

Meeting Date: Tuesday 21 May 2013
Location: Committee Room 2, Level 5, Civic Centre, 1 Devlin Street, Ryde
Time: 5.00pm

NOTICE OF BUSINESS

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2	14-16 SMALL'S ROAD, RYDE. LOTS 1, 2 and 3 DP 30420. Local Development Application for demolition & the construction of a seniors housing development to accommodate a maximum of 15 disabled persons. LDA2013/0007. <i>INTERVIEW 5.00PM</i>	13
3	14A ETHEL STREET, EASTWOOD. LOT A DP 381028. Local Development Application for demolition and construction of a boarding house. LDA2012/0332. <i>INTERVIEW</i>	70
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1 CONFIRMATION OF MINUTES - Meeting held on 7 May 2013

Report prepared by: Section Manager - Governance
File No.: CLM/13/1/3/2 - BP13/92

REPORT SUMMARY

In accordance with Council's Code of Meeting Practice, a motion or discussion with respect to such minutes shall not be in order except with regard to their accuracy as a true record of the proceedings.

RECOMMENDATION:

That the Minutes of the Planning and Environment Committee 7/13, held on Tuesday 7 May 2013, be confirmed.

ATTACHMENTS

- 1 Minutes - Planning and Environment Committee - 7 May 2013

ITEM 1 (continued)

ATTACHMENT 1

Planning and Environment Committee
MINUTES OF MEETING NO. 7/13

Meeting Date: Tuesday 7 May 2013
Location: Committee Room 2, Level 5, Civic Centre, 1 Devlin Street, Ryde
Time: 5.00pm

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

Note: The Mayor, Councillor Petch arrived at the meeting at 5.23pm and was present for consideration for Items 2, 3, 4 and 5 only.

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

Apologies: Nil.

Absent: Councillor Simon.

Staff Present: Group Manager – Environment and Planning, Service Unit Manager – Assessment, Service Unit Manager – Environmental Health and Building, Executive Officer – Assessment, Team Leader – Assessment, Senior Town Planner, Consultant Town Planner (City Plan Services), Consultant Development Engineer (EZE Hydraulic Engineers) and Councillor Support Coordinator.

DISCLOSURES OF INTEREST

There were no disclosures of interest.

1 CONFIRMATION OF MINUTES - Meeting held on 16 April 2013

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

RESOLUTION: (Moved by Councillors Salvestro-Martin and Yedelian OAM)

That the Minutes of the Planning and Environment Committee 6/13, held on Tuesday 16 April 2013, be confirmed, subject to an amendment to Item 4 – 66A Pellisier Road, Putney – LDA2012/0106 to read as follows:-

MOTION: (Moved by Councillors Pendleton and Simon)

- (a) That Local Development Application No. 2012/0106 for 66a Pellisier Road be approved subject to the **ATTACHED** conditions (Attachment 1).
- (b) That the persons who made submissions be advised of Council's decision.

ITEM 1 (continued)

ATTACHMENT 1

Record of Voting:

For the Motion: Councillors Pendleton and Simon

Against the Motion: Councillors Maggio, Salvestro-Martin and Yedelian OAM

Note: As a result of the voting, this Matter is AT LARGE.

Record of Voting:

For the Motion: Unanimous

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

2 305 BLAXLAND ROAD & 5-7 NORTH ROAD, RYDE. LOT 1 DP1069680 & LOT A&B DP 414322. Local Development Application for alterations and additions to San Antonio da Padova Nursing Home. LDA2012/247.

Note: This matter was dealt with later in the Meeting as detailed in these Minutes.

3 58 - 60 FALCONER STREET, WEST RYDE. LOT 1 DP 953646 and LOT 2 DP102049. Development Application for demolition , and construction of 10 strata titled town houses under the Affordable Housing State Environmental Planning Policy. LDA2012/0124.

Note: Peter Kerrison (objector on behalf of Mrs Elaine Cooke), Marina Kerrison (objector) and Tony Jreige (applicant) addressed the Committee in relation to this Item.

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

(a) That Local Development Application No. 2012/0124 at 58 - 60 Falconer Street, West Ryde, being LOT 1 of Deposited Plan 953646 and LOT 2 of Deposited Plan 102049 be REFUSED for the following reasons:

1. The proposal is contrary to Section 79C(1)(a)(i) of the *Environmental Planning and Assessment Act 1979* as it fails to meet the objectives of the R2 Low Density Residential Zone in the Ryde Local Environmental Plan 2010.

Particulars

- a) The proposal does not ensure that *"the general low density nature of the zone is retained and that development for the purposes of dual occupancy (attached) and multi dwelling housing (attached) do not significantly alter the character of a location or neighbourhood"*.
- b) The proposal does not ensure that *"new development complements or enhances the local streetscape."*

ITEM 1 (continued)

ATTACHMENT 1

2. The proposal is contrary to Section 79C(1)(a)(i) of the *Environmental Planning and Assessment Act 1979* as it is inconsistent with the provisions of State Environmental Planning Policy (Affordable Rental Housing) 2009.

Particulars

- a) The proposal is contrary to Clause 14(1) Deep soil zones.
 - b) The proposal is contrary to Clause 16A in that it is incompatible with the streetscape and character of the local area in terms of established pattern of development, setbacks, building width and landscaping.
 - c) The proposal is inconsistent with Clause 15(1) in terms of compliance with the provisions of the Department of Planning "*Seniors Living Policy: Urban Design guidelines for infill development*" in relation to responding to the context of the local area, site planning and design, impacts on streetscape, impacts on neighbours and internal site amenity.
3. The proposal is contrary to Section 79C(1)(a)(ii) of the *Environmental Planning and Assessment Act 1979* as it fails to satisfy the provisions of the Draft Ryde Local Environmental Plan 2011.

Particulars

- a) The proposal is contrary to Clause 4.3(2C) Height of Buildings in Zone R2
4. The proposal is contrary to Section 79C(1)(a)(iii) of the *Environmental Planning and Assessment Act 1979* as it fails to satisfy the requirements of the Ryde Development Control Plan 2010.

Particulars

- a) The proposal is contrary to the objectives of Part 3.5 - Multi Dwelling Housing (attached) within the Low Density Residential Zone of the RDCP as it will:
 - Not complement existing development and streetscape
 - Result in a housing development that is not designed to a high aesthetic standard
 - Adversely affect the amenity of occupants of adjoining land and
 - Result in a multi dwelling housing (attached) development of a scale that is not related to the character of the area
- b) The proposal does not comply with the minimum floor to ceiling height requirement of Part 3.5 of the RDCP.
- c) The proposal does not comply with the side and rear setback and second street frontage setback requirements of Part 3.5 of the RDCP.
- d) The proposal does not comply with the minimum private open space area requirements of Part 3.5 of the RDCP.
- e) The garage and car parking layout dominates the development and is contrary to the provisions of Part 3.5 of the RDCP.

ITEM 1 (continued)

ATTACHMENT 1

- f) The proposal does not comply with the car parking manoeuvrability or the driveway requirements of Part 3.5 of the RDCP.
 - g) The proposal is unsatisfactory with regard to the overshadowing and access to sunlight requirements in Part 3.5 of the RDCP.
 - h) The proposal has not demonstrated compliance with the accessibility requirements of Parts 3.5 or 9.2 of the RDCP.
 - i) The proposal is unsatisfactory with regard to the Building Form requirements of Part 3.5 of the RDCP.
 - j) The proposal does not comply with the fencing requirements of Part 3.5 of the RDCP.
 - k) The proposed stormwater disposal method for the site does not meet the requirements of Part 8.2 of the RDCP.
5. Pursuant to Section 79C(1)(b) of the *Environmental Planning and Assessment Act 1979*, it is considered that the proposed development, fails to comply with requirements of Australian Standard AS2890.1-2004 with regard to the driveway width at the entrance to the development, driveway gradients, manoeuvrability in and out of garages and sightline requirements for pedestrians. The proposal would result in conflict between pedestrian and vehicular traffic and would give rise to a traffic hazard.
6. Pursuant to Section 79C(1)(b) of the *Environmental Planning and Assessment Act 1979*, the cumulative impacts of the proposed development's failure to comply with the provisions and requirements of State Environmental Planning Policy (Affordable Rental Housing) 2009, Ryde LEP 2010 and Ryde DCP 2010 will result in a development whose scale, form, density and design is inconsistent with existing development in the area and detract from the character and the amenity of the locality.
7. Pursuant to Section 79C(1)(e) of the *Environmental Planning and Assessment Act 1979*, the proposed development is not in the public interest as the development is inconsistent with the scale and intensity of development that the community can reasonably expect to be provided on this site.
8. Pursuant to Section 79C(1)(e) of the *Environmental Planning and Assessment Act 1979*, the proposed development is not in the public interest, pertaining to the number of objections that have been received in relation to the proposal.
- (b) That the persons who made submissions be advised of Council's decision.

AMENDMENT: (Moved by Councillors Chung and Yedelian OAM)

- (a) That Local Development Application No. 2012/0124 at 58-60 Falconer Street, West Ryde be deferred for amended plans to be submitted to address all issues as identified in the assessment officers report and raised by objectors including consideration being given to reducing the overall number and size of units and addressing non-compliances with Council's Planning Controls.

ITEM 1 (continued)

ATTACHMENT 1

- (b) That the amended plans are renotified to the community including all persons who made submissions and that following this process a further report be presented to Planning and Environment Committee.

Record of Voting:

For the Amendment: Councillors Chung, Pendleton and Yedelian OAM

Against the Amendment: The Mayor, Councillor Petch and Councillors Maggio and Salvestro-Martin.

Note: As a result of the voting, this Matter is AT LARGE.

Note: This matter will be dealt with at the Council Meeting to be held on **14 MAY 2013** as the matter is AT LARGE.

4 20 WEST PARADE, EASTWOOD. LOT 2 DP 808844. Application pursuant to Section 96(1A) of the Environmental Planning and Assessment Act, 1979 to amend the trading hours for Landmark Hotel. LDA No. LDA2009/0700. Section 96 Application No. MOD2012/0203.

Note: Joel Cronan care of BBC Consulting Planners (objector on behalf of Redcape Hotel Group), Edward Malouf and Grant Cusack (applicants) addressed the Committee in relation to this Item.

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

- (a) That the Section 96 application to modify Local Development Application No. MOD2012/0203 at 20 West Parade, Eastwood being LOT 2 DP 808844 be approved and the Consent to be modified in the following manner:

1. That Condition No. 1 of the Consent be amended to read as follows:

1. Development is to be carried out in accordance with the following plans and support information submitted to Council except as amended by other conditions of consent:

Plan and Documents	Description	Issue	Date
DA1501	Site Analysis & Demolition Plan	3	26/11/2010
DA1511	Floor space details	4	26/11/2010
DA2101	Basement Level – Proposed	8	19/01/2011
DA2102	Ground Floor – Proposed	6	26/11/2010
DA2104	Roof Plan	4	26/11/2010
DA2105	Showing Internal Dimensions	1	26/11/2010
DA2202	Landscaping	1	26/11/2010
DA2601	Sections	2	24/1/2011
DA3101	Elevations	4	26/11/2010

ITEM 1 (continued)

ATTACHMENT 1

DA3301	Sections	3	26/11/2010
DA5101	Schedule of Finishes – Page 1	3	26/11/2010
DA5102	Schedule of Finishes – Page 2	1	26/11/2010
-	Waste management Plan	-	
-	Venue Management Plan	-	January 2013
-	Security Management Plan	-	March 2010

2. That Condition Numbers 219 be modified to read as follows:

Existing Condition:

219. *The hours of operation of the proposal are restricted to 10:00am to 12:00 midnight Monday to Saturday and 10:00am to 10:00pm on Sundays.*

Recommended Condition:

219. The Hotel shall only operate within the hours specified under this condition:

- (a) The hours of operation of the proposal are restricted to 10:00am to 12:00 midnight Monday to Saturday and 10:00am to 10:00pm on Sundays.
- (b) Notwithstanding (a) above, the premises may operate until 3:00am on Monday to Saturday and until midnight on Sundays for a trial period of twelve months commencing from the date of the grant of an extended trading authorisation by the NSW Independent Liquor and Gaming Authority. The applicant shall as soon as reasonably possible, furnish Council with documents to confirm commencement of the trial period.
- (c) That the extended hours of operation are permitted to continue during the trial period and until a Section 96 application has been assessed and determined by Council as required by part (d) below.
- (d) The operator may seek a review of the opening hours through a separate Section 96 Application being made to Council prior to the expiry of the trial period. A decision to make the hours permanent may include (but not limited to) factors such as:
 - Any justified complaints received and investigated by the Police and or the Council;
 - Comments and advice received from the Eastwood Police as a result of the new Section 96 Application being referred to them;

ITEM 1 (continued)

ATTACHMENT 1

- The performance of the operator during the trial period with respect to compliance with the Venue Management Plan;
- Verified data submitted by the applicant in relation to the use of the courtesy bus service by the patrons during the extended opening hours. In relation to this matter an independent survey company (Quality System Certified – ISO9000/ISO9001) shall undertake progressive surveys (at the operator's costs) of the number of patrons utilizing the free bus service during the extended hours of operation.

2. That the following additional condition be imposed:

223. That the operation of the hotel must be carried out in accordance with the approved Venue Management Plan updated in January 2013.

(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 **14 MAY 2013** as Councillor **PERRAM** requested that the matter be referred to the next Council Meeting

2 305 BLAXLAND ROAD & 5-7 NORTH ROAD, RYDE. LOT 1 DP1069680 & LOT A&B DP 414322. Local Development Application for alterations and additions to San Antonio da Padova Nursing Home. LDA2012/247.

Note: Steve Sutton (objector speaking on behalf of 1 and 3 Aeolus Avenue Strata Committees and other residents/owners), Blake Shave (objector) and David Ryan (applicant from City Plan Services) addressed the Committee in relation to this Item.

Note: A series of documents were tabled by Steve Sutton (objector) in relation to this Item and copies are ON FILE.

Note: A document was tabled by David Ryan (applicant) in relation to this Item and a copy is ON FILE.

MOTION: (Moved by Councillors Yedelian OAM and Chung)

(a) That Council defer consideration of Local Development Application No 2012/247 at 305 Blaxland Road and 5-7 North Road being LOT 1 DP1069680 & LOT A&B DP 414322 to enable the applicant to submit amended plans and details addressing the issues of concern regarding the current design of the development. The specific issues of concern are:

ITEM 1 (continued)

ATTACHMENT 1

1. Vehicle access (driveway on North Road), in particular the issues of concern raised by Roads and Maritime Services (RMS) – which are that the driveway interferes with signal operation (as traffic leaving this driveway would obstruct traffic approaching this signal), the driveway is not suitable for emergency vehicle access (as the driveway would be blocked with only one or two vehicles stopping at the North Road signal approach), and the driveway also fails to satisfy AS2890.1:2004 Figure 3.3 *Minimum Sight Lines for Pedestrian Safety*;
 2. The height of the proposed building on the eastern side (addition to existing building) is excessive – both in terms of the number of storeys and height measured in metres, and should be amended to ensure compliance with the height requirements of the SHSEPP;
 3. The landscaped area is inadequate, and should be increased in particular to at least ensure compliance with the minimum amount of landscaped area required by the SHSEPP, and that more of a buffer is provided to the adjoining properties to the east – to improve concerns regarding privacy, visual amenity and bulk;
 4. The setback and architectural modulation of the proposed building on the western side (to North Road) is unacceptable, and the setbacks and architectural modulation should be increased to address issues of concern regarding visual bulk when viewed from that Road.
- (b) That the amended plans and additional information referenced in (a) above shall be re-notified to the neighbouring properties and previous submitters to the original DA.
- (c) A further report will be prepared to the Planning & Environment Committee after the completion of this process.

AMENDMENT (Moved by Councillors Maggio and The Mayor, Councillor Petch)

That the application be deferred and the Group Manager Environment and Planning undertake a mediation with the applicant and the objectors to address the non-compliances identified in the Council officer's report and that a further report be forwarded to Planning and Environment Committee.

On being put to the Meeting, the voting on the Amendment was two (2) votes For and four (4) votes Against. The Amendment was LOST. The Motion was then put.

ITEM 1 (continued)

ATTACHMENT 1

Record of Voting:

For the Amendment: The Mayor, Councillor Petch and Councillor Maggio

Against the Amendment: Councillors Chung, Pendleton, Salvestro-Martin and Yedelian OAM

RECOMMENDATION: (Moved by Councillors Yedelian OAM and Chung)

(a) That Council defer consideration of Local Development Application No 2012/247 at 305 Blaxland Road and 5-7 North Road being LOT 1 DP1069680 & LOT A&B DP 414322 to enable the applicant to submit amended plans and details addressing the issues of concern regarding the current design of the development. The specific issues of concern are:

1. Vehicle access (driveway on North Road), in particular the issues of concern raised by Roads and Maritime Services (RMS) – which are that the driveway interferes with signal operation (as traffic leaving this driveway would obstruct traffic approaching this signal), the driveway is not suitable for emergency vehicle access (as the driveway would be blocked with only one or two vehicles stopping at the North Road signal approach), and the driveway also fails to satisfy AS2890.1:2004 Figure 3.3 *Minimum Sight Lines for Pedestrian Safety*;
2. The height of the proposed building on the eastern side (addition to existing building) is excessive – both in terms of the number of storeys and height measured in metres, and should be amended to ensure compliance with the height requirements of the SHSEPP;
3. The landscaped area is inadequate, and should be increased in particular to at least ensure compliance with the minimum amount of landscaped area required by the SHSEPP, and that more of a buffer is provided to the adjoining properties to the east – to improve concerns regarding privacy, visual amenity and bulk;
4. The setback and architectural modulation of the proposed building on the western side (to North Road) is unacceptable, and the setbacks and architectural modulation should be increased to address issues of concern regarding visual bulk when viewed from that Road.

(b) That the amended plans and additional information referenced in (a) above shall be re-notified to the neighbouring properties and previous submitters to the original DA.

ITEM 1 (continued)

ATTACHMENT 1

- (c) A further report will be prepared to the Planning & Environment Committee after the completion of this process.

Record of Voting:

For the Motion: Councillors Chung, Pendleton, Salvestro-Martin and Yedelian OAM

Against the Motion: The Mayor, Councillor Petch and Councillor Maggio

Note: This matter will be dealt with at the Council Meeting to be held on **14 MAY 2013** as dissenting votes were recorded and The Mayor, Councillor **PETCH** requested that the matter be referred to the next Council Meeting

CLOSED SESSION

ITEM 5 – PART 3A – SHEPHERDS BAY – LEGAL ADVICE

Confidential

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

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

That the Committee resolve into Closed Session to consider the above matter.

Record of Voting:

For the Motion: Unanimous

Note: The Committee closed the meeting at 6.18pm. The public and media left the chamber.

LATE ITEM

5 PART 3A - SHEPHERDS BAY - LEGAL ADVICE

Note: A Confidential Document was tabled in relation to this Item and a copy is ON FILE.

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

That Council consider the attached report and advice from Jason Lazarus at the next available Council meeting.

ITEM 1 (continued)

ATTACHMENT 1

Record of Voting:

For the Motion: Unanimous

OPEN SESSION

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

That the Committee resolve itself into open session.

Record of Voting:

For the Motion: Unanimous

Note: Open session resumed at 6.36pm.

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

That the recommendation of the Item considered in Closed Session be received and adopted as a Resolution of the Council without any alteration or amendment thereto in accordance with the Committee's delegated powers.

Record of Voting:

For the Motion: Unanimous

The meeting closed at 6.37pm.

CONFIRMED THIS 21ST DAY OF MAY 2013.

Chairperson

- 2 14-16 SMALL'S ROAD, RYDE. LOTS 1, 2 and 3 DP 30420. Local Development Application for demolition & the construction of a seniors housing development to accommodate a maximum of 15 disabled persons. LDA2013/0007.**

INTERVIEW: 5.00pm

Report prepared by: Team Leader - Major Development Team

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

Report dated: 8 May 2013

File Number: grp/09/5/6/2 - BP13/684

1. Report Summary

Applicant: Stimson Consultant Services Pty Ltd.

Owner: Affordable Community Housing Limited.

Date lodged: 7 January 2013.

This report considers a proposal for demolition & the erection of serviced self contained dwellings under the provisions of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (SEPP HS). The development will contain a total of 4 separate buildings which will contain 9 dwellings and will accommodate 15 people. The facility will accommodate families of the Ryde Area Supported Accommodation for Intellectually Disabled – RASAIID. RASAIID is a group of families from the area who have adult children with dependent intellectual disabilities and this facility will provide an opportunity for the children to move from home into the development.

Although the development is not a permitted use in the R2 Low Density Zone, it is however permitted under SEPP HS, which prevails over RLEP 2010. The development does however comply with the zone objectives.

The development can comply with all of the requirements of SEPP HS subject to various conditions of consent in respect of construction requirements for self contained dwellings.

During the notification period, 5 submissions and 1 petition containing 23 signatures were received objecting to the development. The issues raised in the submissions included issues in relation to traffic, car parking and whether the development is consistent with the character of the area.

The development application is recommended for approval subject to appropriate conditions of consent.

Reason for Referral to Planning and Environment Committee: Number of submissions and a petition received.

ITEM 2 (continued)

Public Submissions: 5 submissions and 1 petition containing 23 signatures were received objecting to the development.

Clause 4.6 RLEP 2010 objection required? No.

Value of works? \$2,300,000

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

RECOMMENDATION:

- (a) That Local Development Application No. LDA2013/0007 at 14 to 16 Small's Road, Ryde being LOTS 1, 2 and 3 in DP30420 be approved subject to the **ATTACHED** conditions (Attachment 1).
- (b) That the persons who made submissions be advised of Council's decision.

ATTACHMENTS

- 1 Proposed Conditions
- 2 Map
- 3 A4 Plans
- 4 A3 Plans - subject to copyright provisions - **CIRCULATED UNDER SEPARATE COVER**

Report Prepared By:

Sandra Bailey
Team Leader - Major Development Team

Report Approved By:

Liz Coad
Manager Assessment

Dominic Johnson
Group Manager - Environment & Planning

ITEM 2 (continued)

2. Site (Refer to attached map.)

Address : 14-16 Small's Rd Ryde

Site Area : 2579m²
Frontage 31.6 metres to Small's Road and 77.875m to Santa Rosa Avenue.

Topography and Vegetation : The site is relatively flat. Four trees are contained on the site. These trees are a Magnolia, exotic cedar, avocado and a mango tree.

The following aerial photograph identifies the subject site and adjoining buildings



Existing Buildings : Single dwelling house.

ITEM 2 (continued)



**Planning
Controls
Zoning
Other**

- : R2 Low Density Residential
- : State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- State Environmental Planning Policy No. 55 – Remediation of Land
- Deemed State Environmental Planning Policy Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005
- Ryde Local Environmental Plan 2010
- Ryde Development Control Plan 2010

ITEM 2 (continued)

3. Councillor Representations

Nil.

4. Political Donations or Gifts

Any political donations or gifts disclosed? No.

5. Proposal

The development proposes the demolition of the existing house, garage and shed. It is proposed to construct a new seniors housing development pursuant to the provisions of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (SEPP HS).

The development will comprise of four main buildings that are within a landscaped setting. The landscaping includes a communal open space area as well as private outdoor areas. This is demonstrated in the following plan.



Building A is located at the western end of the property and fronts Santa Rosa Avenue. It contains two sole-occupancy units, each with two bedrooms. These dwellings are single storey and will be set back 2.585m to the western boundary 3.88m to the rear boundary and 5.5m to the street. The building will also contain a shared laundry and office.

Building B comprises of six sole occupancy attached units fronting Santa Rosa Avenue. Each dwelling is single storey and contains one bedroom. These dwellings are set back 5m from Santa Rosa Avenue.

ITEM 2 (continued)

Building C is located on the corner of Small's Road and Santa Rosa Avenue. This is a five bedroom dwelling which contains two separate living areas and an office. This building is also single storey.

Building D is a communal building which contains a therapy room, office, kitchen, dining and living area. This building is located in the backyard behind Building B. It is also single storey and will be set back 2m from the rear boundary.

In total the development will contain nine separate dwellings containing 15 bedrooms that will accommodate 15 occupants. The facility will accommodate families of the Ryde Area Supported Accommodation for Intellectually Disabled – RASAIID. RASAIID is a group of families from the area who have adult sons and daughters with dependent intellectual disabilities. This facility will provide an opportunity for people to move from home into the development.

The development proposes a total of three driveway crossings. Two of these will be accessed from Santa Rosa Avenue and will provide parking for one car only. The final driveway is located of Small's Road and will access a parking area for four vehicles.

The following photomontages represents the proposed development.



ITEM 2 (continued)



6. Background

Following a preliminary assessment of the development application, a letter was sent to the applicant on 1st February 2013. The issues raised in this letter included:

1. The development was submitted as a residential care facility under the provisions of SEPP HS. Concerns were raised that the development does not satisfy this development but is more appropriately defined as self contained dwellings (which are also permitted by the SEPP). The applicant was advised to submit further information to demonstrate that the development would satisfy the definition of a residential care facility. This information should include a legal opinion. Alternatively the SEE is to be amended to address the provisions of the SEPP in relation to self contained dwellings.
2. It will be necessary to provide further information to demonstrate that the development satisfies the provisions of Clause 26 in respect to access to shops, banks, community facilities, medical facilities etc.
3. An Arborist Report is required to be submitted.
4. Concerns were raised with the setback of Building A to Santa Rosa Avenue. It was requested that this be increased from 5m to 5.5m.
5. Further information was requested in respect to the Access Report.
6. Clarification was required in respect to the number of occupants and carers.

A further letter was sent to the applicant on 7 February 2013 requesting further engineering information.

The applicant submitted further information on 20 March 2013 and 28 March 2013. The only changes to the architectural plans resulted in the setback of Building A to Santa Rosa Avenue being increased from 5m to 5.5m and a reduction in the width of a verandah to Building C also adjacent to Santa Rosa Avenue. These changes failed to alter the plans significantly and it was deemed unnecessary to readvertise or renotify the amended plans.

ITEM 2 (continued)

The applicant provided further information in respect to why the facility was defined as a residential care facility. This did not include a legal opinion. The applicant also provided information in case Council chooses to define the development as self contained dwellings.

7. Submissions

The proposal was advertised and notified in accordance with Development Control Plan 2010 - Part 2.1, Notification of Development Applications. The application was advertised on 23 January 2013. Notification of the proposal was from 15 January 2013 until 6 February 2013.

During this time, Council received five submissions and one petition containing 23 signatures. The issues raised in the submissions were;

- *Insufficient car parking provided on the site. This will result in more congestion with additional cars parking on the street.*

Comment: Under the provisions of the SEPP HS, the development is required to provide two car parking spaces on the site. However, the development has proposed parking for six cars and one ambulance. The car parking will be available to staff and visitors rather than the residents. The applicant has advised that the maximum number of staff at any one time will be six. It is possible that on occasions when the maximum number of staff are present, there would not be parking on site for visitors who would then be required to park on the street. This impact is not considered sufficient to warrant the refusal of the development. Council's attention is drawn to the fact that as the development exceeds the parking requirements of SEPP HS, Council cannot use parking as a reason for refusal.

- *The above concern is also combined with the NSW Department of Education and Training being located at 3A Smalls Road. When seminars or training is held on the site many cars park in Santa Rosa Avenue making it difficult for us to manoeuvre cars out of driveways.*

Comment: As detailed above, parking cannot be used as a reason for refusal. Parking on the street as a consequence of the development is unlikely to significantly affect the amenity of the locality. This matter has also been discussed with Council's Traffic Engineer who agrees that the development is unlikely to generate a significant amount of traffic movements and is not likely to negatively impact on street parking.

- *Currently there is a Monday to Friday 9am to 5pm "No Parking" and "No Stopping" restriction. We would like Council to confirm that this would remain in place should the development go ahead.*

ITEM 2 (continued)

Comment: No changes are proposed to these parking restrictions as a result of the development. Any changes to this arrangement would need to be considered by Council's Traffic Committee.

