

Meeting Date: Tuesday 18 June 2013
Location: Committee Room 2, Level 5, Civic Centre, 1 Devlin Street, Ryde
Time: 5.00pm

NOTICE OF BUSINESS

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1 CONFIRMATION OF MINUTES - Meeting held on 4 June 2013

Report prepared by: Section Manager - Governance**File No.:** CLM/13/1/3/2 - BP13/94

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.

It is noted that the ATTACHED Minutes reflect Council's resolution of 11 June 2013 which noted that Councillor Salvestro-Martin had declared a Less than Significant Non-Pecuniary Interest in Item 2 - 29 Vimiera Road, Eastwood - LOT 10 DP 4574, for the reason that a speaker on the matter is known to him.

RECOMMENDATION:

That the Minutes of the Planning and Environment Committee 9/13, held on Tuesday 4 June 2013 and as ATTACHED, be confirmed.

ATTACHMENTS

- 1 Minutes - Planning and Environment Committee - 4 June 2013

ITEM 1 (continued)

ATTACHMENT 1

Planning and Environment Committee
MINUTES OF MEETING NO. 9/13

Meeting Date: Tuesday 4 June 2013

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

Time: 5.05pm

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

Note: The Mayor, Councillor Petch arrived at the meeting at 5.39pm and was present for consideration for Item 2 only. He left the meeting at 5.47pm and did not return.

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

Apologies: Councillor Maggio.

Leave of Absence: Councillors Simon and Yedelian OAM.

Staff Present: Group Manager – Environment and Planning, Service Unit Manager – Assessment, Service Unit Manager – Environmental Health and Building, Team Leader – Fast Track Team, Executive Officer – Assessment, Team Leader – Fast Track Team, Assessment Officer, Consultant Town Planner (Creative Planning Solutions), Team Leader – Building Compliance, Section Manager - Governance and Councillor Support Coordinator.

DISCLOSURES OF INTEREST

Councillor Chung disclosed a Less than Significant Non-Pecuniary interest in Item 3 - 52A Pellisier Road, Putney - LDA2013/0012, for the reason that he is familiar with an objector.

The Mayor, Councillor Petch disclosed a Significant Non-Pecuniary interest in Item 3 - 52A Pellisier Road, Putney - LDA2013/0012, for the reason that he is a neighbour and knows both the applicant and objector in the matter.

Councillor Salvestro-Martin disclosed a Less than Significant Non-Pecuniary Interest in Item 2 - 29 Vimiera Road, Eastwood - LOT 10 DP 4574, for the reason that a speaker on the matter is known to him.

ITEM 1 (continued)

ATTACHMENT 1

1 CONFIRMATION OF MINUTES - Meeting held on 21 May 2013

Note: The Mayor, Councillor Petch was not present for consideration of this Item.

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

That the Minutes of the Planning and Environment Committee 8/13, held on Tuesday 21 May 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.

2 29 VIMIERA ROAD, EASTWOOD - LOT 10 DP 4574. Building Certificate Application for unauthorised building works to the existing dwelling, including a first floor addition, extensions to the rear of the dwelling and demolition. BC2013/0003.

Note: Ian Mooney (objector), George Raymond (objector on behalf of himself and Derek and Lina Raymond), Lachlan Roots (objector) and Stefano Laface (applicant on behalf of Pyramid Consulting) addressed the Committee in relation to this Item.

Note: Correspondence was tabled by George Raymond and a copy is ON FILE.

Note: Councillor Salvestro-Martin disclosed a Less than Significant Non-Pecuniary Interest in this Item for the reason that a speaker on the matter is known to him.

ADJOURNMENT

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

That the Planning and Environment Committee Meeting adjourn for five (5) minutes, the time being 5.42pm.

Record of Voting:

For the Motion: Unanimous

In accordance with Clause 4.2.5 of the Code of Meeting Practice, The Chairperson, Councillor Pendleton adjourned the meeting to Tuesday, 4 June 2013, to reconvene at 5.47pm in Committee Room 2, Level 5, Civic Centre, 1 Devlin Street, Ryde, the time being 5.42pm.

ITEM 1 (continued)

ATTACHMENT 1

The following Councillors were present:

The Mayor, Councillor Petch and Councillors Pendleton, Chung and Salvestro-Martin.

MEETING RECONVENED

The Meeting reconvened at 5.47pm on Tuesday, 4 June 2013 in Committee Room 2, Level 5, Civic Centre, 1 Devlin Street, Ryde.

The following Councillors were present:

The Mayor, Councillor Petch and Councillors Pendleton, Chung and Salvestro-Martin.

Apologies: Councillor Maggio.

Leave of Absence: Councillors Simon and Yedelian OAM.

Staff Present: Group Manager – Environment and Planning, Service Unit Manager – Assessment, Service Unit Manager – Environmental Health and Building, Team Leader – Fast Track Team, Executive Officer – Assessment, Team Leader – Fast Track Team, Assessment Officer, Consultant Town Planner (Creative Planning Solutions), Team Leader – Building Compliance, Section Manager - Governance and Councillor Support Coordinator.

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

- (a) That BC2013/0003 at 29 Vimiera Road, Eastwood being LOT 10 DP 4574 be refused for the following reasons:
1. The alterations and additions result in a dwelling which is inconsistent with the desired future character for the R2 Low Density Residential zone, and in particular the character of the streetscape in the immediate area.
 2. The alterations and additions create a significant visual impact to the streetscape and public domain with a poor design outcome in terms of form, massing, integration and materiality.
 3. The alterations and additions do not integrate with the form or character of the existing dwelling house on site.
 4. In the circumstances of the case, approval of the development is not in the public interest.
 5. The applicant has not demonstrated full compliance with the requirements of the National Construction Code Series - Building Code of Australia (BCA).

ITEM 1 (continued)

ATTACHMENT 1

6. The roof water is not suitably discharged into an approved drainage system as required by the BCA. Documentary evidence has not been submitted demonstrating that the proposed drainage system complies with the Council's Development Control Plan 2010 (DCP).

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

Record of Voting:

For the Motion: Unanimous

Note: This matter will be dealt with at the Council Meeting to be held on **11 JUNE 2013** as substantive changes were made to the published recommendation

3 52A PELLISIER ROAD, PUTNEY. LOT 2 DP 859984. Development Application for alterations and first floor additions to the existing dwelling, and new swimming pool. LDA2013/0012.

Note: Kylie and Tony Gillies (objectors), Norm Fletcher (objector on behalf of Annette Marsh), Annette Marsh (objector), Gary Dilles (objector), Stewart Macpherson (objector), George Rofail (applicant) and Michael Yousef (on behalf of the applicant) addressed the Committee in relation to this Item.

Note: Councillor Chung disclosed a Less than Significant Non-Pecuniary Interest in this Item for the reason that he is familiar with an objector.

Note: The Mayor, Councillor Petch disclosed a Significant Non-Pecuniary interest in this Item for the reason that he is a neighbour and knows both the applicant and objector in the matter. He left the meeting at 5.47pm and was not present for consideration or voting on this Item.

Note: Photographs provided by Annette Marsh were tabled and a copy is ON FILE.

Note: Correspondence provided by George Rofail was tabled and a copy is ON FILE.

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

- (a) That LDA2013/0012 at 52A Pellisier Road, Putney be deferred to enable the applicant to submit amended plans that provide a more skilful design that improves view sharing opportunities for neighbours and relocates the pool further away from the dwelling and lowers the pool coping height.
- (b) That upon receipt of the amended plans required in part A, the plans are renotified to neighbours and all previous objectors.
If no further objections are received, then the application can be determined by the Group Manager Environment and Planning. If further objections are received, then a further report will be prepared for the consideration of the Planning and Environment Committee.

ITEM 1 (continued)

ATTACHMENT 1

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

Record of Voting:

For the Motion: Unanimous

Note: This matter will be dealt with at the Council Meeting to be held on **11 JUNE 2013** as substantive changes were made to the published recommendation.

4 52 DARVALL ROAD, EASTWOOD. LOT 10 DP 13514. Local Development Application for the use of existing building as a secondary dwelling and an outbuilding. LDA2013/0100.

Note: Guiping (David) Zhao (objector), Sebastiano Laguzza (objector) and Junjian Lin (Wendy You) (applicant) addressed the Committee in relation to this Item.

RECOMMENDATION: (Moved by Councillors Chung and Pendleton)

- (a) That Local Development Application No. LDA2013/0100 at 52 Darvall Road Eastwood be approved subject to the **ATTACHED** conditions (Attachment 3).
- (b) That Council inspect the property on at least two occasions over 24 months to ensure compliance with the consent.
- (c) That the Group Manager Environment and Planning write to the Building Professionals Board expressing Council's concern regarding this matter and to request an urgent response to the complaint.
- (d) That the persons who made submissions be advised of Council's decision.

Record of Voting:

For the Motion: Councillors Chung and Pendleton

Against the Motion: Councillor Salvestro-Martin

Note: This matter will be dealt with at the Council Meeting to be held on **11 JUNE 2013** as dissenting votes were recorded and substantive changes were made to the published recommendation.

ITEM 1 (continued)

ATTACHMENT 1

- 5 3-5 TRELAWNEY STREET, EASTWOOD. Part LOT B & LOT A DP 401296. New mixed use development: a building with six retail/commercial tenancies (534m²); 57 apartments (13X1 bedrooms, 44X2 bedrooms) and basement parking, and strata subdivision. LDA2011/0611.**

Note: Andy Ludvik (applicant) addressed the Committee in relation to this Item.

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

- (a) That Local Development Application No. 2011/0611 for the construction and strata subdivision of a mixed use development consisting of a building with six retail/commercial tenancies, 57 residential apartments and basement parking for 107 cars at 3-5 Trelawney Street, Eastwood be approved subject to the **ATTACHED** conditions (Attachment 1).
- (b) That Council accept the Voluntary Planning Agreement (Reference No. PJAC_100970_017.DOC) made by N & G Projects Pty Ltd in conjunction with the approval of LDA2011/0611.
- (c) That the persons who made submissions be advised of Council's decision.

Record of Voting:

For the Motion: Unanimous

Note: This matter will be dealt with at the Council Meeting to be held on **11 JUNE 2013** as it is outside the Committee's delegations

The meeting closed at 7.26pm.

CONFIRMED THIS 18TH DAY OF JUNE 2013.

Chairperson

2 29 SHEPHERD STREET, RYDE. LOT C DP 327043. Local Development Application for new two storey attached dual occupancy and inground swimming pools. LDA2013/0001.

Report prepared by: Assessment Officer - Town Planner; Team Leader - Fast Track Team

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

Report dated: 4/06/2013

File Number: grp/09/5/6/2 - BP13/842

1. Report Summary

Applicant: J Gharaghes.

Owner: L Chatfield.

Date lodged: 2 January 2013.

This report considers a proposal for the construction of a new 2-storey attached dual occupancy at the subject property. The proposed dual occupancy features a contemporary design with unit 1 facing and having access to Shepherd Street and unit 2 facing and having access to Sewell Street. The development also includes an in-ground swimming pool in the rear courtyard of each dwelling.

The proposal has been assessed against the controls in Ryde DCP 2010 Part 3.3 – Dwelling Houses and Dual Occupancy (attached). There are two (2) non-compliances, namely:

- Deep Soil Area
- Rear Setback

The non-compliance with the deep soil area is considered to be minor and acceptable in the context of the application and is supported. However, the non-compliance with the rear setback is considered to be a large deviation from the required setback in Ryde DCP 2010.

The original proposal was notified to the adjoining property owners in accordance with Council's DCP 2010, and one submission was received from the adjoining property owners at No. 27 Shepherd Street (to the north). The main issues of concern raised in the submission were built form (setbacks), deep soil area and location of the pools, privacy, location of pool pump and air-conditioner, stormwater, design and desired future character and perceived non-compliances with various sections of Council's DCP.

The amended plans were also notified to the same adjoining property owners, and a further 5 submissions were received from the property owners at No. 23, 25 & 27 Shepherd Street and from No. 7A & 12 Sewell Street. The issues raised in the submissions are the same as those in the original submission.

ITEM 2 (continued)

All of the concerns raised in the submissions have been addressed in the report. The non-compliance with the rear setback is considered substantial. The required setback is 10.78m, however only 3m is proposed. It is recommended that the application be deferred to enable the applicant to undertake a redesign to increase the rear setback. It is considered that if this issue was resolved, there would be less adverse impact on the neighbouring properties and other issues raised could be dealt with via conditions of consent.

It is noted that the Business Paper for the Planning & Environment Committee meeting of 18 June 2013 contains another 2-storey attached dual occupancy development with a similar design, at No 18 Shepherd Street, Ryde (LDA2012/144). That development is recommended for refusal for several reasons relating to bulk, scale and massing; privacy impacts; overshadowing; and poor allocation of private open space, which are not issues of concern in the subject application. The main difference between the two applications is that this application (29 Shepherd) is on a corner allotment which enables a design which does not raise these issues of concern – in particular, this development, because of its position on a corner lot, is capable of providing larger courtyards for both dwellings, and greater setbacks to neighbouring properties to address concerns regarding bulk and scale, privacy and overshadowing.

It is considered that this site is suitable for a dual occupancy development, however the rear setback needs to be increased. It is recommended that this application be deferred to enable the applicant to submit amended plans which increase the rear setback.

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

Public Submissions: *Original Plans:* One (1) submission was received from the property owners at No. 27 Shepherd Street, objecting to the development.

Amended Plans: Five (5) submissions were received from the property owners at Nos. 23, 25 & 27 Shepherd Street and Nos. 7A and 12 Sewell Street, objecting to the development.

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

Value of works: \$650,000.00.

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

ITEM 2 (continued)
RECOMMENDATION:

- (a) That Council defer consideration of Local Development Application No. LDA2013/0001 at 29 Shepherd Street Ryde being LOT C DP 327043 to enable the applicant to submit amended plans to increase the rear setback of the proposal to improve compliance with Council's Development Control Plan and reduce the visual and acoustic privacy impacts on neighbours.
- (b) That the amended plans referenced in (a) above shall be re-notified to the neighbouring properties and previous objectors to the original DA.

If the amended plans do not attract any further submissions then the application may be determined by the Group Manager Environment & Planning under delegated authority. Otherwise, a further report shall be presented to the Planning & Environment Committee for determination.

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

ATTACHMENTS

- 1 Compliance table - LEP 2010 & DCP 2010
- 2 Draft conditions of consent.
- 3 A4 plans.
- 4 Map.
- 5 A3 plans - subject to copyright provisions - CIRCULATED UNDER SEPARATE COVER.

Report Prepared By:

Farideh Derakhshan
Assessment Officer - Town Planner
Colin Murphy
Team Leader - Fast Track Team

Report Approved By:

Liz Coad
Manager Assessment

Dominic Johnson
Group Manager - Environment & Planning

ITEM 2 (continued)

2. Site (Refer to attached map.)

Address	:	29 Shepherd Street Ryde
Site Area	:	Land size: 657.3m ² , Frontage: 15.24m Depth: 43.1292m
Topography and Vegetation	:	The site has a fall of approximately 1m Shepherd Street (north-eastern corner) to Sewell Street (south-western corner).
Existing Buildings	:	Single storey weatherboard dwelling, single car garage & garden sheds.
Planning Controls	:	Ryde Local Environmental Plan 2010
Zoning	:	R2 - Low Density Residential
Other	:	Ryde Development Control Plan (DCP) 2010



The above aerial photo shows the location of the subject site and the adjoining properties (including the objectors' dwellings).

ITEM 2 (continued)

3. Councillor Representations

Name of Councillor: Councillor Pendleton.

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

Date: 13 March 2013.

Form of the representation: Email via Councillors' Help Desk

On behalf of applicant or objectors: On behalf of the objector's at 27 Shepherd Street (adjoining neighbour on the northern side of the property).

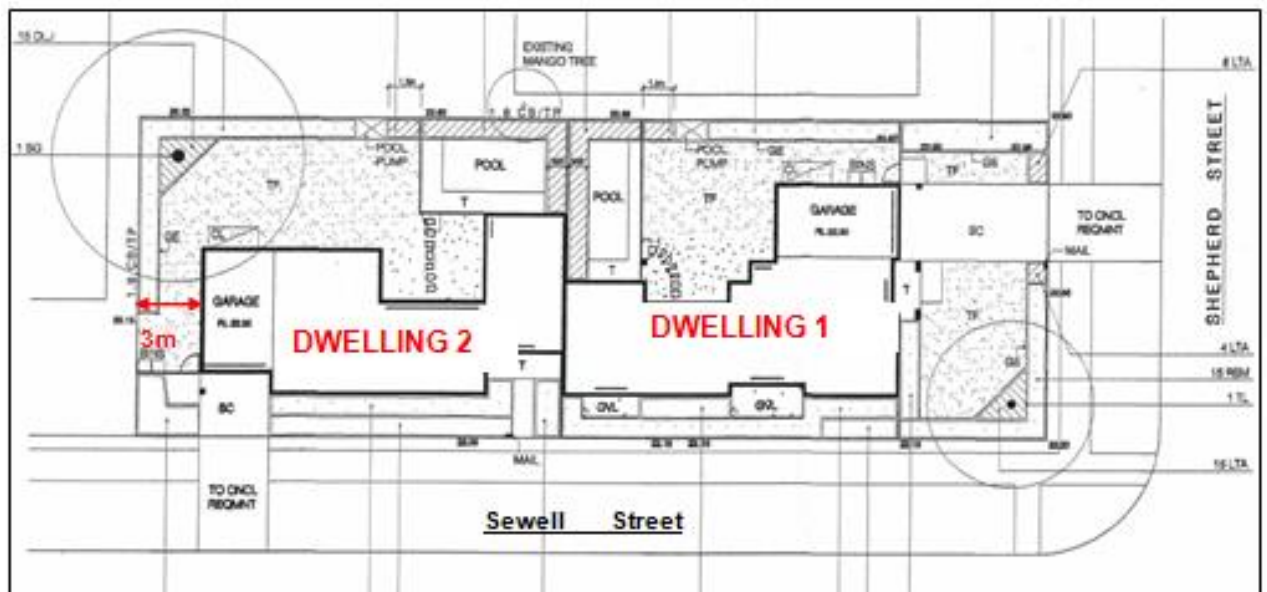
Any other persons (e.g. consultants) involved in or part of the representation:
No.

4. Political Donations or Gifts

Any political donations or gifts disclosed? No.

5. Proposal

New two storey dual occupancy (attached) with inground pools at the rear of the each dwelling and front boundary fences.

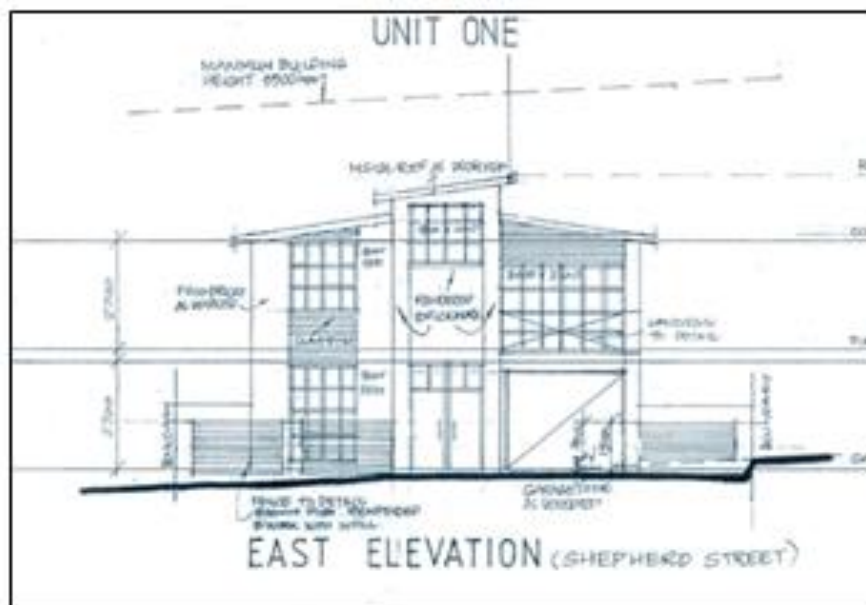


Site Plan

ITEM 2 (continued)



Elevations of the proposed development when viewed from Shepherd Street.



Elevations of the proposed development when viewed from Sewell Street.

6. Background

The DA was lodged on 2 January 2013, and shortly thereafter (10 January 2013) it underwent a preliminary assessment and was assigned to an Assessment Officer, referred to internal officers (Council's Development Engineer) and was notified to neighbours with a notification period closing 8 February 2013. Further details of these processes are discussed later in this report.

On 22 February 2013, a letter was sent to the applicant to request the following additional information (in summary):

ITEM 2 (continued)

1. *Concerns from Council's Development Engineer – ie details of impervious areas around the swimming pool.*
2. *Swimming pools – ie amended plans requiring increased setbacks of the pools from the rear boundaries, detail regarding landscaping around the pools, and details of the pool pumps and filters.*
3. *Landscaping – ie details of a tree in the front and rear yard, amendments to the landscaping plans regarding hedge planting along boundaries and retaining walls.*
4. *BASIX commitments – amended BASIX certificate requested showing correct site area.*
5. *Front/rear fencing – amended plans requested to show details of front and rear fencing.*
6. *Section drawing/ridge height – additional detail requested to enable assessment of ridge heights of the proposal.*

The applicant submitted amended plans and additional information addressing the above matters on 28 March 2013. The amendments included changes to the roof design of both dwellings, changes to roof design of garage of dwelling 2, and increase to the side setback of the pool for unit 2.

Adjoining owners were re-notified of the amended plans for a period from 9 to 17 April 2013. A further 5 submissions were received as discussed in the Submissions section of this report below.

7. SubmissionsOriginal Plans

The proposal was notified in accordance with Development Control Plan 2010 - Part 2.1, Notification of Development Applications for a period of 14 days, ending on 8 February 2013. During this period one (1) submission was received from the property owners at No. 27 Shepherd Street, objecting to the development.

Amended Plans

Amended plans were received on 28 March 2013 and were re-notified to the surrounding neighbours. Five (5) submissions were received from the property owners at No's. 23, 25 & 27 Shepherd Street and the property owners at No's. 7A and 12 Sewell Street objecting to the development.

The submissions raised the following issues:

ITEM 2 (continued)

A. Built Form (Setbacks). *“The design is problematic in that it adopts a long thin building footprint that extends along the Sewell St frontage with a minimal building line of only 2.0m and a rear setback of only 3.0m. The building presents with a visually jarring elevation and a confused and disjointed roofline. The building is 34m in length on a 2.0m building line with minimal articulation and thus dominates the Sewell St streetscape.*

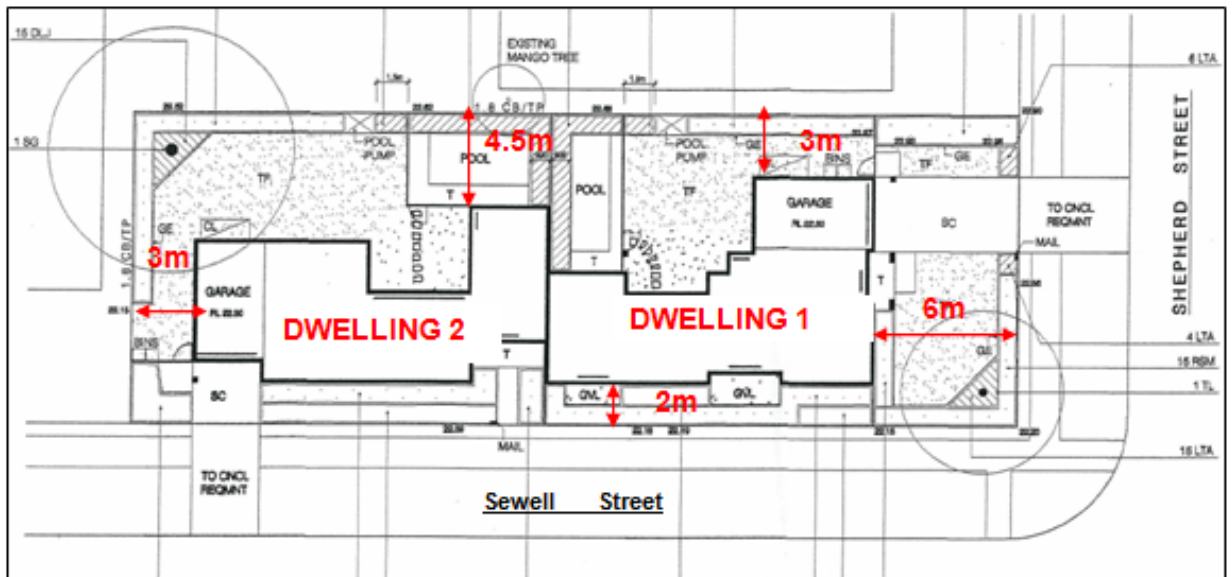
This is not the built form envisaged by the Development Control Plan 2010 (DCP) at page 11 where corner blocks are addressed and the larger setback is provided to the longer frontage street that is Sewell Street. The primary frontage in this case appears to be Shepherd St where 6.0m has been adopted. The DCP would also call for a 10.785m rear setback and due to the long skinny built form this is in no way complied with a setback of only 3.0m being achieved. The built form is very different to adjacent residential homes and as such will be out of place in its environment.”

Comment: Council’s DCP 2010 prescribes a 6m front setback, and a 2m “secondary” setback for corner allotments. The subject site is located at the corner of Shepherd and Sewell Streets with its primary frontage facing Shepherd Street and its secondary frontage facing Sewell Street. The development proposes a primary front setback of 6m from Shepherd Street and a secondary setback of 2m from Sewell Street which complies with the above requirements. Council’s DCP does not contain any controls regarding the length of wall along a secondary setback (which appears to be the main issue of concern in the objection), however the development is designed to incorporate articulation and variation along the façade, which will ensure that its presentation to Sewell Street is acceptable.

In relation to rear setback requirements, Council’s DCP prescribes a rear setback of 8m or 25% of the length of the site (whichever is greater), which in this case is 10.785m. The development proposes a rear setback of 3 metres from the rear boundary adjoining 7A Sewell Street, which is not supported. It is recommended that the application be deferred to enable the applicant to undertake a redesign to increase the rear setback so that it can be in closer compliance with what the DCP requires, and reduce the adverse impacts on neighbouring properties in terms of visual and acoustic privacy.

