there a regular rhythm of spaces between them? What are the atypical buildings? Should particular streetscapes and building types be further developed or discouraged?</p>	<p>Built Environment The proposal is not consistent with either the buildings that have a good relationship to the street or characteristics that contribute positively to neighbourhood character.</p> <p>The regular rhythm of spaces (building and void) will be disrupted by the proposed layout which proposes to centre the new development in what is currently two regular sized lots.</p> <p>Whilst there is a mix of building types and designs along the street, it is not considered that the proposal will contribute to the character of the area in terms of design, layout or density.</p>	<p>No</p>
<p>Trees Where are the significant trees and landscapes in the neighbourhood? Are there street trees, and if so what species and spacing? What are the patterns of planting in the front and rear gardens? Could new development protect and enhance existing vegetation?</p>	<p>Trees There are no significant trees on the street frontage of the site. A number of trees are proposed to be removed, but as noted above the arboricultural report is incomplete in terms of addressing all the mature trees on the site which are to be removed. Given the</p>	<p>Partial</p>

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<p>Policy environment What are the key characteristics of the area as identified by the Council? How might these be accommodated in the design of new development for the area? Are there any special character areas, view corridors, vistas, landscaped areas, or heritage buildings or precincts that should be considered?</p>	<p>existing pattern of tree planting on the site, it is not possible to retain the trees and develop the site so intensively.</p> <p>Policy environment There are no special character areas, view corridors, vistas, landscaped areas, or heritage buildings in the vicinity of the site.</p>	<p>Yes</p>
<p>2. Site Planning and Design</p> <p>General Site design should be driven by the need to optimise internal amenity and minimise impacts on neighbours. These requirements should dictate the maximum development yield. Cater for the broad range of need from potential residents by providing a mix of dwelling sizes and dwellings both with and without assigned car parking.</p> <p>Built form Locate the bulk of development towards the front of the site to maximise the number of dwellings with frontage to a public street. Parts of the development towards the rear should be more modest in scale to limit the impacts on adjoining properties. Design and orient dwellings to</p>	<p>General Having regard to the inadequate private open space provision, insufficient areas of deep soil zones, inadequate setbacks, it is considered that the reasonable maximum development yield of the site has been exceeded and that the proposal, which is an overdevelopment of the site, will result in a substandard, poorly considered residential development, which should not be permitted on the basis that 20% of the development is made available for affordable rental housing.</p> <p>Built form Given the limited width of the site and the need to provide an access driveway through the site, it is not possible to provide more than one unit with street frontage. This unit has been orientated to address Falconer Street, and though it is out of character</p>	<p>No</p> <p>No</p>

<p>respond to environmental conditions; Orient dwellings on the site to maximise solar access to living areas and private open space, locate dwellings to buffer quiet areas within the development from noise.</p> <p>Trees, landscaping and deep soil zones</p> <p>Maintain existing patterns and character of gardens and trees:</p> <ul style="list-style-type: none"> - Retain trees and planting on the street and in front setbacks to minimise the impact of new development on the streetscape. - Retain trees and planting at the rear of the lot to minimise the impact of new development on neighbours and maintain the pattern of mid block deep soil plating - Retain large or otherwise significant trees on other parts of the site though sensitive site planning - Where it is not possible or desirable to retain existing trees, replace with new mature or semi-mature trees. <p>Improve amenity by increasing the proportion of the site that is landscaped area by</p> <ul style="list-style-type: none"> - Increasing the width of landscaped areas between driveways and boundary fences, and between driveways and new dwellings - Providing pedestrian paths - Reducing the width of driveways - Providing additional private open space above the minimum requirements - Providing communal open space - Increasing front, rear and/or rear setbacks - Providing small landscaped areas between garage, dwelling entries, pedestrian paths, driveways, etc <p>Provide deep soil zones for</p>	<p>with the dwellings on the adjoining sites, it is below the maximum building height and there is a precedent for two storey dwellings adjacent to single storey dwellings on Falconer Street.</p> <p>Trees, landscaping and deep soil</p> <p>The existing mature trees are not proposed to be retained (though the Council's Landscape Consultants have no major objection to same subject to replacement planting). The removal of the trees on the south western boundary will have some impact on No 62 Falconer Street.</p> <p>The proportion of the site that is landscaped will be significantly decreased. Whilst the minimum landscape area as per the SEPPARH (30%) will be provided, the minimum deep soil zones area (15%) will not be met. It is arguable as to whether the minimum private open space as required by the DCP will be provided.</p> <p>Whilst the landscape plan (DA-22) shows the minimum required private open spaces being provided, these areas do not appear to have taken the RWTs, clothes drying areas, etc into account in the calculation of useable areas.</p> <p>The setbacks as required by the DCP are either insufficient or provided at the minimum requirement. Communal open space is</p>	<p style="text-align: center;">No</p>
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<p>absorption of run-off and to sustain vegetation, including large trees</p> <ul style="list-style-type: none"> - It is preferable that at least 10% of the site area is provided as a single area at the rear of the site, where there is the opportunity to provide a mid-block corridor of trees within a neighbourhood - Where the pattern of neighbourhood development as a deep soil planting at the front of the site, it may be desirable to replicate this pattern. <p>Minimise the impact of higher site cover on stormwater runoff by:</p> <ul style="list-style-type: none"> - Using semi-pervious materials for driveways, paths and other paved areas - Using of on-site detention to retain stormwater for re-use. <p>Parking, garaging and vehicular circulation:</p> <ul style="list-style-type: none"> - Consider centralised parking in car courts to reduce the amount of space occupied by driveways, garages and approaches to garages. - Where possible maintain existing crossings and driveway locations on the street. 	<p>minor and consists of incidental areas left over.</p> <p>The Council's Landscape Consultants have expressed concern in relation to the proximity of some of the proposed trees to OSD tanks.</p> <p>It is noted that there is a deviation between the Landscaping planting plans and the site and roof drainage plans, one of which shows the access path to the north of the site being a concrete path for its full extent, and the other which shows it partially as a permeable path with stepping stones.</p> <p>Parking, garaging and vehicular circulation:</p> <p>The proposed layout is centred on the driveway, with the elevation onto same dominated by garages and car parking spaces. Whilst the existing crossings on the street is maintained there is currently no driveway or parking on the site at this location.</p>	<p>Partial</p>
<p>3 Impacts on streetscape</p> <p>General</p> <ul style="list-style-type: none"> - Respond to the desired streetscape character by: <ul style="list-style-type: none"> - Locating and designing new development to be sympathetic to existing streetscape patterns (building siting, height, separation; driveway location, pedestrian entries, etc) - Providing a front setback that relates to adjoining development. 	<p>General</p> <p>Whilst the location of the proposed driveway coincides with the dipped kerb to 60 Falconer Street, the separation between dwellings and the rhythm of building and void will be altered, as will be the front setback.</p> <p>The design of the development has not responded to the surrounding context or pattern of development, but the layout</p>	<p>No</p>