- *If the street is full of parked cars it will be difficult having our rubbish bins emptied by the garbage trucks. This has already happened when there is training being held at the Department of Education and Training site.*

Comment: This is not considered to be a relevant issue to the development application. The development already exceeds the number of car parking spaces required by SEPP HS and Council cannot require any further on site parking.

- *With 15 families visiting the facility this will increase the traffic that occurs in Santa Rosa Avenue which could result in more accidents and increased tension. To prevent this, the main driveway/access point should be on Smalls Road.*

Comment: The main access/driveway is already from Smalls Road. The development has proposed two driveways in Santa Rosa Avenue. This would be consistent with the number of driveways if each lot that faces Santa Rosa Avenue within the development site was developed with a single dwelling house.

- *There is no footpath in Santa Rosa Avenue so many pedestrians walk on the road. This will add to conflicts with pedestrians and vehicular traffic.*

Comment: As part of any approval it is proposed to include a condition on the consent to require a footpath in front of the site along Santa Rosa Avenue. This should encourage pedestrians to use the footpath rather than walking on the road which should limit conflicts between pedestrians and vehicles. (See condition number 68).

- *Due to the loss of soft surface, we are concerned with the impact on stormwater drainage and that this may lead to flooding of our streets.*

Comment: Council's Development Engineer has reviewed the revised drainage plan and has confirmed that the plan complies with Council's requirements under Part 8.2 of DCP 2010 – Stormwater Management. The development is unlikely to result in flooding to the streets.

- *Will the development always be used for the purpose of residential care facility accommodating a maximum of 15 people? What is the process if the owner decides to increase the number of residents as this would have an environmental impact on the surrounding area.*

ITEM 2 (continued)

Comment: It is proposed to include a condition on any approval restricting the maximum number of occupants to 15 (see condition number 69). If the owner decided to increase this number, it would be necessary for a Section 96 application to be submitted for Council's consideration. Part of the processing of this application would be to notify the Section 96 as well as considering whether the development complied with the requirements of SEPP HS and if there were any environmental impacts as a consequence of this application.

- *Please advise who we can contact during the development phase of any violations or issues. Will we be advised in advance of work commencing on the site?*

Comment: Prior to demolition of the existing dwelling, it will be necessary for the applicant to give seven days notice to the adjoining property owners. (See condition number 15). Signage will be required to be erected on the site and left there throughout the development process advising who the Principal Certifying Authority (PCA) is for the project. If there are any breaches of conditions of consent it will be a matter for the PCA to investigate.

- *Who will be responsible for the facility after the residents move in?*

Comment: The facility is to be managed by Evolve Housing (formally known as Affordable Community Housing Limited). Evolve Housing is a registered community housing group in NSW and provides the services and management of community and affordable housing. Evolve Housing will carry out the capital works and then manage and undertake the maintenance of the dwellings and grounds. The buildings will be occupied by family members of the Ryde Area Supported Accommodation for Intellectually Disabled (RASAID). RASAID will be responsible for securing the support providers who will provide ongoing support services to residents.

- *Concerned that Council has not dealt with complaints about the state of the property very well and has not cut the nature strip.*

Comment: This matter is not relevant to the determination of the development application.

- *The facility will affect the quiet ambience of the environment. The number of residents, carers and visitors will not make it a residential feel that a single dwelling would have.*

Comment: The development will be different to a residential dwelling. However such a use is compatible in the low density residential zoning. There is nothing to suggest that the development will adversely affect the quiet ambience of the area.

ITEM 2 (continued)

- *The building to land ratio is greater than a single dwelling which will make it inconsistent with the street.*

Comment: The maximum floor space ratio permitted for a dwelling house is 0.5:1. This development has proposed a floor space ratio of 0.43:1. Based on the floor space ratio, there is nothing to suggest that the development would be inconsistent with the character of the street.

- *If approved there should be no signage displayed on the premises that specifies it as a residential care facility or display of the RASAIID or Evolve organisation name.*

Comment: Signage is used for all sorts of purposes and in this case the purpose would be for site identification. The application currently does not propose signage. However it would be possible for signage to be erected on the site at a future date. Signage could be erected under the exempt development provisions or the applicant may choose to lodge a further development application. It is not considered to be a reasonable request to prohibit all signage from the site.

- *Request a new dividing fence between 4 and 6 Santa Rosa Avenue. This fence should be 6ft with an additional privacy screen and be a dark brown colourbond fence.*

Comment: The applicant has agreed to this request. An appropriate condition of consent has been included. (See condition number 33).

- *The awning off the verandah of building A should not be built to the fence line of 6 Santa Rosa Avenue. This should be 900mm off the boundary so that it does not obstruct our view and block our natural lighting.*

Comment: As proposed, the awning over the verandah on building A will be built to the boundary. As this awning is extending from the eaves line, it will be visible from the adjoining property. The request by the neighbour to have this setback 900mm from the boundary is reasonable and a condition of consent has been imposed to require this to occur. (See condition 34). The applicant has also agreed to this change.

- *We don't want roof windows on Building A facing our property as this will cause further overshadowing. Skylights should be installed instead.*

Comment: This matter has been discussed with the applicant who does not wish to remove these dormer windows. These windows are demonstrated on the following figure.

ITEM 2 (continued)

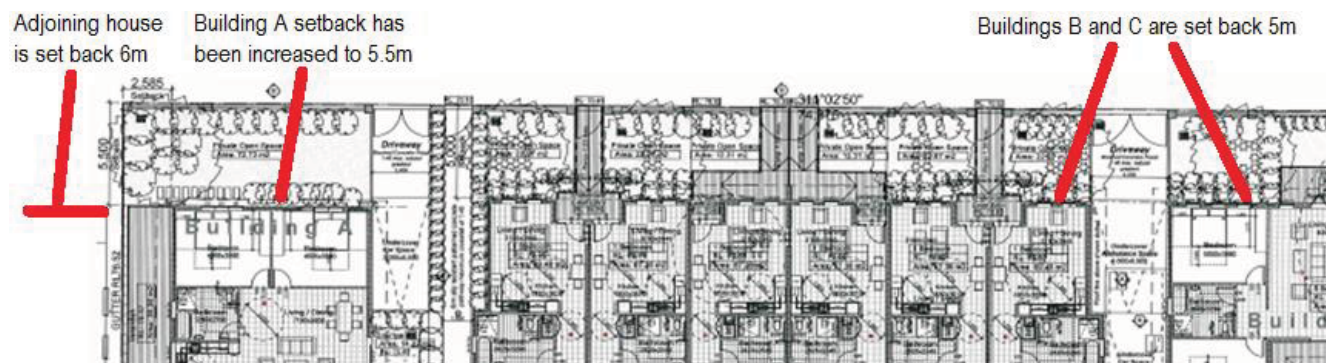
Comment: Privacy to the adjoining properties will be retained by the provision of boundary fences. The landscaping proposed will enhance the streetscape.

- *Would like the “No Standing” in Santa Rosa Avenue to be extended 24 hours rather than the current times displayed.*

Comment: The objector has not stated the reasons for wanting this change and there does not appear to be a relationship between this development and the above request. However, any changes to the street signage would be more appropriately considered by the Council's Traffic Committee. If the development application is approved, it is recommended that the submissions received in respect of the development application be forwarded to Council's Traffic Engineer for consideration at the Traffic Committee if deemed appropriate.

- *The proposed building setback is not in line with the rest of the street. This should be consistent.*

Comment: This issue relates to Santa Rosa Avenue. On the original plans all three of the buildings were setback 5m from Santa Rosa Avenue. Santa Rosa Avenue is considered to be the secondary frontage rather than the primary frontage. The 5m setback for Buildings B and C is considered to be appropriate as this is consistent with Council's requirements for Multi Dwelling Housing in Part 3.5 of DCP 2010 which requires a 4.5m setback for secondary frontages. Concerns were raised however with the 5m setback for Building A. Adjacent properties are setback 6m from Santa Rosa Avenue. To provide a better transition between these properties and Buildings B and C, the setback of Building A was required to be increased to 5.5m. The amended plans have incorporated this change. As proposed, these setbacks are considered to be appropriate.



- *Lighting to internal paths should be time restricted as we don't want lights shining all night.*

ITEM 2 (continued)

Comment: The SEPP HS requires that pathway lighting is to be designed and located so that it avoids glare to adjacent dwellings. Condition 29 has been imposed to require the lighting to be provided on a sensor system.

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

No.

9. Policy Implications**Relevant Provisions of Environmental Planning Instruments etc:****(a) Relevant SEPPs****State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004**Clause 4 Land to which Policy applies:

SEPP HS applies to land in NSW that is zoned primarily for urban purposes and which permits

- (i) dwelling-houses,
- (ii) residential flat buildings,
- (iii) hospitals,
- (iv) development of a kind identified in respect of land zoned as special uses, including (but not limited to) churches, convents, educational establishments, schools and seminaries.

The subject site is zoned R2 – Low Density Residential which permits dwelling houses. As such the proposed form of housing is permissible under SEPP HS.

Clause 10 Seniors Housing

Clause 10 of this policy identifies senior housing as residential accommodation that is, or is intended to be, used permanently for seniors or people with a disability consisting of:

- (a) a residential care facility, or
 - (b) a hostel, or
 - (c) a group of self-contained dwellings, or
 - (d) a combination of these,
- but does not include a hospital.

ITEM 2 (continued)

The applicant has submitted the development application as a residential care facility. Rather than a residential care facility, the author of this report has identified the development as self contained dwellings. Despite requesting legal advice from the applicant to clarify this issue, this was not provided. The reason for defining the development as self contained dwellings is discussed below.

The SEPP HS defines these types of residential accommodation as follows:

Residential care facility is residential accommodation for seniors or people with a disability that includes:

- (a) meals and cleaning services, and*
 - (b) personal care or nursing care, or both, and*
 - (c) appropriate staffing, furniture, furnishings and equipment for the provision of that accommodation and care,*
- not being a dwelling, hostel, hospital or psychiatric facility.*

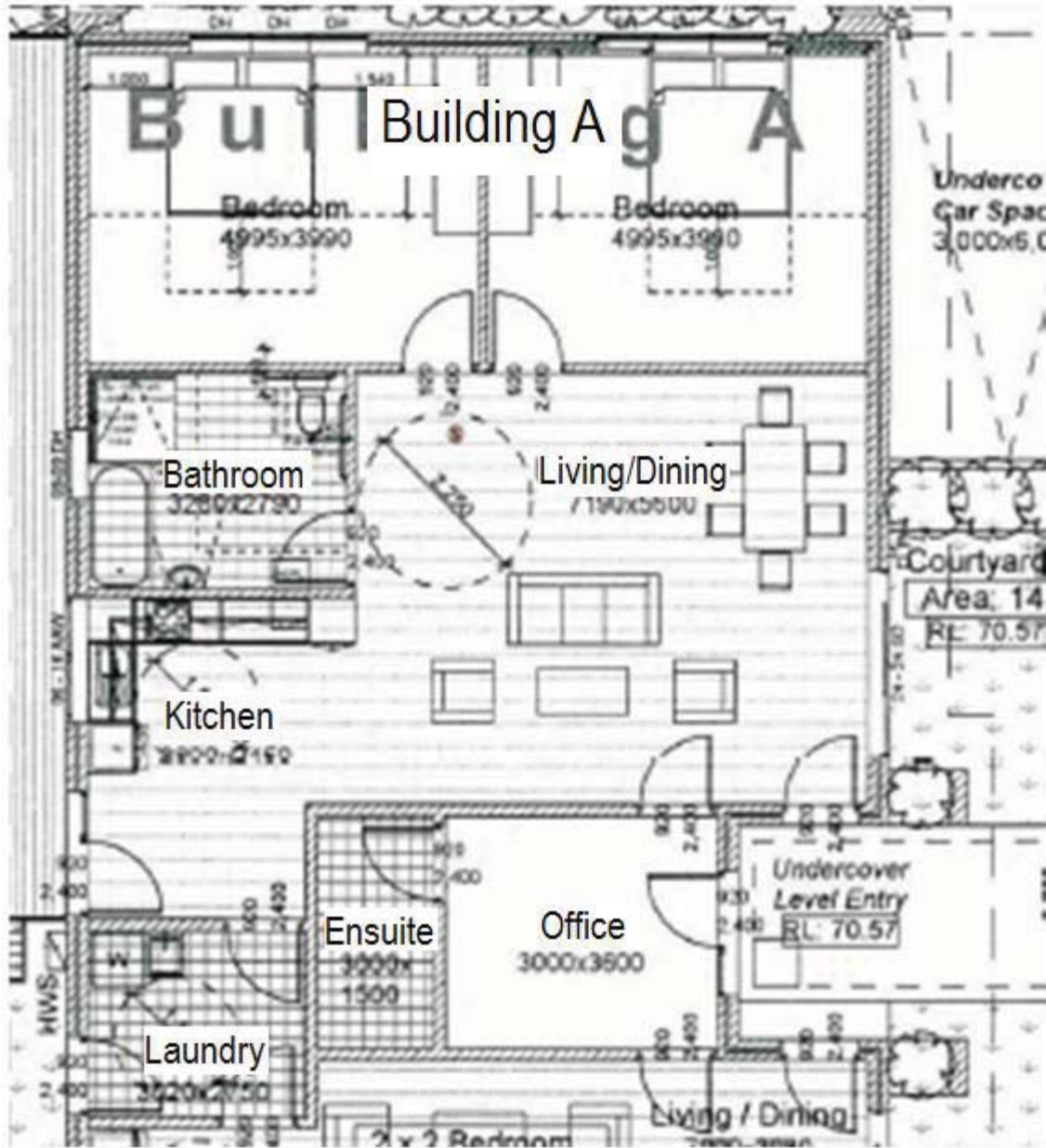
Self contained dwelling is a dwelling or part of a building (other than a hostel), whether attached to another dwelling or not, housing seniors or people with a disability, where private facilities for significant cooking, sleeping and washing are included in the dwelling or part of the building, but where clothes washing facilities or other facilities for use in connection with the dwelling or part of the building may be provided on a shared basis.

Self contained dwellings can consist of either in-fill self care housing or serviced self-care housing. The difference between the two forms of self contained dwellings is whether services such as meals, cleaning services, personal care and nursing care are available or not available on the site.

The applicant has provided detailed information in respect to the provision of services including meals, cleaning, personal care and nursing care. All of these services can be provided to either a residential care facility or serviced self care housing. However the difference of opinion between the author of the report and the applicant is whether what is proposed is defined as a dwelling. The SEPP HS defines dwelling as meaning *a room or suite of rooms occupied or used, or so constructed or adapted as to be capable of being occupied or used as a separate domicile.*

ITEM 2 (continued)

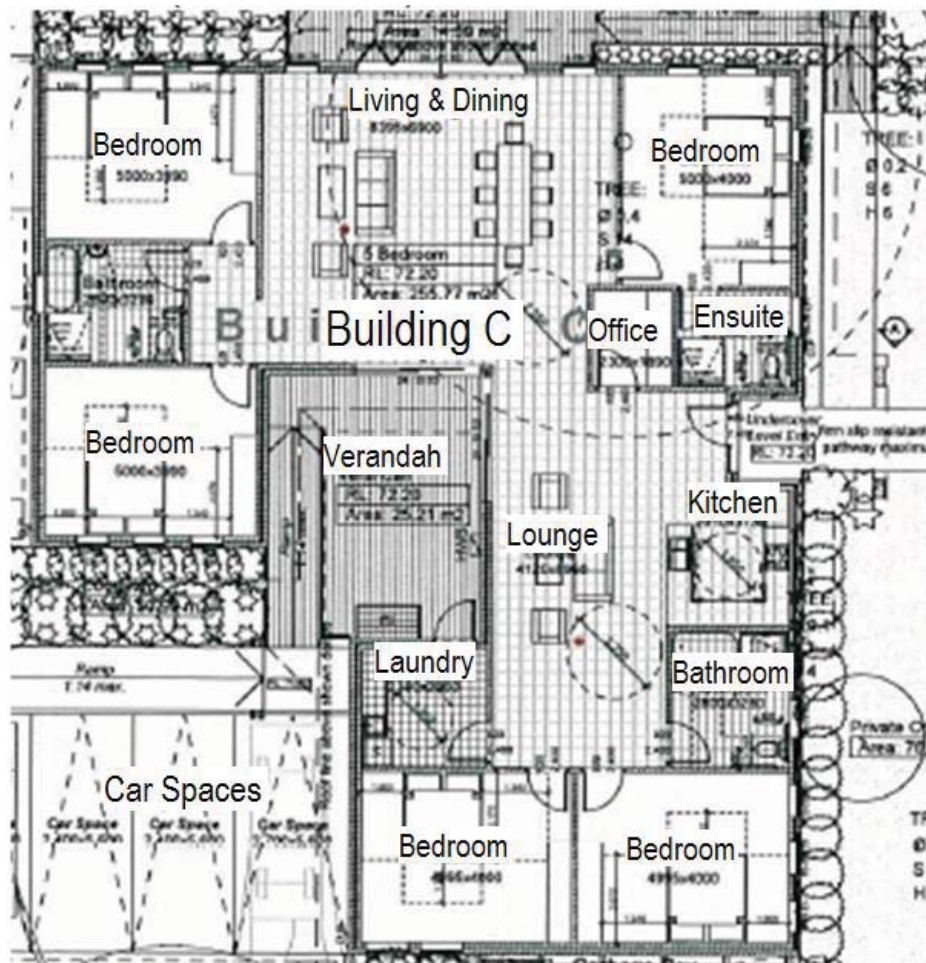
The development involves three layout types which are contained in the buildings. These are detailed below.



ITEM 2 (continued)



ITEM 2 (continued)



These floor plans provide private facilities that would include cooking, sleeping and washing. The layout will meet the definition of a dwelling. As the definition of a residential care facility excludes a dwelling, the most appropriate definition would be serviced self care housing. For this reason, this assessment report has been written based on the development being defined as serviced self care housing.

It should be noted, however, if the development was assessed as a residential care facility, it would fully comply with the requirements of SEPP HS.

Clause 18 Restrictions on occupation of seniors housing allowed under this Chapter:

This clause states that development allowed by the SEPP HS may be carried out only for *seniors or people who have a disability, people who live within the same household with seniors or people who have a disability, or staff employed to assist in the administration of and provision of services to housing provided under this Policy.*

ITEM 2 (continued)

Conditions 10 and 61 have been imposed requiring that only *senior people or people who have a disability, people who live within the same household with seniors or people who have a disability* may occupy the dwellings. A restriction as to user is to be placed against the title of the property limiting the use of the dwellings to the above people.

Part 2 Site related requirements:Clause 26 Location and access to facilities:

Clause 26 (1) of the SEPP HS states that the consent authority must not consent to a development application unless the consent authority is satisfied, by written evidence that residents of the proposed development will have access to shops, bank service providers and other retail and commercial services, community services and recreational facilities and the practice of a general medical practitioner.

Clauses 2(a) & (b) & 3 require access to:

- (a) *facilities and services to be located at a distance of not more than 400 metres from the site of the proposed development that is a distance accessible by means of a suitable access pathway and the overall average gradient for the pathway is no more than 1:14, although the following gradients along the pathway are also acceptable:*
- (i) *a gradient of no more than 1:12 for slopes for a maximum of 15 metres at a time,*
 - (ii) *a gradient of no more than 1:10 for a maximum length of 5 metres at a time,*
 - (iii) *a gradient of no more than 1:8 for distances of no more than 1.5 metres at a time, or*
- (b) *in the case of a proposed development on land in a local government area within the Sydney Statistical Division there is a public transport service available to the residents who will occupy the proposed development:*
- (i) *that is located at a distance of not more than 400 metres from the site of the proposed development and the distance is accessible by means of a suitable access pathway, and*
 - (ii) *that will take those residents to a place that is located at a distance of not more than 400 metres from the facilities and services referred to in subclause (1), and*
 - (iii) *that is available both to and from the proposed development at least once between 8am and 12pm per day and at least once between 12pm and 6pm each day from Monday to Friday (both days inclusive), and the gradient along the pathway from the site to the public transport services (and from the public transport services to the facilities and services referred to in subclause (1)) complies with subclause (3).*

ITEM 2 (continued)

(3) *For the purposes of subclause (2) (b) and (c), the overall average gradient along a pathway from the site of the proposed development to the public transport services (and from the transport services to the facilities and services referred to in subclause (1)) is to be no more than 1:14, although the following gradients along the pathway are also acceptable:*

- (i) a gradient of no more than 1:12 for slopes for a maximum of 15 metres at a time,*
- (ii) a gradient of no more than 1:10 for a maximum length of 5 metres at a time,*
- (iii) a gradient of no more than 1:8 for distances of no more than 1.5 metres at a time.*

The nearest facilities and services to this site would be located at the Top Ryde Shopping Centre. The Top Ryde Shopping Centre is located more than 400m from the site so the development must rely on public transport to access the facilities and services required.

A site inspection of the locality has confirmed that the nearest bus stop is located on either side of Quarry Road. Bus route 518 connects this bus stop with the Top Ryde Shopping Centre as well as Macquarie University, Macquarie Shopping Centre and the City.

The maximum distance of the site to the bus stop is 297m. This distance is measured along Santa Rosa Avenue, Smalls Road and Quarry Road. Information has been provided to demonstrate that the development meets the criteria for at least one bus between 8am and 12pm and between 12pm and 6pm Monday to Friday inclusive and that the access will not exceed more than 1:14.

There is currently no footpath in front of the development site in Santa Rosa Avenue. As access to Buildings A and B is possible directly from Santa Rosa Avenue, it is proposed to include a condition on the consent to require the construction of a footpath in Santa Rosa Avenue. This will improve the access provisions to the site. (See condition number 68).

The development satisfies the provisions of Clause 26.

Clause 27 Bush Fire prone land:

This clause is not applicable as the site is not located on bush fire prone land.

Clause 28 Water & Sewer

Council must be satisfied that the housing will be connected to a reticulated water system and have adequate facilities for the removal or disposal of sewage.

ITEM 2 (continued)

The applicant has advised that water and sewer is currently available to the site. Condition 59 has been imposed requiring a Section 73 Compliance Certificate under the Sydney Water Act 1994 be obtained from Sydney Water Corporation prior to occupation of the development. The development satisfies the requirements of this clause.

Clause 29 Consent authority to consider certain site compatibility criteria for development applications to which clause 24 does not apply

This clause requires Council to take into consideration the criteria referred in clause 25(5)(b)(i), (iii) and (v) if a site compatibility certificate is not required under clause 24 of the SEPP.

The matters to be considered under Clause 25 (5) (b) (i), (iii) & (v) are:

25 (5) (b) the proposed development is compatible with the surrounding land uses having regard to (at least) the following criteria:

- (i) the natural environment (including known significant environmental values, resources or hazards) and the existing uses and approved uses of land in the vicinity of the proposed development,*
- (iii) the services and infrastructure that are or will be available to meet the demands arising from the proposed development (particularly, retail, community, medical and transport services having regard to the location and access requirements set out in clause 26) and any proposed financial arrangements for infrastructure provision,*
- (v) without limiting any other criteria, the impact that the bulk, scale, built form and character of the proposed development is likely to have on the existing uses, approved uses and future uses of land in the vicinity of the development,*

The subject site is not affected by any site constraints such as heritage, flooding or subsidence. In addition the development does not contain any significant vegetation. The site is within a residential zone and is surrounded by other residential properties. Immediately opposite the site on Smalls Road, there is a large Department of Education site. The seniors housing development will be compatible with the predominant residential developments.

The development proposes a total of four buildings containing nine separate dwellings on the site. These buildings will all be single storey and the development will have a floor space ratio of 0.43:1. Each building is also located in a landscaped setting. In terms of the height, bulk and scale, built form and character the proposed development is compatible with the surrounding area.

ITEM 2 (continued)

The site is well serviced with two regional shopping centres being within access of the site. In addition to this, any approval of the development would require a condition of consent in respect of Section 94 contributions that would go towards infrastructure provision and facilities.

The development satisfies the requirements of Clause 25(5)(b)(i)(iii) and (iv).

Part 3 Design requirements

Under this Part of SEPP HS, a consent authority must not consent to a development application unless the consent authority is satisfied the proposed development provides a site analysis as well as adequate regard being given to the design principles set out in Division 2. These matters are addressed in the following table.