The setbacks of the proposed development from the front, secondary, side and rear boundaries are shown in the following drawing:

ITEM 2 (continued)



The above diagram shows the proposed setbacks including, primary and secondary setbacks of the new attached dual occupancy

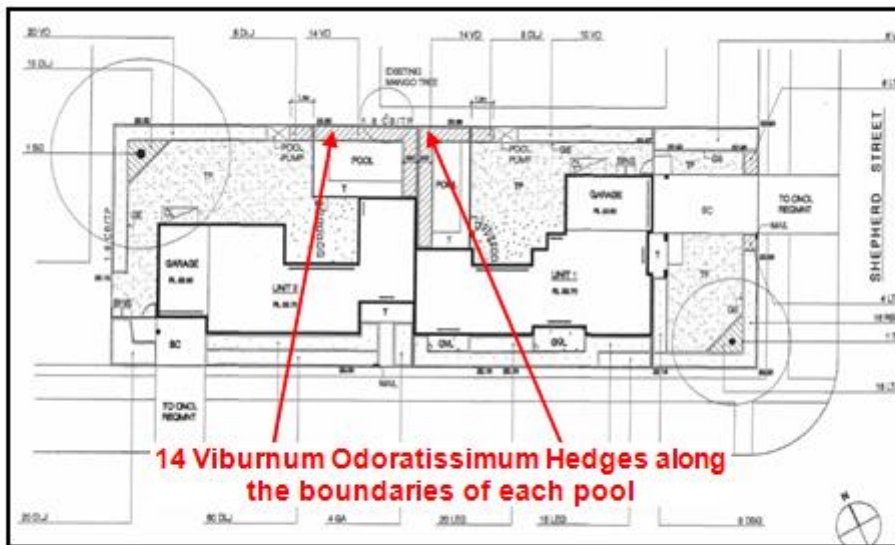
B. Deep soil areas and location of pools. “Additionally, in adopting the proposed footprint the private open space for both houses is located along the common boundary with No.27 Shepherd St including two swimming pools immediately adjacent to each other with no landscape setback to the boundary. The long skinny footprint again prevents achievement of the 8.0m X 8.0m area of deep soil planting.”

Comment: Ryde DCP 2010 requires a deep soil area measuring 8m x 8m in the rear yard, and only one such area is required for dual occupancy developments. The development provides an area measuring 6.24m x 11.6m (ie 72.38m²) within the courtyard of dwelling 2. Whilst this does not strictly comply with the 8m x 8m requirement, the area provided will enable space for tree growth, as well as outdoor recreation space for the occupants.

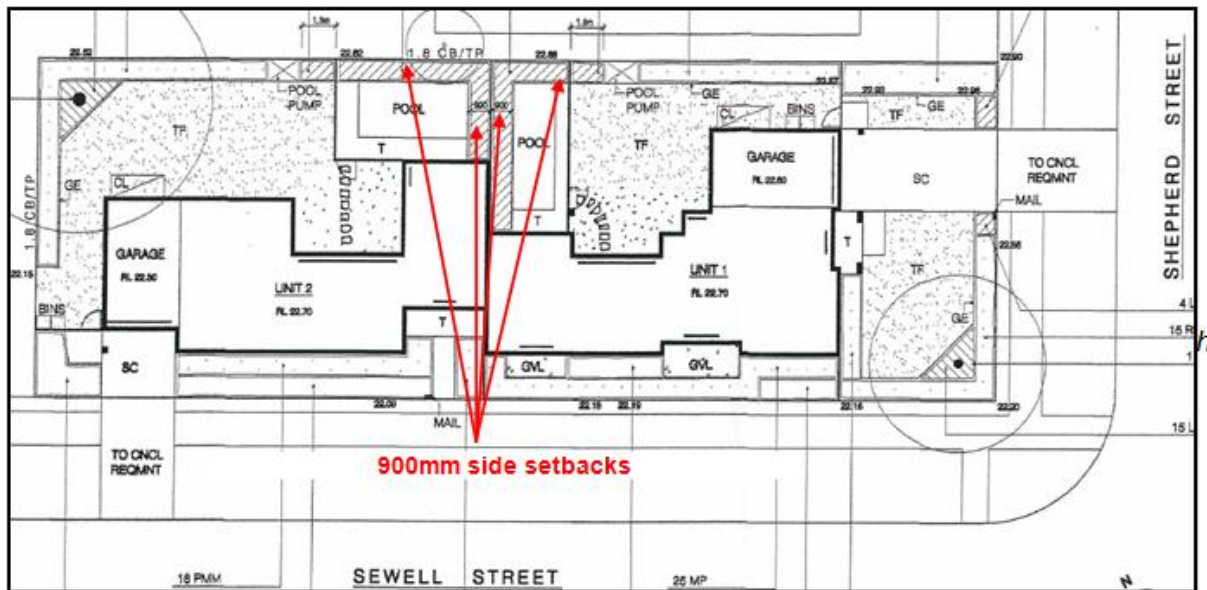
In addition to the above control, DCP 2010 also contains an overall deep soil area requirement of 35% of the allotment. This development has been calculated to have a total deep soil area of 289.79m² or 44.49% of deep soil area, which is more than the required area.

In relation to concerns about landscaping adjacent to boundaries, each swimming pool proposes a 900mm setback from the northern boundary of the site as well as the common boundary of the two units which meets Council’s DCP requirements. The development also includes screen planting along the boundaries of the pools in particular along the northern boundary of the site and as well as along the common boundary between the two pools. This landscaping is shown in the following drawings.

ITEM 2 (continued)

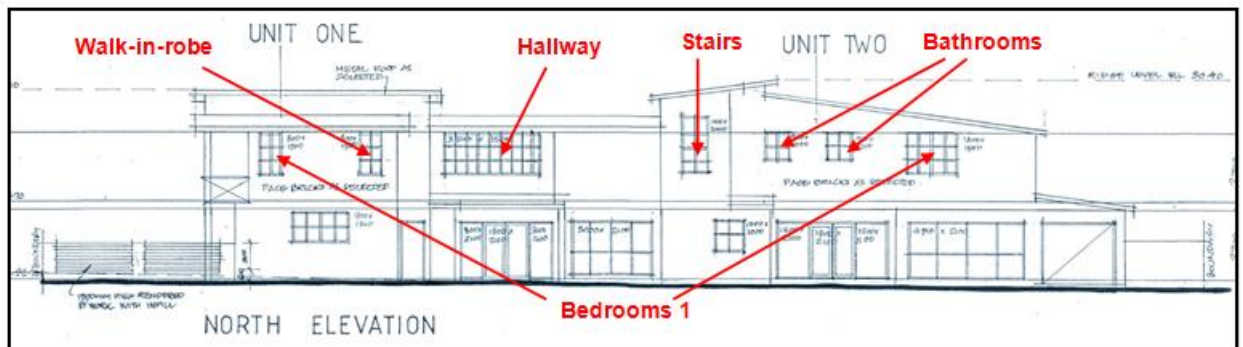


The above diagram shows the inclusion of screen planning along the boundaries of the site.



The above diagram shows the proposed side setback of the inground pools from the boundaries of the site.

ITEM 2 (continued)



The above diagram shows the first floor windows of the proposed development with the internal use of the room to which the windows have been proposed.

- C. Location of pool pump and air conditioner.** The objectors have raised concerns that the location of the pool pump and air conditioning units do not appear on the DA plans, and concerns about noise from such equipment.

Comment: Ryde DCP 2010 requires pool pumps/filters to be *located as far away as practicable from neighbouring dwellings and to be enclosed in an acoustic enclosure that will ensure the noise emitted from the enclosure is not greater than 5dB(A) above the background noise level, measured at the boundary*. As a result the following condition can be included in any consent issued by Council:

- *The pool pumps/filters shall be located at least 900mm from the boundaries of the site and are to be enclosed in an approved acoustic enclosure, which will ensure that the noise emitted therefrom does not exceed 5dB(A) above the background noise level when measured at the nearest source of annoyance. Full details are to be provided to Council or the accredited certifier prior to the issue of a Construction Certificate.*

In relation to any proposed air conditioning units, these can be constructed/installed without consent from Council pursuant to *State Environmental Planning Policy (Exempt & Complying Development Codes) 2008*, and therefore there is no requirement for these to be shown on DA plans. However, it should be noted that this Code requires air-conditioning units, in residential zones, *to be located at least 450mm from each lot boundary*, and also the air conditioning units must also comply with the Australian Standard in regard to omission of noise.

- D. Stormwater.** The objectors have raised concerns that the stormwater management plan does not show paths taken by overland flow during storm events when the capacity of the system is exceeded or the system is blocked. Concerns also raised that the proposed charged drainage system will adversely impact on adjoining properties and the public domain.

ITEM 2 (continued)

Comment: The development involves disposal of stormwater via a charged drainage system through combined stormwater detention/rainwater tanks to the kerb and gutter system in Shepherd Street and Sewell Street. Council's Development Engineer has assessed the proposed drainage concept and raised no objection subject to conditions which can be included in any consent granted by Council.

E. *Incorrect Statement of Environmental Effects.* Objectors have noted that the *Statement of Environmental Effects* is incorrect as it makes reference to the site being in Denistone West (when the locality is Ryde).

Comment: It is noted that the *Statement of Environmental Effects* incorrectly refers to the site being within Denistone West, however this is a relatively minor matter which does not prevent assessment of the proposal.

8. Clause 4.6 RLEP 2010 objection required?

Not required.

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

The subject property is zoned R2 Low Density Residential. The proposed dual occupancy is permissible with Council's development consent.

Mandatory Requirements

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

Clause 4.3 – Height of buildings. Sub-clause (2) of this clause states that “the height of a building on any land is not to exceed the maximum height for the land shown for the land on the height of buildings map”. In this case, the maximum height is 9.5m. The maximum height of the proposed dual occupancy is 8m, 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 0.4978:1, which complies with this clause.

ITEM 2 (continued)

Clause 4.5A – Allotment Size – Dual Occupancy (attached) in Zone R2. This clause requires a minimum allotment size of 580m² for dual occupancy developments. The subject site has an allotment size of 657.3m² which complies with this clause.

(b) Relevant SEPPsSEPP BASIX

A compliant BASIX Certificate has been submitted with the DA.

(c) Relevant REPs

There are no applicable REPs to this proposal.

(d) Any draft LEPsRyde Draft LEP 2011

A Section 65 Certificate enabling the formal exhibition of Draft Local Environmental Plan 2011 was issued by the Department of Planning and Infrastructure on 23 April 2012. The Draft Plan was on public exhibition ending 13 July 2012. Under this Draft LEP, the zoning of the property is R2 Low Density Residential. The proposed development is permissible with consent within this zoning under the Draft LEP, and it is considered that the proposal is not contrary to the objectives of the Draft LEP or those of the proposed zoning.

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

In particular, Draft Ryde LEP 2011 contains several controls specific to dual occupancy developments, including a minimum allotment width control (minimum 20m) which the subject development does not comply with (ie 15.24m); the removal of linear separation controls (which are contained in Ryde DCP 2010); and also provisions allowing for strata subdivision of dual occupancy developments.

(e) Any DCPRyde Development Control Plan (DCP) 2010: Part 3.3 – Dwelling Houses and Dual Occupancy (attached)

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

ITEM 2 (continued)

The non-compliances identified in the above table are addressed and assessed below:

Non-Compliances:
1. Deep Soil Area

As discussed in the Submissions section of this report, the development does not strictly comply with the requirement for an 8m x 8m (64m²) deep soil zone (6.24m x 11.6m ie 72.3m² provided). However, the area provided will enable space for tree growth, as well as outdoor recreation space for the occupants. The development is considered acceptable in terms of this deep soil area despite the minor numerical non-compliance in terms of dimensions.

2. Rear Setback

Clause 2.8.3 of the DCP requires a minimum rear setback of 8m or 25% of the site length, whichever the greater. In this case a rear setback of 10.78m is required. The objective of rear setbacks is to allow separation distances between neighbouring dwellings so as to provide for the visual and acoustic privacy of dwellings. The proposed rear setback is only 3m. Given that the length of the site is 43m, a redesign of the development could take place to achieve a rear setback that improves compliance of this aspect of the DCP and decreases the adverse impacts on neighbours. It is recommended that the application be deferred to enable the applicant to undertake a redesign to increase the rear setback.

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 density. The contribution is based on the proposed number of bedrooms for dwellings in this case 2 x 4 bedrooms.

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:

Contribution Plan	Total \$
Community & Cultural Facilities	4,104.86
Open Space & Recreation Facilities	10,105.31
Civic & Urban Improvements	3,436.90

ITEM 2 (continued)

Contribution Plan	Total \$
Roads & Traffic Management Facilities	468.72
Transport & Accessibility Facilities	0.00
Cycleway	292.84
Stormwater Management Facilities	930.46
Plan Administration	78.96
Parking	0.00
Total payable Contribution	\$19,418.06

Condition on the payment of Section 94 Contribution of \$19,418.06 has been included in **Attachment 2** – draft conditions of consent, attached to this report.

Note: The above calculation has been reviewed by the Team Leader – Assessment. A detailed copy of rates and calculation spreadsheet has been placed on the relevant development application file. The contribution has been calculated based on the rates for CPI Quarter March 2013.

10. Likely impacts of the Development

(a) Built Environment

The proposed development involving construction of a new two storey dual occupancy (attached) with an inground pool at the rear of each dwelling will not have any adverse impacts on the existing built environment or the amenity of the surrounding area – provided the rear setback is increased to more closely comply with the DCP requirement for rear setbacks. This will ensure the development is consistent with other developments of a similar nature.

(b) Natural Environment

The proposed development will have no significant impacts on the natural environment of the locality. The proposed development does not involve removal of any significant vegetation, and matters such as soil erosion and sediment control could be dealt with via appropriate conditions of consent.

11. Suitability of the site for the development

The site is not classified as a heritage item or subject to any natural constraints such as flooding or subsidence. The proposed development is considered to be suitable for the site in terms of the impact on both the existing natural and built environments, subject to submission of amended plans which increase the rear setback.

ITEM 2 (continued)**12. The Public Interest**

Having regard to the assessment contained in this report, it is considered that approval of this development in its current form is not in the public interest and amendments are required to bring the proposal into closer compliance with Council's DCP in regard to the rear setback.

13. Consultation – Internal and ExternalInternal Referrals

Development Engineer – 12 April 2013: Council's Development Engineer has raised no objections to the application subject to 19 conditions of consent.

External Referrals

Not required.

14. Critical Dates

There are no critical dates or deadlines to be met.

15. Financial Impact

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

16. Other Options

It is considered that there are two options available in the consideration and determination of this application:

A. Deferral of Application

The preferred option is to defer consideration of this DA to enable the applicant to submit amended plans. Although it is considered that the site is suitable for a housing development for an attached dual occupancy under Ryde LEP 2010, the design of the development is unsatisfactory due to its non-compliant rear setback and cannot be supported in its current form.

Upon the receipt of the amended plans, it would be necessary to re-notify neighbours and all previous objectors. If the amended plans do not attract any further submissions and they satisfy the issue regarding the rear setback, then the application may be determined by the Group Manager Environment & Planning under delegated authority. Otherwise, a further report shall be presented to the Planning & Environment Committee for determination.

ITEM 2 (continued)**B. Approval:**

The option of approving the DA is available, but not recommended because of the issues of concern regarding the rear setback. Draft conditions of consent have been provided (see Attachment 2) if Council decides to approve the application in its current form.

17. Conclusion

The proposed development has been assessed using the heads of consideration listed in Section 79 of the Environmental Planning and Assessment Act 1979. There are two (2) non-compliances with Council's DCP 2010, Part 3.3-Dwelling Houses and Dual Occupancy (attached) relating to deep soil area and rear setback. It is recommended that the application be deferred to enable the applicant to undertake a redesign to increase the rear setback and bring it to closer compliance with Council's DCP.

A deferred commencement consent has not been recommended as any redesign which will reconfigure the design of the second dwelling and pool should be renotified to neighbours. The request for closer compliance in regard to the rear setback is consistent with the Council's recent determination of a similar application at 66a Pellisier Road, Putney, for a dual occupancy on a corner allotment.

ITEM 2 (continued)

ATTACHMENT 1

COMPLIANCE TABLE

Ryde LEP 2010

Ryde LEP 2010	Proposal	Compliance
Height – Cl. 4.3(2)		
9.5m	8m	Yes
Floor Space Ratio – Cl's. 4.4(2) & 4.4A(1)		
0.5:1	0.4978:1	Yes
4.5A(2)(a) Allotment Size- Dual Occupancy (attached) in Zone R2		
<ul style="list-style-type: none"> Min size – 580m² 	657.3m ²	Yes
<ul style="list-style-type: none"> Arrangements required for disposal of sewage & stormwater from each dwelling 	Stormwater disposal considered by Development engineer, standard condition imposed re Sydney Water certificate	Yes

Ryde DCP 2010

DCP 2010	Proposed	Compliance
<i>Part 3.3 - Dwelling Houses and Dual Occupancy (attached)</i>		
Desired Future Character		
Development is to be consistent with the desired future character of the low density residential areas.	Development will be consistent with the desired future character of the low density residential areas.	Yes
Duplex Buildings- Linear Separation		
Any villa or duplex within double the main frontage of the subject site or existing villa/duplex site?	There are no villas or dual occupancies in the locality.	Yes
a. Dual occupancy (attached) buildings in the R2 Low Density Residential zone must be separated from Urban Housing, Multi Dwelling Housing (Attached), Villa Homes, Duplex Dwellings and other Dual Occupancy (attached) buildings in accordance with the following:	The zoning is R2 – Low Density Residential and there are no villas or dual occupancies in the locality.	Yes
i. If an urban housing development, villas, duplex building, multi dwelling housing (attached) or dual occupancy (attached) building has been erected, or is permitted by a development consent, on an allotment with a frontage to a street or road within the R2 Low Density Residential zone, then Council will not consent to a dual occupancy (attached) being erected on another allotment with a frontage to that same street or road and in the same street block, unless the two allotments are separated by a distance of at least:		

ITEM 2 (continued)

ATTACHMENT 1

DCP 2010	Proposed	Compliance
<ul style="list-style-type: none"> twice the distance of the frontage to the street of the existing or approved villa, multi dwelling housing, duplex, urban housing, dual occupancy (attached) development, or 	Not applicable.	Yes
<ul style="list-style-type: none"> twice the distance of the frontage to the street of the proposed villa, duplex, urban housing, multi dwelling housing, dual occupancy (attached) development; whichever is the greater distance. 	Not applicable.	Yes
ii. On a corner allotment, the separation distance is to be as above with the exception of the street which contains the longest street frontage. In this case the separation distance is to be at least:		
<ul style="list-style-type: none"> twice the distance of the shortest frontage of the corner allotment; or 	The site is located at the corner of Sewell and Shepherd Street however, there are no villas or dual occupancies in the locality.	Yes
<ul style="list-style-type: none"> twice the distance of the frontage of the proposed development; whichever is the greater distance. 	The site is located at the corner of Sewell and Shepherd Street however, there are no villas or dual occupancies in the locality.	Yes
b. New Dual Occupancy (Attached) buildings are to meet the controls for new dwelling houses set out in 2.2.1.	See the following points in the compliance table.	Yes
c. Alterations and additions to dual occupancy (attached) buildings are to meet the requirements set out in 2.2.2.	Not applicable; new attached dual occupancy.	Yes
<ul style="list-style-type: none"> - To have a landscaped setting which includes significant deep soil areas at front and rear. - Maximum 2 storeys. - Dwellings to address street - Garage/carports not visually prominent features. 	New dwelling will have a landscape setting which include significant deep soil area at front and rear yards. Maximum 2 storeys. Dwelling will address street. Garage is not visually prominent feature.	Yes Yes Yes Yes
Streetscape <ul style="list-style-type: none"> - Front doors and windows are to face the street. Side entries to be clearly apparent. - Single storey entrance porticos. - Articulated street facades. 	Front door and windows are faced toward street. Single storey entrance porticos. Street facades are articulated	Yes Yes Yes
Public Views and Vistas <ul style="list-style-type: none"> - 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 	There is no view to water from the street. The development maintains the existing view corridors; therefore there will be no obstruction to views.	Yes

ITEM 2 (continued)

ATTACHMENT 1

DCP 2010	Proposed	Compliance
outbuildings are not to be located within view corridor if they obstruct view. Fence 70% open where height is >900mm.	The proposed development will not be located within any view corridors.	Yes
<p>Pedestrian & Vehicle Safety</p> <ul style="list-style-type: none"> - Car parking located to accommodate sightlines to footpath & road in accordance with relevant Australian Standard. - Fencing that blocks sight lines is to be splayed. 	<p>Location of the new garages will accommodate sightlines to footpath and road in accordance with relevant Australian Standard.</p> <p>Fencing will not block sight line.</p>	<p>Yes</p> <p>No</p>
<p>Deep Soil Areas</p> <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). - Duplex developments only need 1 of 8x8m area (doesn't have to be shared equally). 	<p>Permeable (deep soil) area: m or % 289.79m² or 44.49%.</p> <p>Minimum 8 x 8m cannot be achieved – proposed deep soil areas in rear yards: Unit 1 = 57.79m² Unit 2 = 105.99m²</p> <p>Front DSA: Unit 1 = 74.45m² or 31.7% Unit 2 = 33m² or 31%</p> <p>Proposed deep soil area will be located at the rear yard of unit 2.</p>	<p>Yes</p> <p>No (1)</p> <p>Yes</p> <p>Yes</p> <p>No (1)</p>
<p>Topography & Excavation</p> <p><u>Within building footprint:</u></p> <ul style="list-style-type: none"> - Max cut: 1.2m - Max fill: 900mm <p><u>Outside building footprint:</u></p> <ul style="list-style-type: none"> - Max cut: 900mm - Max fill: 500mm - No fill between side of building and boundary or close to rear boundary - Max ht retaining wall 900mm 	<p>Max cut = none Max fill = 640m</p> <p>Max cut = 170mm</p> <p>No fill along the boundaries of the site has been proposed.</p> <p>Retaining wall along northern boundary max height = 170mm</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
Ground floor	156.965m ²	
Second floor	170.29m ²	
Garages	35.20m ²	
Total (Gross Floor Area)	362.455m ²	
Less 36m ² (double) or 18m ² (single) allowance for parking	327.255m ²	
FSR (max 0.5:1)	0.4978:1	Yes
Height		
- 2 storeys maximum (storey incl basement elevated greater than 1.2m	Maximum two (2) storey attached dual occupancy	Yes

ITEM 2 (continued)

ATTACHMENT 1

DCP 2010	Proposed	Compliance
above EGL).		
- 1 storey maximum above attached garage incl semi-basement or at-grade garages.	Maximum 1 storey above garage of the unit1 and no additional storey above the unit 2 garage.	Yes
Wall plate (Ceiling Height) - 7.5m max above FGL or - 8m max to top of parapet	TOW RL: FGL below (lowest point): TOW Height (max)= 7.18m	Yes
9.5m Overall Height	Max point of dwelling RL: EGL below ridge (lowest point): Overall Height (max)= 8m	Yes
Habitable rooms to have 2.4m floor to ceiling height (min).	2.7m	Yes
SIDE Two storey dwelling 1500mm to wall Includes balconies etc	Setback 1 (eastern) Setback 2 (northern) To wall min – 3m To wall max – 4.5m	Yes Yes
	Setback 2 (southern) To wall min – 2m To wall max – 2m	Yes Yes
Side setback to secondary frontage (cnr allotments): 2m to façade and garage/carports	2m	Yes
Front - 6m to façade (generally) - Garage setback 1m from the dwelling façade – wall above is to align with outside face of garage below. - Front setback free of ancillary elements eg RWT, A/C	6m Garages are setback 1m behind each dwelling.	Yes Yes
	Front setback free of ancillary elements.	Yes
Rear - 8m to rear of dwelling OR 25% of the length of the site, whichever is greater (in this case = 10.78m).	3m	No (2)
General - Duplex: 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.	Number/location of car spaces: 1 single garage per dwelling.	Yes
	Access from: Sewell and Shepherd Street.	Yes
	Max width = 3.26m (unit 2), 3.36 (unit 1).	Yes
Garages - Total width of garage doors visible from public space must not exceed 5.7m and be setback not more than 300mm behind face of garage wall above. - Garage windows are to be at least 900mm away from boundary.	Garages door openings: 3m each garage.	Yes
	Doors setback: 300mm	Yes
	Garage windows are at least 3m & 3m from the boundaries of the site.	Yes

ITEM 2 (continued)

ATTACHMENT 1

DCP 2010	Proposed	Compliance
<p>Parking Space Sizes (AS)</p> <ul style="list-style-type: none"> - Single garage: 3m w (min) - Internal length: 5.4m (min) 	<p>Internal measurements: Unit 1 (3.2m x 5.4m) Unit 2 (3.1mx 5.5m)</p>	<p>Yes Yes</p>
<p>Driveways Extent of driveways minimised</p>	<p>Extent of driveway has been minimised.</p>	<p>Yes</p>
<ul style="list-style-type: none"> - Must comply with all relevant Acts, Regulations and Australian Standards. - Must at all times be surrounded by a child resistant barrier and located to separate pool from any residential building and / outbuildings (excl cabanas) and from adjoining land. - No openable windows, doors or other openings in a wall that forms part of barrier. - Spa to have lockable lid. - Pools not to be in front setback. 	<p>Pool fencing has been shown on landscape plans.</p> <p>Pool is surrounded by a child resistant barrier. Pool gate location has been shown on the plans.</p> <p>There is the laundry window of unit 2 within pool area.</p> <p>No spa has been proposed. Pool situated in the rear yard.</p>	<p>Yes Yes Yes Yes</p>
<p>Pool coping height</p> <ul style="list-style-type: none"> - 500mm maximum above existing ground level 	<p>Coping Height (max)=500mm RL 22.90 (EGL RL = 22.68 & 22.62 Coping height = 220mm to 280mm</p>	<p>Yes</p>
<p>Pool Setback</p> <ul style="list-style-type: none"> - 900mm min from outside edge of pool coping, deck or surrounds to allow sufficient space for amenity screen planting - Screen planting required for pools located within 1500mm, min bed width of 900mm for the length of the pool. Min ht 2m, min spacing 1m - 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 will be located 900mm from the boundaries of the site.</p> <p>Height of the additional screen will be 2.7m.</p> <p>The pools will not be located within 3m of any trees.</p> <p>Location of pool filters will be away from the adjoining properties – Conditions of consent.</p>	<p>Yes Yes Yes Yes</p>
<p>Trees & Landscaping</p> <ul style="list-style-type: none"> - Major trees retained where practicable - Physical connection to be provided between dwelling and outdoor spaces where the ground floor is elevated above NGL eg. stairs, terraces. - Landscaped front garden, with max 40% hard paving - Obstruction-free pathway on one side of dwelling (excl cnr allotments or rear lane access) 	<p>There are no major trees on the site. There will be a physical connection between the dwelling and the outdoor spaces.</p> <p>Landscape of front garden will be of maximum 29.94sqm or 62.69% hard paved area. Development does not maintain one side of each dwelling obstruction-free.</p>	<p>Yes Yes Yes Yes</p>

ITEM 2 (continued)