<p>Built Form</p> <ul style="list-style-type: none"> - Reduce the visual bulk of a development by: <ul style="list-style-type: none"> - Breaking up the building massing and articulating building facades, - Allowing breaks in rows of attached dwellings - Using variation in material, colours and openings (doors, windows and balconies) to other building facades with scale and proportions that respond to the desired contextual character - Setting back upper levels behind the front building facade - Where it is common practice in the streetscape, locating second storeys within the roof space and using dormer windows to match the appearance of existing dwelling houses - Reducing the apparent bulk and visual impact of a building by breaking down the roof into smaller roof elements - Using a roof pitch sympathetic to that of existing buildings in the street - Avoiding uninterrupted building facades including large areas of painted render. 	<p>appears to be designed to optimise the maximum development yield.</p> <p>Built Form</p> <p>Orientating Unit 1 to Falconer Street, will to some degree help to reduce the visual bulk of the overall development in terms of the streetscape. But whilst the height of Unit 1 can be absorbed into the streetscape, the proportions of the front elevation are at odds with adjoining Federation style dwellings.</p> <p>However, the location of Unit 1 relative to the side boundary of the site will ensure that the rear of the development is still visible from the public domain. The applicant has introduced some separation between the blocks on the site to reduce the mass and bulk of the development. However the façade of the development facing onto the driveway (southern elevation) is poorly articulated with a poor solid to void ratio and a predominance of garage doors.</p>	<p style="text-align: center;">Partial</p>
<p>Trees, landscaping and deep soil zones:</p> <ul style="list-style-type: none"> - Retain existing trees and planting in front and rear setbacks and the road reserve: <ul style="list-style-type: none"> - Where this is not possible or not desirable use new planting in front setback and road reserve 	<p>Trees, landscaping and deep soil zones:</p> <p>As noted in the Landscape Assessment Report prepared by Moir Landscape Architecture, there are no proposals for tree planting along Falconer Street, which would be desirable, if</p>	<p style="text-align: center;">No</p>

<ul style="list-style-type: none"> - Plant in front of front fences to reduce their impact and improve the quality of the public domain. <p>Residential Amenity</p> <ul style="list-style-type: none"> - Clearly design open space in front setbacks as either private or communal open space - Define the threshold between public and private space, for example by level change, change in materials, fencing, planting and /or signage - Design dwellings at the front of the site to address the street - Provide a high quality transition between public and private domains by: <ul style="list-style-type: none"> - Designing pedestrian entries where possible to be directly off the street - For rear residents, providing a pedestrian entry that is separate from vehicular entries - Designing front fences to provide privacy where necessary, but also to allow for surveillance of the street - Ensuring that new front fences have a consistent character with front fences in the street - Orienting mailboxes obliquely to the street to reduce visual clutter and the perception of multiple dwellings - Locating and treating garbage storage area and switchboards so that their visual impact in the public domain is minimised. 	<p>approval were to be issued.</p> <p>Residential Amenity</p> <p>The area of open space in the front setback has been fenced off from the private open space associated with Unit 1, but the likelihood that this area will be used as a communal area is low given the access path to the door of Unit 1 located through the area and the fact that there is no demarcation between the curtilage of Unit 1 and this common open space area. Whilst the pedestrian access to the units to the rear of the site is segregated from the vehicular access, it is narrow and enclosed and raises concerns with regard to safety and surveillance. Garbage storage areas are to be located in the individual gardens areas, as per the request of Council in an earlier Request for Additional Information.</p>	<p>Partial</p>
<p>Parking, garaging and vehicular circulation</p> <ul style="list-style-type: none"> - Avoid unrelieved, long, straight driveways that are visually dominant by: <ul style="list-style-type: none"> - Varying the alignment of driveways to avoid a 'gunbarrel' effect 	<p>Parking, garaging and vehicular circulation</p> <p>Due to the limited area and width of the site, there is little potential for deviation in the design of the driveway, which is long and straight and dominates the development,</p>	<p>No</p>

<ul style="list-style-type: none"> - Setting back garages behind the predominant building line to reduce their visibility from the street - Consider alternative site designs that avoid driveways running the length of the site - Minimise the impact of driveways on streetscape by: <ul style="list-style-type: none"> - Terminating vistas with trees, vegetation, open space or a dwelling, not garages or parking - Using planting to soften driveway edges - Varying the driveway surface material to break it up into a series of smaller spaces (for example to delineate individual dwellings) - Limiting driveway widths on narrow sites to single carriage with passing points - Providing gates at the head of driveways to minimise visual 'pull' of the driveway - Locate or screen all parking to minimise visibility from the street 	<p>an effect which is further exacerbated by the garages forward of the dwelling building line.</p> <p>The vista of the driveway is somewhat soften by provision of open space and a landscaped verge on the south western boundary. However the usability of this common open space area, is questionable.</p>	
<p>4 Impacts on neighbours</p> <p>Built Form:</p> <ul style="list-style-type: none"> - Design the relationship between buildings and open space to be consist with the existing patterns in the block <ul style="list-style-type: none"> - Where possible maintain the existing orientation of dwelling 'fronts and 'backs' - Where the dwelling must be orientated at 90 degrees to the existing pattern of development, be particularly sensitive to the potential for impacts on privacy of neighbours - Protect neighbours amenity by carefully designed in the bulk and scale of the new development to 	<p>Built Form</p> <p>Whilst the relationship between building and open space will be somewhat consistent with that on adjacent multi dwelling developments in the vicinity of the site, it should be noted that as is set out in Part 3.5 of the DCP, it is an objective of the Council to ensure that medium density developments in low density areas are dispersed.</p> <p>The proposed dwellings will be at 90 degrees to those on adjoining lots, though it is unlikely that the roof windows</p>	<p>Partial</p>

<p>relate to the existing residential character, for by example:</p> <ul style="list-style-type: none"> - Setting back upper storeys behind the side or rear building line - Reduce the visual bulk of roof forms by breaking down the roof into smaller elements, rather than having a single uninterrupted roof structure - Design second storeys to reduce overlooking or neighbouring properties, for example by <ul style="list-style-type: none"> - Incorporating them within the roof space and providing dormer windows - Offsetting openings from existing neighbouring windows or doors - Reduce the impact of unrelieved walls on narrow side and rear setbacks by limiting the length of the walls built to these setbacks. 	<p>in the attic level will give rise to overlooking of adjoining properties.</p>	
<p>Trees, landscaping and deep soil zones</p> <ul style="list-style-type: none"> - Use vegetation and mature planting to provide a buffer between new and existing dwellings - Locate deep soil zones where they will provide privacy between new and existing dwellings - Planting in side and rear setbacks can provide privacy and shade for adjacent dwellings - For new planting, if possible, use species that are characteristic of the local area. 	<p>Trees, landscaping and deep soil zones</p> <p>Whilst a landscaped strip will be provided along the boundaries of the site with 56 and 62 Falconer Street, these properties will now have a pedestrian access way and a vehicular driveway running along the full extent of their side boundaries. This may have some impact in terms of noise intrusion. Given the limited width of these landscaped strips and the proximity of private open space and the main access drive, these areas will not be deep soil zones.</p>	<p>Partial</p>
<p>Residential amenity</p> <ul style="list-style-type: none"> - Protect sun access and ventilation to living areas and provide open space of neighbouring dwellings by ensuring adequate building 	<p>Residential amenity</p> <p>There will be some additional overshadowing on 64 Falconer Street at 9am (June 21) but the dwelling and its</p>	<p>Partial</p>

<p>separation.</p> <ul style="list-style-type: none"> - Design dwellings so that they do not directly overlook neighbour's private open space or look into existing dwellings - When providing new private open space minimise negative impacts on neighbours, for example by: <ul style="list-style-type: none"> - Locating it in front setbacks where possible - Ensuing that it is not adjacent to quiet neighbouring uses, for example bedrooms - Design dwellings around internal courtyards - Providing adequate screening. - Where side setbacks are not large enough to provide useable private open space, use them to achieve privacy and soften the visual impact of new development by planting screen vegetation <p>Parking, garaging and vehicular circulation</p> <ul style="list-style-type: none"> - Provide planting and trees between driveways and side fences to screen noise and reduce visual impacts - Position driveways so as to be a buffer between new and existing adjacent dwellings. 	<p>private open space will not be impacted between 12pm and 3pm.</p> <p>Neighbouring dwellings or their private open space will not be overlooked, though as stated above, there may be an increase in noise, particularly to the amenity space.</p> <p>Parking, garaging and vehicular circulation</p> <p>The development complies with these objectives.</p>	<p>Yes</p>
<p>5 Internal Site Amenity</p> <p>Built Form</p> <ul style="list-style-type: none"> - Design dwelling to maximise solar access to living area and private open spaces - In villa or town house style development, provide dwellings with a sense of individual identity through building articulation, roof form and other architectural elements, and through the use of planting and building separation: <ul style="list-style-type: none"> - Provide buffer spaces and /or barriers between the dwellings and driveways, or between 	<p>Built Form</p> <p>It is not clear whether the existing dwelling on the adjoining site, 56 Falconer Street, and the rear garden fencing and landscaping (in conjunction with the limited garden length) will impact on the solar access to the living areas and private open space of the proposed units.</p> <p>The revised design increases the separation distance</p>	<p>No</p>