SEPP Provisions	Assessment	Comply
Clause 30 - Site Analysis: A Site Analysis Diagram is required.	The submitted architectural drawings include a Site Analysis drawing.	Yes
Clause 33 Neighbourhood amenity & Streetscape: (a) recognise the desirable elements of the location's current character so that new buildings contribute to the quality and identity of the area, and (b) retain, complement and sensitively harmonise with any heritage conservation areas in the vicinity and any relevant heritage items that are identified in a local environmental plan, and (c) maintain reasonable neighbourhood amenity and appropriate residential character by: (i) providing building setbacks to reduce bulk and overshadowing, and (ii) using building form and siting that relates to the site's land form, & (iii) adopting building heights at the street frontage that are	The proposed development has been designed to be compatible with the visual character of the area. The predominant form of development in the area is dwelling houses being either single storey or two storeys. The development has proposed single storey buildings that are within a landscaped setting. Along Smalls Road, Building C is set back 6m from the street. Although this is forward of the adjoining house which is set back 7.5m, it is consistent with the Dwelling House and Duplex Building DCP which permits 6m setbacks. This setback is consistent with the future character of Ryde. Three buildings front Santa Rosa Avenue. Originally all of these buildings were set back 5m from Santa Rosa Avenue. The 5m setback is considered acceptable for buildings C and B as Council's DCP for Multi Dwelling Housing requires a 4.5m setback from the secondary street frontage. Santa Rosa Avenue is considered to be the secondary street	Yes

ITEM 2 (continued)

SEPP Provisions	Assessment	Comply
<p>compatible in scale with adjacent development, & (iv) considering, where buildings are located on the boundary, the impact of the boundary walls on neighbours, & (d) be designed so that the front building of the development is set back in sympathy with, but not necessarily the same as, the existing building line, & (e) embody planting that is in sympathy with, but not necessarily the same as, other planting in the streetscape, & (f) retain, wherever reasonable, major existing trees, & (g) be designed so that no building is constructed in a riparian zone.</p>	<p>frontage. However concerns were raised with the setback of Building A. Other buildings within Santa Rosa Avenue are set back 6m. To provide a more appropriate transition, the applicant was requested to increase the setback of Building A from 5m to 5.5m. The applicant has amended the plan to provide a 5.5m setback for Building A.</p> <p>The front setbacks are consistent with Council's DCP's for dwelling houses and multi dwelling housing.</p> <p>The original plans also proposed a verandah adjacent to Building C which was set back 1m from Santa Rosa Avenue. Due to the levels of the site this would result in the verandah being a maximum of 1m above natural ground level. As a result, any balustrade would be highly visible and there would be minimal opportunity for landscape planting. The current plans have reduced the size of the verandah to ensure that it is set back 3m from Santa Rosa Avenue. This will allow for more landscaping to be provided as well as ensuring that it will not adversely impact on the streetscape.</p> <p>The bulk and scale of the development is considered acceptable. Each building is single storey with the roof incorporating dormer windows which will add visual interest.</p> <p>Overshadowing to the adjoining properties is acceptable with the adjoining properties each receiving the required solar access.</p> <p>The site does not contain any major trees. The proposed landscaping will assist in softening the appearance of the development as well as ensuring suitable amenity for the streetscape and residents.</p>	

ITEM 2 (continued)

SEPP Provisions	Assessment	Comply
	The site is not located within a conservation area or riparian zone.	
<p>Clause 34 Visual and acoustic privacy:</p> <p>The development should consider the visual and acoustic privacy of neighbours in the vicinity and residents by:</p> <p>(a) appropriate site planning, the location and design of windows and balconies, the use of screening devices and landscaping, &</p> <p>(b) ensuring acceptable noise levels in bedrooms of new dwellings by locating them away from driveways, parking areas and paths.</p>	<p>Building A is located in the closest proximity with any adjoining building being No 6 Santa Rosa Avenue. Building A has been set back 2.585m from the common boundary. Attached to part of Building A is a verandah which is proposed to be set back 200mm from the boundary. This verandah will be covered with a pergola that will extend to the boundary. The top of the pergola will be 2.7m above natural ground level so that this structure will be visible from the adjoining property. Due to the natural topography, when a person is standing on a portion of this verandah, it would be possible to overlook a 1.8m high boundary fence and see into 6 Santa Rosa Avenue. The neighbour has requested a 1.8m fence plus an additional privacy screen on top of the fence. This will prevent overlooking to this site. The applicant has agreed to this fencing and condition 34 has been imposed to require details on the construction certificate plans. The neighbour has also raised concerns about the pergola over this verandah. Although it does not affect the visual or acoustic privacy of 6 Santa Rosa Avenue, it is proposed to require this structure to be set back 900mm from the boundary. The applicant has also agreed to this change.</p> <p>The development will not affect the visual or acoustic privacy of any other development.</p> <p>The clause also requires that developments provide acceptable noise levels in bedrooms of new dwellings. This has been achieved with no new bedrooms located immediately adjacent to driveways or pathways.</p>	Yes

ITEM 2 (continued)

SEPP Provisions	Assessment	Comply
<p>Clause 35 Solar access and design for climate:</p> <p>The proposed development should:</p> <p>(a) ensure adequate daylight to the main living areas of neighbours in the vicinity and residents and adequate sunlight to substantial areas of private open space, &</p> <p>(b) involve site planning, dwelling design and landscaping that reduces energy use and makes the best practicable use of natural ventilation solar heating and lighting by locating the windows of living and dining areas in a northerly direction.</p>	<p>Shadow diagrams have been submitted with the proposed development. These diagrams demonstrate that the proposed development will not result in overshadowing that would adversely impact on the amenity of any adjoining property.</p> <p>At 9am shadow will be cast onto 6 Santa Rosa Avenue and part of the rear yards at No 1 and 3 Fawcett Street. By 12 noon the shadow does not affect 6 Santa Rosa Avenue and again the rear portion of 1 and 3 Fawcett Street. By 3pm, a similar area of the rear yard of 1 and 3 Fawcett Street is affected. The extent of overshadowing to 1 and 3 Fawcett Street is consistent with shadowing from a boundary fence.</p> <p>The extent of overshadowing will still ensure that the adjoining dwellings still maintain sunlight to at least 50% of the principal area of ground level open space for two hours between 9am and 3pm on 21 June and windows to north facing living areas receiving three hours of sunlight between 9am and 3pm on 21 June.</p>	<p>Yes</p>

ITEM 2 (continued)

SEPP Provisions	Assessment	Comply
<p>Clause 36 Stormwater:</p> <p>The proposed development should: (a) control and minimise the disturbance and impacts of stormwater runoff on adjoining properties and receiving waters by, for example, finishing driveway surfaces with semi-pervious material, minimising the width of paths & minimising paved areas, & (b) include, where practical, on-site stormwater detention or re-use for second quality water uses.</p>	<p>The proposed development has been assessed by Council's Development Engineer. As part of the drainage plan the development provides on site stormwater detention and rainwater tanks. All water is to be collected and discharged to Santa Rosa Avenue. The drainage plan is in accordance with Council's requirements.</p>	<p>Yes</p>
<p>Clause 37 Crime prevention:</p> <p>The proposed development should provide personal property security for residents and visitors and encourage crime prevention by:</p> <p>(a) site planning that allows observation of the approaches to a dwelling entry from inside each dwelling & general observation of public areas, driveways and streets from a dwelling that adjoins any such area, driveway or street, &</p> <p>(b) where shared entries are required, providing shared entries that serve a small number of dwellings and that are able to be locked, &</p> <p>(c) providing dwellings designed to allow residents to see who approaches their dwellings without the need to open the front door.</p>	<p>The design of the development has provided for the security of the residents and visitors. Residents and visitors will be able to see who approaches their door as well as other doors within the development. The communal areas including Building D, the main car parking area and landscaping areas can all be observed from dwellings within the development. The development complies with the requirements of this clause.</p>	<p>Yes</p>

ITEM 2 (continued)

SEPP Provisions	Assessment	Comply
<p>Clause 38 Accessibility:</p> <p>The proposed development should:</p> <p>(a) have obvious and safe pedestrian links from the site that provide access to public transport services or local facilities, and</p> <p>(b) provide attractive, yet safe, environments for pedestrians and motorists with convenient access and parking for residents and visitors.</p>	<p>A detailed access report has been submitted which confirms that the development provides a continuous accessible path of travel to all dwellings as well as through the development. A condition of consent will be imposed to require a footpath to be constructed along the Santa Rosa Avenue frontage. This will ensure pedestrian access which complies with the provisions of Clause 26 of SEPP HS. (See condition 68).</p>	<p>Yes</p>
<p>Clause 39 Waste management:</p> <p>The proposed development should be provided with waste facilities that maximise recycling by the provision of appropriate facilities</p>	<p>Garbage and recycling bins will be provided and are able to be stored on site. A Waste Management Plan has been submitted detailing reuse/recycling and disposal of building material.</p>	<p>Yes</p>

Part 4 – Development Standards to be complied with.
Clause 40 Development Standards – minimum sizes and building height

A consent authority must not consent to a development application unless the proposed development complies with the standards specified in this clause. These standards relate to site size, site frontage and height in zones where residential flat buildings are not permitted.

The clause also specifies that the standards in relation to site size, site frontage and the height of buildings in the rear portion of the site are not applicable to any development application made by the Department of Housing or any other Social Housing Provider. For the purposes of the SEPP HS, a Social Housing Provider means any of the following:

- (a) the NSW Land and Housing Corporation
- (b) The Department of Housing
- (c) A community housing organisation registered with the Office of Community Housing of the Department of Housing

ITEM 2 (continued)

- (d) The Aboriginal Housing Office
- (e) A registered Aboriginal housing organisation within the meaning of the *Aboriginal Housing Act 1998*
- (f) The Department of Ageing, Disability and Home Care
- (g) A local government authority that provides affordable housing
- (h) A not for profit organisation that is a direct provider of rental housing to tenants.

In this instance, the development application has been made on behalf of Evolve Housing which is a Class 1 Community Housing Provider and this falls within subclause (c). As such the development is not applicable to the above requirements. However for the sake of completeness, it is proposed to consider these standards anyway.

SEPP Provisions	Assessment	Comply
(2) Site size: Min 1,000m ²	Site area = 2579m ²	Yes
(3) Site frontage: Min 20m	Frontage of 31.6m to Smalls Avenue	Yes
(4) Height: 8m or less	Building A – 5m Building B – 6m Building C – 4.95m Building D – 3.8m	Yes
(4)(b) a building that is adjacent to a boundary of the site must be not more than 2 storeys in height	Each building is single storey.	Yes
(4)(c) A building located in the rear 25% area of the site must not exceed 1 storey in height	Complies	Yes

Clause 41 Standards for hostels and self contained dwellings

A consent authority must not consent to a development application for the purposes self-contained dwellings unless the proposed development complies with the standards specified in Schedule 3. These issues are addressed in the following table.

SEPP Provisions	Assessment	Comply
Clause 2 - Siting standards (1) If the whole of the site has a gradient of less than 1:10, 100% of the dwellings must have wheelchair access by a continuous accessible path of travel (within the meaning of AS 1428.1) to an adjoining public road. (2) If the whole of the site does not have a gradient of less than 1:10:	Part 1 of this clause is relevant to this development as the site has a gradient of less than 1 in 10. The proposed development provides wheelchair access throughout the entire development. The application includes a report dated 20 March 2013 from PSE Access Consulting advising that the	Yes

ITEM 2 (continued)

SEPP Provisions	Assessment	Comply
(a) the percentage of dwellings that must have wheelchair access must equal the proportion of the site that has a gradient of less than 1:10, or 50%, whichever is the greater, and (b) the wheelchair access provided must be by a continuous accessible path of travel (within the meaning of AS 1428.1) to an adjoining public road or an internal road or a driveway that is accessible to all residents (3) Common areas: Access must comply with AS 1428.1	proposed development complies with the relevant provisions of AS 1428.1.	
Clause 3 - Security Pathway lighting to be designed to avoid glare and be at least 20 lux at ground level.	The application has not included any information in respect of lighting. However, the development can be conditioned to require compliance. (See condition 28).	Yes
Clause 4 - Letterboxes Letterboxes are to be accessible, lockable and located in a central area.	The application has not included any information in respect of the letterbox location. However, the development can be conditioned to require compliance. (See condition 59).	Yes
Clause 5 - Private car accommodation If car parking (not being car parking for employees) is provided: (a) car parking spaces must comply with the requirements for parking for persons with a disability set out in AS 2890, and (b) 5% of the total number of car parking spaces (or at least one space if there are fewer than 20 spaces) must be designed to enable the width of the spaces to be increased to 3.8 metres, and (c) any garage must have a power-operated door, or there must be a power point and an area for motor or control rods to enable a power-operated door to be installed at a later date.	The development has proposed six car parking spaces. These spaces are intended for employees or visitors rather than the residents. The requirements of this clause are not applicable to the development.	NA

ITEM 2 (continued)

SEPP Provisions	Assessment	Comply
Clause 6 - Accessible Entry Every entry to a dwelling must comply with Clauses 4.3.1 and 4.3.2 of AS4299.	The Access Report states that each dwelling will be accessible. This report however does not state whether the development complies with Clause 4.3.1 and 4.3.2 of AS4299. A condition of consent will be imposed to ensure compliance. (See condition 60).	Yes
Clause 7 - Interior - General (1) Doorways to comply with AS1428.1 (2) Corridors to have a minimum width of 1000mm. (3) Circulation space at doorway approaches to comply with AS1428.1.	The Access Report states that proposal will comply with AS1428.	Yes
Clause 8 - Bedroom At least one bedroom within each dwelling is to satisfy requirements in relation to room sizes, clearance areas, power points and telephone outlets and wiring.	The Access Report states that proposal will comply. All bedrooms have been designed to comply with the requirements contained in this clause.	Yes
Clause 9 - Bathroom At least one bathroom per dwelling be on the ground floor & to be designed in accordance with AS1428.1	The Access Report states that proposal will comply.	Yes
Clause 10 - Toilet At least one toilet per dwelling on the ground floor & to be designed in accordance with AS4299.	The Access Report states that the proposal will comply with AS1428.1 rather than AS4299. A condition of consent will be imposed requiring compliance with this clause at Construction Certificate stage. (See condition 60).	Yes
Clause 11 - Surface finishes Balconies and external paved areas shall have non-slip surfaces.	No details – condition to comply with this requirement. (See condition 31).	Yes
Clause 12 - Door Hardware Door hardware to be in accordance with AS4299.	The Access Report states that the development will comply with AS1428.1 rather than AS4299. A condition of consent will be imposed requiring the development to comply with this requirement. (See condition number 60).	Yes

ITEM 2 (continued)

SEPP Provisions	Assessment	Comply
Clause 13 - Ancillary Items Switches and power points to be provided in accordance with AS4299.	The Access Report states that the development will comply with AS1428.1 rather than AS4299. A condition of consent will be imposed requiring the development to comply with this requirement. (See condition number 60).	Yes
Clause 15 - Living Room and Dining Room Living room to have circulation space as required by AS4299. A telephone point and wiring to the living room and dining room to allow an illumination level of at least 300 lux.	No details - condition to comply with this requirement under Schedule 3 of the SEPP. (See condition 31).	Yes
Clause 16 - Kitchen Circulation spaces and fit out of kitchens to comply with relevant provisions of AS4299 and AS1428.1.	No details - condition to comply with this requirement under Schedule 3 of the SEPP. (See condition 31).	Yes
Clause 17- Access Kitchen, main bedroom, bathroom and toilet to be located at entry level of each dwelling in a multi storey dwelling.	This clause is not applicable as each dwelling is single storey.	NA
Clause 18 - Lifts Lifts shall comply with BCA.	Not applicable	N/A
Clause 19 - Laundry Laundries shall be designed to provide a circulation space in accordance with AS1428.1, room for a washing machine and dryer, clear space of 1300mm in front of appliances, non slip floor and accessible path of travel to any clothes line.	The Access Report has advised that the development will comply with AS1428.1.	Yes
Clause 20 - Storage of linen Linen storage in accordance with AS4299 to be provided.	No details - condition to comply with this requirement under Schedule 3 of the SEPP. (See condition 31).	Yes
Clause 21 - Garbage A garbage storage area must be provided in an accessible location.	The development has proposed a garbage bay adjacent to the main driveway from Smalls Road. This is an accessible location.	Yes

ITEM 2 (continued)
Clause 50 Standards that cannot be used to refuse development consent for self contained dwellings

A consent authority must not refuse consent to a development application for the carrying out of development for the purposes of a self-contained dwelling on any of the following grounds:

SEPP Provisions	Assessment	Comply
(a) Building Height: If all buildings are 8 metres or less in height (and regardless of any other standard specified by another environmental planning instrument limiting development to 2 storeys)	No aspect of the proposed development will exceed 8m in height. Maximum height is 6m.	Yes
(b) Density and Scale: Floor Space Ratio 0.5:1 or less.	The proposed development has a floor space ratio of 0.43:1.	Yes
(c) Landscape Area: In the case of a development application made by a social housing provider – a minimum of 35 square metres of landscaped area per dwelling is provided. Min area required = 525m ²	Landscaping in form of planting and turf = 801.86m ² (31.1%)	Yes
(d) Deep soil zones: A minimum of 15% of the site to be deep soil landscaping. Min area required = 387m ²	Deep soil area = 801.86m ² (31.1%)	Yes
(e) Solar access: Living rooms and private open spaces for a minimum of 70% of the dwellings of the development receive a minimum of 3 hours sunlight between 9.00am and 3.00pm in mid-winter.	The design of the development takes advantage of the northerly aspect and permits at least 7 of the 9 dwellings (77%) to receive solar access to the living rooms and private open space areas for at least 3 hours during mid-winter.	Yes
(f) Private Open Space: This clause is not applicable as it only applies to in-fill self care housing whereas this development is serviced self care housing.	Despite this, each dwelling is provided with an area of private open space as well as communal open space.	NA

ITEM 2 (continued)

SEPP Provisions	Assessment	Comply
(g) Parking: The development is required to provide one car space for each five dwellings where the development application is made by, or is made by a person jointly with, a social housing provider.*	As the development contains 9 dwellings, a total of 2 car parking spaces is required to be provided. The development has proposed 6 spaces plus a space for an ambulance.	Yes

* If the development application was made by a person other than a social housing provider, the development would be required to provide 0.5 car spaces for each bedroom. This would result in the development being required to provide eight car parking spaces rather than the required two spaces. There is no requirement for an ambulance space so this space could be used for general parking. This would result in seven spaces being provided rather than the eight spaces.

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

The development is identified under the Environmental Planning and Assessment Regulation 2000 as a BASIX Affected Building. As such, a BASIX Certificate has been prepared (No. 457951M dated 19 December 2012) which provides the development with a satisfactory target rating.

Any approval would include an appropriate condition that would require compliance with the BASIX commitments detailed within the Certificate. (See Condition number 56).

State Environmental Planning Policy No. 55 – Remediation of Land

No information has been provided to Council regarding the past uses undertaken on the site. However, it is noted that the subject site is currently used for residential purposes and as such, is unlikely to be contaminated.

It is noted that the existing building (to be demolished) is of an age where asbestos and lead based finishes were commonly used in construction and appropriate conditions have been imposed for the safe demolition and disposal of material. (See Condition numbers 18 and 19)

Deemed State Environmental Planning Policy Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

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

ITEM 2 (continued)

The site is located within the designated hydrological catchment of Sydney Harbour and therefore is subject to the provisions of the above planning instrument. However, the site is not located on the foreshore or adjacent to the waterway and therefore, with the exception of the objective of improved water quality, the objectives of the planning instrument are not applicable to the proposed development. The objective of improved water quality is satisfied through compliance with the provisions of Part 8.2 of DCP 2010. The proposed development raises no other issues and otherwise satisfies the aims and objectives of the planning instrument.

Ryde Local Environmental Plan 2010Clause 2.3 Zone Objectives and Land Use Table

The site is zoned R2 Low Density Residential under the provisions of the above LEP. The development is defined as “Senior Housing” which is a prohibited form of development in the R2 zoning. However Clause 5(3) of the SEPP HS states: *“If this Policy is inconsistent with any other environmental planning instrument, made before or after this Policy, this Policy prevails to the extent of the inconsistency.”* Accordingly, the development is permissible in the R2 zoning under SEPP HS.

The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within that zone. The objectives for the R2 Low Density Residential zone are as follows:

- *To provide for the housing needs of the community within a low density residential environment.*
- *To enable other land uses that provides facilities or services to meet the day to day needs of residents.*
- *To ensure that the general low density nature of the zone is retained and that development for the purposes of dual occupancy (attached) and multi dwelling housing (attached) do not significantly alter the character of a location or neighbourhood.*
- *To ensure that new development complements or enhances the local streetscape.*
- *To maintain on sites with varying topography the two storey pitched roof form character of dwelling houses and dual occupancy (attached) developments.*
- *To ensure that land uses are compatible with the character of the area and responsive to community needs.*

The development is considered to satisfy these objectives. It will provide housing for a particular element of the community. The development has been designed to ensure that the floor space ratio and height of the buildings will not exceed the controls that are specified in RLEP 2010 for the R2 zoning. Also the development is proposed within a landscaped setting that is also consistent with character of the predominant residential dwellings in the area. The development will not adversely impact on the character of the area.

ITEM 2 (continued)Other Provisions

The RLEP 2010 also includes other development standards in respect to height and floor space ratio. Both of these requirements are not applicable as they are addressed in SEPP HS.

(d) Any draft LEPs

A Section 65 Certificate enabling the formal exhibition of Draft Local Environmental Plan 2011 was issued by the Department of Planning and Infrastructure on 23 April 2012. The Draft Plan has been placed on public exhibition between 30 May 2012 and 13 July 2012. Under this Draft LEP, the zoning of the property is R2 Low Density Residential. The proposed development is not a permitted use within this zoning under the draft LEP. However the development is still permissible under SEPP HS. It should be noted however, that the development would be consistent with the zone objectives of the Draft LEP and those objectives of the zone.

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. .

(e) Any DCP (e.g. dwelling house, villa)**Part 9.4 – Fencing:**

It is proposed to provide a front fence. The fence will comprise of 1.5m high rendered masonry piers and a 900mm high wall with aluminium slat infill panels. The fence complies with Council's requirements and is considered satisfactory.

Section 94 Development Contributions Plan 2007 (Amendment 2010)

Under the provisions of a Ministerial Direction issued on 14 September 2007, Council cannot impose any Section 94 for any public amenities or public services for any development pursuant to SEPP HS made on behalf of a social housing provider. As detailed in Part 4 of SEPP HS, the development application has been made on behalf of Evolve Housing which is a Class 1 Community Housing Provider and falls within the definition of a social housing provider. Accordingly, no condition has been included requiring any Section 94 contribution.

10. Likely impacts of the Development

Many of the impacts associated with this development have already been addressed in the report.

ITEM 2 (continued)

The site contains 4 trees which are over 5m in height. The location of these trees is demonstrated on the following plan. These trees include a Magnolia (T1), an exotic cedar (T2), an Avocado (T3) and a Mango (T4). Trees marked T5 to T8 are not located on the site.



As a result of the development it is proposed to remove trees T2, T3 and T4 as these trees are located within the building footprint. Council's Consultant Landscape Architect has raised no issues with the removal of these trees as the proposed landscape plan will show suitable replacement species.

The development proposes to retain the Magnolia located at the corner of Small's Road and Santa Rosa Avenue. This tree has been shown on the landscaping plan as being removed. To address this inconsistency, it is proposed to include a condition on the consent requiring its retention. The Arborist Report has recommended tree protection measures which will also be required to be undertaken. In addition to these measures, it is also proposed to include a condition requiring the design to incorporate the construction of isolated pad footings to support piers and a galvanised lintel to support the brick wall. This will minimise the impact of the root disturbance around this tree. (See conditions 31 and 32).

The Arborist Report has confirmed that the trees on the adjoining property will not be adversely affected as a result of the development.

ITEM 2 (continued)**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 major flooding or subsidence. In this regard the proposal is considered to be suitable for the site in terms of the impact on both the existing natural and built environments.

12. The Public Interest

The proposal is considered to be in the public interest as it provides suitable housing for people with a disability, providing a need within the community. The development complies with the applicable controls and can be supported in this instance subject to the recommended conditions of consent.

13. Consultation – Internal and ExternalInternal Referrals

Development Engineer: No objection raised to the development.

Landscape Architect: No objections are raised to the development.

Environmental Health Officer: No objection to the development application.

17. Conclusion

The development is permitted by SEPP HS and complies with all of the requirements of the SEPP. The development will not result in any unacceptable impacts on the locality and the site is considered suitable for the proposed use subject to the recommended conditions of consent. The development application is recommended for approval.

ITEM 2 (continued)

ATTACHMENT 1

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	Date	Plan No/Reference
Basix Commitments	20/12/12	02 of 14 Issue A
Site Demolition and Sedimentation Plans	20/12/12	03 of 14 Issue A
Ground Floor Plan	20/2/13	05 of 14 Issue B
Roof Plan	20/2/13	06 of 14 Issue B
Elevations and Sections – Building A	20/2/13	07 of 14 Issue B
Elevations and Sections – Building B	20/2/13	08 of 14 Issue B
Elevations and Sections – Building C	20/2/13	09 of 14 Issue B
Elevations and Sections – Building D	20/2/13	10 of 14 Issue B
Streetscape Elevations	20/2/13	11 of 14 Issue B
Details	20/2/13	12 of 14 Issue B

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

- (a) The landscape plan is to be amended to show the Magnolia grandiflora identified as T1 in the Tree Inspection Report prepared by Treehaven Environscapes dated 25 January 2013 as being retained on the site.
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 457951M, dated 19 December 2012.
 4. **Signage – not approved unless shown on plans.** This consent does not authorise the erection of any signs. Separate approval must be obtained from Council for any additional signs, unless such signage is “exempt development”.

ITEM 2 (continued)**ATTACHMENT 1**

5. **Hours of work.** Building activities (including demolition) may only be carried out between 7.00am and 7.00pm Monday to Friday (other than public holidays) and between 8.00am and 4.00pm on Saturday. No building activities are to be carried out at any time on a Sunday or a public holiday.
6. **Hoardings.**
 - (a) A hoarding or fence must be erected between the work site and any adjoining public place.
 - (b) Any hoarding, fence or awning erected pursuant this consent is to be removed when the work has been completed.
7. **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.
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. **Restrictions on occupation of the development:** Only the kinds of people referred below may occupy any of the dwellings approved in this application.
 - (a) seniors or people who have a disability and
 - (b) people who live within the same household with seniors or people who have a disability.
 - (c) Staff employed to assist in the administration of and provision of services to housing provided under the SEPP (need to include the name).

Seniors is defined as any of the following:

- (a) people aged 55 or more years,
- (b) people who are resident at a facility at which residential care (within the meaning of the [Aged Care Act 1997](#) of the Commonwealth) is provided,
- (c) people who have been assessed as being eligible to occupy housing for aged persons provided by a social housing provider.

People with a disability are people of any age who have, either permanently or for an extended period, one or more impairments, limitations or activity restrictions that substantially affect their capacity to participate in everyday life.

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.

ITEM 2 (continued)

ATTACHMENT 1

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.

DEMOLITION CONDITIONS

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

A Construction Certificate is not required for Demolition.

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

ITEM 2 (continued)

ATTACHMENT 1

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

PRIOR TO CONSTRUCTION CERTIFICATE

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

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

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

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

22. **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**.
23. **Security deposit.** The Council must be provided with security for the purposes of section 80A(6) of the *Environmental Planning and Assessment Act 1979* in a sum determined by reference to Council's Management Plan prior to the release of the **Construction Certificate**. (Category other buildings with delivery of bricks or concrete or machine excavation).

ITEM 2 (continued)

ATTACHMENT 1

24. **Fees.** The following fees must be paid to Council in accordance with Council's Management Plan prior to the release of the **Construction Certificate**:
- (a) Infrastructure Restoration and Administration Fee
 - (b) Enforcement Levy
25. **Alignment Levels.** The applicant is to apply to Council, pay the required fee, and have issued site specific alignment levels by Council prior to the issue of the **Construction Certificate**.
26. **Long Service Levy.** Documentary evidence of payment of the Long Service Levy under Section 34 of the Building and Construction Industry Long Service Payments Act 1986 is to be submitted to the Principal Certifying Authority prior to the issuing of the **Construction Certificate**.
27. **Sydney Water – quick check.** The approved plans must be submitted to a Sydney Water Quick Check agent or Customer Centre, prior to the release of the **Construction Certificate**, to determine whether the development will affect any Sydney Water assets, sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. Plans will be appropriately stamped.

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

- Quick Check agents details - see Building, Developing and Plumbing then Quick Check; and
- Guidelines for Building Over/Adjacent to Sydney Water assets - see Building, Development and Plumbing then Building and Renovating.

Or telephone 13 20 92.

28. **Lighting of common areas (driveways etc).** Details of lighting for internal driveways, visitor parking areas and the street frontage shall be submitted for approval prior to issue of the **Construction Certificate**. The details to include certification from an appropriately qualified person that there will be no offensive glare onto adjoining residents. The pathway lighting must provide at least 20lux at ground level. The lighting system for the pathways must be on a sensor system.
29. **Disabled Access.** The development is required to comply with the requirements of the Australian Standards AS1428 *Design for Access and Mobility*, AS 4299 *Adaptable Housing* and Building Code of Australia. Details demonstrating compliance with these Standards and BCA are to be submitted to the Principal Certifying Authority prior to the issue of the **Construction Certificate**.
30. **Standards for the Dwellings.** The development is to comply with the standards set out in Schedule 3 of state Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004. Details demonstrating compliance are to be submitted with the Construction Certificate.

ITEM 2 (continued)

ATTACHMENT 1

31. **Revised Landscaping Plan.** Prior to the issue of any Construction Certificate it will be necessary to submit a revised landscaping plan. This plan is to include the following matters:
 - The retention of the Magnolia grandiflora.
 - All retaining wall types and heights.
 - Location of any fencing on the site.
 - The Citrus species located in the private open spaces areas adjacent to Santa Rosa Avenue should be replaced with a more fastigiated deciduous species as this will ensure solar access in winter and shading in summer. A suggested species is Pyrus calleryana.
32. **Protection of the Magnolia grandiflora.** To minimise the impact of root disturbances on the Magnolia grandiflora, the design is to incorporate the construction of isolated pad footings to support piers and a galvanised lintel to support the brick wall, above or at grade. Details of this amendment are to be shown on the Construction Certificate plans.
33. **Dividing Fence.** A new dividing fence is to be erected along the common boundary of the site and 6 Santa Rosa Avenue. This fence is to be 1.8m high and dark brown colourbond. In addition, lattice screening to a height of 300mm is to be provided on top of the colourbond fence. The lattice screening is to match the colourbond fence. This fencing is to be at the applicant's expense. Details of compliance is to be provided on the Construction Certificate plans.
34. **Awning on Building A.** The awning over the verandah on Building A is to be setback a minimum of 900mm from the common boundary with 6 Santa Rosa Avenue. Details of compliance is to be provided on the Construction Certificate plans.
35. **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.
36. **Driveway Grades.** The maximum grade of all internal driveways and vehicular ramps etc shall comply with relevant section of AS 2890.1 & AS2890.2 where applicable. Detailed engineering plans including engineering certification indicating compliance with this condition are to be submitted with the Construction Certificate application.
37. **Car Parking.** All internal driveways, vehicle turning areas, grades, parking space dimensions, headroom clearance etc shall be designed comply with relevant sections of Australian Standards AS 2890 where applicable. Accordingly, internal carparking layout shall be modified where required to demonstrate compliance. Detailed plans including engineering certification confirming compliance with this condition is to be submitted with the Construction Certificate application.

ITEM 2 (continued)

ATTACHMENT 1

38. **Traffic Management.** Traffic management plans must be prepared and procedures must be in place and practised during the construction period to ensure safety and minimise construction traffic conflict on adjoining pedestrian and vehicular traffic movement. These procedures and systems must be in accordance with AS 1742.3 1985 and the RMS's Manual – "Traffic Control at Work Sites" where applicable.