ATTACHMENT 1

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. - Back yard 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>There will be one new tree in front yard of the site - with mature heights of 10m.</p> <p>There will be one new tree in rear yard of the site - with mature heights of 10m.</p> <p>The height of the proposed hedging is 2.7m at maturity.</p> <p>OSD are located on the sides of the dwellings.</p>	<p style="text-align: center;">Yes</p> <p style="text-align: center;">Yes</p> <p style="text-align: center;">Yes</p> <p style="text-align: center;">Yes</p>
<p>Daylight and Sunlight Access</p> <ul style="list-style-type: none"> - Living areas to face north where orientation makes this possible. <p><u>Subject Dwelling:</u></p> <ul style="list-style-type: none"> - Subject dwelling north facing windows are to receive at least 3hrs of sunlight to a portion of their surface between 9am and 3pm on June 21. - Private Open space of subject dwelling is to receive at least 2 hours sunlight between 9am and 3pm on June 21. <p><u>Neighbouring properties are to receive:</u></p> <ul style="list-style-type: none"> - 2 hours sunlight to at least 50% of adjoining principal ground level open space between 9am and 3pm on June 21. - At least 3 hours sunlight to a portion of the surface of north facing adjoining living area windows between 9am and 3pm on June 21. 	<p>The ground floor living areas have north orientations.</p> <p>North facing windows will receive at least 3 hours of sunlight to a portion of their surface between 9am and 3pm on June 21.</p> <p>Private open space of subject dwelling will receive at least 2 hours sunlight between 9am and 3pm on June 21.</p> <p>50% of the adjoining dwelling principal ground level open space will receive at least 2 hours of sunlight between 9am and 3pm on June 21.</p> <p>North facing living windows of the adjoining dwelling will receive at least 3 hours of sunlight between 9am and 3pm on June 21.</p>	<p style="text-align: center;">Yes</p> <p style="text-align: center;">Yes</p> <p style="text-align: center;">Yes</p> <p style="text-align: center;">Yes</p> <p style="text-align: center;">Yes</p>
<p>Visual Privacy</p> <ul style="list-style-type: none"> - Orientate windows of living areas, balconies and outdoor living areas to the front and rear of dwelling. - 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>Family room windows are oriented towards the rear of dwelling.</p> <p>Living and dining rooms windows will have no direct views to the amenity of the adjoining dwellings.</p> <p>Side windows are setback at least 2m from the adjoining windows.</p> <p>The new first floor front balcony of unit 1 will have no direct views to the amenity of neighbouring dwellings.</p>	<p style="text-align: center;">Yes</p> <p style="text-align: center;">Yes</p> <p style="text-align: center;">Yes</p> <p style="text-align: center;">Yes</p>

ITEM 2 (continued)

ATTACHMENT 1

DCP 2010	Proposed	Compliance
<p>Acoustic Privacy</p> <ul style="list-style-type: none"> - Layout of rooms in duplex buildings are to minimise noise impacts between dwellings eg. place adjoining living areas near each other and adjoining bedrooms near each other. 	<p>Layout of rooms in the proposed dual occupancy will minimise noise impacts between dwellings.</p>	<p>Yes</p>
<p>View Sharing</p> <ul style="list-style-type: none"> - The siting of development is to provide for view sharing. 	<p>The siting of the development will not alter the existing view corridors.</p>	<p>Yes</p>
<p>Cross Ventilation</p> <ul style="list-style-type: none"> - Plan layout is to optimise access to prevailing breezes and to provide for cross ventilation. 	<p>First floor plan will optimise and provide for cross ventilation.</p>	<p>Yes</p>
<p>Roof</p> <ul style="list-style-type: none"> - Articulated. - 450mm eaves overhang minimum. - Not to be trafficable Terrace. - Attic to be within roof space. - Skylights to be minimised and placed symmetrically. - Front roof plane is not to have both dormer windows and skylights. 	<p>Roof lines are articulated. Minimum 450mm eaves overhang have been proposed. No trafficable terrace has been proposed. No attic within roof area has been proposed. No skylight has been proposed. Front roof plane is free of both dormer window and skylights.</p>	<p>Yes Yes Yes Yes Yes Yes</p>
<p>Front/return:</p> <ul style="list-style-type: none"> - To reflect design of dwelling. - To reflect character & 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 bdy max 900mm. - No colorbond or paling - Max width of piers 350mm. 	<p>The proposed fence will reflect design of the dwelling as well as the character and height of neighbouring fencing. 600mm high solid section of fence Maximum 1.5m high, 60% open. Maximum retaining wall 170mm No colorbond or paling fence has been proposed. Maximum width of piers 350mm.</p>	<p>Yes Yes Yes Yes Yes Yes</p>
<p>Side/rear fencing:</p> <ul style="list-style-type: none"> - 1.8m max o/a height. 	<p>Height: 1.5m Materials proposed: open form fencing.</p>	<p>Yes</p>
<p>Submission of a Waste Management Plan in accordance with Part 7.2 of DCP 2010.</p>	<p>The applicant has submitted a Waste Management Plan in accordance with Part 7.2 of DCP 2010.</p>	<p>Yes</p>
<p>Drainage is to be piped in accordance with Part 8.2 - Stormwater Management.</p>	<p>Drainage is to be in accordance with Part 8.2 - Stormwater Management and the conditions of the development consent.</p>	<p>Yes</p>
<p>Front and return fences that exceed 1m in height are to be 50% open</p>	<p>1.5m high front and return fence has been proposed.</p>	<p>Yes</p>

ITEM 2 (continued)

ATTACHMENT 1

DCP 2010	Proposed	Compliance
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.	No trees are impacted by this development. Two additional trees will be planted on the subject site.	Yes

ITEM 2 (continued)

ATTACHMENT 2

CONDITIONS OF CONSENT

GENERAL

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

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

Document Description	Job / Drawing No.	Revision	Dated
Architectural Plans:			
• Ground & First Floor Plan	8121 / D01 _B		7/03/2013
• Elevations (East, West & North) & Section 'AA' Plan	8121 / D02 _B		7/03/2013
• South Elevation, Section, 'BB', Pool Sections, Roof Plan	8121 / D03 _B		7/03/2013
• Landscape Plan	L01/1 K17709		12/12/2012
• Stormwater Plans (as amended in red by Council)	108184 / D1	A	15/12/2012
	108184 / D1	A	15/12/2012
	108184 / D1	A	15/12/2012

2. **Building Code of Australia.** All building works approved by this consent must be carried out in accordance with the requirements of the Building Code of Australia.
3. **BASIX.** Compliance with all commitments listed in BASIX Certificate(s) numbered 461886M_02, dated 12 March 2013.
4. **Support for neighbouring buildings.** If the development involves excavation that extends below the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
- (a) Protect and support the adjoining premises from possible damage from the excavation, and
 - (b) Where necessary, underpin the adjoining premises to prevent any such damage, in accordance with relevant Australian Standards.
5. **Hours of work.** Building activities (including demolition) may only be carried out between 7.00am and 7.00pm Monday to Friday (other than public holidays) and between 8.00am and 4.00pm on Saturday. No building activities are to be carried out at any time on a Sunday or a public holiday.

ITEM 2 (continued)

ATTACHMENT 2

6. **Hoardings.**
 - (a) A hoarding or fence must be erected between the work site and any adjoining public place.
 - (b) An awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.
 - (c) Any hoarding, fence or awning erected pursuant this consent is to be removed when the work has been completed.
7. **Development to be within site boundaries.** The development must be constructed wholly within the boundaries of the premises. No portion of the proposed structure shall encroach onto the adjoining properties. Gates must be installed so they do not open onto any footpath.
8. **Public space.** The public way must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances, without prior approval from Council.
9. **Public Utilities.** Compliance with the requirements (including financial costs) of any relevant utility provider (e.g. Energy Australia, Sydney Water, Telstra, RTA, Council etc) in relation to any connections, works, repairs, relocation, replacements and/or adjustments to public infrastructure or services affected by the development.
10. **Roads Act.** Any works performed in, on or over a public road pursuant to this consent must be carried out in accordance with this consent and with the Road Opening Permit issued by Council as required under section 139 of the Roads Act 1993.
11. **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.
12. **Service Alterations.** All mains, services, poles, etc., which require alteration shall be altered at the applicant's expense.
13. **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.
14. **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.

**ITEM 2 (continued)
PRIOR TO CONSTRUCTION CERTIFICATE**

ATTACHMENT 2

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.

15. **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**:

Contribution Plan	Total \$
Community & Cultural Facilities	4,104.86
Open Space & Recreation Facilities	10,105.31
Civic & Urban Improvements	3,436.90
Roads & Traffic Management Facilities	468.72
Transport & Accessibility Facilities	0.00
Cycleway	292.84
Stormwater Management Facilities	930.46
Plan Administration	78.96
Parking	0.00
Total payable Contribution	\$19,418.06

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>.

ITEM 2 (continued)

ATTACHMENT 2

16. **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**.
17. **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**.
18. **Security deposit.** The Council must be provided with security for the purposes of section 80A(6) of the *Environmental Planning and Assessment Act 1979* in a sum determined by reference to Council's Management Plan prior to the release of the **Construction Certificate**. (category: dwelling houses with delivery of bricks or concrete or machine excavation)
19. **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
20. **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**.
21. **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**.
22. **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.

23. **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.

ITEM 2 (continued)

ATTACHMENT 2

24. **Council Inspections.** A Council engineer must inspect the stormwater connection to the existing Council stormwater pipeline. Council shall be notified when the collar connection has been made to the pipe and an inspection must be made **before** the property service line is connected to the collar. The property service line must not be connected directly to Council's pipeline. An inspection fee of \$139.00 shall be paid to Council prior to the issue of the Construction Certificate

25. **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. Limiting the site impervious area bypassing the each detention tank to 25% of the site cover
- b. Revision of OSD calculations using correct impervious areas.

26. **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.

27. **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
- (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.

28. **Rainwater Tanks.** All new rainwater tanks are to be located at least 450mm from the boundaries of the site. Details are to be submitted to and approved by the Principal Certifying Authority prior to the issue of the **Construction Certificate**.

ITEM 2 (continued)

ATTACHMENT 2

Swimming Pools/Spas

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**.
30. **Pool Pumps / Filters.** The pool pumps/filters shall be located at least 900mm from the boundaries of the site and are to be enclosed in an approved acoustic enclosure, which will ensure that the noise emitted therefrom does not exceed 5dB(A) above the background noise level when measured at the nearest source of annoyance.
31. **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.
32. **Depth markers.** Water depth markers are to be displayed at a prominent position within and at each end of the swimming pool.
33. **Wastewater discharge.** The spa/pool shall be connected to the Sydney Water sewer for discharge of wastewater.
34. **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.

Full details related to swimming pool are to be provided to Council or the accredited certifier prior to the issue of a **Construction Certificate**.

PRIOR TO COMMENCEMENT OF CONSTRUCTION

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

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

ITEM 2 (continued)

ATTACHMENT 2

36. **Residential building work – insurance.** In the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.
37. **Residential building work – provision of information.** Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the PCA has given the Council written notice of the following information:
- (a) in the case of work for which a principal contractor is required to be appointed:
 - (i) the name and licence number of the principal contractor; and
 - (ii) the name of the insurer by which the work is insured under Part 6 of that Act.
 - (b) in the case of work to be done by an owner-builder:
 - (i) the name of the owner-builder; and
 - (ii) if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

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

38. **Excavation adjacent to adjoining land**
- (a) If an excavation extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation must, at their own expense, protect and support the adjoining premises from possible damage from the excavation, and where necessary, underpin the adjoining premises to prevent any such damage.
 - (b) The applicant must give at least seven (7) days notice to the adjoining owner(s) prior to excavating.
 - (c) An owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this condition, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.
39. **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.
40. **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.
41. **Compliance Certificate.** A Compliance Certificate should be obtained confirming that

ITEM 2 (continued)

ATTACHMENT 2

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

42. **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.

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. **Construction noise.** The L₁₀ noise level measured for a period of not less than 15 minutes while demolition and construction work is in progress must not exceed the background noise level by more than 20 dB(A) at the nearest affected residential premises.
45. **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.
46. **Sediment/dust control.** No sediment, dust, soil or similar material shall leave the site during construction work.
47. **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.
48. **Construction materials.** All materials associated with construction must be retained within the site.
49. **Site Facilities**
The following facilities must be provided on the site:

ITEM 2 (continued)

ATTACHMENT 2

- (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.

50. 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.

51. 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".

52. Drop-edge beams. Perimeters of slabs are not to be visible and are to have face brickwork from the natural ground level.

PRIOR TO OCCUPATION CERTIFICATE

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

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

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

- 53. BASIX.** The submission of documentary evidence of compliance with all commitments listed in BASIX Certificate(s).
- 54. Landscaping.** All landscaping works approved by condition 1 are to be completed prior to the issue of the final **Occupation Certificate**.
- 55. Disused Gutter Crossing.** All disused gutter and footpath crossings shall be removed and the kerb and footpath reinstated to the satisfaction of Council.
- 56. Damaged Footpath Paving.** Any damaged footpath paving in Shepherd Street and Sewell Street shall be reconstructed and footpath turfed at no cost to Council.

ITEM 2 (continued)

ATTACHMENT 2

57. **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 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.
58. **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.
59. **Drainage Construction.** The stormwater drainage on the site is to be constructed in accordance with plan the Construction Certificate version of Job No 108184, sheet 1 to 3 issue 'A', dated 15/12/12, prepared by Storm Civil Engineering Solutions and as amended in red by Council.
60. **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 drainage connection to the existing storm water pit in Shepherd Street is satisfactory.
 - 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*
61. **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.

ITEM 2 (continued)

ATTACHMENT 2

OPERATIONAL CONDITIONS

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

62. **Dual Occupancy Dwelling.** The dwelling is not to be used or adapted for use as a boarding house.
63. **Offensive noise.** The use of the premises must not cause the emission of 'offensive noise' as defined in the *Protection of the Environment Operations Act 1997*.

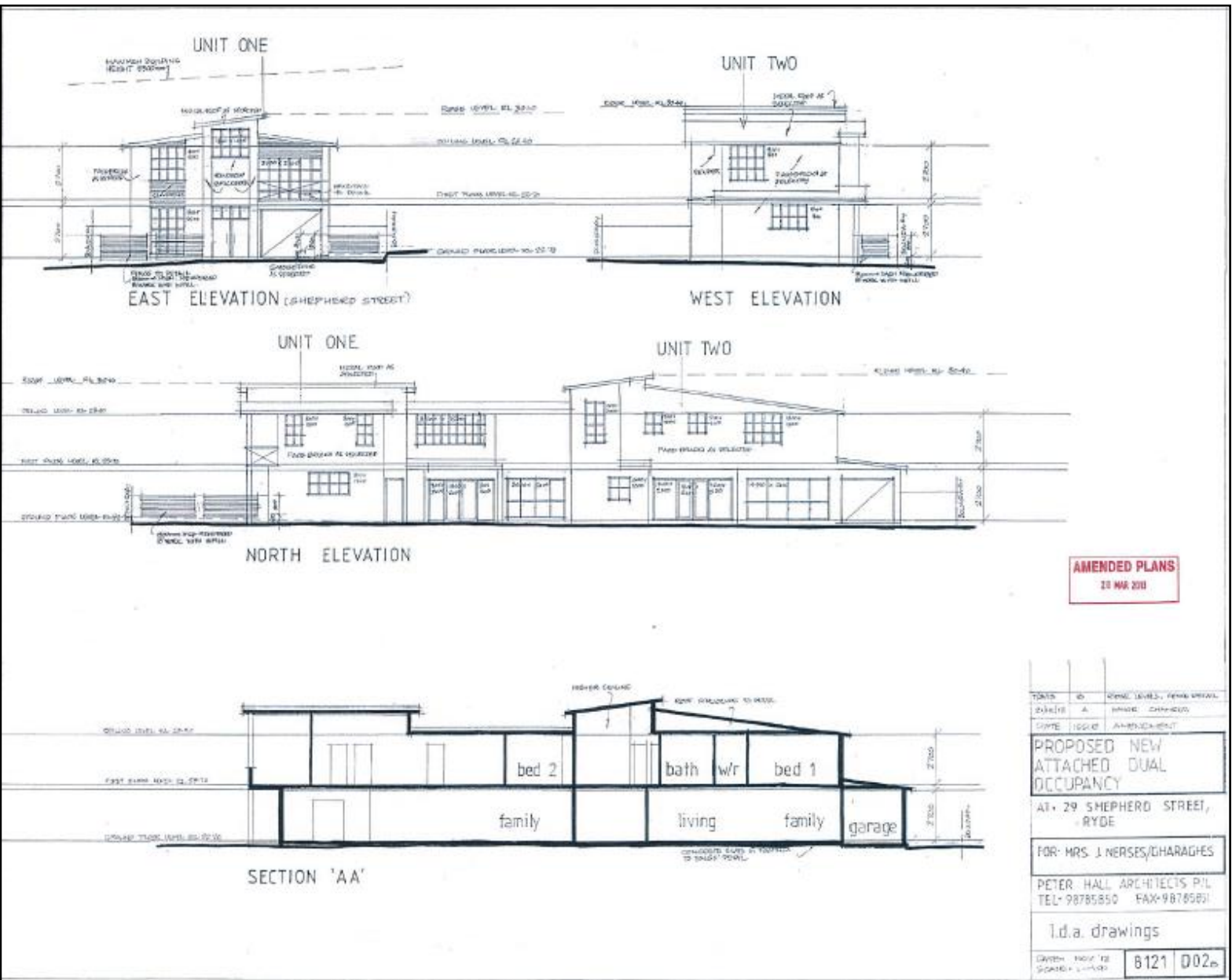
End of consent

ITEM 2 (continued)

A4 Plans

ELEVATIONS (EAST, WEST & NORTH), SECTION 'AA' PLAN

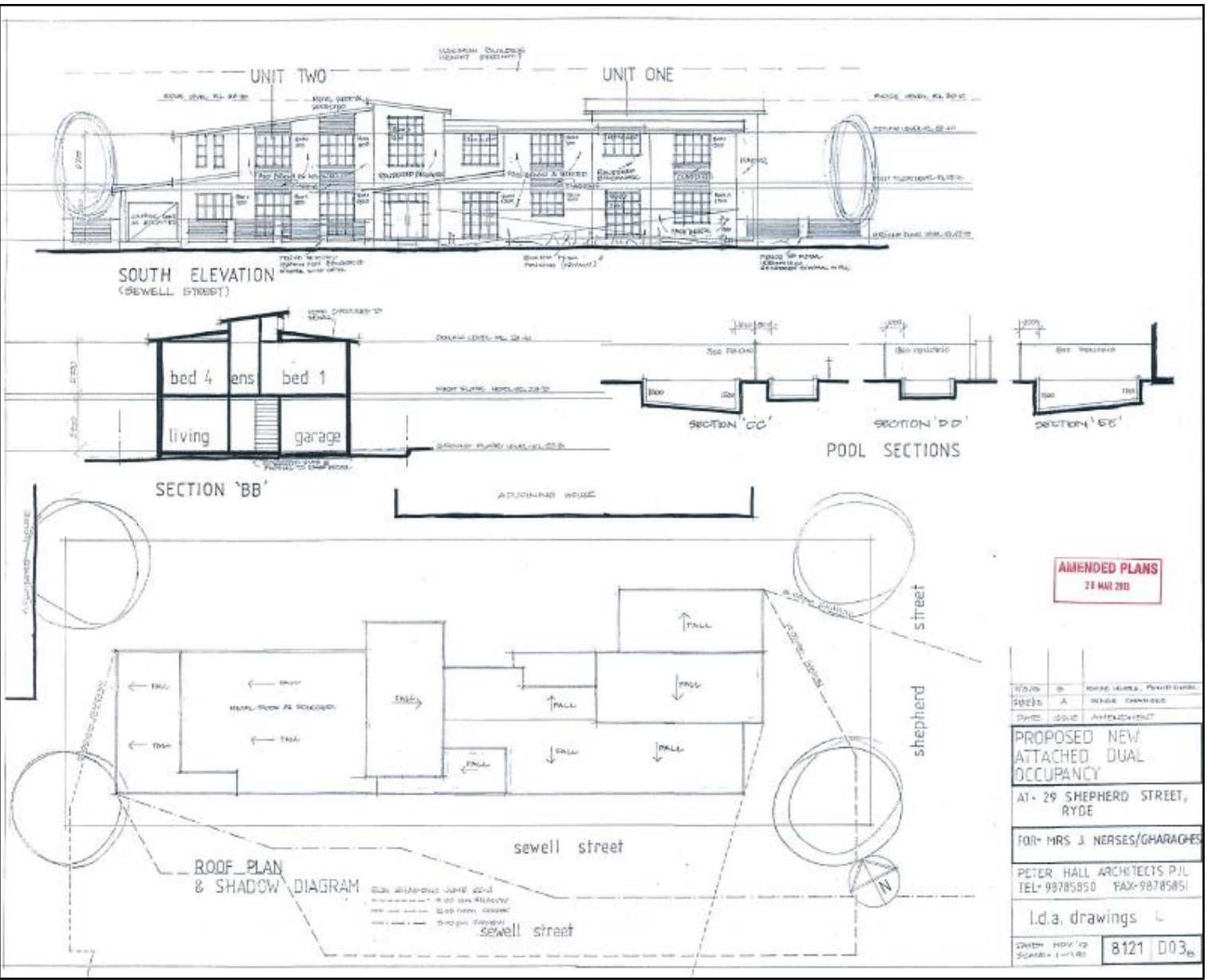
ATTACHMENT 3



ITEM 2 (continued)

ATTACHMENT 3

ELEVATIONS (NORTH), SECTION 'BB', POOL SECTIONS, ROOF & OVERSHADOWING PLAN



AMENDED PLANS
21 MAR 2013

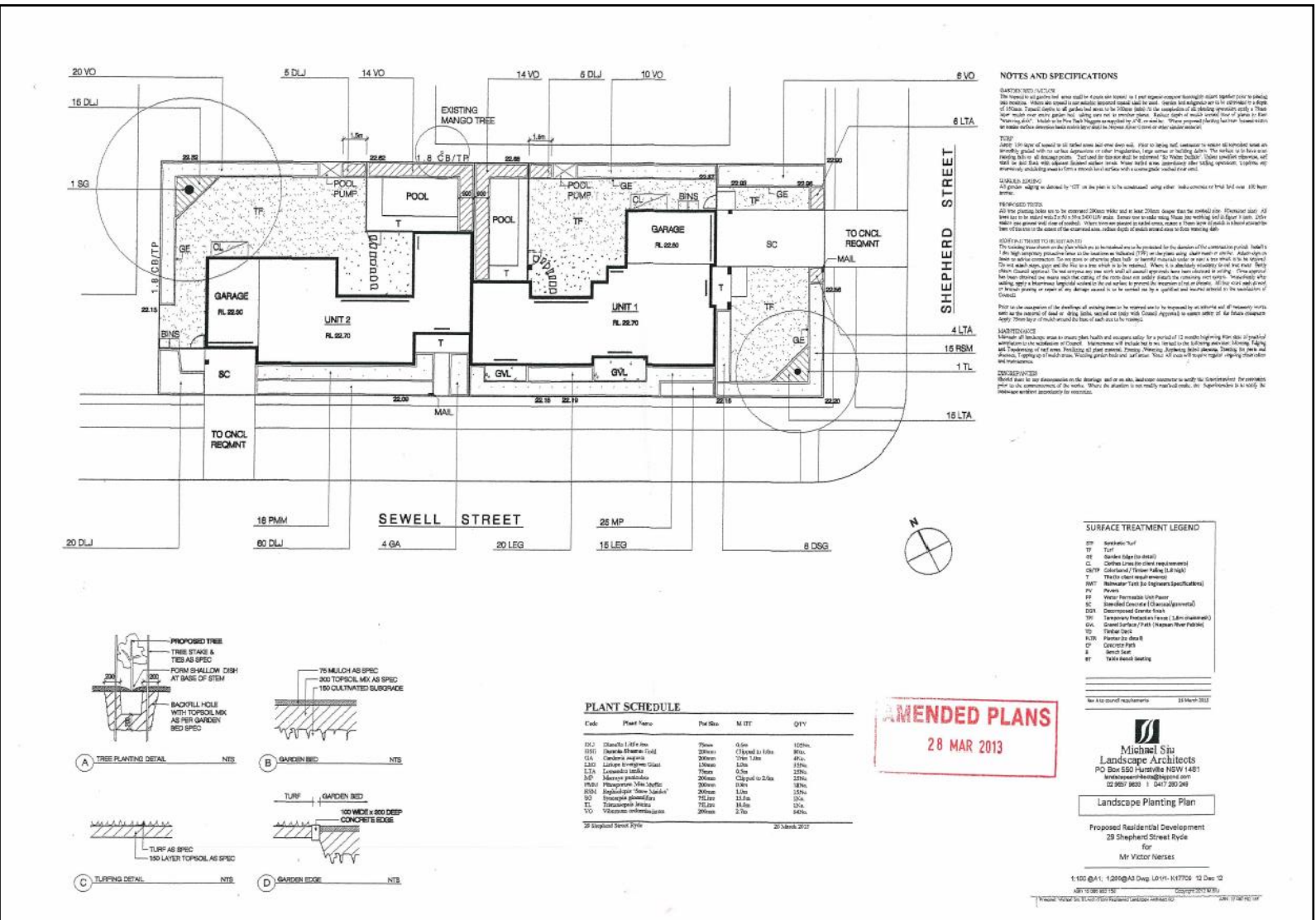
NO.	DATE	REVISIONS / COMMENTS
1	21 MAR 2013	AMENDED PLANS

PROPOSED NEW ATTACHED DUAL OCCUPANCY	
AT- 29 SHEPHERD STREET, RYDE	
FOR: MRS J NERSES/GHARAGHES	
PETER HALL ARCHITECTS P/L TEL: 98785850 FAX: 98785851	
l.d.a. drawings	
DATE: 21 MAR 2013	8121 D03

ITEM 2 (continued)


LANDSCAPE PLAN

ATTACHMENT 3



ITEM 2 (continued)

ATTACHMENT 4

 Indicates submissions received



**3 18 SHEPHERD STREET, RYDE. LOT 70 DP 5887. Local Development
Application for new two storey attached dual occupancy. LDA2012/144.**

Report prepared by: Team Leader - Assessment**Report approved by:** Manager Assessment; Group Manager - Environment &
Planning**Report dated:** 4/06/2013**File Number:** grp/09/5/6/2 - BP13/841

1. Report Summary**Applicant:** Mr R El Hazouri**Owner:** Mr R El Hazouri**Date lodged:** 21 May 2012

This report considers a development application (DA) for the erection of a new 2 storey attached dual occupancy at the subject property. The style of dual occupancy proposed in this DA is for two x 2-storey dwellings with dwelling 1 at the front and dwelling 2 at the rear (behind dwelling 1).

The proposal has been assessed against the controls in DCP 2010, and there are a number of non-compliances in terms of overshadowing of neighbouring properties (particularly No 20 Shepherd Street to the south) and privacy impacts, as well as character of the area, streetscape controls and driveways. The concerns regarding overshadowing, privacy impacts, character and streetscape are the substantial issues of concern regarding DCP 2010. The non-compliance regarding driveway controls is considered to be minor in the context of the proposal (ie the control states that the extent of the driveways should be minimised so as to maximise the extent of deep soil zones and soft landscaping in the front garden).