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<p> dwellings and communal area - Use trees, vegetation, fencings, or screening devices to establish curtilages for individual dwellings. - Design dwelling entries so that they: - Are clear and identifiable from the street or driveways - Provide a buffer between public/communal space and private dwellings - Provide a sense of address for each dwelling - Are oriented to not look directly into other dwellings. </p>	<p> between the blocks, whilst fencing to the rear and landscape strips to the front provide barriers /buffers between units. The main entry to the dwellings is through the private open space via the pedestrian access. Alternatively access is via the garage. Neither entry is clearly identifiable as the front entry to the dwelling or provide a sense of public and private approaches to the dwellings. </p>	
<p>Parking, garaging and vehicular circulation</p> <ul style="list-style-type: none"> - Locate habitable rooms, particularly bedrooms away from driveways, parking areas and pedestrian paths: <ul style="list-style-type: none"> - Where this is not possible use physical separation, planting, screening devices or louvres to achieve adequate privacy. - Avoid large uninterrupted areas of hard surface (driveways, garage, walls). Small areas of planting can break these up and soften their 'hard edge' appearance. - Screen parking from views and outlooks from dwellings - Reduce the dominance of areas for vehicular circulation and parking by considering: <ul style="list-style-type: none"> - Single rather than double width driveway with passing bays - Communal car courts rather than individual garages - Single rather than double garages - Tandem parking or a single garage with single car port in tandem - The provision of some dwellings without any car 	<p>Parking, garaging and vehicular circulation</p> <p>Habitable rooms (bedrooms) adjoining car parking spaces in units 6, 7 and 8. Whilst the provision of car parking space in addition to single garage has replaced the double garages originally proposed and the buffer zones between the parking space is an improvement on what was originally proposed, vehicular access and parking provision still dominate the area.</p>	<p>No</p>

<p>parking for residential without cars</p>		
<p>Residential Amenity</p> <ul style="list-style-type: none"> - Provide distinct and separate pedestrian and vehicular circulation on the site: <ul style="list-style-type: none"> - Where this is not possible shared driveway/pedestrian paths should be wide enough to allow a vehicle and a wheelchair to pass safely - Provide pedestrian routes to all public and semi-public areas including lobbies, dwelling entries, communal facilities and visitor parking space - Ensure that adequate consideration is given to safety and security by: <ul style="list-style-type: none"> - Avoiding ambiguous spaces in buildings and dwelling entries that are not obviously designate as public or private. - Minimising opportunities for concealment by avoiding blind or dark spaces between buildings, near lifts or foyers and at the entrance to or within indoor car parks - Clearly defining threshold between public and private spaces (for example by level change, change in materials, fencing, planting and/or signage). 	<p>Residential Amenity</p> <p>While the walkway to the north of the site allows for segregated pedestrian and vehicular access to the site, there are concerns with regard to the dislocation of these routes, the possible confusion which may arise as to which is the front and rear of the dwelling and safety concerns with regard to the walkway and its enclosure between 1.8m high fencing and landscaping and the subsequent lack of surveillance. Equally access from the visitor car parking to the dwellings will be via the unsupervised common space between units 5 and 6 and via the enclosed walkway.</p>	<p>No</p>
<ul style="list-style-type: none"> - Provide private open space that <ul style="list-style-type: none"> - Is generous in proportion and adjacent to the main living areas of the dwelling (living room, dining room or kitchen) - Is oriented predominantly north, east or west to provide solar access - Comprises multiple spaces for larger dwellings - Uses screening for privacy but also allows casual surveillance when located adjacent to 	<p>The private open space (which appears to be located to the front of the dwelling judging by the front entry) is minimal in most cases and substandard in some. (Refer to DCP Table (Table 4) for further details on the areas). Whilst the private open space appears to be landscaped with screen planting along the rear boundary, the question arises as to whether the</p>	<p>No</p>

<p>public or communal area (including streets and driveways)</p> <ul style="list-style-type: none"> - Provides both paved and planted areas when located at ground level - Retains existing vegetation where practical - Uses pervious pavers where private open space is predominantly hard surfaced, to allow for water percolation and reduced runoff. <p>- Provide communal open space that</p> <ul style="list-style-type: none"> - Is clearly and easily accessible to all residents and easy to maintain - Incorporate existing mature trees and vegetation to provide additional amenity for all residents - Includes shared facilities such as seating areas and barbeques to permit resident interaction. <p>- Site and/or treat common service facilities such as garbage collection areas and switchboard to reduce their visual prominence to the street or to any private or communal open space.</p>	<p>landscaping will allow for sufficient surveillance of the walkway, and if so, that the private open space will not be overlooked. While there is some paved area proposed, this appears simply to be a porch area and not part of the private open space.</p> <p>As stated earlier, whilst the area to the front of the site has been identified on the site plans as common area, its dissection by the path to Unit 1 may make the distinction between private and public open space unclear. A garden seating area has been provided between the private open space associated with units 5 and 6, though there is limited surveillance of this area. The area of common open space adjacent to unit 10 (at the end of the proposed driveway) is also not directly overlooked by any dwelling and is of little usable value.</p> <p>Whilst the garbage bin storage areas have been relocated to the rear gardens as requested by Council, no garbage collection area has been identified. Given that the rear gardens are accessible only from the walkway or through the dwellings, it is unclear where this collection point will be.</p>	<p style="text-align: center;">Partial</p> <p style="text-align: center;">No</p>
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Table 4: Ryde DCP

RDCP 2010 Requirement	Proposal	Comply
Part: 3.5 Multi Dwelling Housing (attached) (for Low Density Residential Zone)		
1.3 Objectives of this Part		
1. Multi dwelling housing (attached) developments complement existing development and streetscape	<p>The existing development adjacent to the site is predominantly single storey detached dwellings, though there are some multi dwelling developments adjacent and some two storey dwellings further north on Falconer Street. The mass and building width is significant compared to that of immediately adjacent dwellings. The proposal does not complement or enhance the area in terms of design or layout.</p> <p>Furthermore, it is considered that the concentration of additional medium density housing at this location would be detrimental to the character of the area.</p>	No
2. Dispersal of multi dwelling housing (attached) developments occurs within neighbourhoods throughout City of Ryde.	There are some attached multi-dwellings at 64 Falconer Street (16m from the site) and a detached multi-dwelling development at 50 Falconer Street (26m from the site).	No
3. Multi dwelling housing (attached) developments are designed to the highest possible aesthetic standard	<p>The layout is constricted by the limited area of the site which results in a driveway – car parking dominant development overlooked by a poorly designed elevation where garage doors dominate the facade. The pedestrian access to the north is poorly considered and results in inefficient use of space and is not ideal in terms of CPTED.</p> <p>Some of the units fail to meet the minimum unit sizes specified under the SEPPARH, whilst landscaping and deep soil zones are fitted into the incidental spaces, and fail to meet the minimum requirements.</p>	No