Accordingly, a detailed plan of traffic management prepared by a traffic engineer including certification indicating compliance are to be submitted with the Construction Certificate application.

39. **Drainage Plans.** The plans and supporting calculations of the proposed drainage system, including the on-site detention system and details addressing any overland flow from upslope properties are to be submitted with the Construction Certificate application.

A positive covenant shall be executed and registered against the title of any lot containing an onsite detention system to require maintenance of the system in accordance with Council's standard terms.

Any drainage pit within a road reserve, a Council easement, or that may be placed under Councils' control in the future, shall be constructed of cast in-situ concrete. Details shall be submitted with the Construction Certificate application.

40. **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. 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. The gutters, downpipes and pipes shall be designed for the 100 year, 5minute storm event.

The system is to be cleaned regularly and maintained to the satisfaction of Ryde City Council.

41. **On site stormwater detention Tank.** All access grates to the on site stormwater detention tank are to be hinged and fitted with a locking bolt. Any tank greater than 1.2 metres in depth must be fitted with step irons. The minimum internal depth of the OSD tanks shall be 600mm. Amended stormwater drainage plans must be submitted to the Certifying Authority before the issue of the Construction Certificate.
42. **External Drainage Design & Fee.** A payment of **\$7743** shall be made to Council prior to the issue of the Construction Certificate of the proposed trunk drainage system. The following detailed engineering plans are to be submitted to Council for assessment and before the issue of the Construction Certificate:

ITEM 2 (continued)

ATTACHMENT 1

- A detailed plan and longsection of the proposed drainage pipe system within Santa Rosa Avenue including all relevant information (structural details of the lintel inlet pit and pit surface and invert levels) are required;
- The utility services within the area of the effect of the proposed drainage line (i.e. gas, water, sewer, electricity, telephone etc) shall be shown on the longsection design of the pipe; and
- The proposed 375mm pipe shall be reinforced concrete spigot sand socket within rubber ring joints, class of the pipe shall comply with the manufacturers specification's for roads.

43. **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.
44. **Soil and Water Management Plan.** A *Soil and Water Management Plan (SWMP)* 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 Department of Housing. **This is to be submitted to and approved by the Consent Authority prior to the release of the Construction Certificate.** These devices shall be maintained during the construction works and replaced where considered necessary. Suitable erosion control management procedures are to be practiced during the construction period.

The following details are to be included in drawings accompanying the *Soil and Water Management Plan*:

- (a) Existing and final contours
- (b) The location of all earthworks, including roads, areas of cut and fill, and regrading.
- (c) Location of all impervious areas
- (d) Location and design criteria of erosion and sediment control structures including sediment collection basins**
- (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) Proposed techniques for re-grassing or otherwise permanently stabilising all disturbed ground.
- (l) Procedures for maintenance of erosion and sediment controls
- (m) Details for any staging of works
- (n) 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.

ITEM 2 (continued)

ATTACHMENT 1

45. 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.
46. **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.
47. **Tree Protection Measures.** The tree protection measures as outlined in the Tree Inspection Report prepared by Treehaven Environments dated 25 January 2013 are to be implemented prior to the construction occurring on the site. These measures are to remain in place throughout the entire construction period.
48. **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.
49. **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
50. **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.

ITEM 2 (continued)

ATTACHMENT 1

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.

51. **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*.
52. **Sediment/dust control.** No sediment, dust, soil or similar material shall leave the site during construction work.
53. **Construction materials.** All materials associated with construction must be retained within the site.
54. **Site Facilities**
The following facilities must be provided on the site:
 - (a) toilet facilities in accordance with WorkCover NSW requirements, at a ratio of one toilet per every 20 employees, and
 - (b) a garbage receptacle for food scraps and papers, with a tight fitting lid.
55. **Site maintenance**
The applicant must ensure that:
 - (a) approved sediment and erosion control measures are installed and maintained during the construction period;
 - (b) building materials and equipment are stored wholly within the work site unless an approval to store them elsewhere is held;
 - (c) the site is clear of waste and debris at the completion of the works.

PRIOR TO OCCUPATION CERTIFICATE

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

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

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

ITEM 2 (continued)

ATTACHMENT 1

56. **BASIX.** The submission of documentary evidence of compliance with all commitments listed in BASIX Certificate(s) numbered 457921M, dated 19 December 2012.
57. **Landscaping.** All landscaping works approved by condition 1 are to be completed prior to the issue of the final **Occupation Certificate**.
58. **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.

59. **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. The letterboxes are to be locakable and comply with the standards set out in Schedule 3 of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.
60. **Disabled Assess.** Prior to the issue of any Occupation Certificate, a suitably qualified access consultant is to certify that the development complies with Australian Standard AS1428 *Design for Access and Mobility*, AS4299 *Adaptable Housing* and the Building Code of Australia.
61. **Registration of Restriction to User:** Written evidence to be submitted to Council prior to the issue of any Interim/Final Occupation Certificate showing that the Restriction to User (Restricting the kind of persons that may occupy any of the dwellings approved in this application as per condition 10 of this consent) has been registered against the title of the property.
62. **Disused Gutter Crossing.** All disused gutter and footpath crossings shall be removed and the kerb and footpath reinstated to the satisfaction of Council.
63. **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*.

ITEM 2 (continued)

ATTACHMENT 1

- 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 constructed internal car park and associated drainage complies with AS 2890, the construction plan requirements and Ryde City Council's *Environmental Standards Development Criteria – 1999 section 4* and Development Control Plan 2010: - Part 8.2; Stormwater Management
 - Confirming that the constructed trunk drainage system complies with the construction plan requirements and City of Ryde, Development Control Plan 2010: - Part 8.2; Stormwater Management
 - 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
 - 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 connection of the site drainage system to the trunk drainage system complies with Section 4.7 of AS 3500.3 - 1990 (National Plumbing and Drainage Code).
 - 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*
64. **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. If there are proposed interallotment drainage easements on the subject property, **a Certificate from a Registered Surveyor is to be submitted to the PCA** certifying that the subject drainage line/s and pits servicing those lines lie wholly within the proposed easements.
65. **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.
66. **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 1

67. **Drainage Construction.** The stormwater drainage on the site is to be constructed in accordance with the approved construction certificate version of the stormwater sheets no.1 & 2 of 2 issue B prepared by United Consulting Engineers Pty Ltd.
68. **Footpath Paving Construction.** The applicant shall, at no cost to Council, construct standard concrete footpath paving across the frontage of the property along Santa Rosa Avenue. Levels of the footpath paving shall conform with levels issued by Council's Engineering Services Division.

OPERATIONAL

69. **Number of persons permitted.** A maximum of 15 people may occupy the development at any one time.

ITEM 2 (continued)

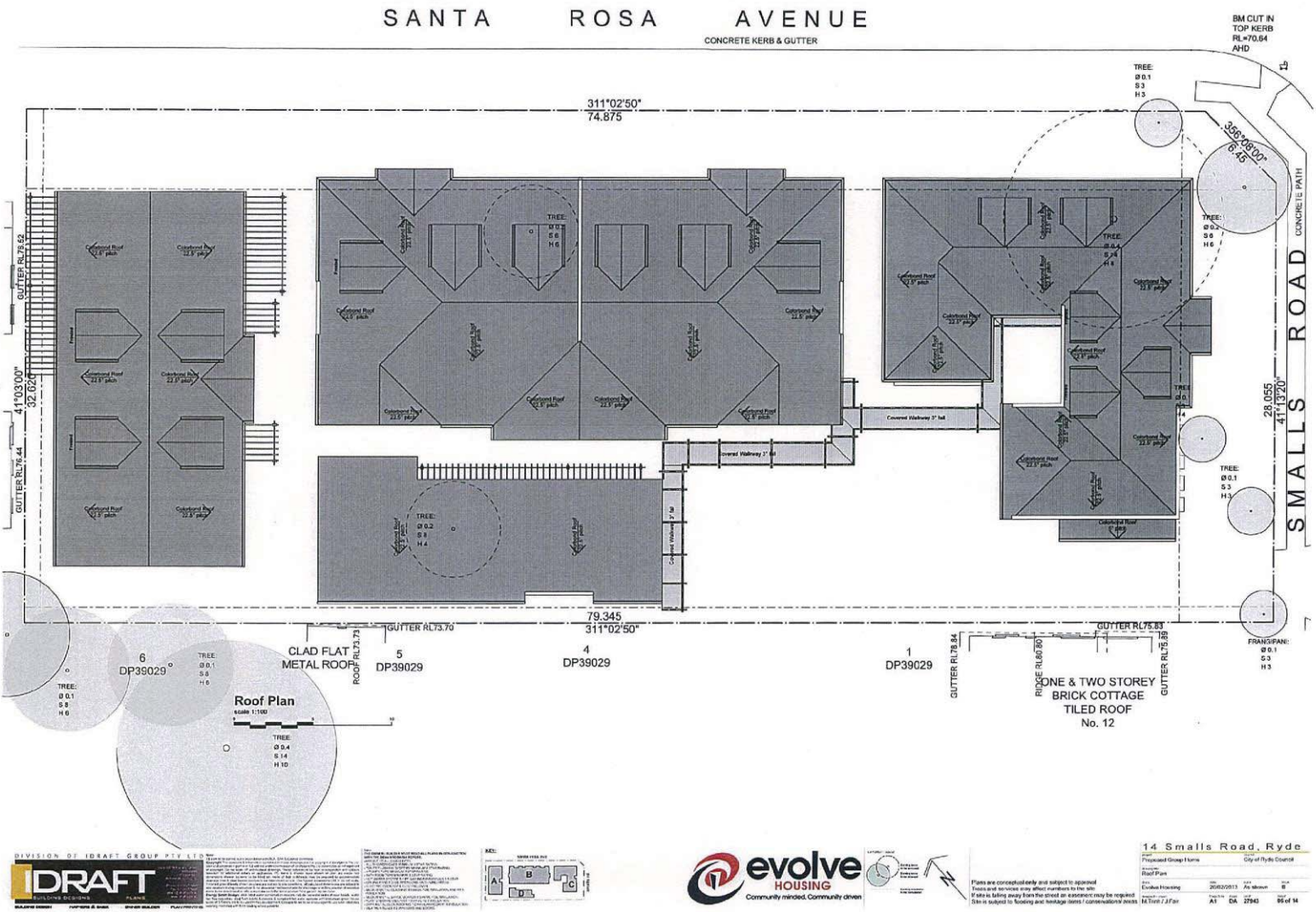
ATTACHMENT 2

● Indicates submissions received
● Petition also received



ITEM 2 (continued)

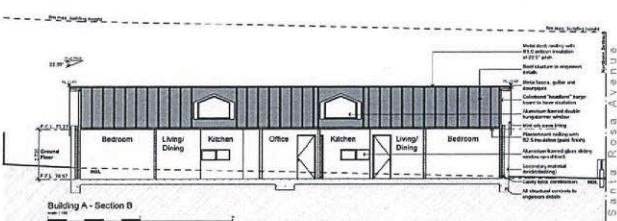
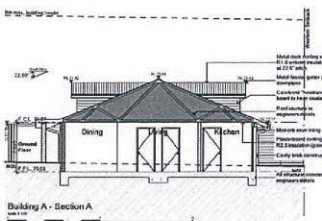
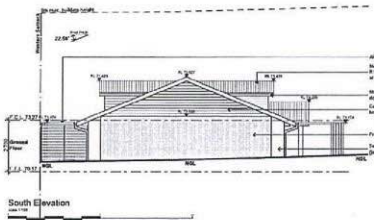
ATTACHMENT 3



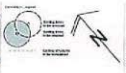
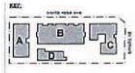
ITEM 2 (continued)

ATTACHMENT 3

Building A - 2 x 2 Bedroom Units



NOTES:
1. All dimensions are in millimeters unless otherwise stated.
2. All work to be in accordance with the Australian Standards (AS) and New Zealand Standards (NZS) unless otherwise stated.
3. All materials to be of a quality and grade suitable for the intended use and to be approved by the Council.
4. All materials to be of a quality and grade suitable for the intended use and to be approved by the Council.
5. All materials to be of a quality and grade suitable for the intended use and to be approved by the Council.
6. All materials to be of a quality and grade suitable for the intended use and to be approved by the Council.
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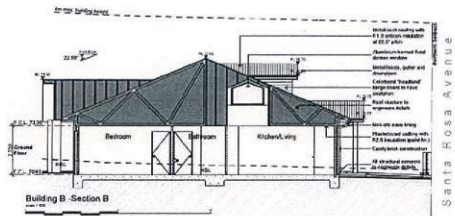
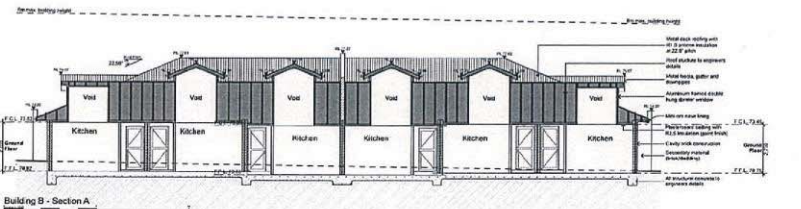
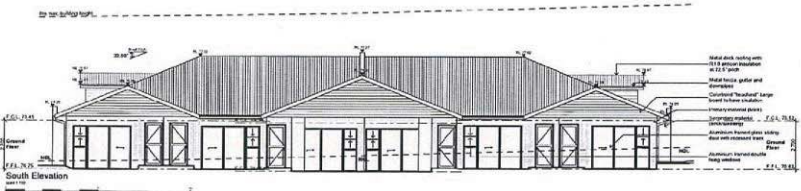
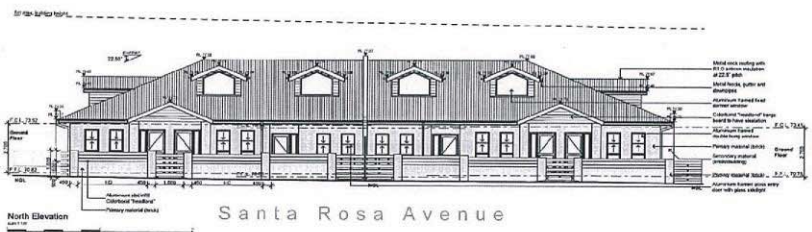
Plans are conceptual only and subject to approval. Terms and services may affect residents in the lots if they do differ away from the street and are subject to approval. Site is subject to flooding and low water levels / consequential areas.

14 Smalls Road, Ryde			
Proposed Glass Home City of Ryde Council			
Drawings & Sections - Building A			
Drawings & Sections - Building A	DATE	ISSUE	BY
Evolve Housing	20/02/2013	All sheets	B
Checked by:	DA	27/04	02 of 14
Drawn by:	DA	27/04	02 of 14

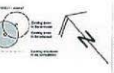
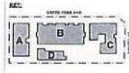
ITEM 2 (continued)

ATTACHMENT 3

Building B - 6 x 1 Bedroom Units



THIS DOCUMENT IS A PRELIMINARY DESIGN AND SHOULD NOT BE USED FOR CONSTRUCTION. IT IS SUBJECT TO CHANGE WITHOUT NOTICE. THE CLIENT ACCEPTS RESPONSIBILITY FOR THE ACCURACY OF THE INFORMATION PROVIDED AND FOR OBTAINING ALL NECESSARY APPROVALS. THE DESIGNER ACCEPTS RESPONSIBILITY FOR THE DESIGN AND FOR OBTAINING ALL NECESSARY APPROVALS. THE DESIGNER DOES NOT ACCEPT RESPONSIBILITY FOR THE ACCURACY OF THE INFORMATION PROVIDED OR FOR OBTAINING ALL NECESSARY APPROVALS. THE DESIGNER DOES NOT ACCEPT RESPONSIBILITY FOR THE ACCURACY OF THE INFORMATION PROVIDED OR FOR OBTAINING ALL NECESSARY APPROVALS.



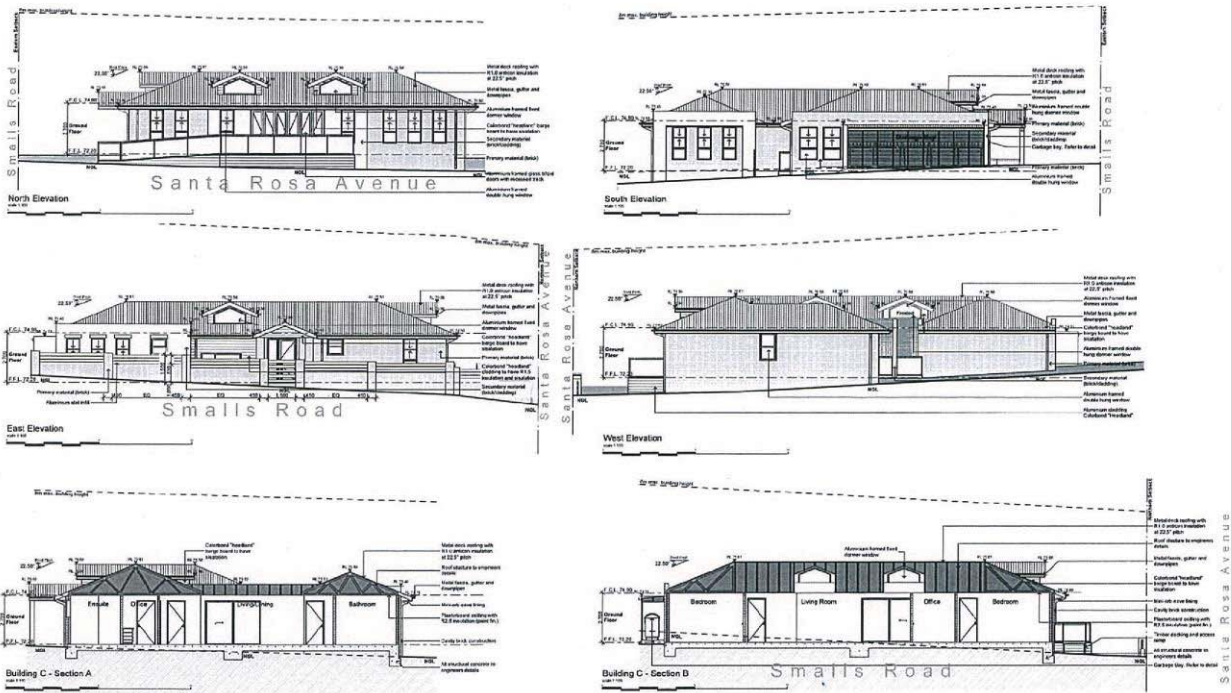
These are conceptual only and subject to approval. Trench and services may affect to others in the site. If there is a change from the latest an amendment may be required. This is subject to checking and for any other / consequential issues. M: 706 1 7 740

14 Smalls Road, Ryde		City of Ryde Council	
Proposed Group Home		City of Ryde Council	
Elevations & Sections - Building B		City of Ryde Council	
Evolve Housing	20/02/2013	As shown	B
AL	DA	27/04	08 of 14

ITEM 2 (continued)

ATTACHMENT 3

Building C - 1 x 5 Bedroom Unit



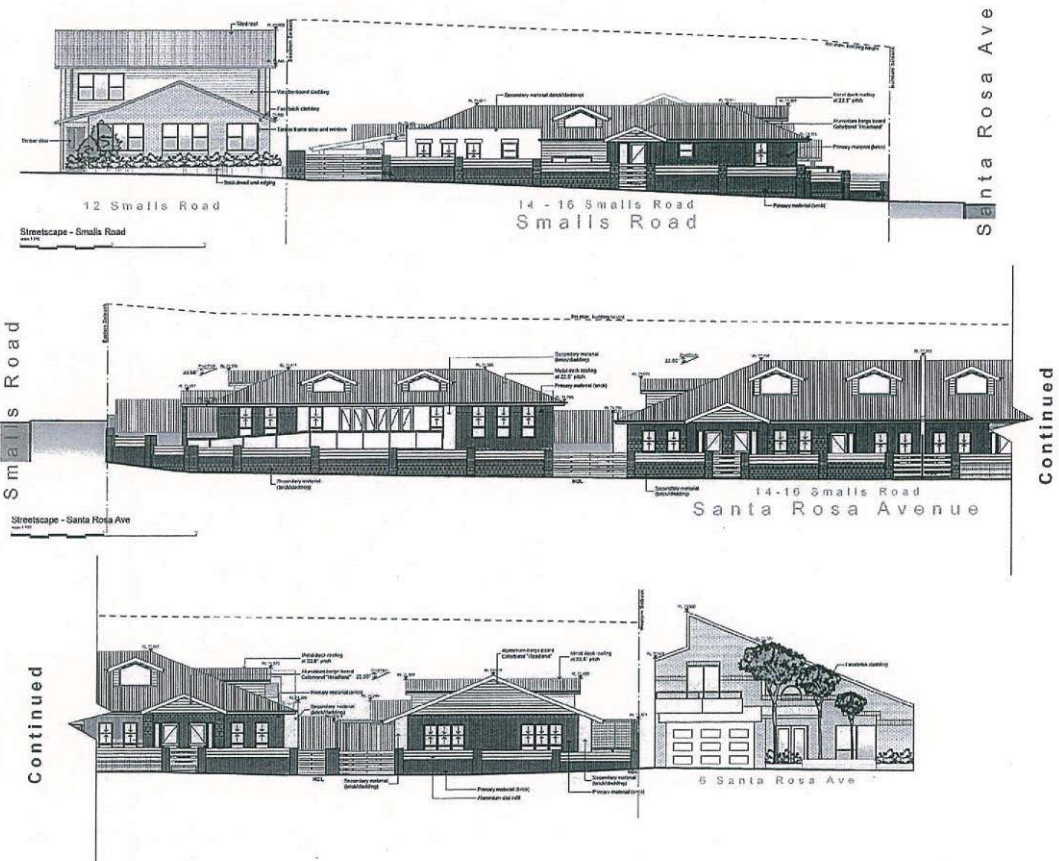
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ARCHITECTURAL DRAWINGS

evolve HOUSING
Community minded, Community driven

14 Smalls Road, Ryde
Project Name: 14 Smalls Road, Ryde
Client: City of Ryde Council
Architect: Evolve Housing
Date: 28/02/2013
Scale: As shown
Sheet: B
Project No: AT 2784
Rev: 03 of 14

ITEM 2 (continued)

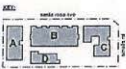
ATTACHMENT 3



14 Smalls Road, Ryde

Proposed Green Form	City of Ryde Council
Green Form Exemption	
Evolve Housing	2010/2013 At show 0
Drawn by	AT BK 2790 11 of 14

Plans are conceptual only and subject to approval. Terms and services may affect numbers to the city. If site is falling away from the street or concerned area be required site is subject to housing and heritage areas/conservation areas.



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3 14A ETHEL STREET, EASTWOOD. LOT A DP 381028. Local Development Application for demolition and construction of a boarding house. LDA2012/0332.

INTERVIEW

Report prepared by: City Plan Strategy & Development

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

Report dated: 6 May 2013

File Number: grp/09/5/6/2 - BP13/669

1. Report Summary

Applicant: JKL Design.

Owner: Hae Sook and Yeoun Il Sung.

Date lodged: 13 September 2012.

This report considers a proposed development for the demolition of the existing structures on the site and the construction of a Boarding House development under the provisions of State Environmental Planning Policy Affordable Rental Housing 2009 (AHSEPP). The boarding house development is four storeys in height containing 16 rooms including a caretaker's room, communal facilities and 4 car parking spaces.

The plans and supporting documentation originally submitted with this development application were considered to be insufficient by Council Officers. In response, the applicant submitted additional information and amended plans on 13 December 2012 in relation to compliance with the Eastwood Town Centre DCP, compliance with Council's Public Domain Technical Manual – Part 3 Eastwood, compliance with Council's Development Control Plan (DCP) in relation to Part 8.2 Stormwater Management and Part 9.2 Access. The applicant was also required to submit an amended BASIX Certificate, a demolition work plan, demonstrate compliance with the Building Code of Australia (BCA), a Plan of Management which incorporated the recommendations from the NSW Police.

The amended proposal was assessed and considered to be insufficient. In response, the application submitted further additional information and amended plans on 14 February 2013. The amended plans addressed issues in relation to compliance with the AHSEPP 2009, the Operational Plan of Management, NSW Police requirements, signage, trees on the subject and adjoining site, landscaping, the privacy and overlooking of the neighbouring apartment buildings, schedule of colours and materials, presentation of the side and rear elevations, safety and crime prevention and compliance with the Eastwood Town Centre DCP with regard to the second floor balcony.

ITEM 3 (continued)

The amended plans are for a boarding house development four storeys in height containing 16 rooms including a caretaker's room. The ground floor comprises a communal dining and kitchen area, laundry facilities and amenities and a storage and office room. The bedrooms of the Boarding House are located on the upper floors. Each room has an ensuite and kitchenette facilities. All of the rooms are for single lodgers, except for Room 9 which is a double room. A total of 16 lodgers can be accommodated at any one time.

The caretaker's room is located on the top (third) floor, and is provided with an outdoor private open space area in the form of a balcony. A communal living area is also located on the top (third) floor which is orientated to the rear of the site. The lower two storeys have a nil setback to the street and feature an awning over the footpath for the width of the building, with business identification signage provided in the form of an illuminated under awning sign. The top two floors are set back 3 metres from the street boundary. The development comprises a concrete slab roof, with the lift and stair overrun above. The proposed development is free standing, and comprises a neutral colour palette of grey colours, with the window forms accentuated by borders orange in colour to break up the building form. Parking is provided at the rear of the site and is accessed by a one way arrangement along the side boundaries. The parking provision consists of four car parking spaces, 4 motorcycle spaces and 3 bicycle parking spaces. An outdoor private open space area is also provided to the rear of the site.

When considered in light of the Ryde Development Control Plan (DCP) 2010, the development results in a variation to Clause 3.4.3 *Location of Vehicle Access and Footpath Crossings* with regard to the design and location of the vehicle crossing, and Part 8.2 Stormwater Management in relation to the proposed drainage system. The development also results in a minor variation to the setback of the balcony above the second floor, however this variation is considered to be in keeping with the existing and future streetscape and does not adversely affect the amenity of the immediate locality. This variation is supported.

The applicant was requested to submit additional information and amended plans in relation to stormwater drainage, vehicular access and manoeuvring and flood impact. The requested information was not submitted, and the proposal does not comply with Council's DCP 2010, the relevant Australian Standards and Council's Eastwood and Terrys Creek Floodplain Risk Management Study. While the vehicular access and manoeuvring issue can be addressed with conditions of consent, the stormwater drainage issue cannot be adequately addressed and will result in flooding and drainage issues downstream. The proposal is not supported for this reason.

The original application was advertised and notified to adjoining and nearby owners, in accordance with Council's Notification DCP (Part 2.1 of DCP 2010) and seven (7) submissions were received. The amended plans were not re-notified as they were not considered to result in increased adverse amenity impacts to the immediate locality.

ITEM 3 (continued)

The application is recommended for refusal.

Reason for Referral to Planning and Environment Committee: Nature of development and number of submissions received.

Public Submissions: 7 submissions.

Clause 4.6 RLEP 2010 objection required? Not applicable.

Value of works: \$989,000

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

RECOMMENDATION:

- (a) That Local Development Application No. 2012/0332 at 14A Ethel Street Eastwood, being LOT A DP 381028 be refused for the following reasons: -
- i. The drainage plan as submitted does not comply with the requirements in Part 8.2 of Council's DCP 2010.
 - ii. The development does not comply with the Objectives of the Mixed Use B4 zone within Ryde Local Environmental Plan 2010 in that the proposal does not adequately recognise the topography. The proposal has not demonstrated compliance with the relevant requirements in relation to stormwater management and does not provide a suitable design which recognises the topography and environmental conditions of the subject site and immediate locality.
(Section 79C(a)(i),(b),(c) and (e) of the Environmental Planning and Assessment Act, 1979).
 - iii. The development application has not satisfactorily demonstrated compliance with Part 8.2 Stormwater Management of Council's DCP 2010. The proposal has not sufficiently demonstrated the likely impact of the development on the natural and built environment, that it is a suitable site for the development or is in the public interest.
(Section 79C(b),(c) and (e) of the Environmental Planning and Assessment Act, 1979).
- (b) That the persons who made submissions be advised of Council's decision.