The DA has been notified to neighbours and **2 submissions** have been received from the owners of the properties on either side of this site (ie No 16 and No 20 Shepherd Street), raising issues including bulk and scale of the building (ie excessive length of 2 storey component), privacy impacts and overshadowing. These concerns are considered to be reasonable and valid.

The style of dual occupancy proposed in DA (ie two x 2-storey dwellings one behind the other) is recommended for refusal due to unacceptable overshadowing and privacy impacts on adjoining properties, as well as excessive bulk, scale and massing when viewed from the properties on either side. Also, the provision of private open space is unacceptable because the rear dwelling is provided with a generous yard space while the front dwelling is only provided with a small courtyard. However, these issues could be addressed if the rear dwelling was limited to be single storey only, and if a larger courtyard area is provided to the front dwelling.

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

ITEM 3 (continued)

Public Submissions: **Two (2) submissions** were received objecting to the development.

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

Value of works? \$430,000

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

RECOMMENDATION:

- (a) That Local Development Application No. 2012/144 at 18 Shepherd Street being LOT 70 DP5887 be refused for the following reasons:
1. The proposal as presented in this application would have unacceptable impacts in terms of bulk, scale and massing when viewed from neighbouring properties, in particular No 16 and No 20 Shepherd Street.
 2. The proposal would have unacceptable privacy and overlooking impacts on neighbouring properties.
 3. The proposal would cause unacceptable overshadowing onto the neighbouring property to the south (No 20 Shepherd Street).
 4. The proposed allocation of private open space is unacceptable, as only a small courtyard area is provided to dwelling one.
 5. In the circumstances of the case, approval of the application would not be in the public interest.
- (b) That the persons who made submissions be advised of Council's decision.

ATTACHMENTS

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

ITEM 3 (continued)

Report Prepared By:

Chris Young
Team Leader - Assessment

Report Approved By:

Liz Coad
Manager Assessment

Dominic Johnson
Group Manager - Environment & Planning

ITEM 3 (continued)

2. Site (Refer to attached map.)

Address : 18 Shepherd Street, Ryde.

Site Area : 891.6m²
Frontage 15.24m
Depth 58.46m

Topography and Vegetation : The site has a slight fall from the rear to the front. Most of the site has no significant vegetation except that there are two large trees in the rear yard (shown to be retained and protected on the DA plans).

Existing Buildings : Existing single storey dwelling house.

Planning Controls
Zoning : Ryde LEP 2010
Draft Ryde LEP 2011
R2 Low Density Residential.

Other : Ryde DCP 2010



ITEM 3 (continued)



3. Councillor Representations

Name of Councillor: The Mayor, Councillor Petch

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

Date: 28 March 2013.

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

On behalf of applicant or objectors? Unknown

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

4. Political Donations or Gifts

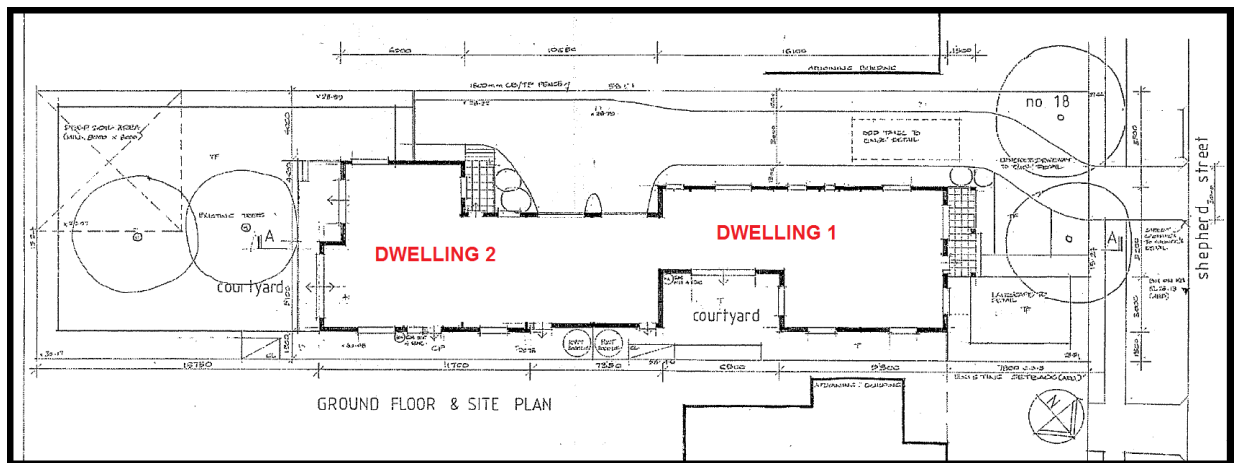
None disclosed in applicant's DA submission or in any submission received.

ITEM 3 (continued)

5. Proposal

The development proposes the erection of a new 2 storey dual occupancy building. The style of dual occupancy proposed in this development is for two x 2-storey buildings (dwelling 1 at the front and dwelling 2 at the rear), with a driveway to the garages for both dwellings running along the southern boundary. The two-storey element runs the full length of the building.

The following is the site plan of the proposed development.



6. Background

The DA was lodged on 21 May 2012, and shortly thereafter (24 May 2012) it underwent a preliminary assessment and was assigned to an assessment officer, referred to internal officers (Council's Development Engineer), and advertised/notified to neighbours with a notification period closing 8 June 2012. Further details of these processes are discussed later in this report.

On 14 June 2012, Council officers wrote to the applicant to advise of substantial issues of concern regarding this application – which are included as follows:

1. Style of Dual Occupancy Development Proposed:

Significant concerns are raised regarding the style of dual occupancy development proposed in this DA (ie a long 2 storey building containing 2 dwelling units, one behind the other), and so Council officers are unlikely to support the proposal. This form of dual occupancy development is considered inappropriate for the following reasons:

- *The length of the 2-storey building is excessive and is out of character with the streetscape. Two storey components of a residential building should be limited only to the front of the site, where adjoining dwellings are normally*

ITEM 3 (continued)

situated (sometimes called the “established building zone”). This location contains no comparable or similar developments to the subject proposal.

- *The excessive length of the 2 storey building is considered to have unacceptable impacts on the amenity of neighbouring properties, in terms of physical bulk, scale and massing when viewed from these neighbouring properties.*
- *The large number of rooms at the 1st floor level of both dwellings (including living rooms), and the proposed side boundary setbacks are likely to cause significant privacy and overlooking impacts upon neighbouring properties.*
- *The current design would cause excessive overshadowing upon the property to the south because of its excessive bulk.*
- *The current design results in a poor and unequal arrangement for private open space – the front dwelling has a very small courtyard and the rear dwelling has a much larger and more typical rear yard area. This private open space arrangement is not supported.*
- *DCP 2010 requires dual occupancy developments to be designed so that dwellings are to address the street. The current design does not allow the rear dwelling to address the street.*

If you wish to proceed with the development in its current form, then you are requested to provide a written submission in support of the current design, which should address the concerns listed above.

2. Shadow Diagrams

The submitted shadow diagrams are incomplete and do not enable a full and proper assessment of overshadowing impacts to be made. Please provide amended shadow diagrams which accurately show the full length of the shadows cast by the proposed development at 9am, 12noon, and 3pm.

3. Submissions Received

Council has notified adjoining owners of your DA, and 2 submissions have been received (copies were attached). The issues of concern raised in these submissions are similar to those raised in No 1 above, and are considered to be valid concerns.

A response was received on 6 July 2012 regarding the above matters, to request a meeting between the applicant and Council’s Team Leader – Assessment, which was held on 26 July 2012. At that meeting, the applicant indicated a desire to proceed with the design of the development as originally presented, because he feels that it is preferable to a more typical “duplex” style of dual occupancy development which can be built closer to the side boundaries and would therefore have greater bulk and scale and overshadowing impacts on the property to the south. The applicant submitted an informal plan showing a break in the second storey (above the location of the garages), but these were not submitted as formal amended plans for assessment with the DA.

ITEM 3 (continued)

The applicant was advised that Council officers did not agree with this position and the significant concerns regarding this style of proposal remained, and that the proposal should be amended to be a more traditional style of duplex development (which would contain the 2-storey built form to the front of the site – rather than extending it for the full length of the building as in the current proposal). In response, the applicant advised that he would seek instruction from the property owner and respond to Council. The applicant requested Council to hold the DA in abeyance while he sought such instruction.

7. Submissions

The proposal was advertised in the Ryde City View and notified to adjoining property owners in accordance with Development Control Plan 2010 – Part 2.1, Notification of Development Applications for a period from 24 May to 8 June 2012.

In response, two submissions were received. The issues raised in the submissions are summarised and discussed as follows:

A. Size/bulk and scale. *The proposed building is approximately 8m in height by 34m length. It will be overbearing on the neighbour's property and block views (outlook) from their backyard. It will be more suitable if it is a single storey design.*

Comment: These concerns are considered to be reasonable and valid. Whilst there are no particular “views” in this location requiring a full view assessment, it is agreed that the bulk, scale and massing of the development will be excessively overbearing when viewed from both sides. This is illustrated in the north elevation of the proposal, below.



As discussed in the “Options” section of this report, one suggestion could be to limit the rear dwelling to be single storey only. This would significantly address the issues of concern regarding excessive bulk and scale when viewed from both sides.

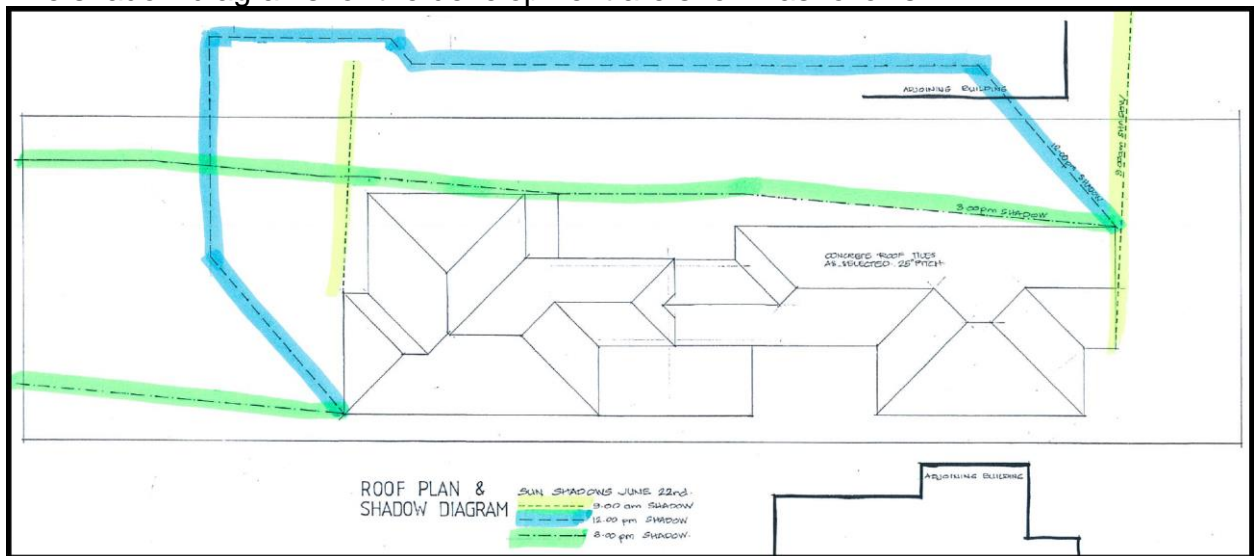
B. Overshadowing. *The neighbour at No 20 Shepherd to the south raises concerns that the building will overshadow their home/rear yard for almost the whole day,*

ITEM 3 (continued)

and this is made worse by a longer than usual 2 storey element. The neighbour at No 16 also raises concern that the proposal will diminish natural light into their living rooms.

Comment: The concerns regarding overshadowing of No 20 Shepherd are also supported. Given the orientation of the land, No 20 (to the south) is likely to be affected by any 2-storey development on this site. However the style of the development proposed (with a longer than usual 2-storey building) will increase the overshadowing impact to this neighbour compared to a more typical 2-storey development.

The shadow diagrams for the development are shown as follows:



DCP 2010 contains the following controls for 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.*

Although the development would cause substantial overshadowing of the private open space of the rear yard of No 20, it would comply with the above requirement of DCP 2010 because it still would allow sunlight to more than 50% of the private open space (and for more than 2 hours). In terms of impacts on north-facing living rooms, the shadow diagrams show that the living area windows of No 20 would not receive the required 3 hours of sunlight.

ITEM 3 (continued)

In relation to impacts on No 16 (to the north), given the orientation of the land, it is not expected that this adjoining property would be adversely affected by loss of sunlight.

C. Privacy impacts. *Concerns are raised that the top floor windows will allow overlooking into the rear yard and living rooms of both adjoining properties*

Comment: These concerns are also considered to be valid. The DA plans show that each dwelling in this dual occupancy is to have 4 bedrooms, and a “retreat”, at first floor level, with windows that overlook the properties on either side. The side setbacks (minimum 1.5m from the northern side boundary with No 16; 4m to 7m variable setback to the southern side boundary with No 20) also contribute to these privacy impacts.

D. Character of the development. *The proposal will adversely impact on the character of the immediate area, which is mostly single dwellings on single lots. The bulk of the proposed building – particularly its height and length – is out of character with the rest of the neighbourhood.*

Comment: Although duplex developments are permissible within the zoning of the property and are generally considered to be consistent with the low-density character of the neighbourhood, it is agreed that the style of dual occupancy proposed in this application is unacceptable. The excessive length of the building will cause adverse impacts on neighbouring properties and is not consistent with the style of developments existing in the area.

E. Traffic impacts. *The proposed dual occupancy will have 8 bedrooms in 2 units which will increase on-street parking and traffic congestion.*

Comment: The proposal only involves one additional dwelling (compared to the existing single dwelling) which would not cause significant volumes of traffic beyond the capacity of the local road network.

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

None required.

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

The subject property is zoned R2 Low Density Residential. The proposed dual occupancy is permissible with Council's development consent.

Mandatory Requirements

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

Clause 4.3 – Height of buildings. Sub-clause (2) of this clause states that “the height of a building on any land is not to exceed the maximum height for the land shown for the land on the height of buildings map”. In this case, the maximum height is 9.5m. The maximum height of the proposed dual occupancy is 8.6m, 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 0.44:1, which complies with this clause.

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

A compliant BASIX Certificate has been submitted with the DA.

State Environmental Planning Policy No. 55 – Remediation of Land

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

(c) Any draft LEPsDraft Ryde LEP 2011

A Section 65 Certificate enabling the formal exhibition of Draft Local Environmental Plan 2011 was issued by the Department of Planning and Infrastructure on 23 April

ITEM 3 (continued)

2012. The Draft Plan was placed on public exhibition between 30 May 2012 and 13 July 2012. Under this Draft LEP, the zoning of the property is R2 Low Density Residential. It is considered that the proposal is not contrary to the objectives of the Draft LEP or those of the proposed zoning.

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.

In particular, Draft Ryde LEP 2011 contains several controls specific to dual occupancy developments, including a minimum allotment width control (minimum 20m) which the subject development does not comply with (ie 15.24m); the removal of linear separation controls (which are contained in Ryde DCP 2010); and also provisions allowing for strata subdivision of dual occupancy developments.

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

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

There are a number of areas of non-compliance identified in the Compliance Table, which are discussed as follows:

1. Character of the Area: Ryde DCP 2010 contains a general control requiring new dwelling houses/dual occupancy developments to be generally consistent with the desired future character of the low density residential areas.

Comment: Although dual occupancy developments are permissible and are generally considered to be consistent with the desired future character of the low density residential areas, the style of development proposed in this application is not considered acceptable. It proposes a 2-storey element running the full length of the building (34m), which would have adverse impacts on neighbouring properties in terms of bulk, scale and massing, as well as overshadowing and privacy impacts. Such a built form is not replicated elsewhere in the locality and is therefore not considered to be consistent with the character of the low density residential area.

2. Streetscape Controls: Ryde DCP 2010 contains streetscape controls which requires developments to have roof form and detailing that complements the proportions, massing and elevation composition of other buildings in the street.

Comment: As mentioned above, the style of this proposal (ie a long 2-storey building) is not typical of other dual occupancy developments and would have

ITEM 3 (continued)

adverse streetscape impacts and bulk/scale and massing, privacy and overshadowing impacts on neighbouring properties.

3. Driveways: Ryde DCP 2010 contains a general control stating that driveways and hardstand areas are to be minimised so as to maximise deep soil areas and the opportunity for soft landscaping in the front garden, and to reduce the visual impact of driveways and hard surfaces from the street.

Comment: Although this proposal involves more driveway area than a typical “duplex style” dual occupancy, it is considered that the extent has been minimised to an acceptable level considering the style of development proposed. The driveway would allow for landscaping along either side (ie between the driveway and the property boundary and between the driveway and the dwellings). No objections are raised to the development in terms of the proposed driveway.

4. Overshadowing of Neighbouring Properties: Ryde DCP 2010 contains requirements for overshadowing of both private open space and living area windows of neighbouring properties.

Comment: Refer to discussion in the Submissions section of this report (above).

5. Visual Privacy: Ryde DCP 2010 contains controls regarding visual privacy, including a requirement that side windows are to be offset by distances sufficient to avoid visual connection between windows of the subject dwelling and those of neighbouring dwellings.

Comment: The development proposes two dwellings each with 4 bedrooms and a “retreat” at first floor level, and as such this design will enable overlooking into the dwelling windows and rear yard areas of neighbouring properties.

Section 94 Contributions Plan

Council’s current Section 94 Contributions Plan (adopted 19 December 2007 and as amended 16 March 2011) requires a contribution for the provision of various additional services required as a result of increased development density/ floor area. The contribution is based on the number of additional dwellings there are in the development proposal.

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The contributions that are payable with respect to the additional dwellings (being for residential uses outside the Macquarie Park area) are as follows:

A – Contribution Type	B – Contribution Amount
Community & Cultural Facilities	\$4,104.86
Open Space & Recreation Facilities	\$10,105.31
Civic & Urban Improvements	\$3,436.90
Roads & Traffic Management Facilities	\$468.72
Cycleways	\$292.84
Stormwater Management Facilities	\$930.46
Plan Administration	\$78.96
The total contribution is	\$19,418.06

The above calculation has been reviewed by two Assessment Team Leaders. A copy of rates and calculation spreadsheet is on file.

10. Likely impacts of the Development

(a) Built Environment

Issues regarding impacts on the built environment are discussed throughout this report. In summary, the proposal as currently presented is considered unacceptable in terms of impacts of overshadowing and bulk, scale and massing when viewed from neighbouring properties.

(b) Natural Environment

The proposal would have minimal impact in terms of the natural environment. The proposal involves no removal of existing vegetation, whilst matters regarding soil erosion/sediment control etc could be addressed via standard conditions on any consent if Council decides to approve the DA.

11. Suitability of the site for the development

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

Urban Bushland: The rear of the property is within an area of "Urban Bushland". A site inspection indicates that there are 2 large trees at the rear of the site, which are shown to be retained on the architectural and landscaping plans submitted with the DA. Standard conditions for tree retention could be imposed if Council decides to approve the DA.

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

Having regard to the concerns in relation to this DA, as discussed throughout this report, it is considered that approval of this DA would not be in the public interest.

13. Consultation – Internal and ExternalInternal Referrals

Development Engineer: Council's Development Engineer has raised no objection to the development in terms of Development Engineering matters, and in particular has advised that the development is satisfactory (subject to conditions) in terms of site drainage and driveway gradients.

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

It is considered that there are 3 options available in the consideration and determination of this application:

A. Refusal:

It is recommended that the DA be refused for the reasons indicated in the Recommendation below.

B. Deferral:

Another option is to defer the application to enable the applicant to submit amended plans to properly address the issues of concern as discussed throughout this application. Such amended plans should include (as a minimum) amendment of the rear dwelling (dwelling 2) to be single storey only, and provision of a larger area of private open space (courtyard) for the front dwelling.

Upon receipt of the amended plans, it would be necessary to re-notify neighbours and all previous objectors. If no further objections are received to such amended plans, then the DA could be determined under delegation by the Group Manager Environment & Planning. If further objections are received, then a further report would be prepared for the consideration of the Planning & Environment Committee.

ITEM 3 (continued)**C. Approval:**

The option of approving the DA in its current form is available, but not recommended because of the issues of concern with the current design as discussed throughout this report. A list of proposed conditions is provided (see Attachment 2) if Council decides to approve the DA in its current form.

17. Conclusion

The proposed development has been assessed using the heads of consideration listed in Section 79 of the Environmental Planning & Assessment Act 1979. It is considered that the style of dual occupancy proposed in DA (ie two x 2-storey dwellings one behind the other) is unacceptable because of its overshadowing and privacy impacts on adjoining properties, as well as excessive bulk, scale and massing when viewed from the properties on either side. Also, the provision of private open space is unacceptable because the rear dwelling is provided with a generous yard space while the front dwelling is only provided with a small courtyard.

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Ryde LEP 2010:

Ryde LEP 2010	Proposal	Compliance
4.3(2) Height		
9.5m	Max 8.6m	Y
4.4(2) & 4.4A(1) FSR		
Ground floor	227.0m ²	
First floor	206.0m ²	
Total (Gross Floor Area)	433.0m ²	
Less 36m ² (double) or 18m ² (single) allowance for parking	396m ²	
Site Area:	891.6m ²	
FSR (max 0.5:1) Note: Excludes wall thicknesses; lifts/stairs; basement storage/vehicle access/garbage area; terraces/balconies with walls <1.4m; void areas.	0.44:1	Y

Ryde DCP 2010:

City of Ryde Development Control Plan 2010:

Part 3.3 – Dwelling Houses and Dual Occupancy (Attached)

Part 7.1 – Energy Smart, Waterwise

Part 7.2 – Waste Minimisation and Management

Part 8.2 – Stormwater Management

Compliance with the above part/s of DCP 2010 is illustrated by the development standards below.

DCP 2010	Proposed	Compliance
<i>Part 3.3 - Dwelling Houses and Dual Occupancy (attached)</i>		
Desired Future Character		
Development is to be consistent with the desired future character of the low density residential areas.	This style of dual occupancy development is inconsistent with the character of the area – not consistent with “streetscapes made up of	No

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DCP 2010	Proposed	Compliance
	compatible buildings with regard to form, scale, proportions (including wall plate heights) and materials”	
Dwelling Houses		
- To have a landscaped setting which includes significant deep soil areas at front and rear.	Deep soil area for rear dwelling; front dwelling only has a small “courtyard”.	Y
- Maximum 2 storeys.	Two storeys	Y
- Dwellings to address street	Front dwelling OK. Rear dwelling does not directly face the street but is readily identifiable and hence sufficiently addresses street	Y
- Garage/carports not visually prominent features.	Garages not visible from street (behind front dwelling)	Y
Dual Occupancy – Linear Separation		
- 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?	None within 2x frontage of either this or adjoining sites.	N/A
Dual Occupancy – Design		
- New dual occ’s are to meet the controls for new dwelling houses set out in 2.2.1	Concerns re compliance with various controls as discussed in this Table.	
Public Domain Amenity		
Streetscape		
- Site design, bldg setbacks and location & height of level changes are to respect the existing topographic setting of the street and the relationship of existing bldgs in the street to the topography.	This style of dual occupancy is inconsistent with these controls. Not replicated elsewhere in the street + will cause adverse impacts re height, bulk, scale, overshadowing and privacy impacts for neighbours.	No
- Dwelling design is to enhance the safety and amenity of the streetscape by: <ul style="list-style-type: none"> o Front doors and windows are to face the street. 	Front doors and windows face street.	Y

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DCP 2010	Proposed	Compliance
<p>Side entries to be clearly apparent.</p> <ul style="list-style-type: none"> o Having roof form & detailing that complements the proportions, massing and elevation composition of other buildings in the street. <ul style="list-style-type: none"> - Single storey entrance porticos. - Articulated street facades. 	<p>This style of dual occupancy is inconsistent with these controls. Excessive massing has adverse impacts for neighbours.</p> <p>Single entrance portico.</p> <p>Articulated street façade.</p>	<p>No</p> <p>Y</p> <p>Y</p>
<p>Public Views and Vistas</p> <ul style="list-style-type: none"> - 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. 	<p>No significant views to/from the site.</p>	<p>N/A</p>
<p>Pedestrian & Vehicle Safety</p> <ul style="list-style-type: none"> - Car parking located to accommodate sightlines to footpath & road in accordance with relevant Australian Standard. - Fencing that blocks sight lines is to be splayed. 	<p>Subject to assessment by Development Engineer.</p> <p>Fencing is not proposed as part of this development.</p>	<p>Y</p> <p>N/A</p>
Site Configuration		
<p>Deep Soil Areas</p> <ul style="list-style-type: none"> - 35% of site area min. (891.6m² x 35% = 312.06m²) - Min 8x8m deep soil area in backyard. - Dual occupancy developments only need 1 of 8 x 8m area (doesn't have to be shared equally). - Front yard to have deep soil area (only hard paved area to be driveway, pedestrian path and garden walls). 	<p>Permeable (deep soil) area: 370.86m² approx (41.5% of site area).</p> <p>Rear DSA dimensions: 8m x 8m provided (in for rear dwg).</p> <p>Front DSA: 100% permeable area in front yard= 54,51m². Hard surface areas have been kept to a minimum in the front yard.</p>	<p>Y</p> <p>Y</p> <p>Y</p>

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DCP 2010	Proposed	Compliance
Topography & Excavation		
Within building footprint: - Max cut: 1.2m - Max fill: 900mm	Within BF Max cut: nil Max fill: 400mm (front dwg); 800mm (rear dwg)	Y Y
Outside building footprint: - Max cut: 900mm - Max fill: 500mm - No fill between side of building and boundary or close to rear boundary - Max ht retaining wall 900mm	Outside BF Max cut: nil Max fill: approx 400mm fill Condition. None proposed.	N/A N/A Y Condition. N/A
Floor Space Ratio		
Ground floor	227.0m ²	
First floor	206.0m ²	
Total (Gross Floor Area)	433.0m ²	
Less 36m ² (double) or 18m ² (single) allowance for parking	396m ²	
FSR (max 0.5:1) Note: Excludes wall thicknesses; lifts/stairs; basement storage/vehicle access/garbage area; terraces/balconies with walls <1.4m; void areas.	0.44:1	Y
Height		
- 2 storeys maximum (storey incl basement elevated greater than 1.2m above EGL).	Two storeys maximum.	Y
- 1 storey maximum above attached garage incl semi-basement or at-grade garages.	Maximum one storey above garage.	Y
Wall plate (Ceiling Height) - 7.5m max above FGL or - 8m max to top of parapet NB: TOW = Top of Wall EGL = Existing Ground Level FGL = Finished Ground Level	Front Dwg: TOW RL: 35.2 EGL blw (lwst pnt) RL: 28.7 TOW Height (max)= 6.5m	Y
	Rear Dwg:	