Environment²¹ & Planning

RDCP 2010 Requirement	Proposal	Comply
4. Multi dwelling housing (attached) developments meet the needs of all households, including older people.	The development provides a mix of 2 and 3 bed units over two floors. Given that the development consists of ten units, this is acceptable. (However, the limited accessibility between the visitor car parking and the front entry which is via stepping stones on turf may present access difficulties for people in wheelchairs or with pushchairs)	Yes
5. A mix of housing types are provided throughout the City of Ryde;	As above	Yes
6. Multi dwelling housing (attached) designs promote security and safety of residents:	The common open space area and associated garden seating between units 5 and 6 is not directly overlooked by any dwelling.	No
7. Land used for multi dwelling housing (attached) development has adequate provision of daylight, privacy, landscaping and car parking	It is not clear from the shadow diagrams what impact the existing dwelling to the north of the site will have on the provision of daylight to units 1 – 4.	Unclear
8. The amenity of occupants of adjoining land is not adversely affected by an multi dwelling housing (attached) development;	<p>The existing dwelling at 62 Falconer Street is located close to the site boundary and may experience noise intrusion as a result of the significant increase in vehicular traffic on the proposed driveway which is located 6.3m from the side elevation of the dwelling.</p> <p>Equally, the pedestrian walkway along the side boundary with 56 Falconer Street (which is not screened with landscaping on that site) may also result in noise intrusion and an associated loss in residential amenity.</p>	No
9. The scale of any Multi dwelling housing (attached) development is related to the character of the area.	The proposed development does not comply with the minimum site area provisions set out in the RLEP 2010 (4.5A) however this is overridden by the SEPPARH.	No

Environment²² & Planning

RDCP 2010 Requirement	Proposal	Comply
	Notwithstanding this, it is considered that the scale and bulk of unit 1 is out of character with the streetscape and the proposal considered in conjunction with the existing multi dwelling developments in the vicinity of the site. Cumulatively, this will result in an overconcentration of medium density development in what is a low density residential area, and would change the character of the neighbourhood.	
10. Heritage significant buildings and those identified as contributing to the character of Ryde are retained.	There are no heritage buildings on the site.	Yes
11. Multi dwelling housing (attached) developments occur in suitable areas only, that is areas where the development meets the needs of all residents, does not have adverse environmental impact or an adverse impact on the character of an area.	As there are already a number of multi unit developments in the vicinity of the site, it is considered that the proposed development will cumulatively contribute to an over concentration of a low density residential area.	No
2.1 Site Analysis		
Each DA must be accompanied by a site analysis	The Site analysis plans does not address some of the requirements set out in Schedule 1 of this Part, e.g. overshadowing by neighbouring structures, living room windows overlooking the site (particularly those within 9m of the site), etc	Partial
2.2 Minimum allotment size		
Allotments must have a frontage to a road or not less than 20m and an area of not less than 600m ² .	Road frontage 26.8m Site area of 2220m ²	Yes
Hatchet shaped allotments not suitable for multi dwelling developments	Regular shaped	Yes
2.3 Non preferred locations		
That Council is satisfied that the site is suited for a form of more intense residential development,	Site is not located in a non preferred location as identified in Schedule 2 of this Part	Yes

RDCP 2010 Requirement	Proposal	Comply
that being multi dwelling housing development.		
2.4 Separation of medium density developments in the Residential A zone (Linear Separation)		
<p>Multi dwelling housing (attached) developments in the Low density Residential zone must be separated from other multi dwelling housing (attached), villa homes, urban housing, duplex building and dual occupancy (attached) development in accordance with the following:</p> <p>If a multi dwelling housing (attached) development, villa homes, urban housing, duplex building or dual occupancy (attached) is erected, or is permitted by a development consent, on an allotment with a frontage to a street or road within the low density residential zone, the Council will not consent to another multi dwelling housing (attached) development on another allotment with frontage to that same street or road, in the same street block unless the tow allotments are separated by a distance of at least:</p> <ul style="list-style-type: none"> • Twice the distance of the frontage to the street of the existing or approved urban housing, villa, duplex, dual occupancy or multi dwelling housing (attached) development, or • Twice the distance of the frontage to the street of the proposed multi-dwelling housing (attached) development, <p>Whichever is the greater distance</p>	<p>Given that the draft RLEP 2011 has recently been adopted by Council, the issue of linear separation will be removed. This is not a relevant consideration for this DA.</p>	N/A
2.5 Retention of Existing dwellings		
Retention of an existing dwelling as part of a new multi dwelling housing development will not be	Existing dwellings proposed to be demolished	Yes

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RDCP 2010 Requirement	Proposal	Comply
approved		
2.6 Density		
Refer to Clause 4.5A Density Controls for R2 Low Density Residential in Ryde Local Environmental Plan 2010.	The proposal does not comply with the density requirements contained in Clause 4.5a of RLEP, however the applicant is availing of the standards which cannot be used for refusals in the SEPPARH to overcome this. Refer to Tables 1 and 2 of the report for more details in this regard.	No
2.7 Number of dwellings		
No development shall contain more than 12 dwellings.	Ten units proposed.	Yes
2.8 Type of dwellings		
In development containing 4 or more dwellings not more than 75% of dwellings should have the same number of bedrooms. Where 75% is not a whole number, the number should be rounded down.	6 no x 3 beds - 60% 4 no x 2 beds - 40%	Yes
<p>The slope of the site, proposed levels, height of dwellings, site coverage, landscaping, setbacks, accessibility and overshadowing must be considered when assessing:</p> <ul style="list-style-type: none"> • Whether development will complement and enhance the existing neighbourhood, and • Whether the development meets the needs of all householders including older persons and persons with disabilities. 	<ul style="list-style-type: none"> • slope of the site – not an issue • proposed levels – The driveway gradients do not comply with Australian Standard AS 2890.1-2004 (Refer to Senior Development Engineer’s report of 9 April 2009) • height of dwellings – below maximum height limit • site coverage – below Maximum FSR limit • landscaping – minimum landscaped areas provided but deep soils zones insufficient • setbacks – Insufficient (Refer to Section 3.5 Setbacks below) • accessibility - Units 3 and 4 are identified as accessible. However there are concerns with regard to the accessibility of common access path to the dwellings being via stepping stones on turf (though on the landscape planting plan this is identified as a concrete path) 	Partial

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RDCP 2010 Requirement	Proposal	Comply
	<p>particularly for people with limited mobility.</p> <ul style="list-style-type: none"> overshadowing – Though the proposed development will result in some additional overshadowing of 62 Falconer Street at 9am (on 21 June), this is not considered a significant loss of solar access, However, the impact of the existing dwelling at 56 Falconer Streets on the proposed development (units 1 – 4) is unclear. The boundary fencing and rear garden screen may also result in overshadowing of what is already minimal or in some cases inadequate private open space. 	
3.1 Slope of site		
<ul style="list-style-type: none"> Dwellings must have presentation to the street. The front entrance of at least of dwelling must be clearly seen from the street. 	Unit number 1 faces onto Falconer Street.	Yes
<ul style="list-style-type: none"> Sites with a down slope of more than 1:6 will not be acceptable 	Slope <1:6	Yes
<ul style="list-style-type: none"> Sites with a cross fall of more than 1:14 will not be acceptable 	Cross fall <1:14	Yes
3.2 Altering the levels of the site		
<ul style="list-style-type: none"> Fill should not be brought onto the site 	No proposals for same	Yes
<ul style="list-style-type: none"> The levels of the site sold not be altered by more than 300mm 	No proposals for same	Yes
<ul style="list-style-type: none"> No basement garages are permitted, step are to be minimised and there should be minimal retaining walls 	None proposed	Yes
<ul style="list-style-type: none"> Private open space is required to be provided generally at natural ground level. 	Proposed at natural ground level	Yes
3.3 Storey and Height		