ITEM 3 (continued)

ATTACHMENTS

- 1 Map
- 2 A4 Plans
- 3 Operational Plan of Management dated 4 February 2013
- 4 A3 Plans - subject to copyright provisions - CIRCULATED UNDER SEPARATE COVER

Report Prepared By:

**Holly Palmer Planning Consultant
City Plan Strategy & Development**

Report Approved By:

**Liz Coad
Manager Assessment**

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

ITEM 3 (continued)

Site (*Refer to attached map.*)

Address : 14A Ethel Street, Eastwood
Lot A, DP 381028

Site Area : 420.17m²
Frontage 15.545 metres
Depth 36.325 / 34.14 metres
Rear 6.805 metres

Topography and Vegetation : The subject site has a gradual fall from the front street alignment to the rear boundary.

The site currently features a single storey dwelling which has been occupied as an office or business premises. The site does not feature any substantial trees, however the adjoining properties feature four (4) trees located in close proximity to the property boundaries.

The following aerial photograph identifies the subject site and adjoining buildings.



ITEM 3 (continued)

Existing Buildings : A single storey dwelling-house with a history of occupation as office or business premises with two vehicular access points.

Planning Controls

Zoning : B4 – Mixed Use under Ryde Local Environmental Plan 2010.
Other : Environmental Planning & Assessment Act 1979
State Environmental Planning Policy (Affordable Rental Housing) 2009
State Environmental Planning Policy – Building Sustainability Index (BASIX) 2004
City of Ryde Development Control Plan 2010

3. Political Donations or Gifts

Any political donations or gifts disclosed? No.

4. Proposal

The development application is for the demolition of all existing structures on the site and the erection of a boarding house development. The proposed boarding house development is 4 storeys in height and contains 16 bedrooms including a caretaker's residence. The proposed communal facilities comprise a kitchen, dining area, laundry and amenities on the ground floor, and a communal living area on the top floor at the rear of the building. An outdoor private open space area is provided at the rear of the property.

The development provides 4 car parking spaces at the rear of the site with one way vehicular access provided along the side boundaries. Open pergolas are provided along the side boundaries of the site adjacent to the proposed building. Motorcycle and bicycle parking spaces are also located to the rear. Refer to **Figures 1 and 2** below for the site plan and street elevation.

ITEM 3 (continued)

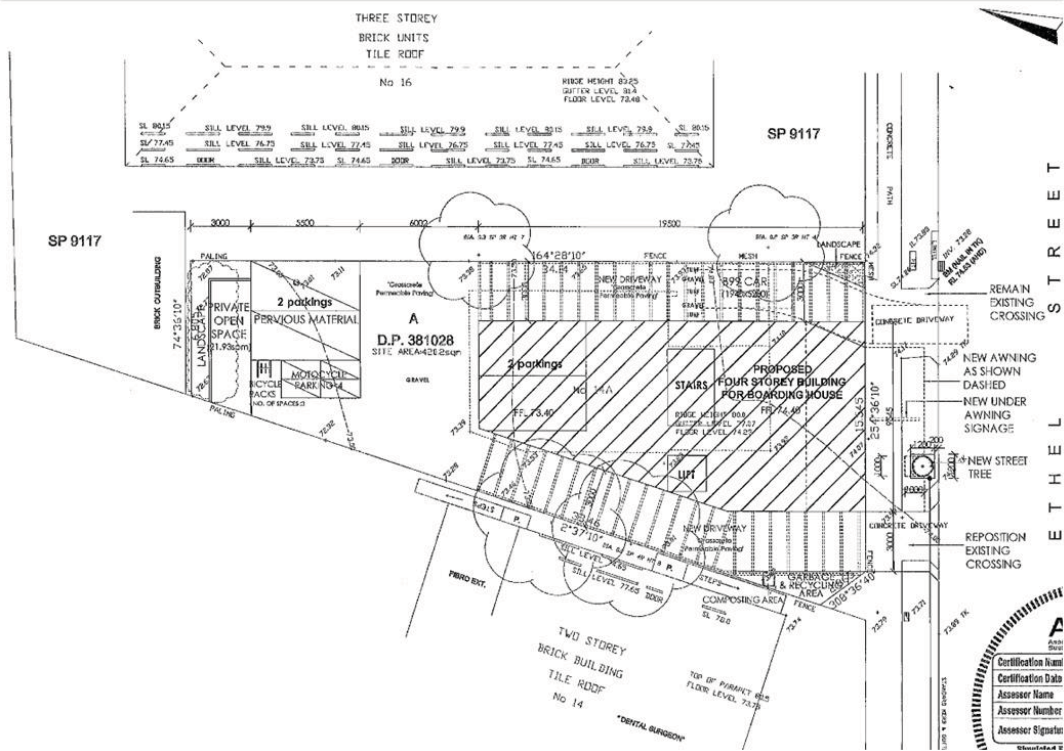


Figure 1: Extract of the Site Plan demonstrating the proposed development.



Figure 2: Extract of the Street Elevation Plan of the proposed development.

ITEM 3 (continued)**5. Background**

Local Development Application 2011/0514 for a Boarding House was lodged with Council on 28 September 2011. This proposal was for the demolition of the existing structures, erection of a 4 storey building to be used as a boarding house, a ground floor retail shop, signage and basement car parking. This application was withdrawn by the applicant on 19 April 2012.

The subject Local Development Application was lodged on 13 September 2012.

The originally submitted plans demonstrated several non-compliances with Council's controls. In relation to Part 4.1 of the Eastwood Town Centre DCP 2010, the proposal did not provide sufficient information and / or did not satisfy controls in relation to architectural characteristics, parking and design, landscaping and trees, awnings and colonnades, signage, sunlight, energy efficiency of buildings, vibration and noise mitigation, external lighting and waste management for residential buildings. The proposal also did not demonstrate compliance with Part 8.2 Stormwater Management, Part 9.2 Access and Council's Public Domain Technical Manual – Part 3 Eastwood. The type of BASIX Certificate submitted was incorrect, a demolition work plan was not provided and the proposal did not demonstrate compliance with the BCA. A Plan of Management was also not provided. The applicant was advised of all of these issues in a letter dated 25 October 2012.

The applicant submitted amended plans and additional information on 4 December 2012. This information was assessed and considered to be insufficient with regard to compliance with the AHSEPP 2009, the Operational Plan of Management, NSW Police requirements, signage, trees on the subject and adjoining site, landscaping, the privacy and overlooking of the neighbouring apartment buildings, schedule of colours and materials, presentation of the side and rear elevations, safety and crime prevention and compliance with the Eastwood Town Centre DCP with regard to the second floor balcony.

The applicant submitted further amended plans and additional information on 14 February 2013.

When considered in light of the Ryde Development Control Plan (DCP) 2010, the development results in a variation to As2890.1:2004 in relation to ingress and egress of vehicles and Part 8.2 Stormwater Management in relation to the proposed drainage system. The development also results in a minor variation to the setback of the balcony above the second floor.

The applicant was requested to submit additional information and amended plans in relation to stormwater drainage, vehicular access and manoeuvring in Council's letter dated 25 October 2012. The requested information was not submitted. While the ingress and egress of vehicles could be addressed via conditions of consent if

ITEM 3 (continued)

Council was to accept less carparking and payment of a Section 94 contribution in lieu of carparking, the applicant has not satisfactorily resolved the stormwater drainage issues.

The amended plans were not re-notified.

This report addresses the amended plans.

6. Submissions

The original proposal was advertised in accordance with Development Control Plan 2010 - Part 2.1, Notification of Development Applications. The application was advertised on 3 October 2012 and notification of the proposal was from 26 September 2012 until 17 October 2012. During this time, Council received 7 submissions.

The amended plans were not re-notified as they were not considered to result in increased adverse amenity impacts to the immediate locality.

The issues raised in respect of the development include:

- *A development of this nature and size is inappropriate for this site.*

Comment: The proposal is for a Boarding House development which is a permissible use in the B4 Mixed Use zoning pursuant to the Ryde Local Environmental Plan (LEP) 2010. The four storey building height satisfies the maximum building height pursuant to the Ryde LEP 2010. The proposed use is suitable for this location, being in close proximity to public transport and essential shops and services. It is also noted, that similar sized buildings are located in the immediate locality. The Operational Plan of Management dated 4 February 2013 is considered to satisfactorily address concerns raised within objections, by Council Officers and the NSW Police and demonstrates the proposed Boarding House will be appropriately managed, and is an appropriate form of development for this site. The proposal also provides suitable setbacks and privacy mitigation measures to protect the amenity of neighbouring properties. Therefore, the nature and size of the proposed boarding house is considered to be a suitable.

- *Traffic impacts of the proposal given there is no rear access and Ethel Street is already overburdened.*

Comment: The proposal seeks to retain the existing driveway access points to the site and provide a one-way vehicular access arrangement to the car parking spaces which are located to the rear of the site. The proposal has been assessed by Council's Consultant Development Engineer and the access and car parking does not comply with Australian Standards (AS) 2890.1 in relation to sight lines and vehicle manoeuvring. This issue could be addressed by appropriate conditions of

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consent. This would include the deletion of two of the car parking spaces are the imposition of a Section 94 Contribution for the shortfall in car parking. It should be noted however that the development is not being refused on the grounds of Ethel Street already being overburdened. In terms of traffic movements the development will not contribute significantly to increased traffic generation and will not materially affect the operation of Ethel Street.

- *There is insufficient on-site parking.*

Comment: The development would be required to provide 4 car parking spaces. As detailed above, 2 of the 4 car parking spaces would be required to be deleted to ensure compliance with AS2890.1:2004. A Section 94 contribution could be imposed for the loss of the car parking spaces. Given that the development is located in close proximity to Eastwood Railway Station, this would be a satisfactory solution. In this instance, the development would provide adequate car parking.

- *A four storey building will eliminate natural light to the units in our three storey apartment building and adversely impact on privacy (referring to the three storey apartment building at No. 16 Ethel Street).*

Comment: The proposed development is supported by Shadow Diagrams which demonstrate the overshadowing impact of the proposed development. Due to the orientation of the site and building siting, the proposal has limited overshadowing impacts on the neighbouring properties. As demonstrated in **Figure 3** below, on 21 June the proposed development generates overshadowing of the adjoining property to the east, No. 16 Ethel Street from approximately 2pm onwards. In particular, **Figure 3** below demonstrates that the overshadowing impact affects the front setback area only and does not affect the apartment building at No. 16 Ethel Street until after 3pm on 21 June. The overshadowing impact of the proposal complies with the requirements of the Ryde Development Control Plan (DCP) 2010 and is satisfactory.

ITEM 3 (continued)

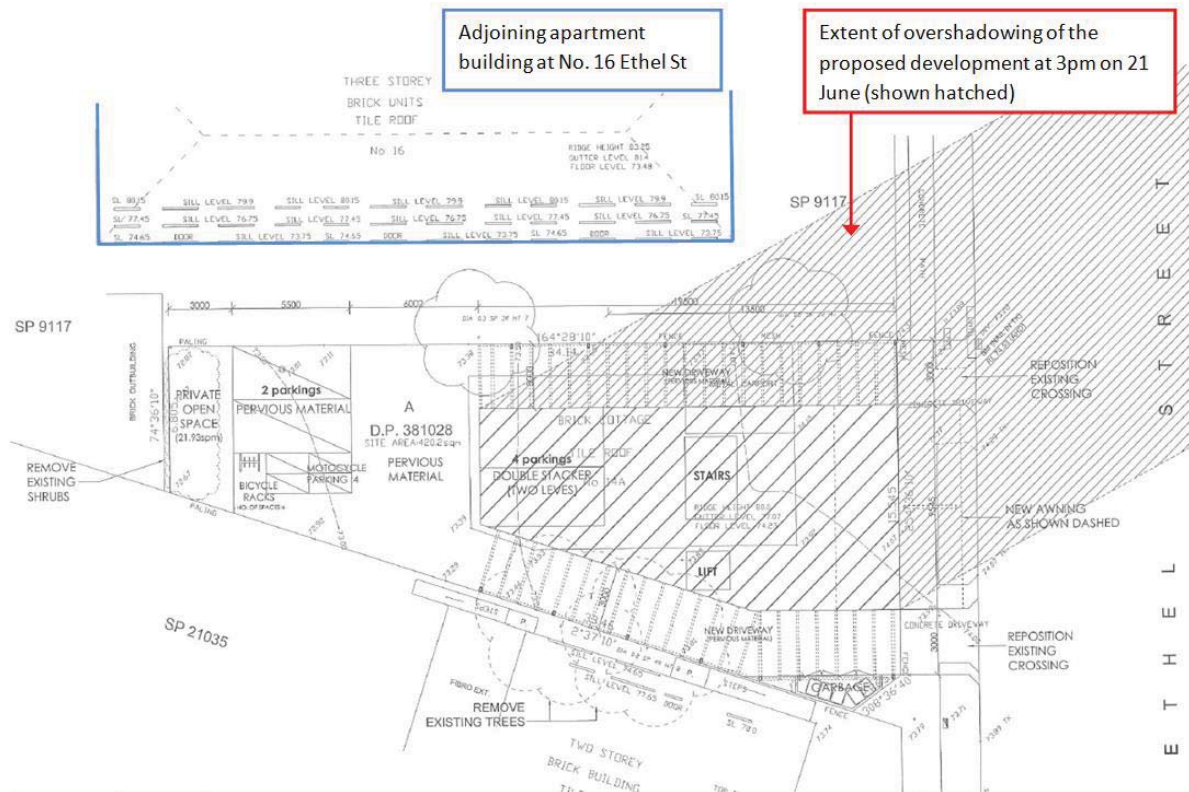


Figure 4: Extract of the Shadow Diagram, Dwg No. SH4926-2, demonstrating the overshadowing impact of the development on the adjoining site to the east, No. 16 Ethel Street (as indicated in blue). At 3pm on 21 June (as indicated in red) the development does not overshadow the adjoining apartment building.

The potential for the future occupants of the boarding house to impose on the privacy of the neighbouring apartment building at No. 14 Ethel Street was raised in Council's correspondence on 14 February 2013. In response, the applicant amended the design of the windows to this elevation to reduce the potential for direct overlooking. These mitigation measures included increasing the sill height of the bedrooms from 0.9 metres to 1.2 metres and providing external aluminium privacy louvres to these windows, and treating the bathroom windows to be obscured with a sill height of 1.6 metres. These measures are considered appropriate to mitigate the potential overlooking impacts from the development and protect the amenity of the neighbouring residents.

- *There is no indication of how many boarders there will be. The number of boarders will impact on the local environment. The Eastwood area is already densely populated and the introduction of this many boarders will adversely affect the area.*

ITEM 3 (continued)

Comment: The proposed Boarding House comprises 16 rooms including a caretaker's room. All of the rooms are for single lodgers, except for Room 9 which is a double room. A total of 16 lodgers and 1 caretaker can be accommodated at any one time. The amended Operational Plan of Management clearly states that a total of 17 people will reside at the Boarding House at any one time.

Boarding Houses are permissible forms of development in the B4 Mixed Use zoning, and this site is capable of accommodating a Boarding House given its close proximity to public transport and essential retail shops. The proposal is supported by an amended Operational Plan of Management which addresses the impact of the development on the site and surrounds.

- *The building is an overdevelopment of the site, is cheap and nasty and has no character. The neighbouring units enhance the appearance of the buildings and the streetscape. The proposal has no balconies, no front garden, and finished abruptly at the footpath with little or no open outdoor space. This building is not compatible.*

Comment: The subject site is located within the B4 Mixed Use zoning pursuant to the Ryde LEP 2010 and is subject to the objectives and controls of the Ryde DCP 2010 Part 4.1 Eastwood Town Centre. The proposal has been designed in accordance with the relevant controls for this form of development, and has been amended in response to the issues raised in the submissions. For example, the built form contributes to the streetscape by providing an awning over the footpath and the introduction of a Jacaranda Street tree.

The nil setback to the street boundary is suitable as it is a continuation of this form of development at the Eastwood Town Centre area. The top two floors are set back 3 metres to mitigate the bulk and scale of the development, which is further softened by the introduction of landscaping at the second floor balcony. Architectural features and a suitable colour scheme are provided to all elevations to improve the presentation of the development. The proposal is considered to be compatible with the existing and future streetscape of the immediate locality, and provides a suitable transition from the mixed use developments to the west and the high density residential developments to the east.

- *The development conflicts with other land uses.*

Comment: The proposed Boarding House is a permissible land use in the B4 Mixed Use zoning pursuant to the Ryde LEP 2010. The proposed use is a suitable transition from the mixed use developments to the west which will assist in supporting the retail and economic vitality of the area, and the high density residential developments to the east.

ITEM 3 (continued)

- *The number of bins and waste management is insufficient.*

Comment: The proposal provides a garbage, recycling and composting area at the western corner of the site in close proximity to the street boundary. The quantity of waste services satisfies Council's requirements and is considered to be sufficient to cater for the needs of the development. The waste services are supported.

- *The stormwater disposal system in the rear yard area is unsuitable and will adversely affect neighbouring properties, and is not certified.*

Comment: The site falls to the rear boundary. The applicant has proposed to collect the new roof area water into a below ground rainwater tank located behind the new building. A charged overflow will be provided to enable this water to be discharged to the kerb and gutter in Ethel Street. In addition, water from the driveway and car parking areas are to be drained into an absorption trench system.

Neither of these systems can be supported by Council's Consultant Development Engineer. Council's DCP does not permit charged overflows. If allowed the discharge to the kerb would impact on the overland flow that occurs on Ethel Street. The absorption trench system cannot be supported as the development does not provide a sufficient grassed or pervious area to permit the absorption trench system. As proposed, the stormwater disposal would affect the adjoining properties by uncontrolled release of stormwater and potential flooding and drainage issues downstream.

From a stormwater perspective, the development requires a drainage easement to be obtained from 16 Ethel Street to drain through to Ethel Lane. In addition, the development would require on site stormwater detention to be provided. The applicant was advised of this issue on 25 October 2012. However, the drainage easement and on site stormwater detention has not been provided and is one of the reasons for refusal.

- *The design raised concern in terms of fire safety and evacuation. The development should be regularly inspected to avoid the use of hot plates in rooms which may be a fire risk.*

Comment: The proposal has been reviewed by Council's Building Surveyor and is considered to satisfy the requirement of the Building Code of Australia (BCA). The amended Operational Plan of Management provides suitable guidelines and policies in relation to safety and security and confirms that emergency management and fire evacuation plans will be provided, and an annual fire safety statement and current fire safety schedule will be provided as necessary.

- *It is not clear how the stacked system for car parking spaces will effectively work and be managed.*

ITEM 3 (continued)

Comment: The proposal has been amended and no longer provides a stacked system. The proposal is for four (4) at grade car parking spaces at the rear of the site. However 2 of these spaces would be required to be deleted to ensure compliance with AS2890.1:2004.

- *Boarding Houses, particularly those catering for students, tend to create a lot of visitor movement, undue noise and unless properly supervised by Council and the caretaker, overnight stays by visitors would be common practice.*

Comment: In response to concerns raised in public submissions, by Council and the NSW Police, the applicant submitted an amended Operational Plan of Management (OPM) dated 4 February 2013. The OPM provides detailed management practices to minimise the potential impacts on the amenity of future occupants, neighbouring properties and the general public.

In order to manage visitor movement, the OPM states that each boarder is permitted to have up to two (2) visitors between the hours of 7am to 10pm. The caretaker / manager will maintain a guest register at all times and be responsible for monitoring guest numbers and details, and no visitors are permitted to stay overnight.

In order to mitigate potential noise issues, the OPM states and no social gatherings or parties are to be held on the premises at any time. Lodgers are required to be in the premises by 10pm, and if they do not meet this curfew, they are required to report to the manager on arrival, and follow the manager's instructions to enter the premises in an appropriate manner and minimise disturbance to other lodgers and neighbouring properties. No audible music is permitted to be played in the rooftop area, balconies or outdoor private open space.

The operation of the Boarding House will be overseen by the caretaker / manager, with a formal complaints system which aims to ensure that issues are promptly and effectively managed, and are available for inspection by the NSW Police and Council at any time.

A copy of the Operational Plan of Management is attached for information.

- *Safety concerns for the local area and families.*

Comment: In response to concerns raised in public submissions, by Council Officers and the NSW Police, the applicant submitted an amended Operational Plan of Management (OPM) dated 4 February 2013 and a Crime Prevention through Environmental Design Principles Assessment Report dated 12 February 2013. These documents demonstrate that the design and operation of the proposed Boarding House take into consideration safety of the future occupants of the Boarding House, neighbouring residents and the local community. Measures which assist in protecting the safety of the local area and families includes creating an environment of passive

ITEM 3 (continued)

surveillance in the area surrounding the site, the presence of a caretaker / manager on site, the installation of a CCTV surveillance system on the premises, external sensor lighting, secure access to the premises, appropriate space management to maintain the quality of the site. When considered in light of the CPTED principles, the proposal provides suitable design features to deter would be offenders.

7. Clause 4.6 RLEP 2010 objection required?

Not required.

8. Policy Implications**Relevant Provisions of Environmental Planning Instruments etc:****(a) Ryde Local Environmental Plan 2010 (RLEP)****Zoning and Zone Objectives**

The subject site is zoned B4 – Mixed Use under the provisions of RLEP 2010. The proposed development is a permissible form of development with consent of Council.

The objectives of the Mixed Use zone are as follows:

- To provide a mixture of compatible land uses.
- To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.
- To create vibrant, active and safe communities and economically sound employment centres.
- To create safe and attractive environments for pedestrians.
- To recognise topography, landscape setting and unique location in design and land-use.

The development generally complies with the above objectives. However, the proposed development has not demonstrated compliance with the relevant requirements in relation to stormwater management, vehicular access and car parking and flood impact assessment. In this regard the development is not considered to provide a suitable design which recognises the topography and environmental conditions of the subject site and immediate locality and is not supported.

ITEM 3 (continued)
Mandatory Requirements

Ryde LEP 2010	Proposal	Compliance
4.3(2) Height		
15.5m overall	14.45m - 14.9m	Yes
6.4 Eastwood Urban Village		
<ul style="list-style-type: none"> Applies to land marked Development Intensification Restricted 	Not within intensification area	N/A
<ul style="list-style-type: none"> Applies to land marked Development Intensification Constrained 	Not within constrained area	N/A
6.5 Eastwood Urban Village		
Objectives: (a) To create a safe and attractive environment for pedestrians, (b) To create a mixed use precinct with emphasis on uses that promote pedestrian safety and activity at ground level (existing), (c) To create a precinct that contains opportunities for living, working, commerce, leisure, culture, community services, education and public worship, (d) To increase the number of people living within walking distance of high frequency public transport systems, (e) To increase the use of public transport.	The proposed development is considered to be consistent with these objectives. The site is in close proximity to train and bus transport which increases the number of people residing near public transport systems and encourages the use of public transport. The proposal provides opportunities for living close to the listed services. The proposed use contributes to the mix of land uses in the area and creates casual surveillance of the street and immediate locality. The footpath is covered by an awning for the width of the building, and contributes to providing a safe environment for pedestrians.	Yes

Clause 5.10(4) Heritage Conservation

The subject site is located within 100 metres of items of heritage significance, being shops at Nos. 15, 17, 19, 21, 23 and 25 Railway Parade (Item No. 100 in the RLEP). Council's Heritage Officer has reviewed the proposal and has raised no objections to the proposed development.

ITEM 3 (continued)
(b) Relevant SEPPs
SEPP (Affordable Rental Housing) 2009

The AHSEPP first came into effect on 31 July 2009. Clause 8 of the AHSEPP states (in relation to relationship with other environmental planning instruments) that if there is an inconsistency between the AHSEPP and any other environmental planning instrument, whether made before or after the commencement of the AHSEPP, the AHSEPP prevails to the extent of the inconsistency.

The following Table contains an assessment of the proposal against the provisions of the AHSEPP:

Provision	Proposed	Compliance
Accessible area means land that is within:		
(a) 800m walking distance of a public entrance to a railway station or a wharf from which a Sydney Ferries ferry service operates, or	The subject site is within the specified distance, being approximately 150 metres from the Eastwood Train Station.	Yes
(b) 400m walking distance of a public entrance to a light rail station or, in the case of a light rail station with no entrance, 400 metres walking distance of a platform of the light rail station, or	None within the specified distance.	N/A
(c) 400m walking distance of a bus stop used by a regular bus service (within the meaning of the <u>Passenger Transport Act 1990</u>) that has at least one bus per hour servicing the bus stop between 06.00 and 21.00 each day from Monday to Friday (both days inclusive) and between 08.00 and 18.00 on each Saturday and Sunday.	The subject site is within the specified distance of a regular bus service. These services operate at the required frequency both during weekdays and on weekends.	Yes

ITEM 3 (continued)
Standards that cannot be used to refuse consent

Clause 29 of the AHSEPP specifies the following relevant standards that the consent authority cannot use to refuse consent for a boarding house if the development complies with these standards:

Standards that cannot be used to refuse consent	Comment
<p>Floor Space Ratio A consent authority must not refuse consent to development to which this Division applies on the grounds of density or scale if the density and scale of the buildings when expressed as a floor space ratio are not more than the existing maximum floor space ratio for any form of residential accommodation permitted on the land.</p>	<p>N/A There is no FSR applicable within the Eastwood Town Centre. The site area is 420.17m².</p>
<p>In addition a consent authority must not refuse consent to development to which this Division applies on any of the following grounds:</p>	
<p>Building height if the building height of all proposed buildings is not more than the maximum building height permitted under another environmental planning instrument for any building on the land,</p> <p>For this site: The Height of Buildings Map under Ryde LEP 2010 prescribes a 15.5m maximum height. (Note: Maximum number of storeys not specified).</p>	<p>The maximum building height is 14.9m which complies with this control.</p>
<p>Landscaped area if the landscape treatment of the front setback area is compatible with the streetscape in which the building is located,</p>	<p>The proposed development has a nil setback. Landscaping treatment is provided to the east and west corners of the street boundary, within a planter on the second floor and a Jacaranda Street tree. These landscaping elements assist in</p>

ITEM 3 (continued)

Standards that cannot be used to refuse consent	Comment
	ameliorating the visual impact of the proposed development. The proposal is in keeping with the existing and future streetscape, being representative of a mixed use development in the B4 Mixed Use zoning. The proposal complies with this standard.
Solar access where the development provides for one or more communal living rooms, if at least one of those rooms receives a minimum of 3 hours direct sunlight between 9am and 3pm in mid-winter,	The location and window placement of the proposed communal living area at the rear of the top floor receives in excess of 3 hours of direct sunlight in mid-winter and meets the requirements of the AHSEPP.
Private open space if at least the following private open space areas are provided (other than the front setback area): <ul style="list-style-type: none"> (i) one area of at least 20 square metres with a minimum dimension of 3 metres is provided for the use of the lodgers (ii) if accommodation is provided on site for a boarding house manager—one area of at least 8 square metres with a minimum dimension of 2.5 metres is provided adjacent to that accommodation, 	(i) The private open space area located at the rear of the site totals 21.93m ² with a 3m dimension for the use of the lodgers. (ii) The boarding house manager residence is provided with an adjacent balcony with an area of 8m ² and minimum 3m dimensions. The private open space areas comply with the AHSEPP requirements.
Parking if not more than: <ul style="list-style-type: none"> (i) in the case of development in an accessible area—at least 0.2 parking spaces are provided for each boarding room, and 	3 resident spaces PLUS 1 space for manager's parking is provided in the development.