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DCP 2010	Proposed	Compliance
	TOW RL: 35.7 EGL blw (lwst pnt) RL: 29.1 TOW Height (max)= 6.6m	Y
- 9.5m Overall Height <i>NB: EGL = Existing Ground Level</i>	Front dwg: Max pnt of dwg RL: 37.3 EGL blw (lwst pnt) RL: 28.7 Overall Hgt (max)= 8.6m	Y
	Rear dwg: Max pnt of dwg RL: 37.6 EGL blw (lwst pnt) RL: 29.1 Overall Hgt (max)= 8.5m	Y
Habitable rooms to have 2.4m floor to ceiling height (min).	2.7m min room height.	Y
Setbacks		
SIDE Two storey dwelling - 1500mm to wall - Includes balconies etc	NE boundary: 1500mm to wall (min) SW boundary: 4m to wall (min)	Y
Front - 6m to façade (generally) - - Garage setback 1m from the dwelling façade - Wall above is to align with outside face of garage below. - Front setback free of ancillary elements eg RWT, A/C	6.3m to front porch. 7.8m to wall Garage at rear of front dwg. Wall above aligns with garage below. Complies.	Y Y Y Y
Rear - 8m to rear of dwelling OR 25% of the length of the site, whichever is greater. Note: 14.64m is 25% of site length.	15.75m rear setback provided to rear wall.	Y
Car Parking & Access		
General - Dual Occupancy (attached): 1 space max per dwelling. - Where possible access off	SLUG is proposed for each dwelling Access from street	Y N/A

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ATTACHMENT 1

DCP 2010	Proposed	Compliance
secondary street frontages or laneways is preferable. - Max 6m wide or 50% of frontage, whichever is less. (fronting the street) - Behind building façade.	External width: 7.5m but does not front the street (behind front dwg). Complies.	Y Y
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 36m ² - Materials in keeping or complimentary to dwelling.	Lines up with wall below = not setback 1m (acceptable – more applicable to garages at front) Not visible from public space (behind front dwg) No windows proposed. Not free-standing. Materials: consistent with new dwelling.	Y Y N/A N/A Y
Parking Space Sizes (AS) - Single garage: 3m w(min) - Internal length: 5.4m (min)	Internal measurements: 3.5m x 6m	Y
Driveways - Extent of driveways minimised	This style of dual occupancy does not minimise driveways	No
Landscaping		
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 eg. stairs, terraces. - Obstruction-free pathway on one side of dwelling (excl cnr allotments or rear lane access) - Front yard to have at least 1	2 large trees on site at rear of rear dwg – to be retained. Complies. Complies. Complies/Condition	Y Y Y Y

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ATTACHMENT 1

DCP 2010	Proposed	Compliance
<p>tree with mature ht of 10m min and a spreading canopy.</p> <ul style="list-style-type: none"> - Back yard 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>Complies/Condition</p> <p>Complies/Condition.</p> <p>Complies.</p>	<p>Y</p> <p>Y</p> <p>Y</p>
<ul style="list-style-type: none"> - Landscaped front garden, with max 40% hard paving 	<p>Front yard hard paving: 38.76m² (or 39.6%)</p>	<p>Y</p>
<p>Landscaping for lots with Urban Bushland or Overland Flow constraints</p> <ul style="list-style-type: none"> - Where lot is adjoining bushland protect, retain and use only native indigenous vegetation for distance of 10m from bdy adjoining bushland. - No fill allowed in overland flow areas. - Fences in Overland Flow areas must be of open construction so it doesn't impede the flow of water. 	<p>Complies.</p> <p>None proposed.</p> <p>Site not affected by overland flow/to Dev Eng requirements</p>	<p>Y</p> <p>N/A</p> <p>N/A</p>
Dwelling Amenity		
<p>Daylight and Sunlight Access</p> <ul style="list-style-type: none"> - Living areas to face north where orientation makes this possible. - 4m side setback for side living areas where north is to the side allotment boundary. <p><u>Subject Dwelling:</u></p> <ul style="list-style-type: none"> - Subject dwelling north facing windows are to receive at least 3hrs of 	<p>Living areas face north.</p> <p>4m setback for front dwg to family room (rear dwg living rooms face east)</p> <p>North facing windows receive more than 3hrs of sunlight to a portion of their surface</p>	<p>Y</p> <p>Y</p> <p>Y</p>

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ATTACHMENT 1

DCP 2010	Proposed	Compliance
<p>sunlight to a portion of their surface between 9am and 3pm on June 21.</p> <ul style="list-style-type: none"> - Private Open space of subject dwelling is to receive at least 2 hours sunlight between 9am and 3pm on June 21. <p><u>Neighbouring properties are to receive:</u></p> <ul style="list-style-type: none"> - 2 hours sunlight to at least 50% of adjoining principal ground level open space between 9am and 3pm on June 21. - At least 3 hours sunlight to a portion of the surface of north facing adjoining living area windows between 9am and 3pm on June 21. 	<p>between 9am and 3pm on June 21.</p> <p>Private Open space of subject dwellings receive more than 2 hours sunlight between 9am and 3pm on June 21.</p> <p>Shadow diagrams do not properly show effects on neighbouring property to the SW.</p> <p>This style of dual occupancy (esp length of building) results in shadows that are excessive and inappropriate and do not comply with the DCP controls.</p>	<p>Y</p> <p>No</p>
<p>Visual Privacy</p> <ul style="list-style-type: none"> - Orientate windows of living areas, balconies and outdoor living areas to the front and rear of dwelling. - 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>Complies.</p> <p>This style of dual occupancy creates unreasonable privacy impacts on neighbours esp from living rooms of rear dwg which are close to side boundaries.</p> <p>As above</p> <p>Complies.</p>	<p>Y</p> <p>No</p> <p>No</p> <p>Y</p>
<p>Acoustic Privacy</p> <ul style="list-style-type: none"> - Layout of rooms in dual occupancies (attached) are to minimise noise impacts between dwellings eg: place adjoining living areas near each other and adjoining bedrooms near each other. 	<p>Layout/design separates habitable rooms of each dwg unit.</p>	<p>Y</p>

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ATTACHMENT 1

DCP 2010	Proposed	Compliance
View Sharing - The siting of development is to provide for view sharing.	No significant views to/from the site.	N/A
Cross Ventilation - Plan layout is to optimise access to prevailing breezes and to provide for cross ventilation.	Complies.	Y
External Building Elements		
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.	Complies. Complies. Complies. Not proposed. None proposed.	Y Y Y N/A N/A
Attic Dormer Windows	Not proposed.	N/A
Fencing		
Front/return:	Front fencing is not proposed.	N/A
Side/rear fencing: - 1.8m max o/a height.	Complies	Y
Part 7.1 - Energy Smart, Water Wise		
As per submitted BASIX Certificate		Y
External Clothes Drying Area		
External yard space or sheltered ventilated space for clothes drying	Complies.	Y
Part 7.2- Waste Minimisation & Management		
Submission of a Waste Management Plan in accordance with Part 7.2	The applicant has submitted a Waste Management Plan in accordance with Part 7.2	Y
Part 8.2 - Stormwater Management		
Stormwater		
Drainage is to be piped in accordance with Part 8.2 - Stormwater Management.	Council's Development Engineer has raised no objection to the proposed development.	Y
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	2 large trees are rear of rear dwg, to be retained	Y

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ATTACHMENT 1

DCP 2010	Proposed	Compliance
<p>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>		

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DRAFT CONDITIONS OF CONSENT
18 SHEPHERD STREET, RYDE.
LDA2012/144

ATTACHMENT 2

GENERAL

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

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

Document Description	Date	Plan No/Reference
Site Plan and Floor Plans	March 2012	6911 D01
Elevations and Roof Plan	March 2012	6911 D02
Elevations and Section	March 2012	6911 D03
Landscaping Plan	May 2012	L01/1-R17106

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 427127M, dated 9 May 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.
6. **Hoardings.**
 - (a) A hoarding or fence must be erected between the work site and any adjoining public place.

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ATTACHMENT 2

(b) Any hoarding, fence or awning erected pursuant this consent is to be removed when the work has been completed.

7. **Development to be within site boundaries.** The development must be constructed wholly within the boundaries of the premises. No portion of the proposed structure shall encroach onto the adjoining properties. Gates must be installed so they do not open onto any footpath.
8. **Public space.** The public way must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances, without prior approval from Council.

Works on Public Road

9. **Public Utilities.** Compliance with the requirements (including financial costs) of any relevant utility provider (e.g. Energy Australia, Sydney Water, Telstra, RTA, Council etc) in relation to any connections, works, repairs, relocation, replacements and/or adjustments to public infrastructure or services affected by the development.
10. **Roads Act.** Any works performed in, on or over a public road pursuant to this consent must be carried out in accordance with this consent and with the Road Opening Permit issued by Council as required under section 139 of the Roads Act 1993.

Engineering Conditions

11. **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.
12. **Service Alterations.** All mains, services, poles, etc., which require alteration shall be altered at the applicant's expense.
13. **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.
14. **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.

ITEM 3 (continued)
PRIOR TO CONSTRUCTION CERTIFICATE

ATTACHMENT 2

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.

15. **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	\$4,104.86
Open Space & Recreation Facilities	\$10,105.31
Civic & Urban Improvements	\$3,436.90
Roads & Traffic Management Facilities	\$468.72
Cycleways	\$292.84
Stormwater Management Facilities	\$930.46
Plan Administration	\$78.96
The total contribution is	\$19,418.06

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>.

16. **Compliance with Australian Standards.** The development is required to be carried out in accordance with all relevant Australian Standards. Details demonstrating

ITEM 3 (continued)

ATTACHMENT 2

compliance with the relevant Australian Standard are to be submitted to the Principal Certifying Authority prior to the issue of the **Construction Certificate**.

17. **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**.
18. **Security deposit.** The Council must be provided with security for the purposes of section 80A(6) of the *Environmental Planning and Assessment Act 1979* in a sum determined by reference to Council's Management Plan prior to the release of the **Construction Certificate**. (category: dwelling houses with delivery of bricks or concrete or machine excavation)
19. **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
20. **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**.
21. **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**.
22. **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.

23. **Reflectivity of materials.** Roofing and other external materials must be of low glare and reflectivity. Details of finished external surface materials, including colours and texture must be provided to the Principal Certifying Authority prior to the release of the **Construction Certificate**.

ITEM 3 (continued)

ATTACHMENT 2

24. **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**.

Engineering Conditions

25. **Council Inspections.** A Council engineer must inspect the stormwater connection to the existing Council stormwater pipeline. Council shall be notified when the collar connection has been made to the pipe and an inspection must be made **before** the property service line is connected to the collar. The property service line must not be connected directly to Council's pipeline. An inspection fee of \$134.00 shall be paid to Council prior to the issue of the Construction Certificate.
26. **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.
27. **Location of the driveway.** The driveway shall be located minimum of 500mm from the existing lintel of the stormwater pit in Shepherd Street. The width of the driveway shall be limited to 3.0m and shall be perpendicular to the kerb across the footpath.
28. **Vehicle Manoeuvring Area.** The turning area adjoining the kitchen of unit two and the south western boundary shall be kept for manoeuvring of vehicles all the time to exit in a forward direction to the street. This shall not be used for parking of vehicles. The area shall be marked and sign posted accordingly.
29. **Provision of Pedestrian Sight Lines.** Clear pedestrian sight lines in accordance with Figure 3.3 of AS2890.1 :2004 Off Street Carparking are to be provided at the driveway entry. This requires that there be no boundary wall or fence higher than 900mm within 2.5m of the driveway entry at the boundary and to a distance of 2.0m. **Any landscaping within this area are to be adjusted in order to also comply with this. Full details are to be shown on the architectural and landscaping plans submitted for approval with the Construction Certificate.**
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 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. **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

ITEM 3 (continued)

ATTACHMENT 2

accordance with City of Ryde, Development Control Plan 2010: - Part 8.2; Stormwater Management. The minimum capacity of the piped drainage system shall be equivalent to the collected runoff from a 20 year average recurrence interval storm event. Overland flow paths are to be provided to convey runoff when the capacity of the piped drainage system is exceeded up to the 100 year average recurrence interval and direct this to the on-site detention system. Runoff which enters the site from upstream properties should not be redirected in a manner which adversely affects adjoining properties.

32. **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.
33. **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
- (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.

34. **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

ITEM 3 (continued)

ATTACHMENT 2

(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.

35. **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.

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

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

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

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

37. **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.

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

ITEM 3 (continued)
Engineering Conditions

ATTACHMENT 2

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

DURING CONSTRUCTION

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

42. **Critical stage inspections.** The person having the benefit of this consent is required to notify the Principal Certifying Authority during construction to ensure that the critical stage inspections are undertaken, as required under clause 162A(4) of the *Environmental Planning and Assessment Regulation 2000*.
43. **Survey of footings/walls.** All footings and walls within 1 metre of a boundary must be set out by a registered surveyor. On commencement of brickwork or wall construction a survey and report must be prepared indicating the position of external walls in relation to the boundaries of the allotment.
44. **Sediment/dust control.** No sediment, dust, soil or similar material shall leave the site during construction work.
45. **Use of fill/excavated material.** Excavated material must not be reused on the property except as follows:
- (a) Fill is allowed under this consent;
 - (b) The material constitutes Virgin Excavated Natural Material as defined in the *Protection of the Environment Operations Act 1997*;
 - (c) the material is reused only to the extent that fill is allowed by the consent.

ITEM 3 (continued)

ATTACHMENT 2

46. **Construction materials.** All materials associated with construction must be retained within the site.
47. **Site Facilities**
The following facilities must be provided on the site:
- (a) toilet facilities in accordance with WorkCover NSW requirements, at a ratio of one toilet per every 20 employees, and
 - (b) a garbage receptacle for food scraps and papers, with a tight fitting lid.
48. **Site maintenance**
The applicant must ensure that:
- (a) approved sediment and erosion control measures are installed and maintained during the construction period;
 - (b) building materials and equipment are stored wholly within the work site unless an approval to store them elsewhere is held;
 - (c) the site is clear of waste and debris at the completion of the works.
49. **Work within public road.** At all times work is being undertaken within a public road, adequate precautions shall be taken to warn, instruct and guide road users safely around the work site. Traffic control devices shall satisfy the minimum standards outlined in Australian Standard No. AS1742.3-1996 "Traffic Control Devices for Work on Roads".
50. **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.
51. **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.

52. **BASIX.** The submission of documentary evidence of compliance with all commitments listed in BASIX Certificate numbered 427127M, dated 9 May 2012.

ITEM 3 (continued)

ATTACHMENT 2

53. **Landscaping.** All landscaping works approved by condition 1 are to be completed prior to the issue of the final **Occupation Certificate**.
54. **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**.
55. **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.

56. **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

57. **Disused Gutter Crossing.** All disused gutter and footpath crossings shall be removed and the kerb and footpath reinstated to the satisfaction of Council.
58. **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 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.
59. **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.

ITEM 3 (continued)


ATTACHMENT 2

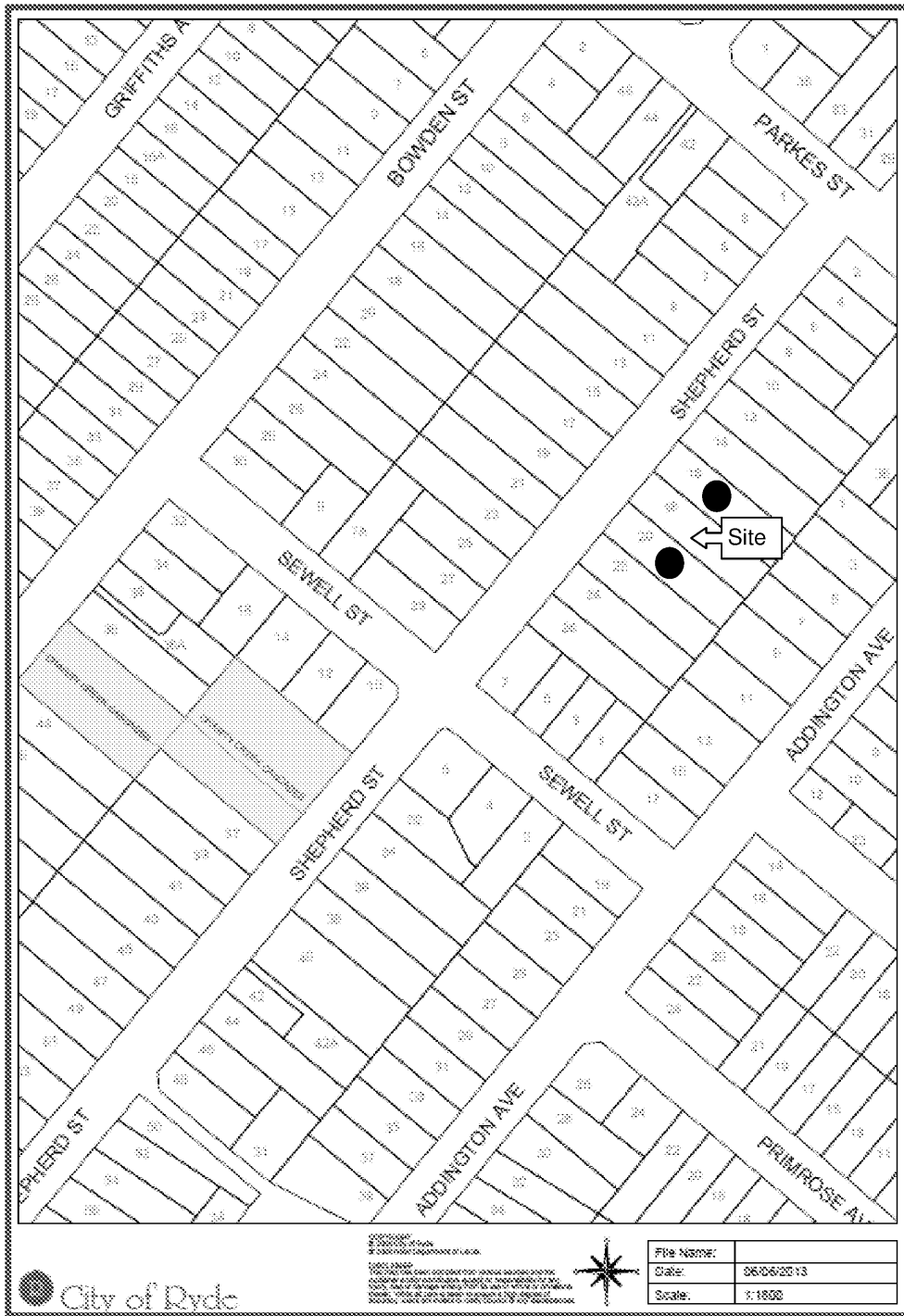
60. **Drainage Construction.** The stormwater drainage on the site is to be constructed in accordance with plan the Construction Certificate version of Job No 1206 issue A dated 25/4/12 sheets 1 to 6 prepared by Coolawang Stormwater Design Solutions and as amended in red by Council.
61. **Compliance 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 stormwater connection to the existing pit in Shepherd street is satisfactory and complies with Council requirements.
 - Confirming that the turning area adjoining unit 2 has been marked and sign posted as a vehicle manoeuvring area.
 - 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.*
62. **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

ITEM 3 (continued)

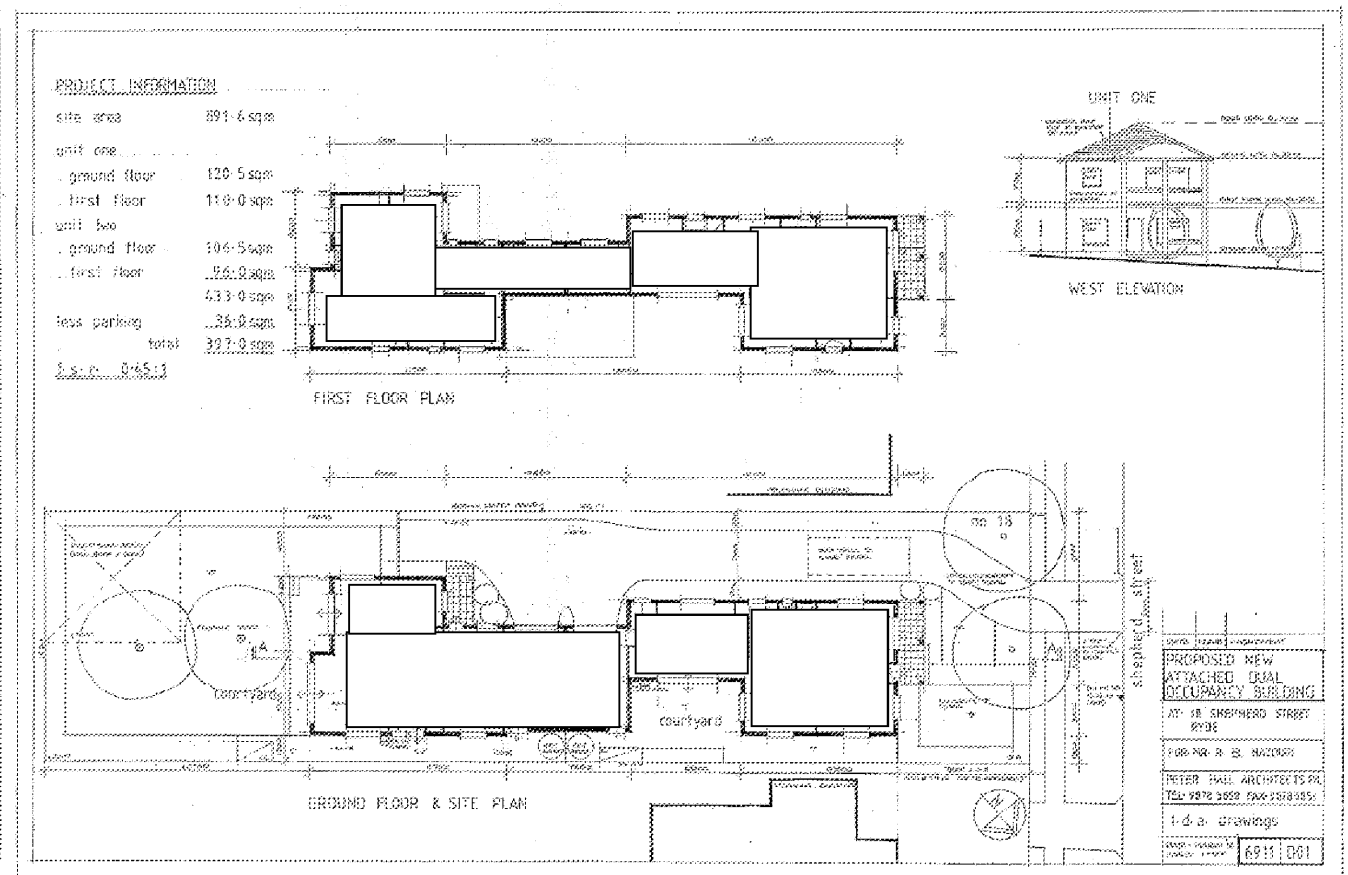
ATTACHMENT 3

 Indicates submissions received



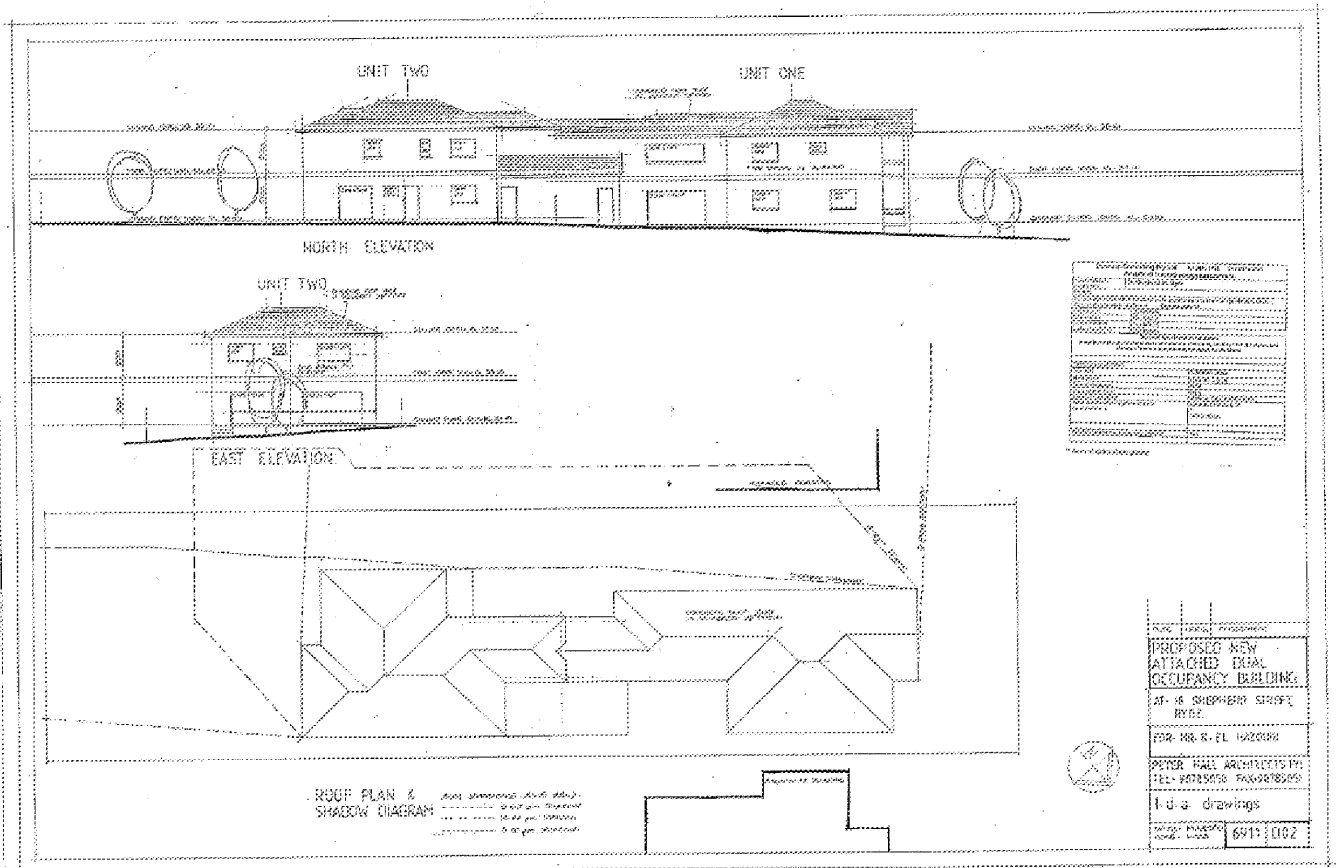
ITEM 3 (continued)

ATTACHMENT 4



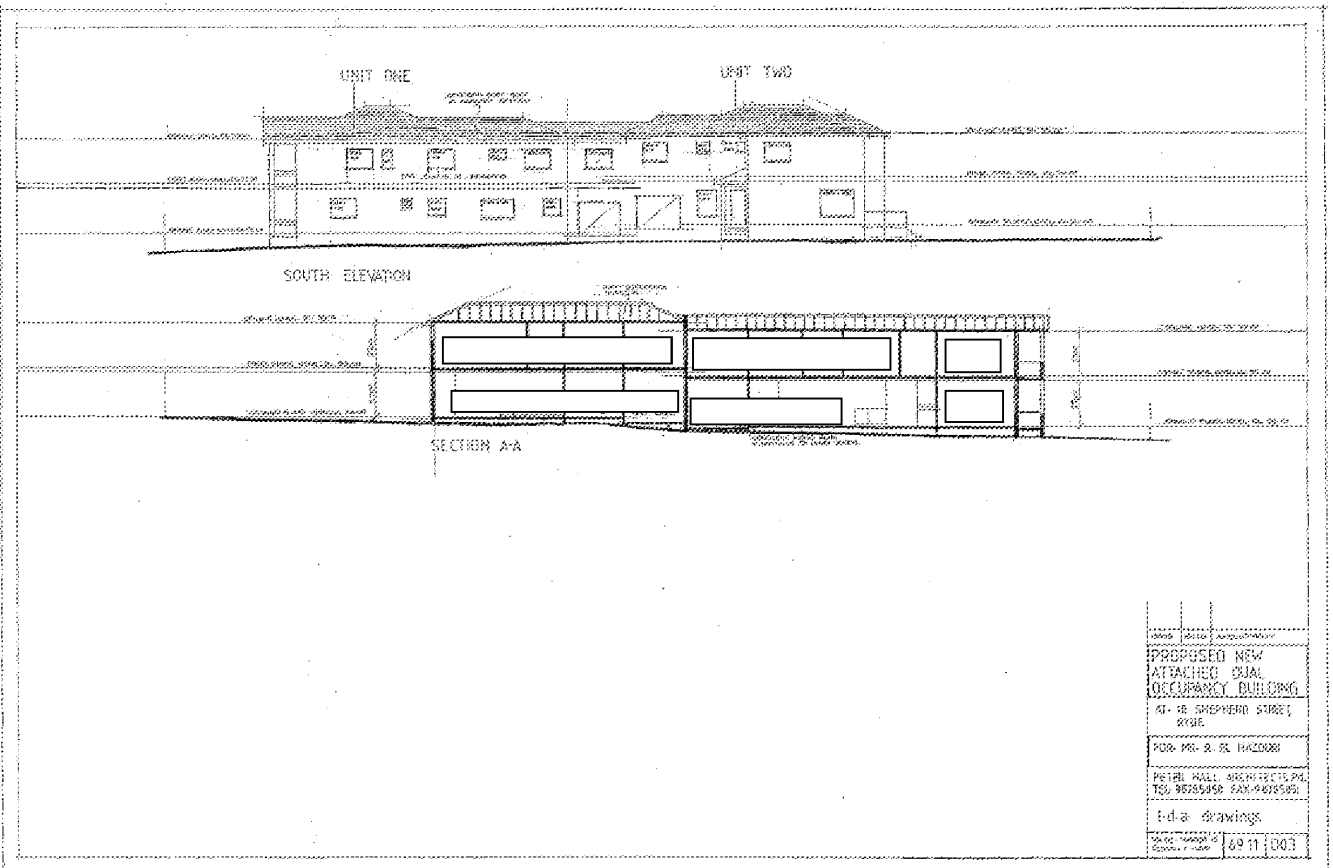
ITEM 3 (continued)

ATTACHMENT 4



ITEM 3 (continued)

ATTACHMENT 4



4 68 CHAMPION ROAD, TENNYSON POINT - LOT 21 DP 233234. Local Development Application for extension of boundary fencing within foreshore building line. LDA2013/0080.