Environment ²⁶ & Planning

RDCP 2010 Requirement	Proposal	Comply
Development must be contained within a single storey building. However a dwelling with frontage to the street can be two storeys provided the two storey dwelling is not attached to any other two storey dwelling; and Council is satisfied that a two storey dwelling is suitable in terms of the surrounding streetscape.	<p>Unit 1 is two storey and detached. Though the dwellings on the sites to the north and south are single storey, the precedent of two storey dwellings has been established on the street. Notwithstanding this, it is considered that the scale and bulk of Unit 1, when viewed from Falconer Street would be out of character with the adjoining developments.</p> <p>Though units 2-10 have the appearance of a single storey dwelling, they have two floors with accommodation at attic level.</p>	Partial
3.3.2 Height Controls		
<p>Refer to Clause 4.3(2a) Height of Buildings in Ryde Local Environmental Plan 2010</p> <p>The floor to ceiling height of all dwelling must not be less than 2.7m (Refer to Section 4.3 Roofscape and roof materials)</p>	<p>The heights set out in the LEP are complied with. Refer to Table 1.</p> <p>The information submitted in relation to the floor to ceiling height at attic level is insufficient to make a determination as to the full floor to ceiling height across a section of a room at attic level. However it is apparent that the floor to ceiling height at attic level in some of the units is less than 2.7m. In accordance with BCA requirements, a floor-to ceiling height of 2.2m must be achieved for no less than 2/3 of the floor area. This has not been demonstrated and having regard to low pitch of the roof, there are concerns that sufficient head room can be achieved.</p>	<p>Yes</p> <p>No</p>
3.4 Site Coverage		
Site coverage must not exceed 40%	Site coverage = $885\text{m}^2 = 40\%$	Yes
Pervious area of the site must be less than 35%	Pervious area = $795\text{m}^2 = 35.8\%$	Yes
3.5 Setbacks		
3.5.1 Front setbacks		
The same distance as one of the buildings on an adjacent site if the	Unit 1 is 1.6m and 1.7m respectively forward of the	No

Environment²⁷ & Planning

RDCP 2010 Requirement	Proposal	Comply
<p>difference between the setbacks of the buildings on the two adjoining allotments is not more than 2m.</p> <p>Council may approve a setback of 1m less than the above standard for not more than 50% of the front elevation of the building in order to provide an irregular front elevation to add interest to the streetscape provided this variation does not affect any adjoining property.</p> <p>Council may vary this standard if it is satisfied that the existing streetscape is likely to change. In this situation the setback must be not less than 7.5m for 50% of the frontage and not less than 6.5m for 50% of the frontage.</p>	<p>adjoining buildings</p> <p>The entire frontage is more than 1m forward of both adjoining dwellings</p> <p>Significant change to the existing streetscape is unlikely.</p>	No
3.5.3 Setback from second street frontage		
<p>Where the site has a second street frontage the walls of all buildings must be setback not less than 4.5m from that boundary.</p>	<p>The walls of unit 10 and its associated garage are set back 0.2m to 2.1m from Linton Lane. However, it is arguable as to whether this a second street frontage and not more of a back lane, onto which a number of garages have direct access. The reduced setback of the garage is acceptable, though the setback of the front facade of dwelling no 10 at 1.1m – 2.1m from a 1.8m high timber fence is not desirable.</p>	No
3.5.4 Side and Rear Setbacks		
<p>The walls of all building must be not less than 4.5m from side and rear boundaries. Where vehicular access is provided within this area, the minimum setback shall be 6m.</p> <p>The rear and side setbacks must be adequate to achieve an appropriate level of solar access</p>	<p>As referred to above, the dwelling and garage on site no 10 is less than 4.5m from Linton Lane boundary. The units on sites 4 – 8 are set back 4m – 5.5m (staggered elevations) from their rear site boundaries (measured from path fence).</p> <p>With a 4m setback from the path fence line and landscaping, it is not clear that there will be appropriate</p>	No

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RDCP 2010 Requirement	Proposal	Comply
<p>within all proposed courtyards.</p> <p>The development must be designed in such a way as to ensure existing substantial trees are not located within proposed courtyard areas.</p> <p>To promote variation and interest in design Council may allow up to 50% of the wall of any multi dwelling housing (attached) dwelling to be not less than 3m from the side and rear boundary. (Note Private outdoor open space for each dwelling must have a minimum dimensions of 4m – Section 3.7 Private outdoor space.</p>	<p>access to the living room areas, or to the limited areas of private open space.</p> <p>There are no existing significant trees to be retained here.</p> <p>Refer to above. Whilst setback from the rear boundary is as little as 4m for units 4-8, it is for a wall length in excess of 50% of the building width.</p>	<p>Yes</p> <p>No</p>
3.5.5 Internal setbacks		
The development should be designed so that the windows of habitable rooms of one dwelling do not overlook habitable rooms of another dwelling.	The design complies with this control.	Yes
A minimum of 9m separation should be provided between the windows of habitable rooms of facing dwellings in a multi dwelling housing development.	There are no facing dwellings within the development.	Yes
3.6 Private outdoor space (courtyards)		
<p>Minimum private open space requirements:</p> <ul style="list-style-type: none"> - 30m² for 2 bedroom dwelling - 35m² for 3 or more bedroom dwelling 	<p>The applicant states that the private open space areas are as below: However these areas appear to include the bin storage area, clothes line, RWT and tiled porch area. Recalculated (from the plans) areas shown in brackets.</p> <p>Unit 1 (3 bed): 46.5m² (38.3m²)</p> <p>Unit 2 (2 bed) : 31m² (28m²)</p> <p>Unit 3 (2 bed) : 31m² (28m²)</p> <p>Unit 4 (3 bed) : 35m² (31m²)</p> <p>Unit 5 (3 bed) : 37m² (31.5m²)</p>	<p>Yes</p> <p>No</p> <p>No</p> <p>No</p> <p>No</p>

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RDCP 2010 Requirement	Proposal	Comply
	Unit 6 (3 bed) : 37m ² (32.5m ²) Unit 7 (3 bed) : 35m ² (32.1m ²) Unit 8 (3 bed) : 35m ² (32.1m ²) Unit 9 (2 bed) : 35m ² (32.7m ²) Unit 10 (2 bed) : 57.5m ² (55m ²)	No No No Yes Yes
All private outdoor space must have a minimum dimension of 4m and generally be at natural ground level.	Complies	Yes
Private outdoor space should be orientated or be sufficiently large enough so that sunlight to at least 50% of the courtyard is achieved for two hours between 9am and 3pm on June 21 (see Section 3.9 overshadowing and access to sunlight)	This has not been demonstrated.	Unclear
The development should be designed in such a way that courtyards do not contain any existing substantial trees.	There are no significant trees identified on the site, though the Landscape Consultants have noted that all mature trees on the site have not been included in the Arboricultural report.	Yes
Access other than through the dwelling must be private to each private outdoor space for maintenance purposes. The access must be not less than 1m wide and may be provided through the garage.	Whilst the applicant has provides a common access to comply with this control, it is poorly designed (the scope is admittedly limited by the limited area of the site) and will give rise to safety concerns. The occupants of 56 Falconer Street may be impacted by the use of same in terms of noise as it runs directly along their rear garden boundary.	Yes (but resultant access is not desirable in terms of utilisation of space, safety, fencing, etc
Private outdoor space should be securely enclosed, clearly visible from the living areas of the dwelling to enable young children to play in a safe environment.	All private outdoor space is fenced and visible from a living room except for some private outdoor space associated with unit 10. However as it appears that the front entry to units 2 to 9 is via the private open space, it is questionable as to how securely enclosed this will be, or if accessible to the public, how private these areas are.	Unclear
POS must be one area not many small areas, may be partially	Complies provided the paved roof porch areas are excluded from the	Yes