ITEM 3 (continued)

Standards that cannot be used to refuse consent	Comment
<p>(ii) in the case of development not in an accessible area—at least 0.4 parking spaces are provided for each boarding room, and</p> <p>(iii) in the case of any development—not more than 1 parking space is provided for each person employed in connection with the development and who is resident on site.</p> <p>For this site:</p> <ul style="list-style-type: none"> • Located within an “accessible area” as defined under the AHSEPP. • 15 boarding rooms require 3 parking spaces @ 0.2 spaces per boarding room. • Plus not more than 1 parking space for on-site resident manager. • 4 parking spaces are required. 	<p>These spaces are all provided at the rear of the site. The spaces however do not comply with AS2890.1:2004 specifically in relation to ingress and egress as there is insufficient area for manoeuvrability and sight distance for pedestrian and vehicular safety. This could be resolved by the deletion of the 2 parking spaces adjacent to the building. This would result in a shortfall of two car parking spaces however this could be addressed by the provision of a Section 94 Contribution if Council was mindful to approve this application.</p>
<p>Accommodation size if each boarding room has a gross floor area (excluding any area used for the purposes of private kitchen or bathroom facilities) of at least:</p> <p>(i) 12m² in the case of a boarding room intended to be used by a single lodger, or</p> <p>(ii) 16m² in any other case.</p>	<p>All of the proposed boarding rooms comply with the minimum area requirements proposed for both single lodger and double lodger rooms.</p>
<p>A boarding house may have private kitchen or bathroom facilities in each boarding room but is not required to have those facilities in any boarding room.</p>	<p>All of the boarding rooms have ensuite bathrooms (including shower, toilet and wash-basin).</p> <p>All of the boarding rooms have kitchenette facilities.</p>

ITEM 3 (continued)
Standards for Boarding House

Section 30 and 30A sets out standards and criteria for boarding houses and Council must not consent to a boarding house unless it is satisfied with each of the following:

30 Standards for boarding houses		
Standard	Proposed	Compliance
(a) if a boarding house has 5 or more boarding rooms, at least one communal living room will be provided,	This boarding house contains 15 boarding rooms and 1 Caretaker's residence. The development includes a communal kitchen and dining area on the ground floor, and a communal living area on the third (top) floor.	Yes
(b) no boarding room will have a gross floor area (excluding any area used for the purposes of private kitchen or bathroom facilities) of more than 25 square metres,	The gross floor area of the bedrooms range from 12.02m ² to 16.34m ² – excluding the ensuite bathroom facilities.	Yes
(c) no boarding room will be occupied by more than 2 adult lodgers.	Under the AHSEPP, rooms for more than 1 lodger need to be 16m ² or over. All of the rooms are designated as being for single lodgers, except for Room 9 which is a double room and has a gross floor area of 16.02m ² .	Yes
(d) adequate bathroom and kitchen facilities will be available within the boarding house for the use of each lodger,	Each bedroom has an ensuite bathroom facility and a kitchenette. A communal kitchen and dining area is provided on the ground floor. The third (top) floor communal living area also has a kitchenette. Council's Environmental Health Officer and Building	Yes

ITEM 3 (continued)

30 Standards for boarding houses		
Standard	Proposed	Compliance
	Surveyor have raised no objection to the proposed bathroom and kitchen facilities.	
(e) if the boarding house has capacity to accommodate 20 or more lodgers, a boarding room or on site dwelling will be provided for a boarding house manager,	In accordance with the provisions of the AHSEPP this boarding house has a maximum capacity of 15 boarding rooms and 16 adult lodgers. Whilst not strictly required, an on-site manager is proposed.	Yes
(f) (repealed)	N/A	N/A
(g) if the boarding house is on land zoned primarily for commercial purposes, no part of the ground floor of the boarding house that fronts a street will be used for residential purposes unless another environmental planning instrument permits such a use,	The site is within the B4 Mixed Use zone. Residential buildings, including Boarding Houses and Residential Flat Buildings, are permitted in the B4 Mixed Use zone, and therefore the ground floor can be used for residential purposes. Satisfactory.	Yes
(h) at least one parking space will be provided for a bicycle, and one will be provided for a motorcycle, for every 5 boarding rooms. Proposal: 15 boarding rooms = 3 bicycle and 3 motorcycle spaces required.	4 motorcycle spaces and 3 bicycle spaces are provided.	Yes
30A Character of local area		
A consent authority must not consent to development to which this Division applies unless it has taken into	See detailed discussion below.	Yes

ITEM 3 (continued)

30 Standards for boarding houses		
Standard	Proposed	Compliance
consideration whether the design of the development is compatible with the character of the local area.		

Character of the Area (clause 30A of the AHSEPP)

As noted above, clause 30A of the AHSEPP requires Council to consider whether the design of the development is compatible with the character of the local area.

The applicant has provided comment on this issue as follows:

“The surrounding locality to the west is zoned B4 (Mixed Use) within the Eastwood Urban Village and multi storey mixed use buildings are present. The surrounding area at the east is zoned R4 (High Density Residential) and residential flat buildings dominate the streetscape. The design of the subject building will be compatible with the existing streetscape.”

Assessing Officer’s comment: In addition to the applicant’s submission, the following comments are made in regard to the overall character of the area.

The subject site separates two distinct land use areas. As demonstrated in Photo 1 below, the neighbouring land uses to the west of the subject site comprise a two storey office premises and a mixed use development which is two storeys in height at the footpath and four storeys in height behind. The Eastwood Police Station is located on the opposite side of Ethel Street.

As demonstrated in Photos 2 and 3 below, the neighbouring properties to the east of the subject site comprise apartment buildings three and four storeys in height.

ITEM 3 (continued)



Photo 1: Photo taken from Ethel Street looking west towards the Eastwood Police Station (left), Eastwood Train Station (end of street), two and four storey mixed use development (centre and behind), a two storey office premises (centre) and the existing single storey building on the subject site (right).



Photo 2: Photo looking east down Ethel Street showing the neighbouring three storey apartment buildings.

ITEM 3 (continued)



Photo 3: Photo looking east down Ethel Street, on the southern side of Ethel Street, showing the neighbouring four storey apartment buildings.

Considering the nature of the built form surrounding the subject site identified above which currently features a mix of three to four storey developments, the proposed four storey building height is a common characteristic of Ethel Street. The proposed building features a narrow built form with a width of 9.545metres and a nil setback to the street boundary for the ground and first floors, and a 3 metre setback for the second and third floors. The proposed elevations of the development also comprise a mix of architectural features, colours and materials, an awning over the footpath for the width of the building and the provision of landscaping, including the introduction of a Jacaranda street tree.

These elements result in a built form which is in keeping with the bulk and scale of the existing streetscape and is considered to provide a suitable transition between the neighbouring mixed use and residential developments. The built form and articulation of the development along with its height are consistent with the character displayed by the surrounding properties.

In terms of built form, the visual presentation of the proposal is similar to the neighbouring four storey residential flat buildings. The maximum building height of the development is 14.9m (RL 88.65) for the lift room and stairs located within the centre of the rooftop. The remainder of the development has a maximum building height of 13.5 metres (RL 86.95). When compared to the building heights of the neighbouring buildings, the four storey development (excluding the lift overrun feature) will be 3.7 metres greater in height than the adjoining apartment building to

ITEM 3 (continued)

the east, No. 16 Ethel Street, and 6.45 metres greater in height than the adjoining two storey office premises to the west at No. 14 Ethel Street (however it is noted that this site has the potential to be redeveloped to a similar four storey building height and scale as the subject site). The proposed development will provide similar building heights when considered in relation to the four storey apartment buildings to the south, and the four storey mixed use development to the west at Nos. 10-12 Ethel Street.

The nil front setback and footpath awning is representative of the setbacks of the mixed use developments to the west and provides a suitable built form. The proposed setback positively contributes to activating the street level of the Eastwood Town Centre and enhances the level of casual surveillance of the immediate area. The proposed nil setback is not representative of the existing setbacks of the neighbouring apartment buildings, however this is not considered a suitable means of comparison, as the zoning of the properties to the east are R4 High Density, and are not subject to the same objectives and development controls of the subject site which is zoned B4 Mixed Use. The setbacks are considered appropriate and representative of the existing and future street character of the area.

Overall, the proposed development is generally considered to be consistent with the existing and future character of the area, both in terms of the mixed use land uses to the west, and the predominantly three to four storey apartment buildings to the east.

SEPP (Building Sustainability Index: BASIX) 2004

A compliant BASIX Certificate (No. 446450S_03 dated 20 February 2013) has been submitted with the DA.

SEPP No. 55 Remediation of Land

The requirements of State Planning Policy No. 55 – Remediation of Land apply to the subject site. In accordance with Clause 7 of SEPP 55, Council must consider if the land is contaminated, if it is contaminated, is it suitable for the proposed use and if it is not suitable, can it be remediated to a standard such that it will be made suitable for the proposed use.

Given the current condition of the site and its history, being a single storey residential building which has recently been occupied for office or business uses, there is low likelihood of contamination being present on the site. Accordingly, the site is considered suitable for the intended use.

ITEM 3 (continued)**(c) Relevant REPs****Deemed State Environmental Planning Policy Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005**

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

The site is located within the designated hydrological catchment of Sydney Harbour and therefore is subject to the provisions of the above planning instrument. However, the site is not located on the foreshore or adjacent to the waterway and therefore, with the exception of the objective of improved water quality, the objectives of the planning instrument are not applicable to the proposed development. The objective of improved water quality is satisfied through compliance with the provisions of Part 8.2 of DCP 2010. The proposed development raises no other issues and otherwise satisfies the aims and objectives of the planning instrument.

(d) Any draft LEPs

A Section 65 Certificate enabling the formal exhibition of Draft Ryde Local Environmental Plan 2011 was issued by the Department of Planning and Infrastructure on 23 April 2012. 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. Under this Draft Ryde LEP, the zoning of the property is B4 Mixed Use. The proposed development is permissible with consent within this zoning under the Draft Ryde LEP, and it is considered that the proposal is not contrary to the objectives of the Draft Ryde LEP or those of the proposed zoning.

(e) Any DCP**City of Ryde Development Control Plan 2010:**

- Part 4.1 – Eastwood Town Centre**
- Part 7.1 – Energy Smart, Waterwise**
- Part 7.2 – Waste Minimisation and Management**
- Part 8.2 – Stormwater Management**
- Part 9.2 – Access for People with Disabilities**
- Part 9.4 – Fencing**
- Part 9.6 – Tree Preservation**

The proposed development has been assessed against the provisions of the above parts of DCP 2010 and found to be mostly compliant as illustrated by the development controls below.

ITEM 3 (continued)

DCP 2010	Proposed	Compliance
Part 4.1 Eastwood Town Centre		
3.1 Mixed Use Development	Boarding house	N/A
3.2 Stormwater Management • See Clause 6.4 in Ryde LEP 2010.	Not within area	N/A
3.3 Architectural Characteristics • Height (a) Buildings must comply with the maximum height limit shown on the Height of Buildings Map under Ryde LEP 2010 – 15.5m overall. (b) All parapets, fronting retail/pedestrian priority streets, shall remain at their existing levels. Vertical extensions to these buildings shall be designed so that they cannot be seen from the opposite side of the street onto which they face. (c) Except as specified above, development is to be within the envelope of the “sun altitude height plane” being the plane projected at an angle of 26° over a building site measured from the property boundary on the opposite side of the road.	14.05-14.6m The proposed parapet fronting the street boundary comprises a 1m extension above the second level. This parapet is similar to the mixed use development to the west, Nos. 10-12 Ethel Street, and is in keeping with the streetscape. The vertical extensions, including the lift and stair structures will not be visible from the opposite side of the street. The development is within the permitted height plane (Dwg 4685-13).	Yes Yes Yes
<u>Variations</u> The council may approve a building which projects above the building height plane.	N/A – the applicant has not requested a variation.	N/A
• Setbacks (a) New buildings are to have street frontages built predominantly to the street alignment for the first 2	The first 2 storeys are built to the street alignment.	Yes

ITEM 3 (continued)

DCP 2010	Proposed	Compliance
<p>storeys.</p> <p>(b) Buildings may be constructed to the side and rear boundaries for the first 2 storeys.</p> <p>(c) Buildings (including balconies) are to be setback a minimum of 3m from all boundaries above the first 2 storeys.</p>	<p>N/A – the building is setback from the side (3m) and rear (14.5m) boundaries.</p> <p>The third storey features a balcony for the use of Rooms 8 and 9 within the front setback area. The applicant has justified a variation to this development control, given the balcony features a 1m high parapet wall and planter box which softens the impact of this balcony, the parapet and balcony is consistent with the neighbouring mixed use development at No. 10-12 Ethel St, and affords the occupants of Rooms 8 and 9 a suitable level of visual privacy as viewed from the public domain.</p>	<p>N/A</p> <p>No, variation acceptable. The proposed variation to the setback for balconies above the first 2 storeys is supported, given the proposal is in keeping with the existing and future streetscape of the neighbouring mixed use development to the west, and the balconies do not result in amenity and privacy impacts for neighbouring properties.</p>
<p><u>Variations</u> Circumstances where building predominantly to the street alignment may be inappropriate include development where:</p> <ul style="list-style-type: none"> - The site is adjacent to a freestanding heritage building. In this case the setback from the street alignment of the new 	<p>N/A – the applicant has not requested a variation.</p>	<p>N/A</p>

ITEM 3 (continued)

DCP 2010	Proposed	Compliance
building should match the setback of the heritage building; - It contributes an appropriate public space at the street frontage; or - It is desirable in terms of the overall design solution for the site as may be the case on corner sites of visual focal points within Eastwood.		
<ul style="list-style-type: none"> • Urban Design/Exterior Finishes (a) Building exteriors are to be designed to avoid extensive expanses of blank glass or solid wall. (b) Balconies and terraces should be provided, particularly where buildings overlook public spaces. (c) All new buildings and renovations should incorporate a colour scheme using the colour palette. (d) Corporate colours shall be limited to advertising signs or structures. (e) The siting and configuration of buildings should take into account the impact on surrounding development and public spaces in terms of amenity, shadowing and visual privacy. 	<p>There are no extensive expanses, the walls are broken up with windows on all sides. All elevations feature an appropriate mix of colours, materials and architectural features.</p> <p>The public domain benefits from casual surveillance from the ground floor common areas and the second floor balcony. A common colour scheme is proposed to all external elevations.</p> <p>Corporate colours are limited to the signage</p> <p>The proposed use and built form is not considered to adversely affect public spaces. In order to protect the visual privacy of neighbouring residents to the east, the bathroom windows are obscured, small in size with a 1.6m sill height. The bedroom windows have a sill height of</p>	<p>Yes</p>

ITEM 3 (continued)

DCP 2010	Proposed	Compliance
<p>(f) The tops of buildings are to be designed so that they:</p> <ul style="list-style-type: none"> i Integrate with the design of the building and conceal plant and equipment; and ii Promote a visually distinctive and interesting skyline. 	<p>1.2m and have external aluminium louvres to mitigate overlooking. The siting of the building with 3m side setbacks and 14.5m rear setback provide suitable separation to neighbouring properties to protect their amenity. The siting of the building also results in minimal overshadowing impact, with the commercial premises at No. 14 Ethel Street overshadowed until approximately 11am only. The apartment building at No. 16 Ethel Street will be overshadowed from approx. 1pm. It is noted that this shadow only impacts on part of the front of 16 Ethel Street. By 3pm the RFB at 16 Ethel Street is still not affected by overshadowing. Therefore, the building is suitably orientated with acceptable overshadowing impacts on neighbouring properties.</p> <p>The proposal is for a flat roof form which is similar to neighbouring mixed use developments and is within the height plane. The rooftop lift and stair features are appropriately concealed. The top of the building promotes a visually distinctive and appropriate skyline.</p>	

ITEM 3 (continued)

DCP 2010	Proposed	Compliance
<ul style="list-style-type: none"> • Corner allotments 	Not a corner allotment.	N/A
<ul style="list-style-type: none"> • Parking Design and Location (a) The creation of additional on-street car parking is encouraged. Opportunities to amplify on-street car parking through reconfiguration of car spaces (i.e. angled parking) should be explored. (b) Car parking associated with uses other than general retail uses should be located below ground level or should not be visible from the street. Alternatively, car parking can be screened from the street by situating retail uses between the street alignment and the parking area. (c) In order to minimise vehicular conflict between residents' and delivery and customer vehicles, car parking associated with residential uses should be provided separately from parking for other land uses. (d) Provision of off-street parking must comply with the following requirements: <ul style="list-style-type: none"> - There are no specific requirements for boarding houses in the Eastwood DCP. - Clause 2.2 of the Part 9.3 of the Ryde DCP overrides the above provisions. This part of the DCP provides the following parking requirements for Boarding 	<p>On-street parking to be retained. To ensure that the development complies with AS2890.1:2004, a maximum of 2 off street parking spaces would be provided at the rear of the site.</p> <p>No other uses on site.</p> <p>Parking for the caretaker, residents and deliveries provided on site.</p> <p>The proposal is for 15 rooms and 1 caretaker room. However, this clause is over-ridden by AHSEPP.</p>	<p>Yes</p> <p>N/A</p> <p>Yes</p> <p>Yes, satisfies the requirements of the AHSEPP.</p>

ITEM 3 (continued)

DCP 2010	Proposed	Compliance
Houses in the accessible area: <ul style="list-style-type: none"> • <i>“at least 0.2 parking spaces / dwelling containing 1 bedroom,</i> • <i>“at least 0.5 parking spaces / dwelling containing 2 bedrooms,</i> • <i>at least 1 parking spaces / dwelling containing 3 or more bedrooms.”</i> 		
<ul style="list-style-type: none"> • Contributions <ul style="list-style-type: none"> (a) Cash contributions are to be paid for the number of parking spaces not provided on site. (b) Cash contributions shall be paid at the rate set in Council’s Section 94 Contributions Plan. 	The development has a shortfall of 2 car parking spaces. A Section 94 Contribution would be applied to address this issue if Council was mindful to approve this application.	Conditional
<ul style="list-style-type: none"> • Location of Vehicle Access and Footpath Crossings <ul style="list-style-type: none"> (a) The design and location of vehicle access to developments should minimise: <ul style="list-style-type: none"> - Conflicts between pedestrian and vehicles on footpaths, particularly along pedestrian priority streets; and - Visual intrusion and disruption of streetscape continuity. (b) New vehicle access points are restricted in retail/pedestrian priority streets. Where practicable, vehicle access is to be from lanes and minor streets rather than major pedestrian streets or major arterial roads such as Rutledge Street, First 	The proposal is for separate one way ingress and egress which will utilise the existing driveways. Rear lane access is not available. The site has a minimum clearance of 2.7m which allows service vehicles to access the site. However, the proposal has been assessed by Council’s Consultant Development Engineer and does not comply with AS2890.1 in relation to sight lines and vehicle manoeuvring and is not supported. This could be addressed as conditions of consent to delete two of the car parking spaces.	No

ITEM 3 (continued)

DCP 2010	Proposed	Compliance
Avenue, or Blaxland Road. (c) Service vehicle access is to be combined with parking access and limited to a maximum of one access point per building. <u>Variations</u> Nil.		
<ul style="list-style-type: none"> • Bicycle Facilities (a) New developments in the station interchange area (as defined by the Eastwood Master Plan) should provide parking facilities such as U-rails for bicycle users, to the satisfaction of the Council. (b) Road improvements, new traffic calming measures such as speed humps and pedestrian refuge islands should be designed and installed so that they can be safely negotiated by cyclists	3 bicycle parking spaces are proposed. Internal calming devices not required due to limited amount of vehicle movement and one way circulation.	Yes
<ul style="list-style-type: none"> • Street Frontage Activities (a) Buildings with frontages to retail streets are to contribute to the liveliness and vitality of those streets.	The site is located at the edge of the B4 mixed use zone which transitions to the high density residential zoning to the east. Retailing for this site may create some land use conflicts at this transition point. A Boarding House use is considered a good transitional use which will still provide a level of activation.	N/A
<ul style="list-style-type: none"> • Circulation (a) Where circulation is provided through a site or within a building serving to connect 2 points, the	Circulation not provided or appropriate.	N/A

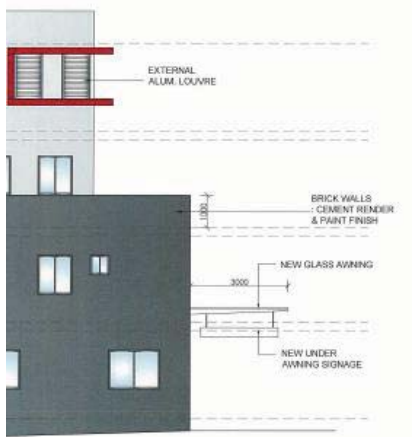
ITEM 3 (continued)

DCP 2010	Proposed	Compliance
<p>thoroughfare should function as a shortcut, be continuous and level with pedestrian areas and incorporate an active edge of retail or commercial uses.</p> <p>(b) Entry and exit points for vehicles are to be designed in a manner that reinforces the Circulation Strategy.</p>		
<p>Street Furniture</p> <p>(a) Development which entails the provision of new public spaces (i.e. streets, footpaths, walkways and the like) will need to incorporate new street furniture on the public space. This embellishment will be at the developers cost and the type and amount of embellishment will be negotiated with Council.</p> <p>(b) Street furniture should be designed and installed in accordance with a theme and provided throughout the centre, particularly in areas with the greatest concentration of and use by pedestrians.</p> <p>(c) The style, colour and installation methods of street furniture shall be in accordance with Council's specifications.</p>	<p>New public space not proposed.</p>	<p>N/A</p>
<ul style="list-style-type: none"> Landscaping & Trees <p>Development proposals, incorporating landscaped elements, are to be accompanied by a landscape plan.</p>	<p>The proposed Landscaping includes 3 Bougainvillea plants and 3 Bangalow Palms in the rear private open space area.</p>	

ITEM 3 (continued)

DCP 2010	Proposed	Compliance
(a) Where appropriate, developments should incorporate landscaping in the form of planter boxes incorporated into the upper levels of building to soften building form.	A planter box is provided at the second floor balcony which contributes to softening the appearance of the built form.	Yes
(b) Ground level entry areas to upper level dwellings should be well lit and not obstructed by planting in a way that reduces the actual or perceived personal safety and security of residents or pedestrians.	The entry areas are well lit and are not obstructed by planting.	N/A
(c) Street trees shall be provided in accordance with the Master Plan for the Centre and shall be provided at the developers' cost in conjunction with any new building work involving additional floor space.	1 Jacaranda street tree is proposed in accordance with the Eastwood Public Domain Manual.	Yes
(d) Street trees at the time of planting shall have a minimum container size of 200 litres, and a minimum height of 3.5m, subject to species availability.	As per plans, minimum container size at 200l and minimum height of 3.5m.	Yes
(e) Tree sites in the footpath area shall be 1.2m by 1.2m, filled with approved gravel and located 200mm from the back of the kerb line.	As per plans, the tree site is 1.2m by 1.2m with an approved gravel and located 200mm from the back of the kerb line.	Yes
(f) A tree grate of a type that meets Council's specifications shall protect all trees.	A tree grate is not detailed on the plans, however can be conditioned to satisfy Council's specifications.	No, however an appropriate Condition would usually be imposed.
(g) Where a proposal involves redevelopment of a site with a frontage of at least	N/A - 15.5m frontage.	N/A

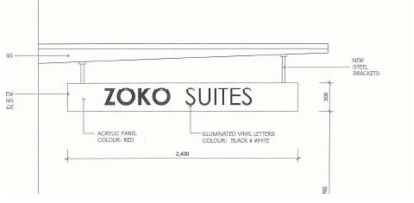
ITEM 3 (continued)

DCP 2010	Proposed	Compliance
<p>40m to a public road, the developer shall arrange for electricity and telecommunications utilities to be undergrounded along the entire length of all street frontages. Such utility modifications will be carried out to the satisfaction of the responsible authority (e.g. Energy Australia). This is to improve the visual amenity of the area and allow street trees to grow unimpeded.</p> <p>(h) Where utility installations are undergrounded in conjunction with new development Council will waive 50% of the total contribution towards public space acquisition and embellishment normally payable under Council's relevant Section 94 Contributions Plan.</p>	<p>N/A utilities are not undergrounded.</p>	<p>N/A</p>
<p>• Awnings and Colonnade</p>		
<p>(a) Buildings with frontage to any street must incorporate an awning or colonnade along that boundary.</p> <p>(b) The pavement level of a colonnade or covered walkway shall be at the same level as the footpath to which it is adjacent.</p> <p>(c) The height of a colonnade, awning or covered way shall not be less than 3m or greater than 4.5m.</p> <p>(d) The width of a colonnade, awning or covered way shall not be less than 3m.</p> <p>(e) Any new awnings should:</p>	<p>Awning proposed along building frontage.</p>  <p>No colonnade or covered walkway is proposed.</p>	<p>Yes</p> <p>N/A</p> <p>Yes</p> <p>Yes</p>

ITEM 3 (continued)

DCP 2010	Proposed	Compliance
i Be continuous for the entire length of the site frontage;	3.3m - 3.4m. 3m continuous awning. Continuous for the building frontage only.	No, variation acceptable. The proposed awning is considered suitable given the adjoining sites do not feature awnings. The proposed awning provides a suitable street presentation and is supported.
ii Be set back from the face of the kerb by 0.6m;		Yes
iii Have cut-outs of 1m wide by 1m deep to accommodate street trees, where the frontage is proposed to accommodate a street tree in accordance with the master plan or any public domain improvement plan;		Yes
iv Be weather sealed to the face of the building to which they are attached and to the adjoining awnings;	Set back 700mm from the kerb. 1m x 1m cut out for 1 proposed street tree.	N/A
v Have a height clearance above the footpath level of at least 3m or a height consistent with adjacent awnings; and		Yes
vi Maintain sufficient clearances from any overhead electricity or telecommunications installations.	N/A not connected to other awnings.	Yes

ITEM 3 (continued)

DCP 2010	Proposed	Compliance
<p>(a) Ground level shop fronts may incorporate see-through security grills or translucent barriers to ensure that maximum light is transmitted to footpath areas. Blank roller-shutter type doors will not be permitted.</p>	<p>Clearance over 3m.</p> <p>Clear of electricity or telecom installations.</p> <p>N/A</p>	<p>N/A</p>
<p>• Signage</p> <p>(a) Signage shall relate to the use of the building on which it appears.</p> <p>(b) Architectural features of the building shall be considered in the design of the advertising sign or structure. Signs shall not obscure decorative forms or mouldings and should observe reasonable separation distance from the lines of windows, doors, parapets, etc.</p> <p>(c) Signs should be of a size and proportion which complement the scale of the existing façade, as well as surrounding buildings and signs. Care should be taken in the design, size and positioning of signs above awning level.</p> <p>(d) Signage must comply with the following restrictions and dimensional requirements:</p> <p><u>Under-Awning Signs</u></p> <ul style="list-style-type: none"> - Should not exceed a. One per five (5) metres of street frontage; and - 2.4m in length and 300mm in height. 	<p>The proposed signage relates to the use.</p> <p>Satisfactory.</p> <p>Satisfactory.</p> <p>One illuminated under awning sign proposed, 2.4m long, 300mm high.</p> 	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>

ITEM 3 (continued)

DCP 2010	Proposed	Compliance
<p>Sunlight</p> <p>(a) Major public spaces should receive a minimum of 50% sunlight on the ground plane for at least 2 hours between 10am and 2pm on June 21. <u>Note:</u> Depending on the nature and use of a particular space, periods outside those specified above may also be required.</p> <p>(b) All new buildings should have an area of roof, with appropriate orientation and pitch that is suitable for the installation of solar collectors and photovoltaic cells.</p> <p>(c) In new residential developments, windows to north-facing living areas should receive at least 3 hours of sunlight between 9am and 5pm on June 21 over a portion of their surface. North-facing windows to living areas of neighbouring dwellings should not have sunlight reduced to less than the above 3 hours.</p> <p>(d) All development proposals of 2 storeys or more are to be accompanied by shadow diagrams that are to be submitted with the local development application.</p>	<p>No public space is overshadowed other than footpath and street.</p> <p>Solar collectors or photo voltaic cells provided on the northern portion of the roof.</p> <p>The third floor communal area receives in excess of 3 hours of daylight.</p> <p>Shadow diagrams submitted.</p>	<p>N/A</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
<ul style="list-style-type: none"> • Wind Standards <p>(a) Building design is to minimise adverse wind effects on recreation facilities and open terraces within developments.</p>	<p>Design unlikely to cause wind effects, satisfactory.</p>	<p>N/A</p>