Report prepared by: Creative Planning Solutions; Team Leader - Assessment**Report approved by:** Manager Assessment; Group Manager - Environment & Planning**Report dated:** 4/06/2013**File Number:** grp/09/5/6/2 - BP13/839

1. Report Summary**Applicant: Chris Alexiou****Owner: Chris & Deborah Alexiou****Date lodged: 23 March 2013**

This report considers a development application (DA) for an extension to an existing boundary fence at 68 Champion Road, Tennyson Point that includes a lapped and capped timber fence with a height varying from 1.2m to 1.8m high. The fence is to extend some 6 metres beyond the foreshore building line.

This development application has been notified to neighbours and one (1) submission was received from the neighbouring property to the north raising the following key issues:

- Non-permeability of the fence which is forward of the foreshore building line
- View Loss
- Unauthorised Building Works

The proposal has been assessed against the heads of consideration of Section 79C of the Environmental Planning and Assessment Act 1979 and Council's DCP 2010. The proposed development does not comply with the requirements of the Sydney Harbour Foreshores and Waterways Area Development Control Plan 2005, and does not meet the development controls of Ryde DCP 2010 for fences, particularly in relation to the fences within the Foreshore Building Line.

It is generally considered that the proposal would result in a development that does not adhere to the local planning controls or respect the consistent character of the Tennyson Point waterfront. Additionally it is considered that the proposed development does not achieve a positive outcome for the applicant, neighbouring landowners or waterway users.

The proposed works are therefore considered to be inconsistent with the desired future character for the R2 Low Density Residential area, and in particular the character of the Glades Bay waterfront area. Accordingly it is recommended that this development application be refused.

ITEM 4 (continued)

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

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

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

Value of works: \$300.00

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

RECOMMENDATION:

(a) That LDA2013/0080 at 68 Champion Road, Tennyson Point being LOT 21 DP 233234 be refused for the following reasons:

1. The proposed works to the boundary fence do not comply with the controls set out within the Ryde DCP 2010 or the Sydney Harbour Foreshores and Waterways Area Development Control Plan 2005.
2. The proposed works to the boundary fence within the foreshore building line would result in a structure which is considered to be inconsistent with the desired future character for the R2 Low Density Residential zone, and in particular the character of waterfront development in the Tennyson Point area, and wider waterfront area of the Ryde local government area.
3. The proposed fence being of a solid construction does not comply with the Ryde DCP 2010 control in relation to fences forward of the foreshore building line being of an open and permeable construction, and will impede views to and from the waterfront of Glades Bay.
4. In the circumstances of the case, approval of the development is considered not to be in the public interest.

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

ATTACHMENTS

- 1 Compliance table Ryde DCP 2010
- 2 Compliance Table for Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005.
- 3 Map.
- 4 A4 plans.
- 5 Applicant's submission with DA.
- 6 Neighbour's letter of objection - **CIRCULATED UNDER SEPARATE COVER**.

ITEM 4 (continued)

7 A3 plans - subject to copyright provisions - CIRCULATED UNDER SEPARATE COVER.

Report Prepared By:

**Ben Tesoriero Planning Consultant
Creative Planning Solutions
Chris Young
Team Leader - Assessment**

Report Approved By:

**Liz Coad
Manager Assessment**

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

ITEM 4 (continued)

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

Address	: 68 Champion Road, Tennyson Point (Lot 21 in DP233234)
Site Area	: Approx. 778.0m ² (Aerial mapping) Frontage to Champion Road of approx. 7m (Aerial mapping) Northern side boundary of approx. 67m (Aerial mapping) Skewed southern side boundary of approx. 71m (Aerial mapping) Skewed rear boundary of approx. 16m (Aerial mapping)
Topography and Vegetation	The topography of the local area is relatively steep with a significant drop in elevation from Champion Road towards the waterfront. The site has an easterly aspect and is located on the waterfront to Glades Bay / Parramatta River. The subject site slopes toward Glades Bay from Champion Road and does not include any significant vegetation.
Existing Buildings	: Dwelling house.
Planning Controls	
Zoning	: R2 – Low Density Residential under Ryde LEP 2010 R2 – Low Density Residential under draft Ryde LEP 2011
Other	: Ryde DCP 2010

ITEM 4 (continued)



Aerial Image of subject site, including annotations of those neighbouring property objecting to the proposed development

ITEM 4 (continued)



View of subject site from Champion Road

3. Councillor Representations

Name of Councillor: The Mayor, Councillor Petch

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

Date: 26 April 2013

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

On behalf of applicant or objectors? Unknown

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

ITEM 4 (continued)

4. Political Donations or Gifts

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

5. Proposal

The following outlines the scope of works proposed to boundary fence at 68 Champion Road, Tennyson Point.

Fence:

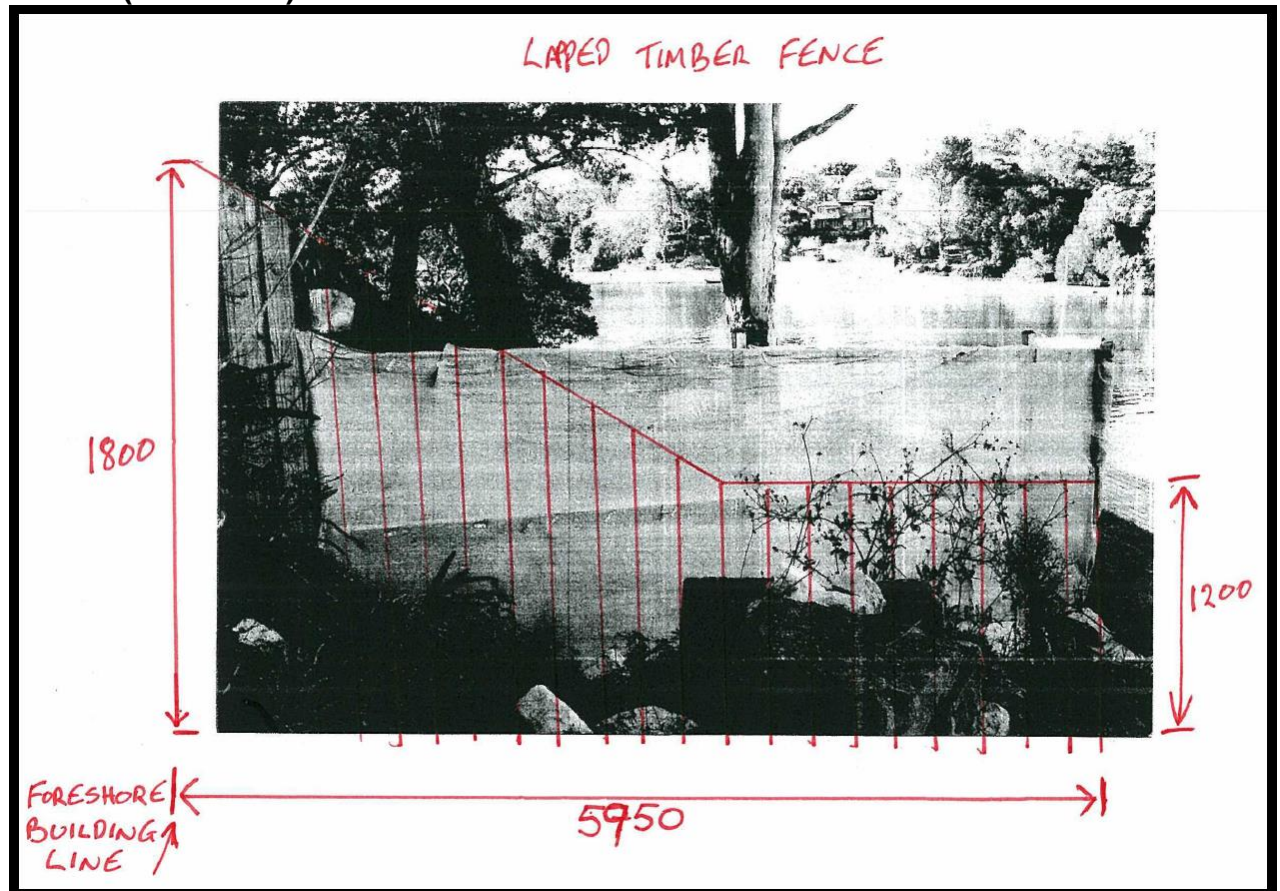
- To erect a solid lapped and capped timber paling fence at the rear (eastern) side of the site, that extends approximately 6m forward of the foreshore building line. The proposed height of the fence is to be 1.8m tapering down towards the foreshore to a height of 1.2m.fence.

The proposed fence is shown in the following illustrations (photo of temporary timber-framed hessian screen; and elevation drawing of the proposal):



Photo of temporary timber-framed hessian screen

ITEM 4 (continued)



Elevation drawing of proposed fence

6. Background

The following is a brief overview of the development history relating to the boundary fencing on the subject site:

- On-going correspondence between the Council, the applicant and the adjoining land owner in relation to the erection of the boundary fence that is the subject of this development application has been occurring since 2009 including:
 - A Council order served to the applicant on 15 March 2010 to demolish the timber paling fence that is forward of the foreshore building line as it was constructed without prior development consent.
 - A Council letter dated May 2012 stating that the timber paling fence that encroaches on the foreshore building line is to be replaced with open permeable style fencing.
- LDA2013/0080 was lodged on 23 March 2013. The development application, as originally submitted, proposed the following:

ITEM 4 (continued)

- To erect a lapped and capped timber paling fence 6 metres beyond the foreshore building line – 1.8 metres high tapering down to 1.2m high.
- On 3 April 2013, the DA was notified to neighbours until 18 April 2013. One submission was received as discussed in the following Submissions section of this report.

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 3 to 18 April 2013.

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

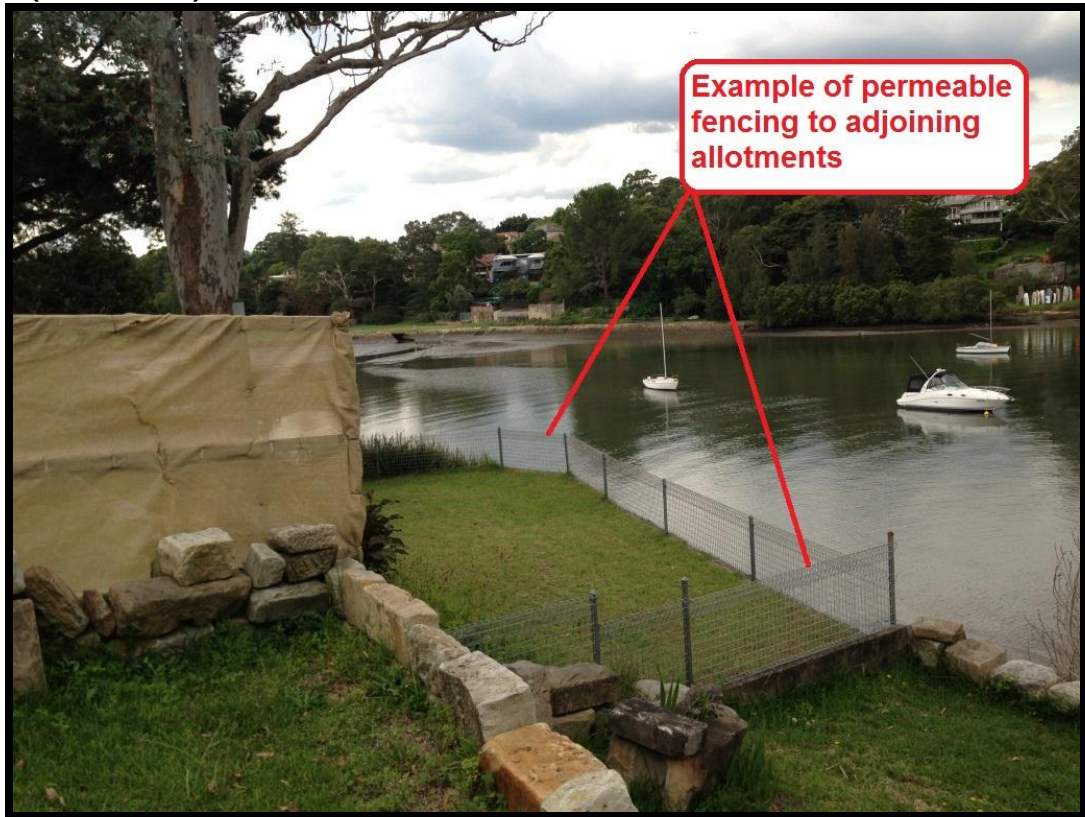
A. Permeability of the Fence – concerns are raised over the solid style of fencing that is proposed which does not comply with Council's DCP in regards to fencing forward of the Foreshore Building Line.

Comment: As identified in Council's preliminary assessment of the development application, the proposed fencing does not comply with Section 2.15 of Part 3.3 of the Ryde Development Control Plan 2010.

The proposed fencing has been assessed as being significantly forward of the Foreshore building line and constructed of materials (lapped timber palings with steel posts) that are solid and that will allow no permeability. Given that Ryde DCP 2010 states any fence forward of the foreshore building line shall be of open, permeable construction, the proposed works do not comply with this requirement.

Additionally, as identified in Section 5.4 of the Sydney Harbour Foreshores and Waterways Area Development Control Plan 2005, walls and fences should be kept low enough to allow views of private gardens from the waterway. The proposed fence will significantly obstruct views and sightlines towards private gardens along the Glades Bay waterfront. It must be noted that all neighbouring fencing that is located forward of the foreshore building line on adjoining properties is of open and permeable construction, in compliance with the Ryde DCP 2010, and allows for open views to both the waterway and across the foreshores areas of surrounding allotments (see photo below).

ITEM 4 (continued)



Example of open style fencing forward of the Foreshore Building Line

Accordingly, neighbouring concerns regarding design, materiality and location of the proposed fence are concurred with and supported.

B. View Loss – concerns are raised over the loss of views from neighbouring properties that would result from the proposed erection of the boundary fence forward of the Foreshore Building Line.

Comment: As addressed in the previous comment regarding the design and permeability of the proposed fence, it was also noted in the preliminary assessment of the development application that the solid style fence proposed would impede views from neighbouring properties to the Glades Bay waterfront.

As the style of fence proposed is a lapped and capped timber fence that ranges in height from 1.8m to 1.2m no permeability is afforded to allow for views across neighbouring allotments towards the Glades Bay waterfront. It is considered that due to the fence protruding 6m into the foreshore building line, a significant portion of the neighbouring allotments cross views and sightlines will be negatively affected.

It is noted again that as per the Ryde DCP 2010 and the Sydney Harbour Foreshores and Waterways Area Development Control Plan 2005, this style of fencing is not permitted within the foreshore building line.

ITEM 4 (continued)

Given the above, neighbouring objections based upon view loss are concurred with and supported.

C. Unauthorised Building Works – concerns are raised that the development application is for a section of fence that is already partially built and currently has a demolition order.

Comment: As identified in the preliminary assessment of the proposed development application, and is evident in the photo below, part of the proposed fence which extends forward of the foreshore building line has already been built without prior development consent.

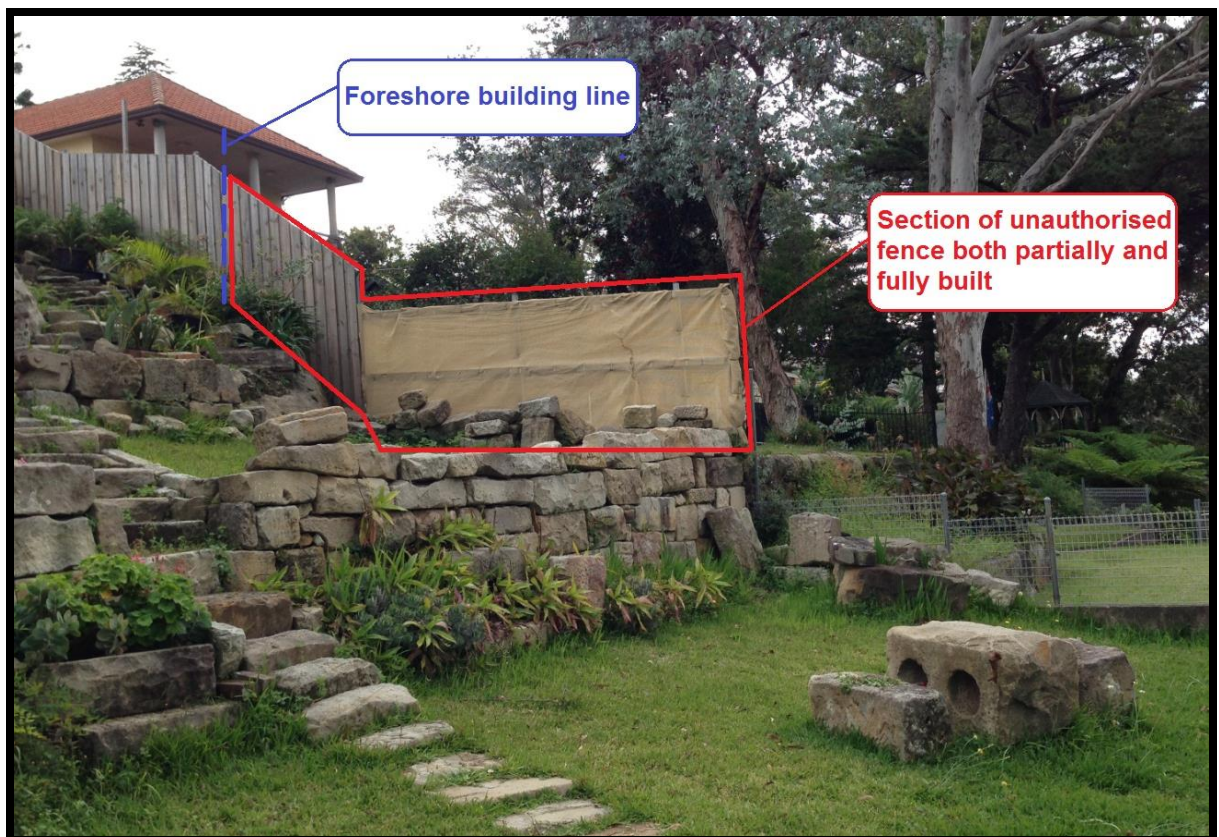


Photo showing location of existing and proposed fence

The fence, as observed during the site inspection conducted, was partially constructed in the lower section with steel posts, timber rails and hessian sheeting across its length.

An upper section of fence approximately 2m in length has also been fully constructed. It is noted that all fencing outlined in red in Figure 4 above is forward of the foreshore building line (dashed blue line).

ITEM 4 (continued)

Accordingly, objections regarding the fence being constructed prior to the lodgement of the development application and without authorisation are concurred with and supported.

It is noted that an order is to be sent to the applicant requesting demolition of those parts of the fence which are of solid construction and are forward of the foreshore building line. This action is supported from a planning perspective.

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

None required

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

Under the Ryde LEP 2010 the zoning of the subject site is R2 Low Density Residential. The proposed development, being for minor works to a boundary fence is permissible with consent under this zoning.

Mandatory Requirements

Clause 6.3 (Foreshore Building Lines) states (in sub-clause 2) that development consent must not be granted for development on land in the Foreshore Area except for purposes that include sea retaining walls, wharves etc – and including fences.

Clause 6.3.3 states that development consent must not be granted unless the consent authority (ie Council) is satisfied that (inter alia) the appearance of any proposed structure, from both the waterway and adjacent foreshore areas, will be compatible with the surrounding area. As noted throughout this report, it is considered that the appearance of the development will not be compatible with the surrounding area and will not help to maintain an open setting along the foreshore area.

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

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

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

SEPP BASIX:

A compliant BASIX Certificate is not required due to the development application being for the purposes of erecting a boundary fence.

(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 given the minor works involved.

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 against the development controls contained in Ryde DCP 2010. The following is an assessment of the development application against the key components of the Ryde DCP 2010 that are considered to apply to the development given the works proposed are for the erection of a boundary fence.

Fences

Section 2.15.2 of Part 3.3 of the Ryde DCP 2010 prescribes development controls for side and rear fences and walls. Specifically, this Part of the DCP states that any

ITEM 4 (continued)

fencing located forward of the foreshore building line shall be of open, permeable construction. As demonstrated within the attached Compliance Checklist, the proposed boundary fencing is to be a lapped and capped timber paling fence.

Due to the solid nature of this style of design providing no permeability, views which were previously available to the Glades Bay waterfront from adjoining allotments would be obstructed should the proposed fence be approved. As these views are considered highly valuable and the amenity of the waterfront compromised, construction of the proposed fence is considered unacceptable.

Additionally, it must be noted that all neighbouring fencing that is located forward of the foreshore building line is of open and permeable construction, which complies with Ryde DCP 2010, and allows for open views to both the waterway and across the foreshores areas of surrounding allotments .

Given the above, and the proposed solid/non-permeable construction of the fence within the foreshore building line, it is not supported.

Desired Future Character

Section 2.1 of Part 3.3 of the Ryde DCP 2010 prescribes development controls for desired future character. Specifically, that development is to be consistent with the desired future character of the low density residential areas. As identified in the attached Compliance Checklist, the location and design of the proposed fence is considered to be inconsistent with the desired future character of the low density residential area and in particular the Glades Bay waterfront.

When analysing the waterfront character of the Glades Bay area it is evident that all fencing forward of the foreshore building line is of an open and permeable nature that does not obstruct views to and from the waterway. As the proposed design of the fence is of a solid and non-permeable style (i.e. lapped and capped timber paling) it is considered that the design outcome will be one that is not consistent with the surrounding and therefore inconsistent with the desired future character of the low density residential area.

Given the above, the proposed development application for a solid style fence forward of the foreshore building line is not supported.

Sydney Harbour Foreshores & Waterways Area Development Control Plan For SREP (Sydney Harbour Catchment) 2005

The proposal has been assessed using the development controls contained in the Sydney Harbour Foreshores & Waterways Area Development Control Plan for the SHCREP. As demonstrated in the attached Compliance Checklist for this DCP, it has been determined that the cumulative and incremental effects of further development along the foreshore is unsatisfactory when assessed against the performance criteria

ITEM 4 (continued)

of the Statement of Character and Intent for the Landscape Character Area No. 14 for which the subject site is located under this DCP.