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RDCP 2010 Requirement	Proposal	Comply
paved and must not be covered by a roof.	POS calculations.	
A minimum 1.2m wide landscaped private strip is required to be provided between the courtyard and the adjoining property. (See Section 3.7 Landscaping – Privacy Planting)	A landscaped strip has been provided between the courtyards and the common access path. However there is no landscaping between the path and No. 56 Falconer Street or between the individual courtyards.	No
3.7 Landscaping		
The development site must be landscaped to the Council satisfaction. A landscape concept plan must be submitted and approved prior to the issue of the construction certificate.	A landscape plan has been submitted but has been deemed by Council's landscape consultants (Moir Landscape Architecture) to be unsatisfactory as it contains insufficient information to carry out an accurate assessment	No
Existing trees should be retained	According to the arboricultural report three trees are to be removed (which is acceptable to the landscape consultant), but according to them a number of other mature trees on the site have not been included in the report.	No
The development should be designed in such a way that existing substantial trees are not located within the proposed courtyards areas.	No significant trees in courtyards	Yes
Information on potential trees size, distance from buildings to be provided to Council as a separate schedule within the landscape plan	This information is included in landscape planting plan but according to Council's landscape consultants (Moir Landscape Architecture) a number of the trees are too large for the landscape planting beds and several of the trees are to be located too close to the OSD tanks.	Yes
An arboriculture assessment will be required with an application where significant trees are affected.	Report submitted but according to the landscape consultant, a number of mature trees on the site have not been included in the report which needs to be revised.	No
Landscaping may be used to assist in preserving the privacy of the occupancy within the development and adjoining	A landscaped strip has been provided between the courtyards and the common access path. However there is no landscaping	No

Environment³¹ & Planning

RDGP 2010 Requirement	Proposal	Comply
properties –specifies landscape strip width (<1.2m), shrub heights (3-4m) and tree heights (5-6m)	between the path and No. 56 Falconer Street or between the courtyards.	
A planting strip of not less than 1m must be provided between the driveway and the walls of the dwellings	Whilst dwellings 4-8 are separated from the driveway by a car parking space, there is no interim planting strip between the bedrooms and driveway which would act as an acoustic or visual barrier.	No
The edge between the driveway and paths and gardens and lawn areas should be edged or kerbed with concrete or similar materials. Timber edging is not acceptable. A rolled edge should be used between the driveway and garden/lawn areas.	This is a matter which could be controlled by condition.	
OSD tanks and above ground OSD should not be located in the front setback as this limited the opportunity for landscaping. The preferred location is within or under the driveway.	The OSD tanks are located in the driveway.	Yes
3.8 Car parking, manoeuvrability and driveway crossings		
3.8.1 Car parking		
On site car parking must be provided as follows: <ul style="list-style-type: none"> • 1 parking space for each 1 or 2 bedroom dwelling • parking spaces for each 3 or more bedroom dwelling; • 1 visitor parking space must be provided for every 4 dwellings • At least one parking space for each dwelling must be provided in a lockable garage 	16 resident (including 1 garage per unit) and 3 visitor car parking spaces are proposed.	Yes
Garage and parking spaces must not be located between the dwellings and the street frontage. Garage and parking spaces should not dominant the development when viewed from the street or any other public area.	Complies	Yes
Garages (in particular doors) and	Whilst the garages dominate the internal driveway elevation of the development, they will not be dominant when viewed from Falconer Street.	Yes

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RDCP 2010 Requirement	Proposal	Comply
<p>car ports should be detailed to reduce their visual impact and add interest.</p> <p>Tandem parking must not be provided in front of a garage.</p> <p>Garages and car parking areas should be located so that they can be used conveniently by the occupiers of the development.</p> <p>Garages should be located so that they separate dwellings</p>	<p>The garages and car doors are high visible and detract from the appearance of development when viewed from the access driveway.</p> <p>Complies</p> <p>Complies</p> <p>The garages are located to distinguish between the dwellings but do not separate them</p>	<p>No</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
3.8.2 Manoeuvrability		
<p>Vehicles must be able to enter and leave the garages and parking areas using single 3 point turn.</p> <p>The size and layout of garages and car parking spaces must enable vehicles to enter and leave the garage and car parking space in a single 3 point turn</p>	<p>The Senior Development Engineer in his report (9 April 2013) notes that manoeuvring in and out of garages do not comply with Australian Standard AS 2890.1-2004.</p> <p>The garage opening widths are all below the minimum shown in Table 3.5.13 of the DCP (minimum of 4.1m for single garage set back 4.5m for the edge of the driveway – the proposed single garages are not setback from the driveway and have opening widths varying from 2.5m to 3m).</p>	<p>No</p>
3.8.3 Driveways		
<p>Driveways must be suitably paved. The extent of driveways should be minimised to avoid excessive amounts of hard paved surfaces and grass cell or the like should be considered for turning bays</p>	<p>The proposed driveway is stencilled concrete. Given layout of the development and concentration of units the driveway dominates the development.</p> <p>The Senior Development Engineer in his report (9 April 2013) notes that the driveway gradients do not comply with Australian Standard AS 2890.1-2004.</p>	<p>No</p>
3.8.4 Driveway crossings		
<p>The width of a driveway crossing (for more than 10 car parking spaces) is to be not more than 6m</p>	<p>The Senior Development Engineer in his report (9 April 2013) notes that the driveway width at the entrance does not comply with Australian Standard AS 2890.1-</p>	<p>No</p>

RDCP 2010 Requirement	Proposal	Comply
	2004.	
3.9 Overshadowing and Access to sunlight		
Habitable room windows should face a courtyard or other outdoor space open to the sky. Habitable room windows should be no closer than 1.5m (horizontal distance) from the wall of a building	The ground floor bedroom window of unit 10 is less than 1.5m from the boundary fence	No
Sunlight to at least 50% of each courtyard within the development and the principal area of ground level private open space of adjacent properties must not be reduced to less than two hours between 9am and 3pm on June 21.	This has not been demonstrated.	Unclear
Shadowing diagrams are to be submitted to Council indicating solar access within the development and to adjoining properties. <u>Fences and existing vegetation may be required to be provided on the shadow diagram where Council considers it necessary.</u>	Whilst shadow diagrams have been provided, the level of overshadowing on the limited private open space area has not been demonstrated, nor has the extent of overshadowing which will arise from fences or screen planting been demonstrated. (Given the limited depth of the private open space, this may be relevant).	No
3.10 Visual and Acoustic Privacy		
A minimum of 9m separation should be provided between windows of habitable rooms of facing dwellings within a Multi dwelling (attached) development	No facing dwellings within the development.	Yes
Direct views between living area windows of adjacent dwellings should be screened or obscured where ground and first floor windows are within an area described by taking a 9m radius from any part of the window of the adjacent dwelling (privacy sensitive zone)	The inter-site boundary should eliminate any ground floor overlooking, whilst the first floor roof lights should not permit overlooking.	Yes
Direct views from living rooms of dwellings into the principle area of private open space of other dwellings should be screened or	Complies	Yes