ITEM 3 (continued)

DCP 2010	Proposed	Compliance
<ul style="list-style-type: none"> • Energy Efficiency of Buildings (a) New buildings should be designed to ensure that energy usage is minimised. 	<p>The development is accompanied by a BASIX Certificate (446450S_03), provides solar collectors / photo voltaic cells to promote an energy efficient development.</p>	<p>Yes</p>
<p>Vibration and Noise Mitigation</p> <p>(a) In respect of proposals for new residential buildings:</p> <ul style="list-style-type: none"> i the building plan, walls, windows, doors and roof are to be designed and detailed to reduce intrusive noise levels. ii balconies and other external building elements are located, designed and treated to minimise infiltration and reflection of noise onto the façade. iii dwellings are to be constructed in accordance with: <ul style="list-style-type: none"> - Australian Standard 3671-1989: Acoustics – Road Traffic Noise Intrusion, Building Siting and Construction; and - Australian Standard 3671-1987: Acoustics – Recommended Design Sound Levels and Reverberation Times for 	<p>The building layout and provision of sound proof internal walls contribute to reducing intrusive noise levels.</p> <p>The second floor balcony and building design is not considered to generate undue noise impacts.</p> <p>The development has been designed in accordance with the appropriate AS, and is supported by an acoustic statement.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>

ITEM 3 (continued)

DCP 2010	Proposed	Compliance
<p>Building Interiors.</p> <ul style="list-style-type: none"> - Environmental Criteria for Road Traffic Noise (EPA, 1999). <p>(b) In respect of developments proposed within 100m of the railway line, the following document should be used as a guideline for incorporating measures to mitigate noise and vibration:</p> <ul style="list-style-type: none"> - Rail Related Noise and Vibration: Issues to Consider in Local Environmental Planning – Development Applications and Building Applications (State Rail Publication, 1995). - Department of Planning guidelines. 	<p>Railway 120m distant.</p>	<p>N/A</p>
<ul style="list-style-type: none"> • Reflectivity <p>(a) The excessive use of highly reflective glass is discouraged.</p> <p>(b) Buildings with a glazed roof, façade or awning should be designed to minimise hazardous or uncomfortable glare arising from reflected sunlight.</p> <p>(c) New buildings and façades should not result in glare that causes discomfort or threatens safety of pedestrians or drivers.</p> <p>(d) Visible light reflectivity from building materials used on the façades of new buildings should not exceed 18%.</p>	<p>Details not supplied of building surface reflectivity but painted masonry finish unlikely to cause glare issues. Standard condition regarding glare from glazing can be recommended if Council seeks to approve this application.</p>	<p>Yes, standard glazing condition is usually imposed.</p>

ITEM 3 (continued)

DCP 2010	Proposed	Compliance
<ul style="list-style-type: none"> • External Lighting of Buildings (a) Any external lighting of buildings is to be considered with regard to: <ul style="list-style-type: none"> i The integration of external light fixtures with the architecture of the building (e.g. highlighting external features of the building); ii The contribution of the visual effects of external lighting to the character of the building, surrounds and skyline; iii The energy efficiency of the external lighting system; and iv The amenity of residents in the locality. 	<p>External wall lights and ceiling lights proposed. It is considered appropriate to condition this lighting to be sensed and not cause light spill onto neighbouring properties to protect their amenity.</p>	<p>Yes, condition usually imposed requiring lighting to be sensed and light spill is not to disturb neighbouring residents.</p>
<ul style="list-style-type: none"> • Waste Management (a) All applications for demolition, building and land development must be accompanied by a Waste Management Plan. <p><u>Residential Buildings</u></p> <ul style="list-style-type: none"> - A waste cupboard or other appropriate space is provided within dwellings for temporary storage of recyclables, garbage and compostable material. - In residential developments where individual storage is proposed an accessible and usable waste storage and recycling area is provided. - In circumstances where communal facilities are proposed, the area or room is of sufficient size to store Council's standard bins and is easily accessible from each unit and from 	<p>Waste Management Plan submitted.</p> <p>Storage areas shown on ground floor. Garbage, recycling and composting area provided.</p> <p>Waste to be managed by the caretaker in accordance with Operational Plan of Management.</p> <p>Waste to be managed by the caretaker in accordance with Operational Plan of Management.</p>	<p>Yes</p>

ITEM 3 (continued)

DCP 2010	Proposed	Compliance
<p>Council's usual collection point.</p> <ul style="list-style-type: none"> - The location and design of facilities does not impact on adjoining premises and the amenity of the dwellings within the development (eg odour, noise). - Adequate space has been provided to enable on-site composting. - Acceptable administrative arrangements for ongoing waste management are determined. - Where special waste materials to be generated (such as medical wastes and household hazardous waste) special arrangements will be required. - Communal on-site waste storage and recycling area or garbage and recycling room must be provided in residential flat buildings and multi-level dwelling occupancy. The area should be capable of accommodating Council's required number of standard waste containers. Where such an area is proposed additional space for the storage of bulky waste such as clean-up materials awaiting removal or recycling should be provided. - Buildings containing more than four storeys shall be provided with a suitable system for the transportation of garbage 	<p>The waste storage area is appropriate. Council's collection services will be used.</p> <p>Provided.</p> <p>Waste to be managed by the caretaker in accordance with Operational Plan of Management.</p> <p>N/A</p> <p>The waste storage area is sufficient to cater for the needs of the occupants.</p> <p>N/A</p>	

ITEM 3 (continued)

DCP 2010	Proposed	Compliance
from each floor level to the garbage and recycling room(s). This may be a garbage chute system. Where such facilities are utilised, space must be provided on each floor for storage of recyclables. <u>Business and Retail Premises</u>	Residential	N/A
Public Domain Manual o Ethel Street identified as requiring Jacaranda trees and clay paving on footpath	1 Jacaranda street tree proposed. Footpaths to be replaced with clay pavers in herringbone or stretcher bond pattern with a double header course along both kerb line and building line, in accordance with Eastwood Public Domain Manual.	Yes, condition would be imposed on any approval.
Part 7.1 – Energy Smart, Waterwise		
<ul style="list-style-type: none"> - Ceiling/roof and walls must be fitted with insulation. - Any hot water system must consider the most efficient option. - A minimum 4.5 star rating is required for products. - Water efficient fixtures are required. - Energy efficient lighting, motion detectors and dimmers are encouraged. 	The proposed development is supported by a BASIX certificate (446450S_03) which satisfies the requirements for sustainability with regard to water, thermal comfort and energy, including efficient water fixtures, energy efficient lighting and appliances.	Yes
Part 7.2 – Waste Minimisation & Management		
Submission of a Waste Management Plan	The applicant has submitted a Waste Management Plan which is considered to satisfactorily address Council's requirements.	Yes
Part 8.2 – Stormwater Management		
<ul style="list-style-type: none"> • Stormwater 		
<ul style="list-style-type: none"> - Drainage is to be piped in accordance with Part 8.2 – Stormwater Management. 	Due to the fall of the land, the development is required to obtain an easement so	No

ITEM 3 (continued)

DCP 2010	Proposed	Compliance
	that the site can drain to Ethel Lane. This has not been provided. Instead the development proposes no on site stormwater detention, a charged overflow system to Ethel Street and has inadequate area to accommodate the absorption trench system. What is proposed is inconsistent with the DCP. As proposed the development has the potential to cause flooding and drainage issues downstream.	
Part 9.2 – Access for People with Disabilities		
Class 3 to comply with all relevant criteria: <ul style="list-style-type: none"> • Continuous path of travel required throughout • Wheelchair path 1200mm min width • Changes in level by ramp or lift • Vertical clearance of at least 2m • Ramps & landings have grade <1:14, with landings every 6m • Ground & floor surfaces to be slip resistant • Approaches & entrances to be accessible • Doors & doorways to be 960mm min width & have sufficient circulation space • Lifts if over 2 levels • Tactile ground surface indicators 	Disabled Access Report submitted with DA. Accessible path provided from street via ramp, lift access between floors, access from parking area. 1200mm width provided. Ramp and lift provided. 2.4m proposed. Driveway levels satisfactory. Front access provided by ramp. Report indicates compliance. Details shown on plan and report indicates compliance. Front entrance accessible by ramp. Sufficient width and circulation space provided. Lift to all levels proposed. Ground surface indicators shown on plans.	Yes Yes Yes Yes Yes Yes Yes Yes

ITEM 3 (continued)

DCP 2010	Proposed	Compliance
<ul style="list-style-type: none"> • Stairways, escalators & moving footways to meet criteria • Lighting generally to be 150 lux & no glare • Adaptable Housing: • Off street parking <ul style="list-style-type: none"> ○ Greater of: <ul style="list-style-type: none"> - 1 wide bay space per accessible unit, or - If in parking area with more than 10 spaces (formula) • Sanitary facilities - One unisex is generally adequate • Wash basins to allow wheelchairs to get close • Shower facilities min 1600x2350mm with suitable grab rails • Emergency warning alarms • Emergency egress 	<p>Yes, addressed in report.</p> <p>Appropriate lighting is provided.</p> <p>Not required.</p> <p>Accessible parking space not required / provided.</p> <p>N/A - 4 spaces</p> <p>1 provided at ground floor and Room 8 (disabled room).</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>	<p>Yes</p> <p>Yes</p> <p>N/A</p> <p>N/A</p> <p>N/A</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
Part 9.4 – Fencing		
<p>Fencing should contribute to appearance, privacy and security.</p>	<p>The existing return, side and rear fencing is to be retained. No front fencing is proposed. The fencing does not adversely affect the appearance, privacy or security of the site and surrounds.</p>	<p>Yes</p>
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</p>	<p>There are 2 trees located within the adjoining site to the west, No. 14 Ethel Street, which overhang the subject site, and 2 trees located within the adjoining site to the east, No. 16 Ethel Street. The proposed development and 'grasscrete' driveway along the side boundaries are</p>	<p>Yes</p>

ITEM 3 (continued)

DCP 2010	Proposed	Compliance
driveway.	<p>supported by an Arboricultural Impact Assessment which concludes that the growth of these trees will not be disrupted. Recommendations are provided to ensure the continued growth and development of these trees.</p> <p>The erection and location of the proposed awning is not considered to obstruct the trees on the neighbouring sites and are supported.</p>	

Eastwood Public Domain Manual

The proposed development has been assessed against the provisions of the Eastwood Public Domain Manual and found to be compliant as illustrated by the development standards below.

Public Domain Manual	Proposed	Compliance
<ul style="list-style-type: none"> ○ Ethel Street identified as requiring Jacaranda trees and clay paving on footpath 	1 Jacaranda street tree proposed. Footpaths to be replaced with clay pavers in herringbone or stretcher bond pattern with a double header course along both kerb line and building line, in accordance with Eastwood Public Domain Manual.	Yes

Section 94 Contributions

Council's current Section 94 Contributions Plan (as amended on 24 October 2012) requires a contribution for the provision of various additional services required as a result of new developments. In the case of boarding house developments, the contribution is calculated based on the number of boarding rooms there are in the development proposal.

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Accordingly, contributions under Council's Section 94 Contributions Plan will be required as follows:

A	B (\$)
Community & Cultural Facilities	22,647.50
Open Space & Recreation Facilities	55,753.42
Civic & Urban Improvements	18,962.86
Roads & Traffic Management Facilities	2,586.69
Cycleway	1,615.66
Stormwater Management Facilities	5,135.60
Plan Administration	435.64
Car Parking	34,892.41
Total	\$142,029.80

A contribution for the services in Column A and for the amount in Column B shall be made to Council prior to release of any Construction Certificate.

This contribution has been calculated on the basis of the contribution rates current for March 2013.

9. Likely impacts of the Development

(a) Built Environment

The proposed development is considered to result in acceptable impacts on the existing built environment and the amenity of the surrounding area. The development, from a streetscape perspective, is generally consistent with the bulk and scale of other mixed use developments and apartment buildings in the immediate locality. The proposed development is considered to be in keeping with and enhance the existing streetscape. This is achieved by a suitable mix of neutral colours and materials, which are enhanced by architectural features and punctuated by framed features in a distinct *orange red* colour to all elevations. The visual impact of the proposed built form is also ameliorated by landscaping at street level and above at the Second Floor balcony, and attracts a suitable level of street amenity in conjunction with the Eastwood Town Centre to the west.

ITEM 3 (continued)

The proposal is considered to provide a suitable transition between the B4 Mixed Use zoning to the west and the R4 High Density Residential zoning to the east. It is considered that the proposed development will align with the desired future character of the locality, and will complement the existing built form and provide increased accommodation opportunities for the local community.

The application has not demonstrated that it will result in reasonable impacts to the built environment with regard to stormwater management. The proposal has been reviewed by Council's Consultant Development Engineer, and is not supported.

Having considered all relevant factors, the proposal has not demonstrated that it will not result in undue impacts on the built environment and is not supported.

(b) Natural Environment

The stormwater management system fails to comply with Council's DCP. The development proposes a charged overflow which will discharge water to Ethel Street as well as providing an absorption trench system with no grassed or pervious areas. No on site detention is proposed. The drainage system as proposed is uncontrolled and would result in runoff being introduced into Ethel Street which will cause flooding and drainage issues downstream. To prevent this from occurring, the development would be required to obtain a drainage easement through 16 Ethel Street to enable the site to drain to Ethel Lane as well as providing on site stormwater detention.

10. Suitability of the site for the development

The development application does not satisfactorily demonstrate that the site is suitable for this form of development with regard to stormwater management and flooding. In this regard, the proposal is not considered to be suitable for the site in terms of the impact on the existing natural and built environment of the site and neighbouring sites and is not supported.

11. The Public Interest

The development is considered to be in the public interest as it introduces opportunities for accommodation and housing in the local community and predominantly complies with Council's requirements. However, given the development application has not satisfactorily demonstrated compliance with Part 8.2 Stormwater Management of Council's DCP 2010, the proposal has not sufficiently demonstrated that it is in the public interest in its current form on the basis of the information provided with this application. Therefore, the proposal is not supported.

ITEM 3 (continued)**12. Consultation – Internal and External**Internal Referrals

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

The subject site has a natural fall to the rear boundary. The applicant has indicated that they will collect the new roof area and discharge into a below ground rainwater tank located behind the new building with a charged overflow to a boundary pit before discharging to the kerb & gutter on Ethel Street. This does not comply with Council's DCP as we do not permit charged overflows and also the discharge to the kerb will impact the overland flow that occurs on Ethel Street. Also, the provision of onsite stormwater detention is required which has not been designed and incorporated into this proposal. The driveway and car parking areas are shown to drain into an absorption trench system. There are no grassed or pervious areas to permit an absorption trench system.

From a stormwater perspective, we will need to advise the applicant/owner that to support a development of this nature that a drainage easement is to be obtained from No.16 Ethel Street to drain through to Ethel Lane.

A deferred commencement may be considered however the applicant has not provided the correct information with respect to drainage and carparking and this warrants refusal of this application.

The proposed carparking at the rear of the site does not comply with AS2890.1:2004 specifically in relation to ingress and egress of vehicles as there is insufficient area for manoeuvrability and sight distance for pedestrian & vehicular safety. To resolve this, the applicant is to delete the two parking spaces within the building as shown on the amended architectural plans. The existing vehicle crossing is to be utilised for access and therefore we cannot make the applicant remove and construct a new crossing given its location close to an existing Council pit.

The environmental impacts that the proposed development would have if approved in its current design format would be:

- The proposed drainage system is uncontrolled as there is no onsite stormwater detention designed which would result in runoff being introduced into Ethel Street which cause flooding and drainage issues downstream; and
- The carparking layout at the rear of the building would create safety issues as there is no area for manoeuvrability and limited sight distance for pedestrian and vehicles as they enter and exit the subject site.

ITEM 3 (continued)

Building Surveyor: Council's Building Surveyor has reviewed the amended plans and has not raised any objection to the proposal.

Heritage Officer: The subject site is located within 100 metres of items of heritage significance, being shops at Nos. 15, 17, 19, 21, 23 and 25 Railway Parade (Item No. 100 in the RLEP). Council's Heritage Officer has reviewed the proposal and has raised no objections to the proposed development.

External Referrals

NSW Police: The originally submitted development application was referred to the NSW Police and a response was provided on 10 October 2012. The applicant submitted amended plans and information dated 4 December 2012 at Council's request, which were referred to the NSW Police. A further response was provided by NSW Police dated 13 February 2013. A summary of their recommendations is as follows: -

- i. A set of "House Rules" should be established within the Operational Plan of Management (OPM) for the purpose of setting out clear guidelines as to what is and what is not acceptable.
- ii. It is recommended that the lodgers sign an agreement upon commencement of their stay which would include a set of house rules and the consequences of breaking the rules.
- iii. A list of "House Rules" should be displayed in each room and common areas to remind both lodgers and guests of their responsibilities.
- iv. Management should keep details of lodgers and next of kin details for emergency purposes for the duration of their stay.
- v. Neighbouring residents should be informed on how they can make complaints and who to contact.
- vi. Police should be made aware of any complaints that are of a criminal nature.
- vii. A sign containing the caretakers phone number should be displayed at the front of the premises for emergency services and others to be able to contact the caretaker if needed in case of an emergency.
- viii. Police request that the management should provide police and council with contact details of the managers and caretakers of the premises.

A further amended Operational Plan of Management was submitted by the applicant dated 4 February 2013 which is considered to generally address the above recommendations. Where any of the above items are not adequately addressed in the OPM, they would be suitably addressed by the imposition of conditions of consent, as is the case with items i. and vi.

ITEM 3 (continued)**13. Critical Dates**

There are no critical dates or deadlines to be met.

14. Financial Impact

Adoption of the recommendation of this report will have no financial impact.

15. Other Options

Not applicable.

16. Conclusion

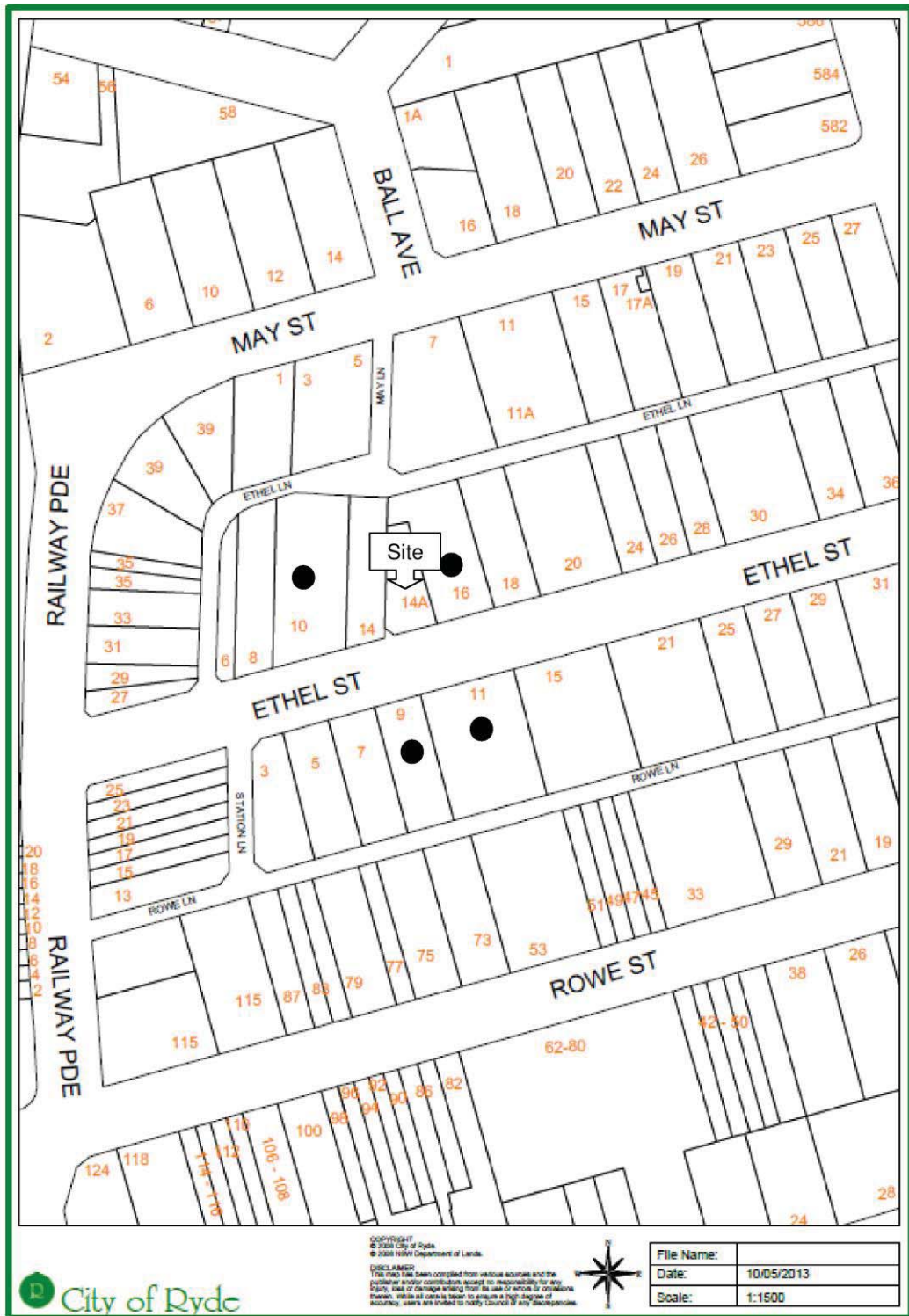
The proposal has been assessed using the heads of consideration listed in Section 79C of the Environmental Planning and Assessment Act, 1979. The Local Development Application No 2012/0332 to demolish the existing structures and construct a Boarding House at 14A Ethel Street, Eastwood is recommended to be refused for the following reasons:

- i. The drainage plan as submitted does not comply with the requirements in part 8.2 of Council's DCP 2010.
- ii. The development does not comply with the Objectives of the Mixed Use B4 zone within Ryde Local Environmental Plan 2010 in that the proposal does not adequately recognise the topography. The proposal has not demonstrated compliance with the relevant requirements in relation to stormwater management and does not provide a suitable design which recognises the topography and environmental conditions of the subject site and immediate locality.
(Section 79C(a)(i),(b),(c) and (e) of the Environmental Planning and Assessment Act, 1979).
- iii. The development application has not satisfactorily demonstrated compliance with Part 8.2 Stormwater Management of Council's DCP 2010. The proposal has not sufficiently demonstrated the likely impact of the development on the natural and built environment, that it is a suitable site for the development or is in the public interest. (Section 79C(b),(c) and (e) of the Environmental Planning and Assessment Act, 1979).

ITEM 3 (continued)

ATTACHMENT 1

- Indicates submissions received.
- Other submissions received outside map range.



ITEM 3 (continued)

ATTACHMENT 2



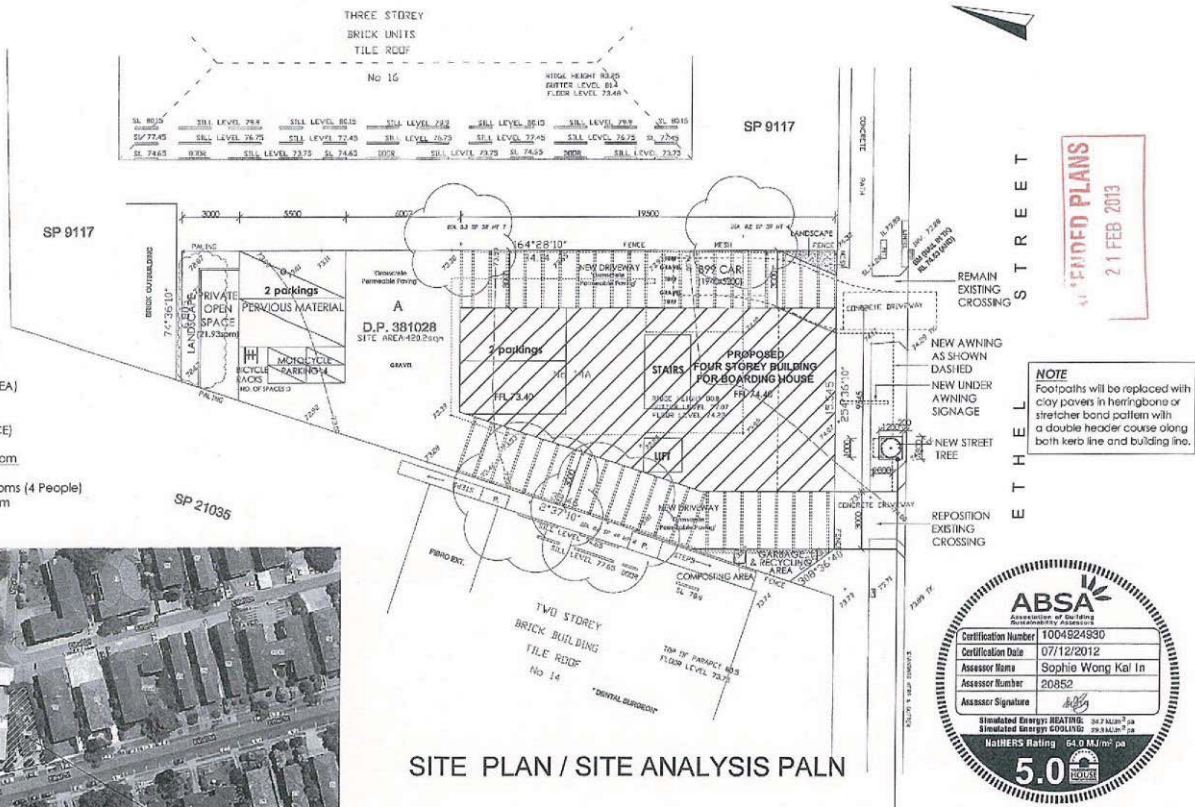
CALCULATION

SITE AREA : 420.17 m²
SITE COVERAGE 39.47% (< 40%)
TOTAL SITE COVERAGE :
BUILDING+GARAGE AREA : 140.90 m² + 4.97m² = 145.87m²

- GROUND FLOOR AREA : 129.58m² + 31.35m² (PARKING AREA)
- FIRST FLOOR AREA : 160.90m²
- SECOND FLOOR AREA : 132.27m²
- THIRD FLOOR AREA : 124.26m² + 8m² (PRIVATE OPEN SPACE)

TOTAL No. of Room: 15 Rooms (17 People) + Caretaker room

- FIRST FLOOR : 7 Single rooms (7 People)
- SECOND FLOOR : 3 Single rooms (3 People) + 2 Double rooms (4 People)
- THIRD FLOOR : 3 Single rooms (3 People) + Caretaker room



SITE PLAN / SITE ANALYSIS PLAN

LOCATION PLAN PROPOSED SITE



Phone: (02)9718 3208
 Fax: (02)9787 6251
 Mobile: 0410 583 208
 Email: design@jkl_office@yahoo.com.au
 Postal Address: Suite 38, 94 Beamish St
 Campps NSW 2194 Australia