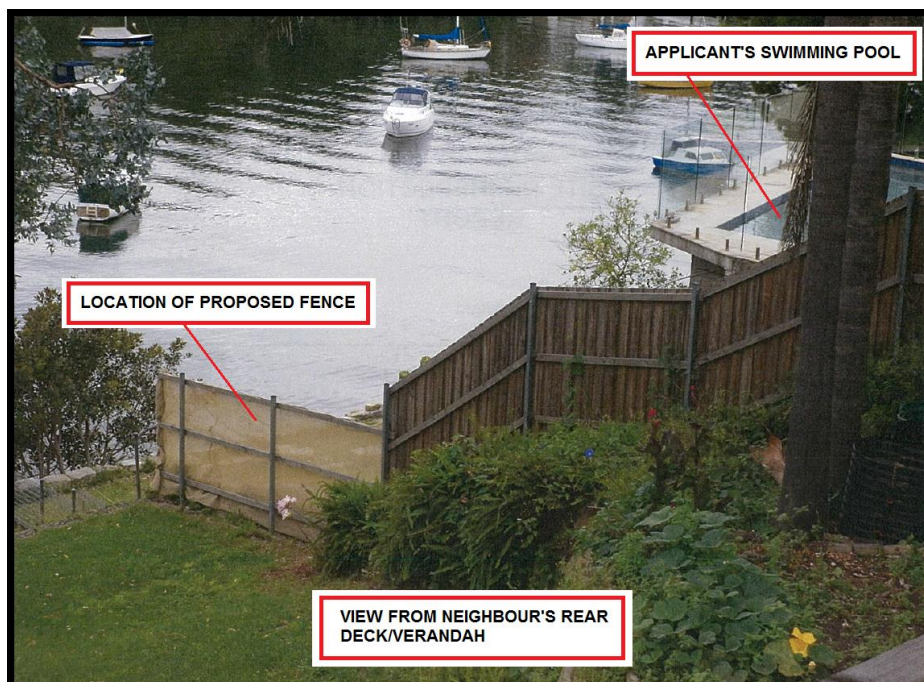
10. Likely impacts of the Development

(a) Built Environment

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

It is understood that the applicant has sought consent for the erection of the proposed fence to assist in increasing privacy to the rear open space and mitigating overlooking impacts particularly in relation to the swimming pool. An assessment of how the proposed fence will provide additional privacy has found that due to the location of the fence being well forward of swimming pool at the very rear of the yard it is considered that it will provide no additional screening or privacy to the abovementioned areas. Additionally, as the level of the top of the proposed fence is significantly lower than the coping of the swimming pool there would be no additional privacy gained from the erection of the fence in this location.

This is shown in the following photo (taken from the rear deck/verandah of the neighbour's house towards Glades Bay showing the rear of the applicant's property including swimming pool).



ITEM 4 (continued)

The resultant impacts of the erection of the boundary fence forward of the building line are considered to result in a development that is inconsistent with the desired character of the low density residential areas, and inconsistent with the nature of waterfront development in the Glades Bay and wider Ryde local government area.

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

(b) Natural Environment

Given the nature of the proposed development being for erection of a boundary fence, it is considered there will be no significant impact upon the natural environment as a result of the proposal. There are no trees or vegetation proposed to be removed as part of this application.

11. Suitability of the site for the development

A review of Council's map of Environmentally Sensitive Areas (held on file) identifies several constraints affecting the subject property – namely acid sulphate soils, landslip and foreshore building line. The minor nature of the proposed fence does not require any detailed assessment in terms of acid sulphate soils or landslip. An assessment in terms of the foreshore building line is made previously in this report.

12. The Public Interest

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

The development fails to comply with Council's current development controls, and includes a design and materiality does not adhere to the guidelines of the Sydney Harbour Foreshores & Waterways Area Development Control Plan 2005. It is therefore considered that the proposed works are not in keeping with the existing and desired future character of the low density residential area.

13. Consultation – Internal and ExternalInternal Referrals

None.

External Referrals

None.

14. Critical Dates

There are no critical dates or deadlines to be met.

ITEM 4 (continued)**15. Financial Impact**

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

16. Other Options

None relevant.

17. Conclusion

The proposed development has been assessed using the heads of consideration listed in Section 79 of the Environmental Planning & Assessment Act 1979 and is considered not to be satisfactory for approval.

The proposed development fails to comply with the development controls of Ryde DCP 2010 in regards to fencing forward of the building line and view sharing.

On the above basis, the development application is recommended for refusal.

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ATTACHMENT 1

Quality Certification

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

LDA No:	2013/0080
Date Plans Rec'd	23 March 2013
Address:	68 Champion Road, Tennyson Point
Proposal:	To erect a lapped and capped timber paling fence 6 metres beyond the foreshore building line – 1.8 metres high tapering down to 1.2m high.
Constraints Identified:	Foreshore Building Line

COMPLIANCE CHECK

RYDE LEP 2010	PROPOSAL	COMPLIANCE
4.3(2) Height <ul style="list-style-type: none"> 9.5m overall 	The proposed development application is for the erection of a boundary fence, therefore this control is not considered applicable.	N/A
4.4(2) & 4.4A(1) FSR <ul style="list-style-type: none"> 0.5:1 	The proposed development application is for the erection of a boundary fence, therefore this control is not considered applicable.	N/A

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.	It is generally considered that the proposal would result in a development that does not adhere to the local planning controls or respect the consistent character of the Tennyson Point waterfront. Additionally it is considered that the proposed development does not achieve a positive outcome for either the applicant, neighbouring landowners or	No

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ATTACHMENT 1

DCP 2010	PROPOSED	COMPLIANCE
	<p>waterway users. The proposed works are therefore considered to be inconsistent with the desired future character for the R2 Low Density Residential area, & in particular the character of the Glades Bay waterfront.</p>	
Dwelling Houses		
<ul style="list-style-type: none"> - To have a landscaped setting which includes significant deep soil areas at front and rear. - Maximum 2 storeys. - Dwellings to address street - Garage/carports not visually prominent features. 	<p>The proposed development application is for the erection of a boundary fence, therefore the controls relating to dwelling houses are not considered applicable.</p> <ul style="list-style-type: none"> - - - 	<p>N/A</p> <p>N/A</p> <p>N/A</p> <p>N/A</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. 	<p>As the proposed development is for the erection of a boundary fence that will not be visible from the streetscape the following controls are not considered to be applicable.</p> <ul style="list-style-type: none"> - - 	<p>N/A</p> <p>N/A</p> <p>N/A</p>
<ul style="list-style-type: none"> • Public Views and Vistas - A view corridor is to be provided along at least one side allotment boundary where there is an existing or potential view to the water from the street. Landscaping is not to restrict views. - Garages/carports and outbuildings are not to be located within view corridor if they obstruct view. - Fence 70% open where height is >900mm 	<p>No change to the existing view corridors along the side of the allotment as part of the proposed development application.</p> <p>None proposed</p> <p>None proposed</p>	<p>Yes</p> <p>N/A</p> <p>N/A</p>
<ul style="list-style-type: none"> • Pedestrian & Vehicle Safety - Car parking located to accommodate sightlines to 	<p>Integrated garage</p>	<p>Yes</p>

ITEM 4 (continued)

ATTACHMENT 1

DCP 2010	PROPOSED	COMPLIANCE
<ul style="list-style-type: none"> - First floor - Detached car parking structures - Outbuildings (incl covered pergolas, sheds etc) - 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>	<ul style="list-style-type: none"> - - - - - - 	<ul style="list-style-type: none"> N/A N/A N/A N/A N/A N/A
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 <i>or</i> - 8m max to top of parapet. <p>NB: TOW = Top of Wall EGL = Existing Ground Level FGL = Finished Ground Level</p> <ul style="list-style-type: none"> - 9.5m Overall Height <p>NB: EGL – Existing ground Level</p>	<p>As the proposed development application is for the erection of a boundary fence with no impacts on building height the following controls are considered not applicable.</p> <ul style="list-style-type: none"> - - 	<ul style="list-style-type: none"> N/A N/A N/A N/A
<ul style="list-style-type: none"> - Habitable rooms to have 2.4m floor to ceiling height (min). 	<ul style="list-style-type: none"> - 	<ul style="list-style-type: none"> N/A
Setbacks		
<ul style="list-style-type: none"> • Side ○ Single storey dwelling - 900mm to wall, includes balconies etc. 	<p>As the proposed development application is for the erection of a boundary fence with no impacts on</p>	<ul style="list-style-type: none"> N/A

ITEM 4 (continued)

ATTACHMENT 1

DCP 2010	PROPOSED	COMPLIANCE
	setbacks the following controls are considered not applicable.	
<ul style="list-style-type: none"> ○ Two storey dwelling - 1500mm to wall, includes balconies etc. ○ Side setback to secondary frontage (cnr allotments): 2m to façade and garage/carports ● Front - 6m to façade (generally) - Garage setback 1m from the dwelling facade - Wall above is to align with outside face of garage below. - Front setback free of ancillary elements e.g. RWT,A/C ● Rear - 8m to rear of dwelling OR 25% of the length of the site, whichever is greater. Note: Xm is 25% of site length. 	<ul style="list-style-type: none"> - - - - - - 	<ul style="list-style-type: none"> N/A N/A N/A N/A N/A N/A
Car Parking & Access		
<ul style="list-style-type: none"> ● General - Dwelling: 2 spaces max, 1 space min. - Where possible access off secondary street frontages or laneways is preferable. - Max 6m wide or 50% of frontage, whichever is less. - Behind building façade. ● Garages - Garages setback 1m from façade. - Total width of garage doors visible from public space must not exceed 5.7m and be setback not more than 300mm behind the outside face of the 	<p>As the proposed development application is for the erection of a boundary fence with no impacts on car parking or access the following controls are considered not applicable.</p> <ul style="list-style-type: none"> - - - - - - 	<ul style="list-style-type: none"> N/A N/A N/A N/A N/A N/A

ITEM 4 (continued)

ATTACHMENT 1

DCP 2010	PROPOSED	COMPLIANCE
<p>building element immediately above.</p> <ul style="list-style-type: none"> - 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. • Carpports <ul style="list-style-type: none"> - Sides 1/3 open (definition in BCA) - Design and materials compatible with dwelling. • Parking Space Sizes (AS) <ul style="list-style-type: none"> - Double garages: 5.4m w (min) - Single garage: 3m w(min) - Internal length: 5.4m (min) • Driveways <ul style="list-style-type: none"> - Extent of driveways minimised 	<ul style="list-style-type: none"> - - - - - - - - - - 	<p>N/A</p> <p>N/A</p> <p>N/A</p> <p>N/A</p> <p>N/A</p> <p>N/A</p> <p>N/A</p> <p>N/A</p> <p>N/A</p> <p>N/A</p>
Swimming Pools & Spas		
<ul style="list-style-type: none"> - Must comply with all relevant Acts, Regulations and Australian Standards. - 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 - Pools not to be in front setback • Pool coping height <ul style="list-style-type: none"> - 500mm maximum above existing round level <i>(only if no impact on privacy)</i> • Pool Setback <ul style="list-style-type: none"> - 900mm min from outside edge of pool coping, deck or 	<p>As the proposed development application is for the erection of a boundary fence with no impacts on the existing swimming pool the following controls are considered not applicable.</p> <ul style="list-style-type: none"> - - - - - - - 	<p>N/A</p> <p>N/A</p> <p>N/A</p> <p>N/A</p> <p>N/A</p> <p>N/A</p> <p>N/A</p>

ITEM 4 (continued)

ATTACHMENT 1

DCP 2010	PROPOSED	COMPLIANCE
<p>surrounds to allow sufficient space for amenity screen planting</p> <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>-</p> <p>-</p> <p>-</p>	<p>N/A</p> <p>N/A</p> <p>N/A</p>
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. - Landscaped front garden, with max 40% hard paving. 	<p>As the proposed development application is for the erection of a boundary fence with no impacts on the existing trees and landscaping the following controls are considered not applicable.</p> <p>-</p> <p>-</p> <p>-</p> <p>-</p> <p>-</p> <p>-</p> <p>-</p> <p>-</p>	<p>N/A</p> <p>N/A</p> <p>N/A</p> <p>N/A</p> <p>N/A</p> <p>N/A</p> <p>N/A</p> <p>N/A</p>
Dwelling Amenity		

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DCP 2010	PROPOSED	COMPLIANCE
<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. • 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>As the proposed development application is for the erection of a boundary fence with no impacts on the existing daylight and sunlight access the following controls are considered not applicable.</p> <p>-</p> <p>-</p> <p>-:</p> <p>-</p> <p>-</p> <p>-</p> <p>-</p> <p>-</p> <p>-</p>	<p>N/A</p> <p>N/A</p> <p>N/A</p> <p>N/A</p> <p>N/A</p> <p>N/A</p> <p>N/A</p> <p>N/A</p> <p>N/A</p>

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ATTACHMENT 1

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. • 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. 	<ul style="list-style-type: none"> - - As the development proposes a fence of solid construction forward of the foreshore building line it is considered that some cross views towards Glades Bay will be impeded. - 	<ul style="list-style-type: none"> N/A N/A No N/A
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. 	<ul style="list-style-type: none"> As the proposed development application is for the erection of a boundary fence with no impacts on the existing dwelling roof the following controls are considered not applicable. - - - 	<ul style="list-style-type: none"> N/A N/A N/A N/A
Fencing		
<ul style="list-style-type: none"> • Front/return: - To reflect design of dwelling. - To reflect character and height 	<ul style="list-style-type: none"> No change to font and return fencing as part of the development application - 	<ul style="list-style-type: none"> N/A N/A

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ATTACHMENT 1

DCP 2010	PROPOSED	COMPLIANCE
<p>of neighbouring fences.</p> <ul style="list-style-type: none"> - 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. • Side/rear fencing: - 1.8m max o/a height. 	<ul style="list-style-type: none"> - - - - - <p>Height: 1.8m -1.2m Materials proposed: Solid lapped and capped timber paling fence.</p> <p>The proposed fencing has been assessed as being significantly forward of the Foreshore building line and constructed of materials (lapped timber palings with steel posts) that are solid and that will allow no permeability. Given the Section 2.15 of Part 3.3 of the Ryde DCP 2010 states any fence forward of the foreshore building line shall be of open, permeable construction, the proposed works are considered not to comply.</p>	<p>N/A</p> <p>N/A</p> <p>N/A</p> <p>N/A</p> <p>No</p>
<p>Part 7.2 – Waste Minimisation & Management</p>		
<p>Submission of a Waste Management Plan</p>	<p>As the proposed development application is for the erection of a boundary fence it is considered a waste minimisation plan is not required.</p>	<p>N/A</p>
<p>Part 8.2 – Stormwater Management</p>		
<p>• Stormwater</p>		
<ul style="list-style-type: none"> - Drainage is to be piped in accordance with Part 8.2 – Stormwater Management. 	<p>As the proposed development application is for the erection of a boundary fence there is considered to be negligible impact on the existing stormwater arrangements on site.</p>	<p>Yes</p>

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ATTACHMENT 1

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.	No change to the existing arrangements on site.	N/A
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 change to the existing front and return fences on site.	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>	As the proposed development application is for the erection of a boundary fence there is to be no impact any on trees on the subject or adjoining site.	N/A

ITEM 4 (continued)

ATTACHMENT 1

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 Cert # dated ABSA Cert #	As the proposed development application is for the erection of a boundary fence a compliant BASIX certificate is not required.	N/A

DEMOLITION	PROPOSAL	COMPLIANCE
<ul style="list-style-type: none"> Plan showing all structures to be removed. 	None structures proposed to be removed.	N/A
<ul style="list-style-type: none"> Demolition Work Plan 	No demolition proposed.	N/A
<ul style="list-style-type: none"> Waste Management Plan 	Not required	N/A

Non compliances – justifiable

- Nil

Non compliances – resolved via conditions:

- Nil

Non compliances – not justifiable:

- The proposed fence forward of the foreshore building line is considered inconsistent with the desired future character of the low density residential are, specifically in relation to the Glades bay waterfront area of Tennyson Point.
- The proposed fence being of a solid construction does not comply with the Ryde DCP 2010 control in relation to fences forward of the foreshore building line being of an open and permeable construction and will significantly impede views to and from the waterfront of Glades Bay.
- The proposed fence being of a solid construction does not adhere to the Sydney Harbour Foreshores and Waterways Area Development Control Plan 2005, whereby walls and fences should be kept low enough to allow views of private gardens from the waterway.

ITEM 4 (continued)
Certification

ATTACHMENT 1

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

Name: Ben Tesoriero

Signature:



Date: 24 May 2013

ITEM 4 (continued)

ATTACHMENT 2

SYDNEY REGIONAL ENVIRONMENTAL PLAN 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 see the erection of a boundary fence. As there is no change in land-use proposed and works are considered minor in terms of biodiversity, ecology and natural environment impacts it is considered the proposed development will have a neutral effect on the quality of water entering waterways.	Yes
(b) Development should protect and enhance terrestrial and aquatic species, populations and ecological communities and, in particular, should avoid physical damage and shading of aquatic vegetation (such as seagrass, saltmarsh and algal and mangrove communities)	With all works associated with the proposed development occurring well above the MWHM it is considered there will be minimal impacts on any terrestrial and aquatic species, populations and ecological communities. Additionally it is noted the there is no proposal to remove any existing vegetation on site thus seeing all vegetation retained. As the proposed development is for the purposes of erecting a boundary fence well above the waterway, there will be no additional overshadowing of aquatic vegetation. Given the above, it is considered the proposed development will protect terrestrial and aquatic vegetation.	Yes

ITEM 4 (continued)

ATTACHMENT 2

Provision	Proposal	Compliance
(c) Development should promote ecological connectivity between neighbouring areas of aquatic vegetation (such as seagrass, saltmarsh and algal and mangrove communities)	All works are to be located a well above the MHWM. Accordingly, the proposed development is not considered to have a negative impact on ecological connectivity of aquatic vegetation.	N/A
(d) Development should avoid indirect impacts on aquatic vegetation (such as changes to flow, current and wave action and changes to water quality) as a result of increased access	All works are to be located a well above the MHWM. Accordingly, the proposed development is not considered to have any indirect impact on aquatic vegetation. It is noted that the proposed alterations are considered minor in terms of causing any indirect impacts on the natural environment.	Yes
(e) Development should protect and reinstate natural intertidal foreshore areas, natural landforms and native vegetation	All works are to be located a well above the MHWM. Accordingly, the proposed development is considered to protect the natural intertidal foreshore, natural landforms & native vegetation with minimal adverse impacts on the natural environment.	Yes
(f) Development should retain, rehabilitate and restore riparian land	All works are to be located a well above the MHWM. Therefore all riparian land is retained and the proposed development is not considered to have any adverse impacts. The proposed development does not aim to rehabilitate or restore riparian land.	N/A
(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	Although the subject site partly adjoins a wetlands protection area due to the proposal being for the erection of a boundary fence there is considered to be minimal impact on the integrity of the wetlands.	Yes

ITEM 4 (continued)

ATTACHMENT 2

Provision	Proposal	Compliance
	Additionally, the works are proposed well above the MHWM.	
(h) The cumulative environmental impact of development	With all works proposed to be located well above the MHWM, it is considered the cumulative environmental impact of development to be minimal. Additionally, the works are for the erection of a boundary fence, therefore seeing no change in land use and thus negligible impacts on the natural environment.	Yes
(i) Whether sediments in the waterway adjacent to the development are contaminated, and what means will minimise their disturbance	Sediments in the adjoining waterway are not proposed to be disturbed during proposed works. Sediments are considered unlikely to be containment due to continued history of residential use on the subject site and the surrounding area.	Yes
<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 alterations and additions. No adverse impacts on watercourses, wetlands, riparian lands or remnant vegetation has been identified due to no works taking place within this zone.	Yes
(b) Development should maintain and improve public access to and from the waterways for recreational purposes (such as swimming, fishing and boating), without adversely impacting on	The proposal will not impede or alter existing public access to the river.	Yes

ITEM 4 (continued)

ATTACHMENT 2

Provision	Proposal	Compliance
watercourses, wetlands, riparian lands or remnant vegetation		
(c) If foreshore land made available for public access is not in public ownership, development should provide appropriate tenure and management mechanisms to safeguard public access to, and public use of, that land	Land below high water mark remains available for public access (by boat) and presents no change from the existing relationship.	N/A
(d) The undesirability of boardwalks as a means of access across or along land below the mean high water mark if adequate alternative public access can otherwise be provided.	Not proposed	N/A
(e) The need to minimise disturbance of contaminated sediments	All works are proposed well above MHW and is considered not to disturb any contaminants in water/sediments. Additionally, sediments are considered unlikely to be containment due to continued history of residential use on the subject site and the surrounding area.	Yes
Cl. 24 Interrelationship of Waterway and Foreshore Uses (a) Development should promote equitable use of the waterway, including use by passive recreation craft	Proposal will not inhibit or prevent equitable use of waterway by passive recreation craft and presents no change from the existing relationship with the waterway.	Yes
(b) Development on foreshore land should minimise any adverse impact on the use of the waterway, including the use of the waterway for commercial and recreational uses	Proposal will not inhibit or prevent equitable use of waterway for commercial or recreational uses and presents no change from the existing relationship with the waterway.	Yes
(c) Development on foreshore land should minimise excessive	Development does not seek to increase or impede any	Yes

ITEM 4 (continued)

ATTACHMENT 2

Provision	Proposal	Compliance
congestion of traffic in the waterways or along the foreshore	existing traffic conditions in the waterway or along the foreshore and presents no change from the existing relationship with the waterway.	
(d) Water-dependent land uses should have propriety over other uses	Not applicable.	N/A
(e) Development should avoid conflict between the various uses in the waterways and along the foreshores	No change to existing use of site and waterway as part of the proposed development. It is therefore considered conflicts between various uses in the waterways & along the foreshore will be avoided.	Yes
Cl. 25 Foreshore and Waterways Scenic Quality		
(a) The scale, form, design and siting of any building should be based on an analysis of:		
(I) the land on which it is to be erected, and	It is generally considered that the proposal would result in a development that does not adhere to the local planning controls applicable to the site or respect the consistent character of the Tennyson Point waterfront. It is therefore considered that the proposed development does not respect the land on which it is erected.	No
(II) the adjoining land, and	The location of the proposed solid fence will negatively impact the adjoining land owners and users of the Glades Bay waterway through obstructing and impeding views to and from the Glades Bay waterfront	No
(III) the likely future character of the	It is noted that all	No

ITEM 4 (continued)

ATTACHMENT 2

Provision	Proposal	Compliance
locality	neighbouring fencing that is located forward of the foreshore building line on adjoining properties is of open and permeable construction, adhering to the Sydney Harbour, and allows for open views both and from the waterway and across the foreshores areas of surrounding allotments. The proposed works of solid construction are therefore considered to be inconsistent with the desired future character for the R2 Low Density Residential area, & in particular the character of the Glades Bay waterfront.	
(b) development should maintain, protect and enhance the unique visual qualities of Sydney Harbour and its islands, foreshores and tributaries	With the proposed development creating a visual obstruction within the foreshore building line it is considered that the proposal will impact on the visual qualities of Sydney Harbour and its foreshores.	No
(c) the cumulative impact of water-based development should not detract from the character of the waterways and adjoining foreshores	Proposed development is totally land based and proposes no water based development. It is therefore considered that proposed development does not detract from the character of the waterways and adjoining foreshores.	N/A
<p><i>Cl. 26 Maintenance, Protection and Enhancement of Views</i></p> <p>(a) Development should maintain, protect and enhance views (including night views) to and from Sydney Harbour</p>	Views to and from Sydney Harbour will be generally maintained. However it must be noted that some views to and from Sydney Harbour will be interrupted due to the solid style of fencing proposed forward of the	No

ITEM 4 (continued)

ATTACHMENT 2

Provision	Proposal	Compliance
	foreshore building line.	
(b) Development should minimise any adverse impacts on views and vistas to and from public places, landmarks and heritage items	Views and vistas to and from public places, landmarks and heritage items have generally been unchanged as a result of the proposed boundary fence.	Yes
(c) The cumulative impact of development on views should be minimised	The cumulative impact on views from the harbour is considered substantial given the proposal is for a solid style fence forward of the foreshore building line and that no adjoining or surrounding waterfront properties have a similar fencing arrangement.	No
<p><i>Cl. 29 Consultation required for certain development applications</i></p> <p>(1) The consent authority must not grant development consent to the carrying out in the Foreshores and Waterways Area of development listed in Schedule 2, unless:</p> <p>(a) it has referred the development application to the Advisory Committee, and</p> <p>(b) it has taken into consideration any submission received from the Advisory Committee within 30 days after the date on which the application was forwarded to the Committee.</p>	<p>(1) It is acknowledged that the subject site is located within the Foreshores and Waterways Area as depicted in Figure 1 on page 14 of this report. The proposed boundary fence is considered minor and does not include any items included in relation to Schedule 2 of the SREPSHC 2005.</p> <p>(a) As per Cl.29(3) (see below), it is the opinion of the assessment officer working on behalf of the consent authority (Ryde City Council) that the proposed development is minor and does not, to any significant extent, increase the</p>	N/A

ITEM 4 (continued)

ATTACHMENT 2

Provision	Proposal	Compliance
	<p>scale, size or intensity of the use of the proposed buildings and works over that of the existing arrangements on site. Accordingly, the development application has not been referred to the Advisory Committee.</p> <p>(b) Noted.</p>	
<p>(2) In the case of an application to carry out development for more than one purpose, of which one or more is listed in Schedule 2 and one or more is not, the consent authority is only required to refer to the Advisory Committee that part of the application relating to development for a purpose so listed.</p>	<p>(2) Noted.</p>	<p>Noted.</p>
<p>(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.</p>	<p>(3) As the proposed works are not identified under Schedule 2 of the SHCREP this clause does not apply.</p>	<p>N/A</p>
<p>Wetlands Protection Area along Lane Cove / Parramatta River frontage</p>	<p>Subject site does not front the wetlands protection area along Lane Cove / Parramatta River.</p>	<p>Yes</p>
<p>Cl. 62 Requirement for Development</p>		

ITEM 4 (continued)

ATTACHMENT 2

Provision	Proposal	Compliance
<p>Consent (2) Development may be carried out only with development consent</p>	<p>The proposed development is currently seeking development consent via LDA2013/0080 under assessment with Ryde City Council.</p>	<p>Yes</p>
<p>(3) Development consent is not required by this clause: (a) For anything (such as dredging) that is done for the sole purpose of maintaining an existing navigational channel, or (b) For any works that restore or enhance the natural values of wetlands being works: (i) that are carried out to rectify damage arising from a contravention of this plan, and (ii) that are not carried out in association with another development, and (iii) that have no significant impact on the environment beyond the site on which they are carried out.</p>	<p>Not applicable. The proposed development does not include maintenance of an existing navigational channel. The proposed development does not include any works that aim to restore or enhance the natural values of wetlands. Not applicable. Not applicable. Not applicable.</p>	<p>N/A N/A N/A N/A N/A</p>
<p>Cl. 63 Matters for Consideration (2) The matters to be taken into consideration are as: (a) The development should have a neutral or beneficial effect on the quality of water entering the waterways, (b) The environmental effects of the development, including effects on:</p>	<p>The proposed development will see the erection of a boundary fence. As there is no change in land-use proposed and works are considered minor in terms of biodiversity, ecology and environmental impacts it is considered the proposed development will have a neutral effect on the quality of water entering waterways.</p>	<p>Yes</p>

ITEM 4 (continued)