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RDGP 2010 Requirement	Proposal	Comply
obscured within a privacy sensitive zone of a 12m radius.		
Balconies are prohibited on all dwellings and any elevated landings or similar structure associated with stairs to courtyard areas are to be no more than 1m wide	Complies	Yes
Site layout and building design should protect the internal living and sleeping areas from high levels of external noise. Building design and layout should minimise transmission of structural-borne sound.	The bedrooms in units 6, 7 and 8 face onto car parking space, which may result in some disturbance from external noise. The design of the development with a walkway along the boundary of 56 Falconer Street (with no intermediate landscape screen to reduce noise transmission) may also have an impact on the living and sleeping areas of the dwelling on this site.	No
The operating noise level or air conditioners, swimming pool pumps and other mechanical services must not exceed the background noise level by more the 5dB(A)	No details of proposed air conditioners have been submitted, but this could be controlled by condition.	
3.11 Accessibility		
3.11.1 Pedestrian Access		
<p>a. All multi dwelling housing (attached) developments should be designed and constructed so that they are safe and accessible for pedestrians including children, people with disabilities and older people.</p> <p>b. Pedestrian access should be provided through the development using a continuous accessible path to all dwellings where the level of the land permitted. Such access where practicable should be separate from vehicle access.</p>	Whilst units 4 and 5 have been identified as accessible, as noted earlier, there are concerns with regard to accessibility to the front entry of each dwelling. As per the site analysis plan (DA-12) and the Ground Floor plan (DA-13), the access path from the car parking area to the front entry is via stepping stones on turf (Though this is shown as a concrete path on the landscape planting plan prepared by Michael Siu.)	Partial
3.11.2 Access for people with disabilities – Developments of 6 or more dwellings		
a. Developments of 6 or more dwellings must be designed so	Whilst units 4 and 5 have been identified as accessible, the applicant in failing to submit an accessibility audit has not demonstrated that the	No

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RDCP 2010 Requirement	Proposal	Comply
<p>than not less than 35% of the dwellings provide access to all indoor areas and outdoor living areas for people with disabilities in accordance with the Australian Standards for Adaptable Housing AS4299.</p> <p>b. Dwellings which have been designed in accordance with AS4299 must be able to access the street, car parking and common areas using a continuous path of travel.</p>	<p>developments comply with AS4299.</p>	
<p>3.11.2 Access Audits</p> <p>a. Developments of 6 or more dwellings will be required to provide an access audit that has been conducted by a qualified and accredited access auditor.</p>	<p>No access audit report submitted. The applicant has previously noted in responding to Council's request for further information that an access audit would be submitted once Council had indicated that it was likely to support the proposal.</p>	<p>No</p>
<p>4.0 Building Form</p>		
<p>4.1 Appearance</p> <p>a. Multi dwelling housing development should be designed and constructed so that they complement and enhance the existing streetscape of the locality.</p> <p>b. Multi dwelling housing must include elements such as pitched roofs, eaves, vertically orientated windows, verandahs, rendered and face brick.</p> <p>c. At least one dwelling must face the street where its residential entry is clearly seen. The design of the dwellings</p>	<p>It is not considered that the development complements or enhances the existing streetscape. The development will be at 90 degrees to the existing pattern of development. Notwithstanding the orientation of unit 1 to address Falconer Street, it is considered that the development when viewed from the street will alter the rhythm of buildings and spaces along the street and will erode the low density pattern of development.</p> <p>Complies</p> <p>Generally complies (though some of the windows do not have a vertical emphasis).</p>	<p>No</p> <p>Yes</p> <p>Partial</p>

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RDCP 2010 Requirement	Proposal	Comply
<p>should enable casual surveillance from living rooms and verandahs to the street, internal driveways, public spaces and public parks.</p>	<p>There is no overlooking from living rooms or verandahs to the access driveway, the common area adjacent to unit 10 or between units 5 and 6. The landscaped screen along the rear of the private open spaces/rear gardens raises concerns with regard to the surveillance of the walkway.</p>	
<p>4.2 Ceiling Height The floor to ceiling height must be not less than 2.7m.</p>	<p>As noted earlier, it has not been demonstrated that 2.7m floor to ceiling height will be provided at attic level in all of the units.</p>	<p>No</p>
<p>4.3 Roofscape and Roof Materials</p> <p>a. Roofs should generally be pitched between 22 – 30 degrees where visible from public areas or streets.</p> <p>b. The pitch of the roof may be increased to 35% where the second storey is contained within the roof.</p> <p>c. All roofs and where appropriate verandahs should incorporate, overhang eaves of at least 300mm.</p> <p>d. The use of gables fronting the street is required to add further interest to the streetscape. Hip roofs will generally not be permitted.</p> <p>e. There should be variation in the roof line, by breaking the roof into smaller elements so that it does not appear as a continuous roof.</p> <p>f. Roofs should use materials consistent with the traditional materials of the street.</p>	<p>The roof pitches vary from 22 to 25 degrees.</p> <p>Complies</p> <p>A hip roof is proposed. However given the variation in design on the street, this is not considered a major issue of non-compliance. The roof has been articulated so as not to appear continuous.</p> <p>A tiled roof is proposed, consistent with dwellings on the street.</p>	<p>Yes</p> <p>N/A</p> <p>Yes</p> <p>No</p> <p>Yes</p> <p>Yes</p>

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RDCP 2010 Requirement	Proposal	Comply
<p>4.4 Building materials for walls</p> <p>a. The exterior walls should use materials consistent, in both form and colour, with the traditional materials of the locality. Detailing should be used to break up large wall areas adding interest and individuality.</p> <p>b. The proportion of windows and other openings should be consistent with the character of the locality. Windows should generally have a vertical proposition of between 2:1 and 3:1.</p>	<p>The proposed finish is face brick in 'Mercury of a similar colour, which is consistent with dwellings in the area.</p> <p>The dwellings have a variety of window sizes. Unit 1 has seven different window openings of varying proportions, while the windows on the southern elevation of units 2-10 do not have a vertical emphasis. It should be noted that the garage openings dominate the southern elevation of the development and contribute to the poor solid to void ratio which overwhelm the facade.</p>	<p>Yes</p> <p>No</p>
<p>4.5 Fences</p>		
<p>4.5.1 Front Fences</p> <p>a. Front fences must not be higher than 1 metre and must be at least 70% visually permeable.</p> <p>b. Front fences should be constructed of materials that complement the materials used in the dwellings. Materials which could be used:</p> <p>i. Wooden pickets (open):</p> <p>ii. Masonry, sandstone or face brick with infill panel of</p>	<p>The front fence (brick solid base with railing) along Falconer Street varies from 0.9m to 1.2m due to the sloping nature of the site (DA-17). It is difficult to determine if the front elevation of units 2-9 is the south elevation (faces onto the access driveway but has no entry door) or the north elevation contains entry door faces onto private open space and 1.8m high fencing). There is no fencing between the driveway and the units, whilst along the northern boundary there is a 1.8m high fence and screen planting.</p> <p>The materials comply</p>	<p>No</p> <p>Yes</p>

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RDGP 2010 Requirement	Proposal	Comply
<p>decorative metal (some high quality pool fencing may be acceptable);</p> <p>iii. Wrought iron or materials of similar appearance.</p>		
<p>4.5.2 Other boundary fences which face a street</p> <p>a. Boundary fences which face another street or abut a public space (including laneways) must be constructed of materials similar to the front fence.</p> <p>b. For boundary fences which face another street lapped and capped timber fences and “colorbond” fences will not be permitted.</p> <p>If a boundary fence which faces another street is of solid construction than indents of not less than 600mm by 300mm must be provided in the fence to allow landscaping to soften the impact of the fence and reduce the potential damage by graffiti. Landscaping must be located where the depth of soil is capable of supporting the landscaping.</p>	<p>The proposed fence onto Linton Lane is to be constructed of paling fencing (1.8m high).</p> <p>Complies</p> <p>N/A</p>	<p>No</p> <p>Yes</p> <p>N/A</p>
<p>4.5.3 Other Boundary fences</p> <p>a. Minimum height of 1.8m;</p> <p>b. Side, return and rear boundary fences should be constructed of timber to lapped and capped standard.</p>	<p>As stated above, the layout of the units, their point of access and location of the private open space raises questions as to whether the boundary treatment along the northern boundary of the private open space is the rear boundary. Insufficient details have been submitted but the fences appear to be constructed of 0.9m solid base and 0.6m to 0.9m over (materials unclear from details submitted)</p>	<p>No</p>
<p>4.6 Clotheslines and Drying areas</p> <p>a. Each dwelling must be provided with clothes drying facilities in the form of an external</p>	<p>Complies</p>	<p>Yes</p>