ATTACHMENT 2

Provision	Proposal	Compliance
(i) the growth of native plant communities,	No impact on the growth of native plant communities due to all existing vegetation being retained and all proposed works to be located well above the MHWM.	Yes
(ii) the survival of native wildlife populations,	Wildlife populations are considered to be unharmed as result of the proposed development due to all existing habitats being retained.	Yes
(iii) the provision and quality of habitats for both indigenous and migratory species,	The quality of habitats for both indigenous and migratory species is fully retained as part of the proposed development.	Yes
(iv) the surface and groundwater characteristics of the site on which the development is proposed to be carried out and of the surrounding areas, including salinity and water quality and whether the wetland ecosystems are groundwater dependant,	The proposed development is considered to have no adverse affects on surface and groundwater characteristics of the site and surrounding areas due to there being no significant change to land use and the development being in compliance with the stormwater controls set out in the Ryde DCP 2010.	Yes
(c) Whether adequate safeguards and rehabilitation measures have been, or will be, made to protect the environment.	As the proposal is for the erection of a boundary fence the works are considered to be minor with no expected significant impact on the environment. Rehabilitation measures are not considered necessary due to the works being undertaken well above the foreshore building line	Yes
(d) Whether carrying out the development would be consistent with the principles set out in <i>The NSW Wetlands Management Policy</i> (as published in March 1996	Due to the proposal being for the erection of a fence well above the MHWM and away from any wetlands the proposal is considered to be	Yes

ITEM 4 (continued)

ATTACHMENT 2

Provision	Proposal	Compliance
<p>by the then Department of Land and Water Conservation).</p> <p>(e) Whether the development adequately preserves and enhances local native vegetation,</p> <p>(f) Whether the development application adequately demonstrates:</p> <p>(i) how the direct and indirect impacts of the development will preserve and enhance wetlands, and</p>	<p>consistent with principles set out in <i>The NSW Wetlands Management Policy</i>.</p> <p>The development is considered to adequately preserve the local native vegetation through proposing all works well above the MHWL, therefore retaining all existing local native vegetation.</p> <p>All wetlands will be preserved as all works are to be well above the MHWL and away from any wetlands. It is not proposed to enhance the wetlands in any way.</p>	<p>N/A</p> <p>Yes</p>
<p>(ii) how the development will preserve and enhance the continuity and integrity of the wetlands, and</p> <p>(iii) how soil erosion and siltation will be minimised both while the development is being carried out and after it is completed, and</p> <p>(iv) how appropriate on-site measures are to be implemented to ensure that the intertidal zone is kept free from pollutants arising from the development, and</p>	<p>All wetlands will be preserved as all works are to be well above the MHWL and away from any wetlands.</p> <p>Soil erosion and siltation is considered to be minimal due to the proposal being for the erection of a boundary fence. Following construction all existing stormwater controls will remain unchanged.</p> <p>The intertidal zone is not anticipated to be affected by the proposed development and there will be minimal soil erosion, runoff or siltation as a result of the construction of the boundary fence.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>
<p>(v) that the nutrient levels in the</p>	<p>The development is</p>	<p>Yes</p>

ITEM 4 (continued)

ATTACHMENT 2

Provision	Proposal	Compliance
<p>wetlands do not increase as a consequence of the development, and</p>	<p>considered not to result in any increase in nutrient levels in any surrounding wetlands due to all works taking place well above the MHWM and the proposal being considered minimal in terms of creating any nutrients as works will be limiting to erecting a boundary fence.</p>	
<p>(vi) that stands of vegetation (both terrestrial and aquatic) are protected or rehabilitated, and</p>	<p>No development is proposed within the stands of existing vegetation (both terrestrial and aquatic) therefore protecting them from any adverse impacts.</p>	<p>N/A</p>
<p>(vii) that the development minimises physical damage to aquatic ecological communities, and</p>	<p>The development has aimed to minimise any adverse impacts on the aquatic ecological communities through ensuring all works are undertaken well above the MHWM.</p>	<p>Yes</p>
<p>(viii) that the development does not cause physical damage to aquatic ecological communities,</p>	<p>With all development works being located well above the MHWM, it is considered that no physical damage to aquatic ecological communities will occur as result of the proposed development.</p>	<p>Yes</p>
<p>(g) Whether conditions should be imposed on the carrying out of the development requiring the carrying out of works to preserve or enhance the value of any surrounding wetlands.</p>	<p>No conditions to be imposed on the development in regards to carrying out works to preserve or enhance the surrounding wetlands.</p>	<p>Yes</p>

ITEM 4 (continued)

ATTACHMENT 2

Maps

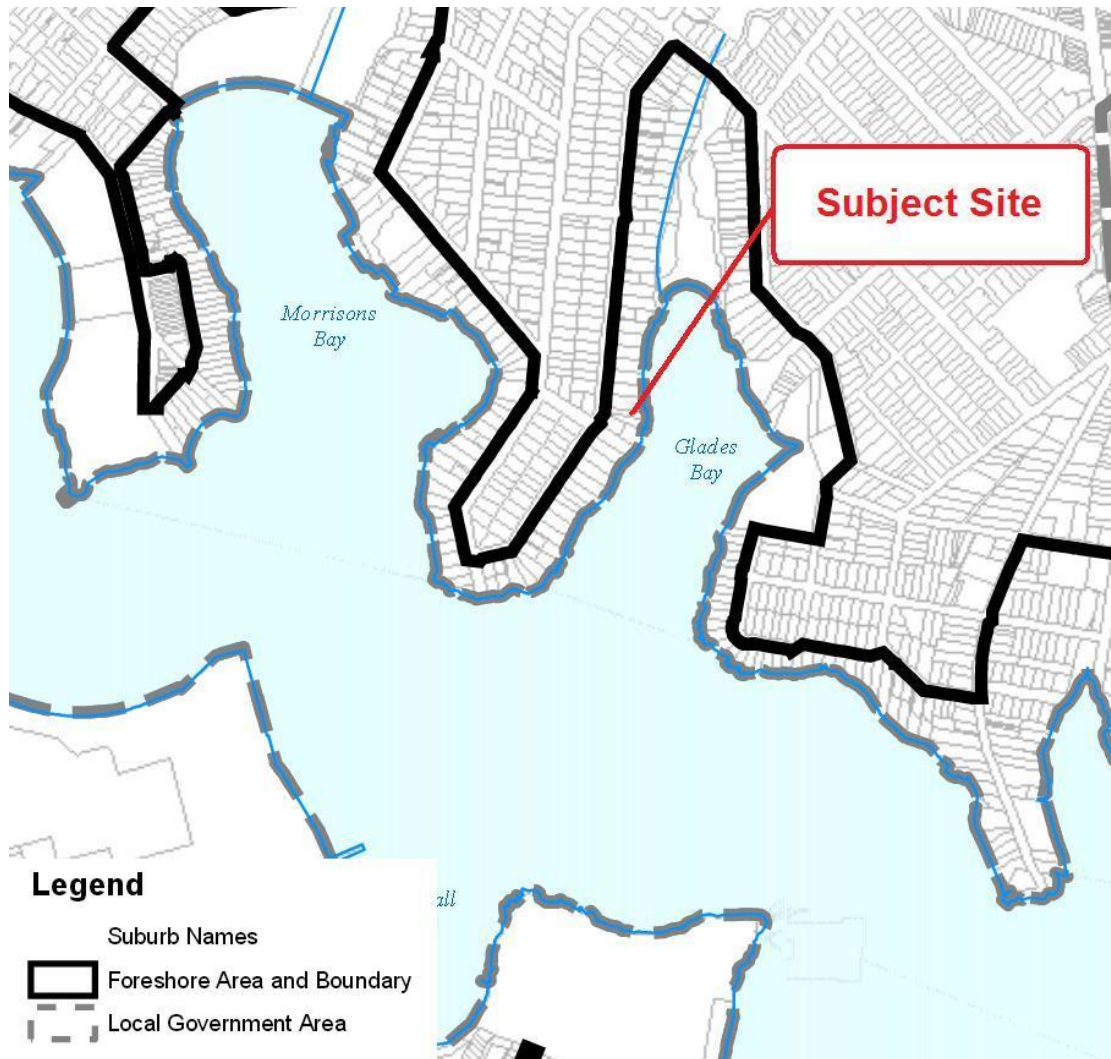


Figure 1: The map above illustrates the subject site at 68 Champion Road, Tennyson Point lies within catchment boundary that is governed by the Sydney Harbour Catchment REP.

ITEM 4 (continued)

ATTACHMENT 2



Figure 2: The map above illustrates that according to the Sydney Harbour Foreshore Authority REP the subject site at 68 Champion Road, Tennyson Point is partly located within a Wetlands Protection Area.

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

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

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

Provision	Proposal	Compliance
Statement of Character and Intent: These areas are mostly developed with detached residential development on the upper slopes and boat shed	The proposed development is for the purposes of the erection of a boundary fence within the foreshore building line. The	Yes

ITEM 4 (continued)

ATTACHMENT 2

Provision	Proposal	Compliance
<p>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>proposed development is not considered to impact on any rock outcrops or native vegetation being located a considerable distance from rock outcrops and existing foreshore vegetation. Density and spacing of the development remains unchanged as part of the proposal. Accordingly the proposed development is considered to be consistent with the character and intent for development in the Landscape Character Type 14 area.</p>	
<p>Performance criteria:</p> <ul style="list-style-type: none"> ▪ consideration is given to the cumulative and incremental effects of further development along the foreshore and to preserving the remaining special features; ▪ development is to avoid substantial impact on the landscape qualities of the foreshore and minimise the removal of natural foreshore vegetation, radical alteration of natural ground levels, the dominance of structures protruding from rock walls or ledges or the erection of sea walls, retaining walls or terraces; ▪ landscaping is carried out between buildings to soften the built environment; and ▪ existing ridgeline vegetation and its dominance as the backdrop to the waterway, is retained. 	<ul style="list-style-type: none"> ▪ Consideration has been given to the cumulative and incremental effects of further development along the foreshore. The proposed development is considered to be inconsistent and out of character with the Glades Bay waterfront area. Additionally the proposed development does not comply with fencing the fencing requirements of the Ryde DCP 2010. Given the above the proposal is not considered to preserve the remaining special features of the Landscape Character Type 14. ▪ It is considered that minimal impacts will result as part of the development, no natural existing foreshore vegetation is proposed to be removed, natural ground levels close to the shoreline have been maintained and no erection 	<p>No</p>

ITEM 4 (continued)

ATTACHMENT 2

Provision	Proposal	Compliance
	<p>of rock walls, sea walls or ledges have been proposed.</p> <ul style="list-style-type: none"> ▪ Due to the proposed works being for the erection of a boundary fence in the rear yard no landscaping has been proposed and it is considered no additional landscaping between the buildings is necessary. ▪ No existing mature ridgeline vegetation was identified during the site inspection. 	
(c) Development should have neutral or beneficial effect on quality of water entering waterways	<p>The proposed development will see the erection of a boundary fence forward of the foreshore building line. As there is no change in land-use proposed and works are considered minor in terms of biodiversity, ecology and environmental impacts it is considered the proposed development will have a neutral effect on the quality of water entering waterways.</p>	Yes

ITEM 4 (continued)
Landscape Character Map

ATTACHMENT 2

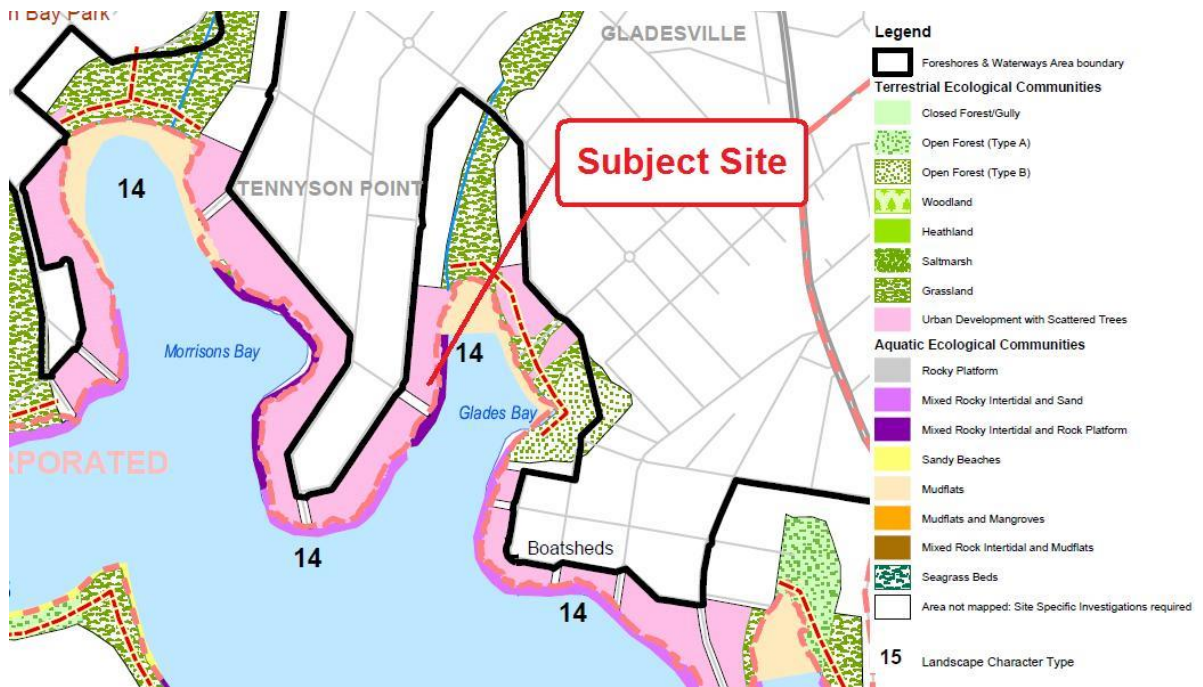
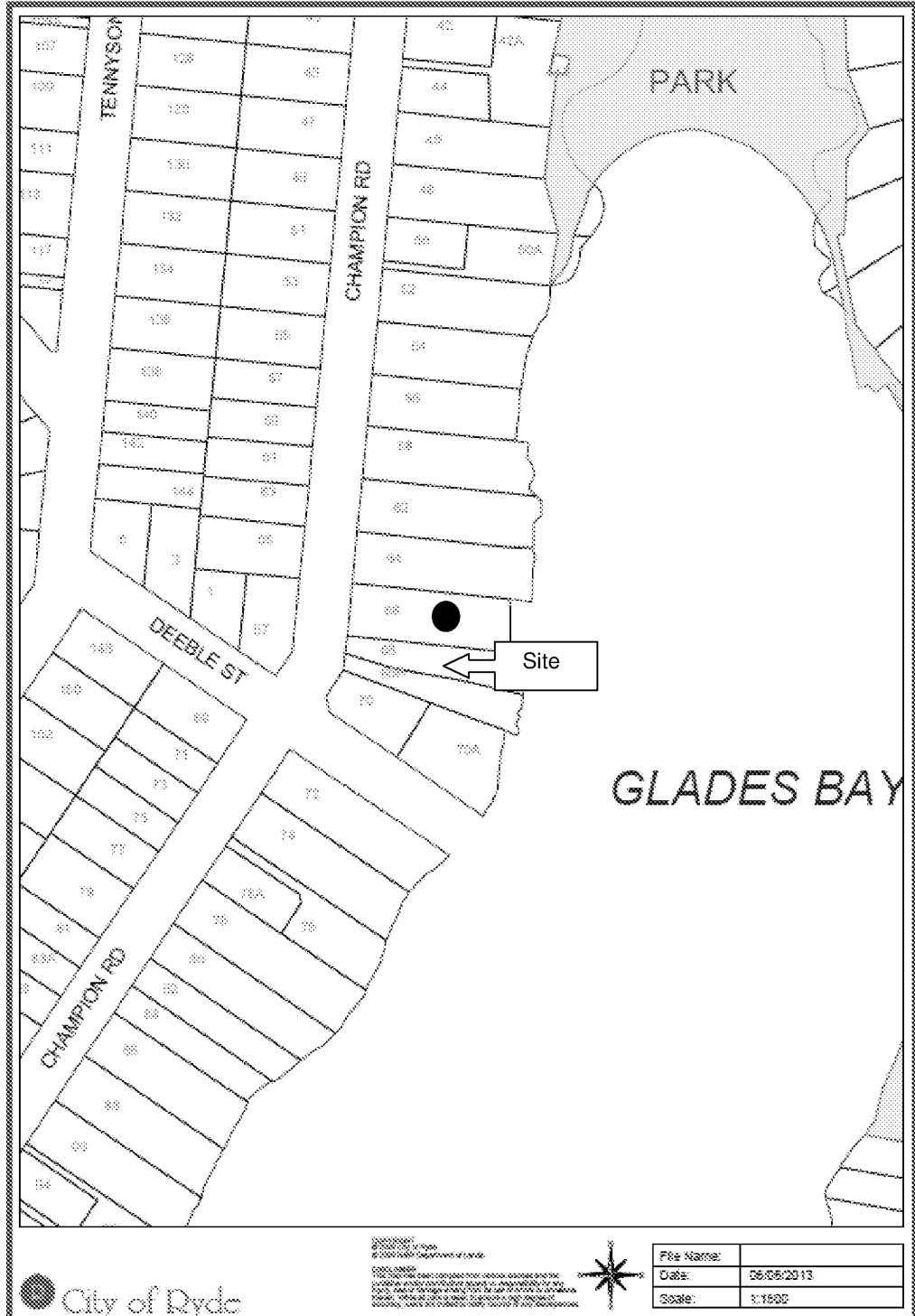


Figure 3: The above map illustrates the subject site at 68 Champion Road, Tennyson Point has a terrestrial ecological community of urban development with scattered trees with an aquatic ecological communities of mixed rocky intertidal and rock platform.

ITEM 4 (continued)

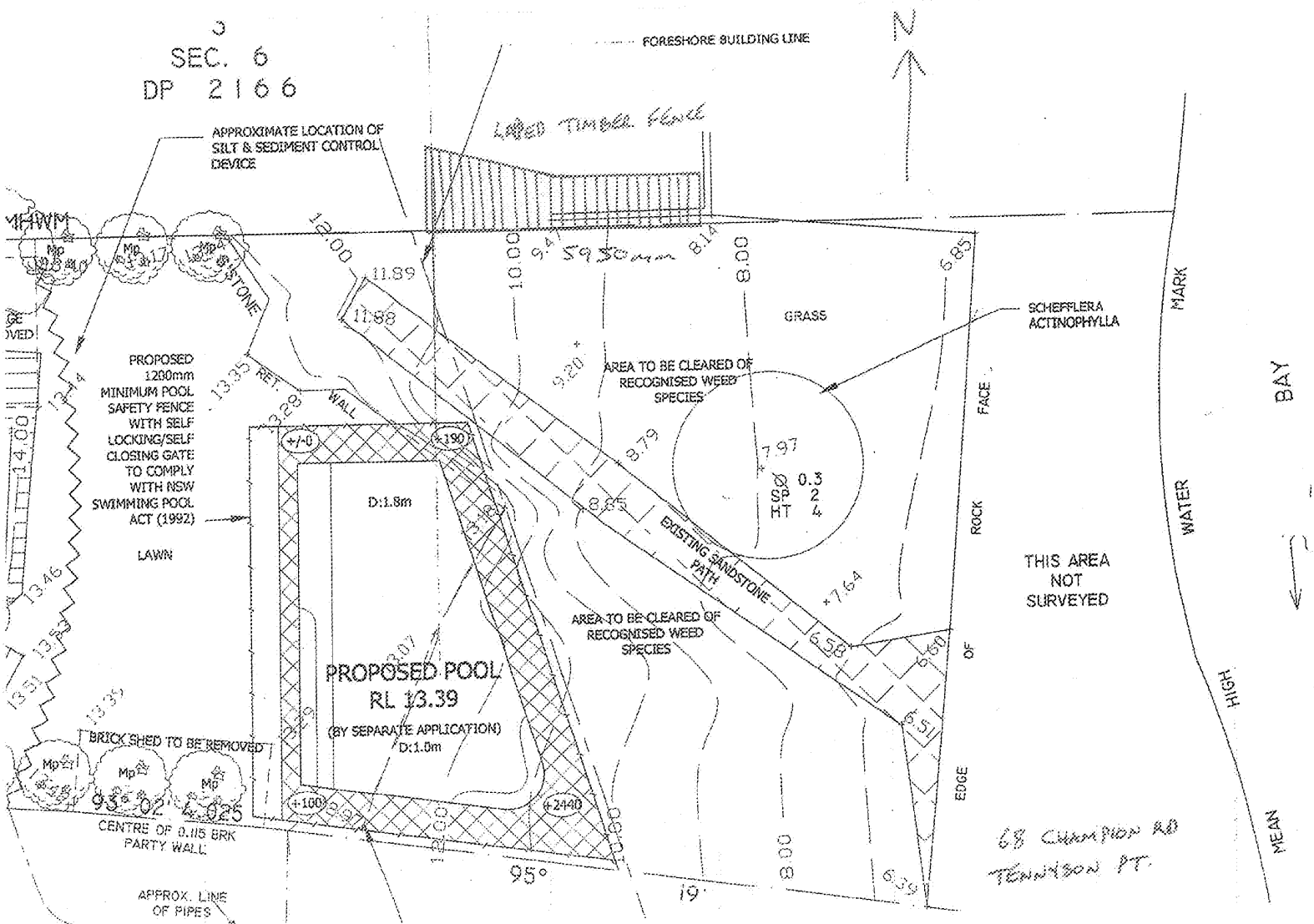
ATTACHMENT 3

 Indicates submissions received



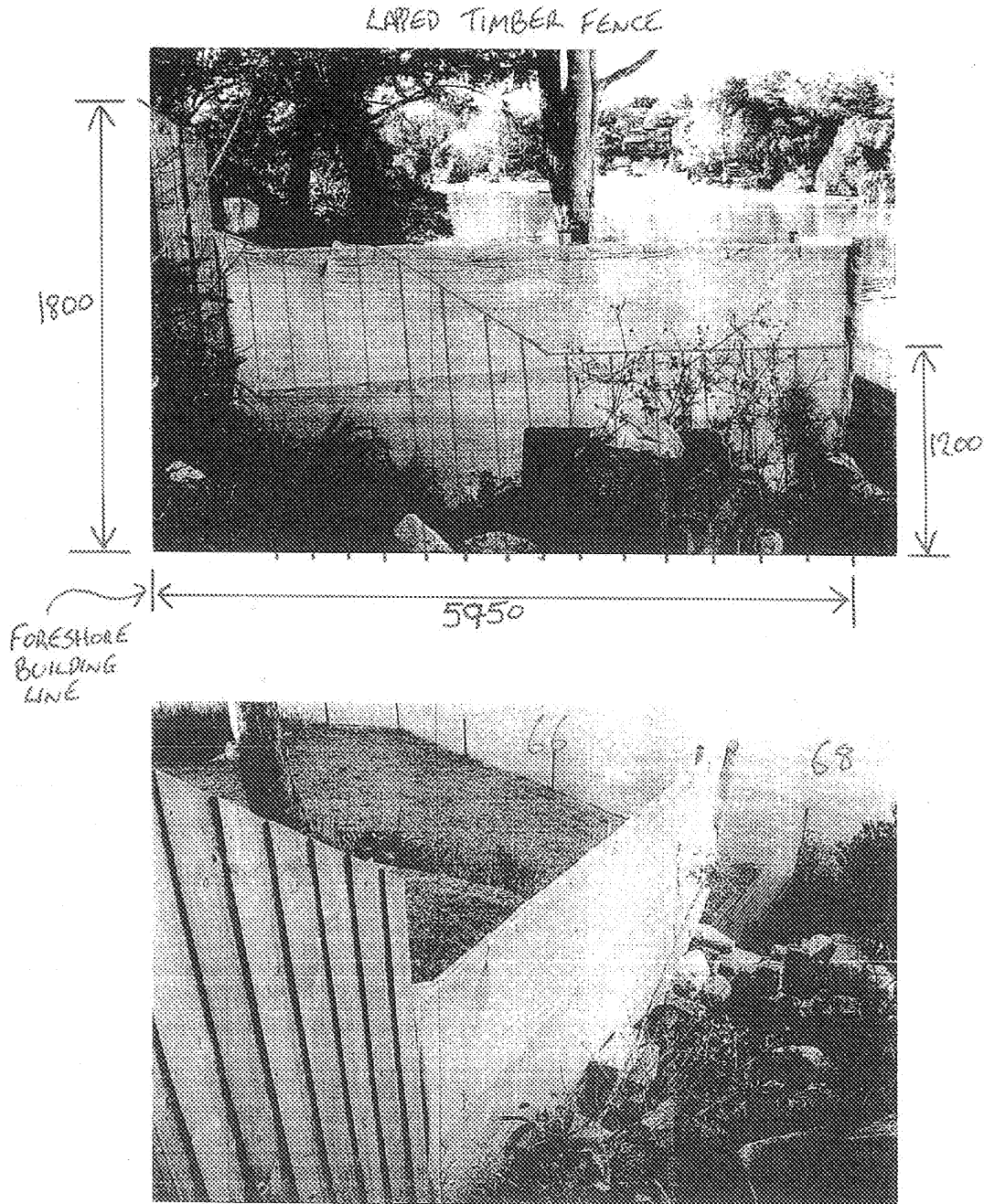
ITEM 4 (continued)

ATTACHMENT 4



ITEM 4 (continued)

ATTACHMENT 4



ITEM 4 (continued)

ATTACHMENT 4

Chris & Deborah Alexiou
P.O. Box 3440
Putney, NSW 2112
0407 027 119

City of Ryde
1 Devlin St.
Ryde, NSW 2069

19th March 2013

Statement of Enriñamenta Effect

**DA Application to Erect Lapped Timber Fence Beyond
Foreshore Building Line**

Premises: LOT: 21 DP: 233234, 68 Champion Rd, Tennyson Point, 2111

We are submitting this DA seeking approval to erect a lapped timber fence beyond the foreshore building line due to the following reasons.

1. Privacy issues
2. Prevent neighbour peering at our daughter & friends in swimming pool
3. Neighbour has many aggressive dogs, need to keep them out
4. Prevent our dog & our family from being harmed by dogs
5. Difficult to sit and enjoy lower rear yard without dogs constantly barking due to being able to see us
6. Prevent anyone falling into neighbouring yard due to height (over 1.5m drop) & causing injury
7. Security, making access to strangers difficult to enter our property
8. To complete the rear yard landscape
9. Visual appeal, visual and acoustic privacy
10. Define boundary between neighbouring property
11. Enhance the usability of our private open space

We understand that the DCP 2010 states that "any fence located forward of the foreshore building line shall be of open permeable construction" thought our case should be view totally different for the following reasons.

1. Proposed fence is located approximately 15m above MHWM
2. At 15metre above MHWM, flooding is never an issue
3. Visual appeal due to the existing and proposed fence will match
4. Land slope toward the water is steep hence no flooding

The proposed fence is to be constructed on the northern boundary between 66 and 68 with timber and lapped to match existing fence.


ITEM 4 (continued)

ATTACHMENT 4


Fence beyond foreshore building line will be 1.8m in height slowly tapering down to 1.2m height which will level out and continue to the edge prior to stepping down again and at this point will be terminated at approximately 6m length (FBL prior to edge of step down). Materials & construction costs are \$100 and I will be erecting fence myself.

Please do not hesitate if you require any further information to contact us to discuss.

Kind Regards,



Chris Alexiou



Deborah Alexiou