RDCP 2010 Requirement	Proposal	Comply
<p>clothesline. These should be located to maximise winter sunshine without being able to be seen from adjoining properties or public areas.</p> <p>b. Each dwelling must have its own laundry.</p>	<p>Complies</p>	<p>Yes</p>
<p>4.7 Lighting</p> <p>a. Front yard lighting and lighting on the dwellings is to be provided.</p> <p>b. The location and design of all external light must not have an adverse effect on adjoining properties. Where possible sensor lights should be used.</p> <p>c. The use of spot lights is discouraged.</p>	<p>Bollard lighting is to be provided along the southern side of the access driveway at 8.8m centres and on a number of the deep soil zoned on the northern side of the access driveway. Dependent on the proposed planting in the deep soil zones, these lights may have an impact on the proposed bedrooms as they are directly opposite a number of bedroom windows. As the living room/bedroom areas of the dwelling at 62 Falconer Street have not been identified, it is not clear if the proposed lighting will impact on the residential amenity of this existing dwelling.</p> <p>There does not appear to be any proposals for lighting along the walkway to the north of the site, which raises concerns in relation to safety.</p>	<p>No</p>
<p>4.8 Location of Garbage Bin Enclosures</p> <p>b. For developments of 6 or more dwellings or where sites are steeply sloping or have a narrow road frontage:</p> <p>i. A central garbage bin enclosure shall be provided.</p> <p>ii. The garbage bin enclosure is to be located behind the building line and suitably screened by landscaping. A plan indicating the design and location of the garbage bin enclosure must be submitted with the DA.</p>	<p>At the request of Council, the applicant relocated the communal bin storage area from its location between units 5 and 6 to the individual yards. However no bin collection area has been identified, which raises concerns that on bin collection day, 10 bins will be lined up at the entrance of the driveway, or worse, the entrance to the narrow walkway which accesses the courtyards.</p>	<p>Partial</p>

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RDCP 2010 Requirement	Proposal	Comply
5.0 Engineering		
5.1 Drainage Detailed design standards are set out in other parts of the DCP – Part 8.2 Stormwater Management	The Senior Development Engineer notes that the most recent site and roof drainage plans do not address issues raised in his previous reports.	No
6.0 Public Facilities		
6.1 Local Open Space Facilities Multi dwelling housing developments which create an increased demand for local open space are required to make an appropriate cash contribution towards the local open space acquisition and embellishment program.	There is little common open space of value proposed as part of the development (incidental pockets located at the end of the driveway, in the front setback, etc). Should Council determine to approve the development, a contribution towards open space facilities should be sought.	N/A
6.2 Local Road Facilities a. The construction of kerb and gutter, paved road shoulder, foot paving and landscaping where such facilities do not exist across the entire frontage of the land adjacent to the proposed development will be requested to be undertaken as part of the development. This work is to be carried out in accordance with the requirements of Council.	This could be controlled as a condition of consent should Council determine to approve the development.	N/A
Other Detailed Provisions		
The proposed development is to comply with the provisions of the following parts of the DCP:		
Part 7.1 – Energy Smart, Waterwise	The proposed development is supported by a BASIX certificate (BASIX Cert 377272M_03 dated 26 November 2012) which generally satisfies the requirements for sustainability with regard to water, thermal comfort and energy, including efficient water fixtures, energy efficient lighting and appliances. Refer to Table 5 below.	Yes
7.2 Waste Minimisation and Management	A waste management and minimisation plan has been submitted with the application and	Yes

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RDCP 2010 Requirement	Proposal	Comply
	is adequate.	
8.1 Construction Activities	Capable of complying subject to condition.	
8.2 Stormwater Management	The applicant submitted amended site and roof drainage plans on 15 January 2013. Council's Development Engineer notes that they do not comply with this Part.	No
8.3 Driveways	Council's Development Engineer notes that the driveway width at the entrance, driveway gradients, manoeuvring in and out of garages and sightline requirements for pedestrians do not comply with Australian Standard AS 289.1-2004.	No
9.2 Access for People with Disabilities Class 2 Requirements An accessible path of travel from the street to and through the front door of all units on the ground floor, where the level of the land permits. If the development has three or more residential storeys, with 10 or more units, to all units on all storeys.	Given that the walkway from units 5 to 9 is shown as stepping stones on turf, this is not considered to be an accessible path of travel and so the development fails to comply with this control. As noted earlier an access audit, though required has not been submitted with the DA.	No
1 wide bay space for each accessible or adaptable unit at least 1 wide bay visitors' space	The identified accessible units do not have wide car parking spaces (2.7m as opposed to the specified 3.66m) The proposed visitor spaces are even narrower (2.4m).	No
9.3 Car Parking	The parking rates in this section of the RDCP are stipulated as a "range". Refer to Section 3.8 of Part 3.5 above.	
2.7 Bicycle Parking a. In every new building, where the floor space exceeds 600m ² GFA (except for dwelling houses and multi unit housing) provide bicycle parking equivalent to 10% of the required car spaces or part thereof.	N/A	N/A
9.4 Fencing	Refer to Section 4.5 of Part 3.5 referred to above in this table.	

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RDCP 2010 Requirement	Proposal	Comply
9.6 Tree Preservation	An arboricultural report has been submitted with the application. As noted in the Landscape Architectural assessment report prepared by Moir Landscape Architects, a number of mature trees on the site have been omitted from the report and it is their recommendation that the arboricultural report be revised.	Partial

Table 5: BASIX

BASIX	PROPOSAL	COMPLY
All ticked "DA plans" commitments on the BASIX Certificate are to be shown on plans BASIX Cert 377272M_03 dated 26 November 2012		
<ul style="list-style-type: none"> Area of indigenous or low water use species 	None proposed	
<ul style="list-style-type: none"> RWT 	Individual min 900L proposed Shown on plans	Yes
<ul style="list-style-type: none"> Swimming Pool 	None proposed	
<ul style="list-style-type: none"> Thermal Comfort Commitments: <ul style="list-style-type: none"> - Construction - TCC – Glazing. 	Specified Not specified	Yes
<ul style="list-style-type: none"> HWS Gas Instantaneous 3 star. 	Proposed for all dwellings Shown on plans	Yes
<ul style="list-style-type: none"> Natural Lighting <ul style="list-style-type: none"> - kitchen 	Shown on plans	Yes
Water Target 40	41	Yes
Thermal Comfort Target Pass	Pass	Yes
Energy Target 40	47	Yes
Correct description of property/proposal on 1 st page of Certificate.	Incorrect details shown: Only 1 lot number shown (Lot 2 DP102049 not referenced).	No
Other errors	<ul style="list-style-type: none"> Number of bedrooms in units 9 & 10 incorrect GFA do not match up to GFAs specified on Site Analysis plan (DA-12) 	No

DEMOLITION	PROPOSAL	COMPLY
<ul style="list-style-type: none"> Plan showing all structures to be removed. 	Plan submitted	Yes
<ul style="list-style-type: none"> Demolition Work Plan 	Not submitted	No
<ul style="list-style-type: none"> Waste Management Plan 	Site Waste Minimisation and Management Plan submitted	Yes