PROJECT PROPOSED FOUR STOREY BUILDING FOR BOARDING HOUSE AT 14A ETHEL STREET, EASTWOOD LOT A / DP 381028

TITLE SITE PLAN

DRAWN BY SY

DESIGNED BY J.L

DATE 07.03.2012

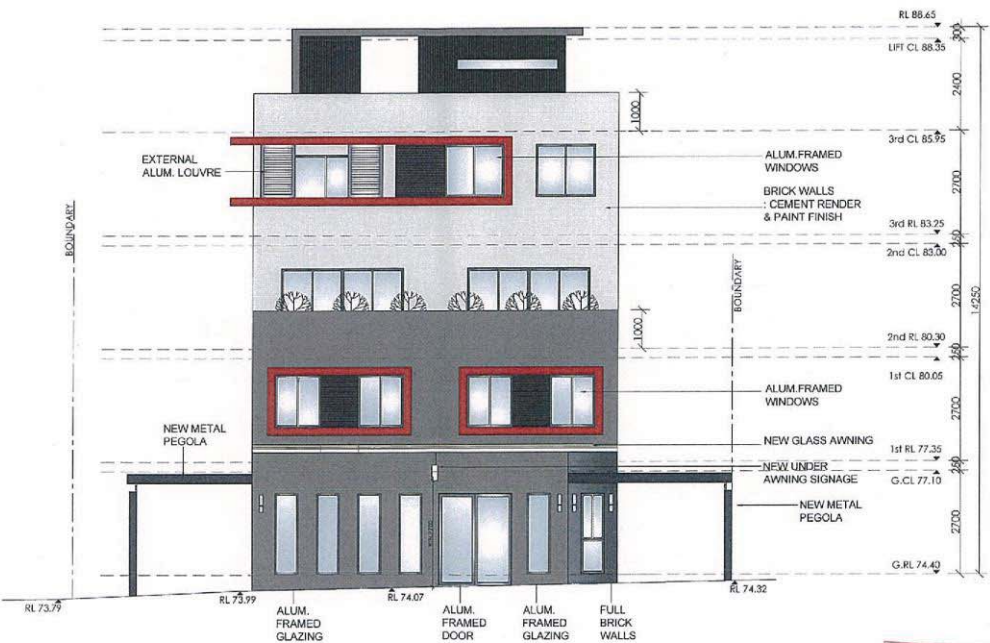
SCALE 1:200

REV	DATE	DESCRIPTION	DWG No.
A	25.11.2012	AMENDED	4926-1
B	01.02.2013	AMENDED	

Check all dimensions on site before work commences


ITEM 3 (continued)

ATTACHMENT 2



SOUTH (FRONT) ELEVATION

AMENDED PLANS
21 FEB 2013

 <p>JKL DESIGN design documentation</p>	Phone: (02)9718 3208 Fax: (02)9787 6251 Mobile: 0410 583 208 Email: design@jkl_office@yahoo.com.au Postal Address: Suite 38, 94 Beaemish St Camppsie NSW 2194 Australia	PROJECT PROPOSED FOUR STOREY BUILDING FOR BOARDING HOUSE AT 14A ETHEL STREET, EASTWOOD LOT A / DP 381028	DRAWN BY SY DESIGNED BY J.L. DATE 07.03.2012 SCALE 1:100	REV DATE DESCRIPTION A 25.11.2012 AMENDED B 25.01.2013 AMENDED	DWG No. <p style="text-align: center;">4685-7</p>
	TITLE ELEVATIONS	Check all dimensions on site before work commences			


ITEM 3 (continued)

ATTACHMENT 2



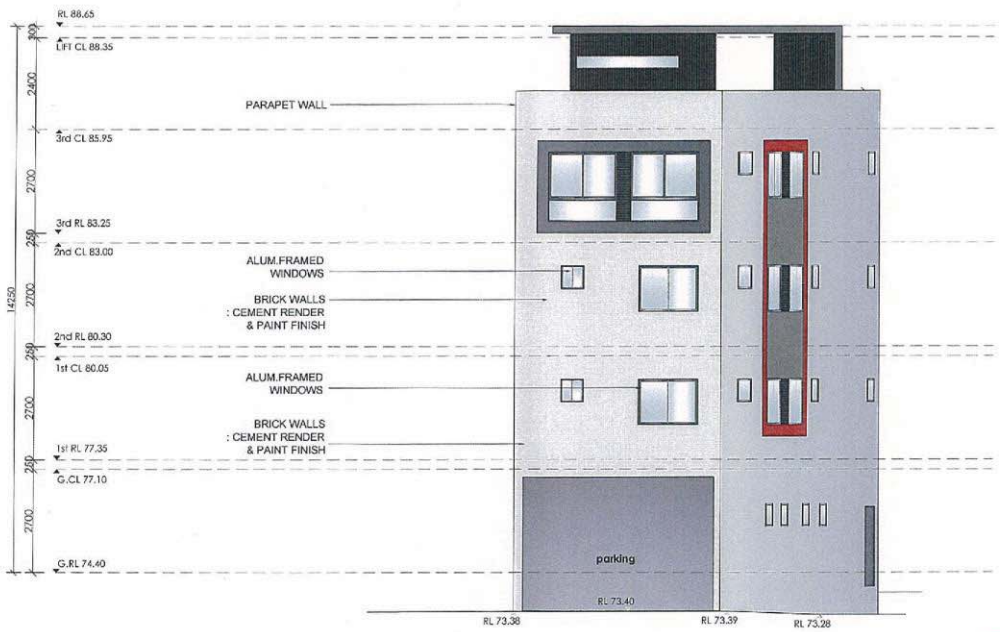
WEST (SIDE) ELEVATION

AMENDED PLANS
21 FEB 2013

	Phone: (02)9718 3208 Fax: (02)9787 6251 Mobile: 0410 583 208 Email: design@jkl_office@yahoo.com.au Postal Address: Suite 36, 94 Beamish St Camperley NSW 2194 Australia	PROJECT PROPOSED FOUR STOREY BUILDING FOR BOARDING HOUSE	DRAWN BY SY	REV A 25.11.2012 AMENDED B 25.01.2013 AMENDED	DWG No. 4685-8
		AT 14A ETHEL STREET, EASTWOOD LOT A / DP 381028	DESIGNED BY J L DATE 07.03.2012 SCALE 1:100	Check all dimensions on site before work commences	


ITEM 3 (continued)

ATTACHMENT 2



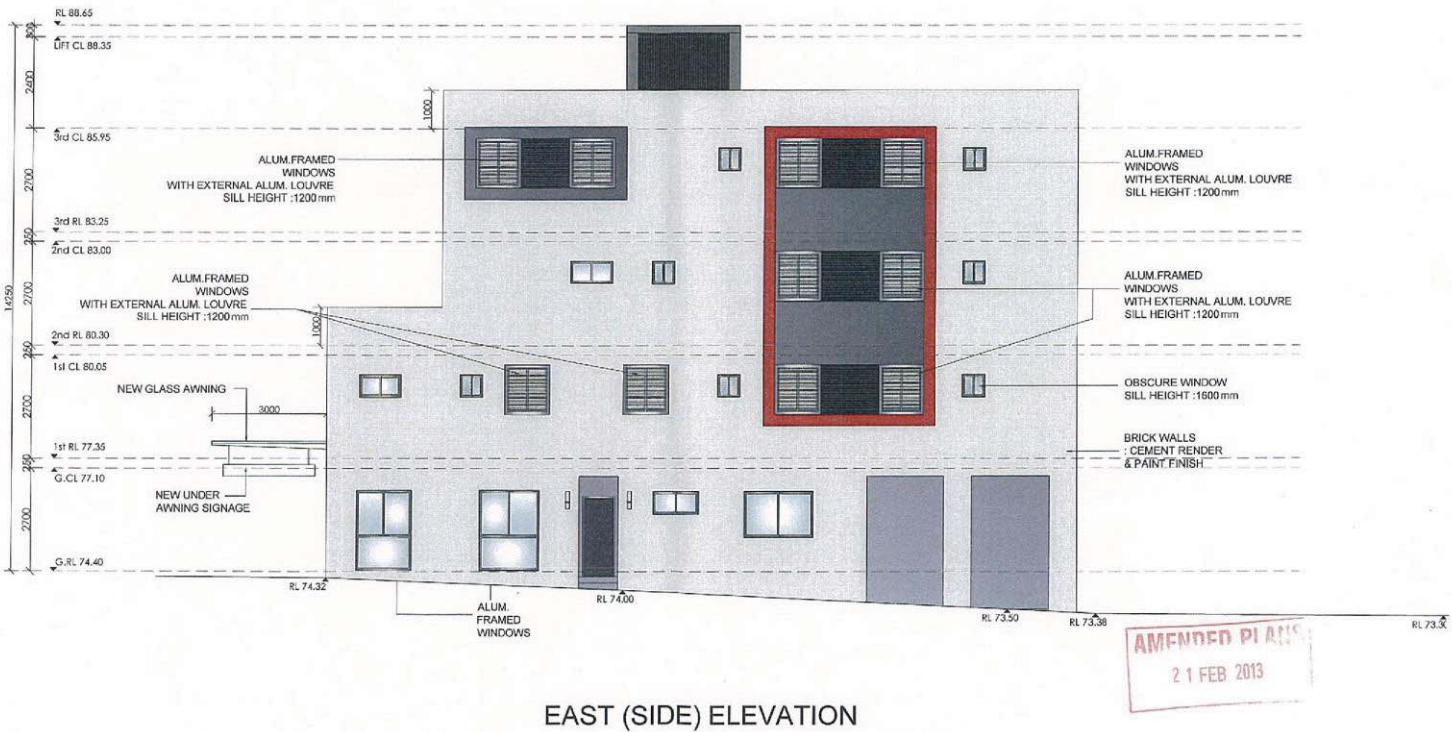
NORTH (REAR) ELEVATION

AMENDED PLANS
21 FEB 2013


 <p>JKL DESIGN design documentation</p>	<p>Phone: (02)9718 3208 Fax: (02)9787 6251 Mobile: 0410 583 208 Email: design@jkl.office@yahoo.com.au Postal Address: Suite 38, 94 Beamish St Campsie NSW 2194 Australia</p>	<p>PROJECT PROPOSED FOUR STOREY BUILDING FOR BOARDING HOUSE AT 14A ETHEL STREET, EASTWOOD LOT A / DP 381028</p>	<p>DRAWN BY SY</p>	<p>REV DATE DESCRIPTION</p>	<p>DWG No. 4685-9</p>
			<p>DESIGNED BY J.L</p>	<p>A 25.11.2012 AMENDED B 25.01.2013 AMENDED</p>	
<p>TITLE ELEVATIONS</p>			<p>DATE 07.03.2012</p>	<p>Check all dimensions on site before work commences</p>	
			<p>SCALE 1:100</p>		

ITEM 3 (continued)

ATTACHMENT 2



EAST (SIDE) ELEVATION

 <p>JKL DESIGN design documentation</p>	Phone: (02)9718 3208 Fax: (02)9787 6251 Mobile: 0410 583 208 Email: design@jkl_office@yahoo.com.au Postal Address: Suite 38, 94 Beamish St Camperley NSW 2194 Australia	PROJECT PROPOSED FOUR STOREY BUILDING FOR BOARDING HOUSE AT 14A ETHEL STREET, EASTWOOD LOT A / DP 361028 TITLE ELEVATIONS	DRAWN BY SY DESIGNED BY J.L. DATE 07.03.2012 SCALE 1:100	<table border="1"> <thead> <tr> <th>REV</th> <th>DATE</th> <th>DESCRIPTION</th> </tr> </thead> <tbody> <tr> <td>A</td> <td>25.11.2012</td> <td>AMENDED</td> </tr> <tr> <td>B</td> <td>25.01.2013</td> <td>AMENDED</td> </tr> </tbody> </table> <p>Check all dimensions on site before work commences</p>	REV	DATE	DESCRIPTION	A	25.11.2012	AMENDED	B	25.01.2013	AMENDED	DWG No. <p style="text-align: center;">4685-10</p>
	REV	DATE	DESCRIPTION											
	A	25.11.2012	AMENDED											
	B	25.01.2013	AMENDED											

ITEM 3 (continued)

ATTACHMENT 3

JKL DESIGN

Design & Documentation

Suite 38/94-98 Beamish Street
Campsie NSW 2194
Tel. (02) 9718 3208
Mob.0410 58 3208
Fax. (02) 9787 6251
designjkl_office@yahoo.com.au

Date: 10th Dec 2012

Re: Proposed four storey building for boarding house
at No.14A Ethel Street, Eastwood

DA No : LDA 2012/0332

OPERATIONAL PLAN OF MANAGEMENT

(Amended 04.02.2013)

An important aspect of minimising potential impacts of a boarding house is ensuring that it is managed properly. This Operational Plan of Management will ensure that suitable management practices are in place to minimise impacts on the adjoining neighbours and ensure that a suitable amenity is maintained for lodgers living within the boarding house.

The maximum number of residents will be 17 people.

The maximum number of the guest will be restricted to two people per resident.

Safety & Security

To ensure safety and security of the proposed boarding house, the following measures are to be implemented:

- An appropriate emergency management and fire evacuation plan is to be prepared and displayed in prominent positions on each level.
- A copy of the annual fire safety statement and current fire safety schedule for the boarding house is to be prominently displayed.
- One manager/caretaker is to be at the premises at all times to ensure safety and security of the boarding house. The manager will be trained in relation to the operation of the emergency

ITEM 3 (continued)

ATTACHMENT 3

- management and fire evacuation plan.
- The name and 24 hour contact phone number of the manager/caretaker is to be displayed in prominent positions on each level.
- Other emergency and essential services contact details are to be displayed.
- All residents are to have own room keys and keys for the main entrance door.
- A guest register is to be prepared by the manager/caretaker monitoring guest numbers and details.

Amenity

To minimise potential amenity impacts on the neighbouring properties and residents within the boarding house, appropriate house rules are to be prepared and displayed in prominent positions and are to be implemented. The house rules shall include but not be limited to:

- Lodgers will be required to be in house by 10pm at night. In the event that a lodger is going to be late, he/she must report to the manager prior to 10pm. Lodgers returning to the boarding house after 10pm are to see the manager on arrival and follow the manager's instructions to minimise disturbance to other lodgers in house and adjoining neighbours.
- A compliant register is to be prepared by the manager. All complaints are to be attended in an appropriate and respectful manner as soon as practicable to eliminate further complaints. The lodger who caused the complaint is to be consulted by the manager so as to prevent re-occurrence of such complaint.
- Visitors will not be allowed to stay overnight and will be required to leave the premises by 10pm.
- The use of the laundry will not be permitted after 10pm.
- Behaviour, activities, noise policies are to be prepared, displayed and implemented.
- The manager/caretaker will be responsible for monitoring the house in preserving the amenity.
- **The second floor balcony fronting street and rooftop area will be restricted access and parties/gatherings.**
- **The outdoor private space will be used from 7am to 10pm.**

ITEM 3 (continued)

ATTACHMENT 3

- The record of complaints received and actions taken to resolve the issues shall be made available for inspection by the Police and Council at any time
- The caretaker is to personally reply to any complaint made by a resident or neighbour/member of the public with details of the action to be taken, or action take, in response to the complaint. Such reply is to occur within 24 hours of the concern being raised
- The caretaker shall respond immediately to any noise related and take any necessary action to reduce noise to acceptable levels
- Residents and their guests are to be advised not to park their cars as to obstruct street traffic or driveways of neighboring properties
- Residents are not to leave any furniture, waste or other materials/items on the road reserve at any time
- No social gathering/parties are to occur in the private open space, rooftop area or balconies between the hours of 9pm and 9 am. No audible music (i.e. without the use of head phones) be played(either recorded or live music) in these areas at any time.
- The caretaker will be responsible for placing bins in an appropriated position for collection no earlier than the day they are to be collected and placed back in the storage areas soon as practicable after collection
- The site, including the landscaping, is to be appropriately maintained at all times
- Any impacts of persons associated with the Boarding house smoking on the premises or surrounding area is not to disturb the amenity of neighbouring residents, and cigarette butts are to be appropriately disposed
- The car parking spaces are to be made available for the use of the caretaker, residents and where required, services vehicles attending the premises to alleviate on street parking demand.

Health

To ensure that the proposed boarding house provides healthy and pleasant environment for the lodgers, the following measures are to be implemented:

- Use of alcohol and drug will not be permitted in the house.
- The kitchen and all other communal areas will be cleaned to a professional standard daily by the manager/caretaker. Professional cleaning training will be provided for the

ITEM 3 (continued)

ATTACHMENT 3

- manager/caretaker prior to employment.
- The manager/caretaker will be responsible for vermin control and waste disposal. Professional training will be provided for the manager/caretaker prior to employment in this regard.

▪ **Details of site supervision, night management;**

-One manager/caretaker is to be at the premises at all times to ensure safety and security of the guests.

- The name and 24 hour contact phone number of the manager/caretaker is to be displayed in prominent positions on each level. And CCTV surveillance system will be installed at the premises.

▪ **Details on restrictions to amplified music, time, use (refer to the *Protection of the Environment Operations (POEO) Act 1997* and the *Noise Control (Miscellaneous Articles) Regulation 1995*.**

To minimise potential amenity impacts on the neighbouring properties and residents within the boarding house accommodation, appropriate house rules are to be prepared and displayed in prominent positions and are to be implemented. The house rules shall include but not be limited to:

(i) Guests will be required to be in house by 10pm at night. In the event that a guest is going to be late, he/she must report to the manager prior to 10pm. Guests returning to the boarding house accommodation after 10pm are to see the manager on arrival and follow the manager's instructions to minimise disturbance to other guests in house and adjoining neighbours. Notices are to be displayed in prominent positions on each level to advise this.

(ii) A compliant register is to be prepared by the manager. All complaints are to be attended in an appropriate and respectful manner as soon as practicable to eliminate further complaints. The guest who caused the complaint is to be consulted by the manager so as to prevent re-occurrence of such complaint.

(iii) Visitors will not be allowed to stay overnight and will be required to leave the premises by 10pm. A breach of this rule will lead to eviction of the guest who invited the visitors. Notices are to be displayed on the entry door asking visitors to enter and leave the premises in a quiet and orderly manner to show respect to in house guests and residential neighbours in the area.

(iv) The use of the laundry and cooking facility will not be permitted after 10pm and before 7am.

ITEM 3 (continued)

ATTACHMENT 3

(v) Anti social behaviours and activities are to be monitored by the site manager/care taker. Any incident will need to be recorded in the complaints register and the guest caused the noise nuisance is to be properly consulted to prevent re-occurring. Notices are to be displayed in prominent positions on each level to advise this.

(vi) No amplified music is to be played before 7am and after 10pm daily. Music or TV played during the day is not to emit an unreasonable noise level (generally, 5db above the ambient background noise level at the boundary walls). The site manager/care taker is to monitor and control this.

(vii) The manager/caretaker will be responsible for monitoring the house in preserving the amenity.

(viii) No plant and equipment which generate unreasonable noise pollution is to be externally mounted. Any ventilation outlets (if any) are to be installed with acoustic baffles and thereafter retained for the life of the boarding house accommodation.

(ix) Educate guests of the consequences of late night noise and to be proactive in dealing with the noise problem.

(x) All deliveries to the site are to be made after 7am and before 5pm so as to minimise impact of noise.

▪ **Details about visitor time;**

Proposed normal business operation will be between 7am to 10pm daily. The access to this accommodation will be restricted after operation hours.

▪ **Information given to guest upon check-in (for example: restricted areas, curfew hours);**

All guests will get papers which include the boarding house rule, restricted area, curfew. And it will be also displayed in each room.

▪ **Details about any signage to inform guests of curfew hours;**

The sign will be displayed in each room.

▪ **Details on the process for community consultation and dealing with noise complaints from residents;**

(i) All complaints relating to the operation of the proposed boarding house accommodation are to be directed to the site manager/care taker.

ITEM 3 (continued)

ATTACHMENT 3

- (ii) All complaints made are to be recorded in the compliant register by the site manager/care taker.
- (iii) All complaints are to be attended in an appropriate and respectful manner as soon as practicable to eliminate further complaints.
- (iv) The guest who caused the complaint is to be properly consulted by the site manager/care taker so as to prevent re-occurrence of such complaint.
- (v) The complaint register is to be reviewed regularly by the site manager/care taker.

NSW Police Requirements

- Record of resident's personal details are to be maintained, including their next of kin for emergency purposes
- No social gatherings/parties are to be held on the premises at anytime
- An appropriate emergency management plan and fire evacuation plan is to be prepared and submitted to Council. These should be prepared in conjunction with the relevant authorities
- A sign containing the caretaker's contact details are to be displayed at the front of the premises for emergency services and others
- A contact number for external complaints should be provided to nearby residents and displayed at all entry points to the site
- External sensor lighting is to be installed and maintained.

Yours Faithfully,



JKL Design

4 958 VICTORIA ROAD, WEST RYDE. LOT 8 DP 819902. Local Development Application for alterations and additions to existing dwelling. LDA2012/47.

INTERVIEW

Report prepared by: Team Leader - Assessment

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

Report dated: 6/05/2013

Previous Items: 3 - 958 VICTORIA ROAD, WEST RYDE. LOT 8 DP 819902. Local Development Application for alterations and additions to existing dwelling.

LDA2012/0047. - Planning and Environment Committee - 16

October 2012

File Number: grp/09/5/6/2 - BP13/668

1. Report Summary

Applicant: C J E Dental Pty Ltd

Owner: C J E Dental Pty Ltd

Date lodged: 15 February 2012

This report has been prepared to enable Council's further consideration of a development application (DA) for alterations and additions to the existing dwelling at the subject property.

At the Council's Ordinary Meeting of 23 October 2012, it was resolved to defer consideration of this DA for mediation between the applicant, objectors and the Group Manager Environment & Planning.

The mediation meeting was held on 14 November 2012 at the Ryde Planning & Business Centre to discuss the issues of concern, which primarily related to the heritage significance of the subject building (which is a Heritage Item under Ryde LEP 2010).

On 27 March 2013 final amended plans were submitted to address concerns regarding the original proposal. These final plans followed submission of interim amended plans and a further meeting (following the mediation meeting) between Council staff, the applicant and the objector to refine what was to be included in the final amended plans.

ITEM 4 (continued)

In summary, the final amended plans include the following changes compared to the original plans:

- Retention of the external walls of the two rear wings – previously there was proposed to be an extension to both the eastern and western sides which would have involved demolition of existing fabric;
- Maintain the “courtyard” between the two rear wings (this was previously proposed to become floorspace at the ground and first floor level). A glass floor structure is provided at first floor level above the “courtyard” as agreed during Mediation discussions;
- The roof of the rear additions changed from a flat roof to a pitched roof (metal finish).

The final amended plans were referred back to the objector and Council’s Heritage Officer for review, and advice has been received that the final amended plans are appropriate subject to appropriate detailed conditions of consent.

Reason for Referral to Planning and Environment Committee: Previously considered by the Committee; and requested by the Mayor, Councillor Petch.

Public Submissions:

Original Plans: One (1) submission received objecting to the development.

Amended Plans (following mediation): No submissions received.

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

Value of works? \$200,000

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. LDA2012/47 at 958 Victoria Road, West Ryde, being LOT 8 DP819902 be approved subject to the conditions contained in **Attachment 1**.

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

ITEM 4 (continued)

ATTACHMENTS

- 1 Proposed Conditions
- 2 Mediation Notes
- 3 A4 Plan
- 4 A3 Plans - subject to copyright provisions - CIRCULATED UNDER SEPARATE COVER
- 5 Previous report - CIRCULATED UNDER SEPARATE COVER

Report Prepared By:

Chris Young
Team Leader - Assessment

Report Approved By:

Liz Coad
Manager Assessment

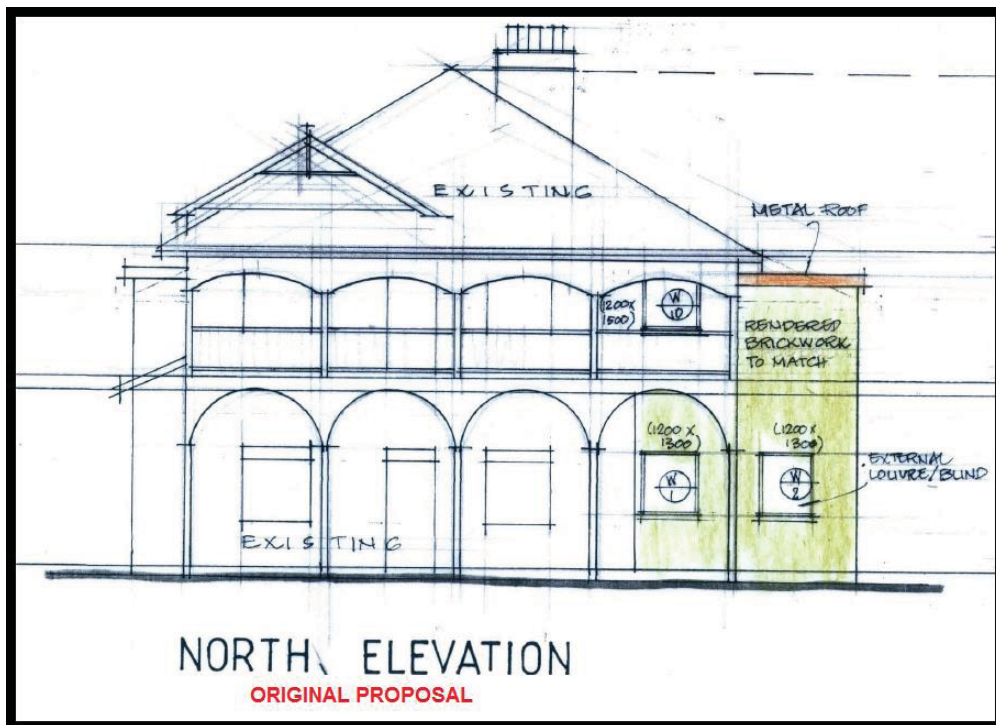
Dominic Johnson
Group Manager - Environment & Planning

ITEM 4 (continued)

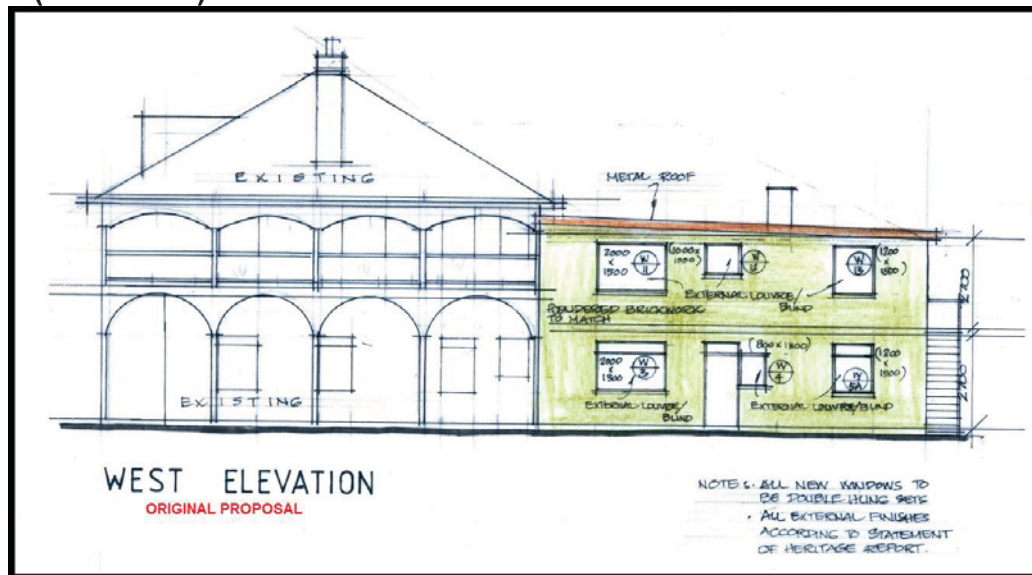
2. Background

The previous report to Planning & Environment Committee 16 October 2012 contains an assessment of the proposal as originally submitted, and details of the background to the development application up until that point in time.

The DA was originally recommended for refusal to the Planning & Environment Committee due to adverse impacts on the heritage significance of the existing dwelling and the adjoining Ryde Pumping Station buildings, which are both listed as Heritage Items under Ryde LEP 2010. The following illustrates the original proposal (ie north/front elevation and west elevation):



ITEM 4 (continued)



The Committee recommended that this DA be deferred for a mediation to be undertaken between the applicant, objectors and the Group Manager Environment & Planning. This recommendation was considered and adopted at Council’s Ordinary Meeting on 23 October 2012.

Following this resolution, a mediation meeting was held on 14 November 2012 at the Ryde Planning & Business Centre, attended by the applicant and their representatives, the objector (Mr Gregory Blaxcell, a member of the former Ryde Heritage Advisory Committee) and Council’s Group Manager Environment & Planning and Team Leader – Assessment. The notes of the Mediation Meeting, including details of the persons attending and the summary of discussions, are held at **Attachment 2** to this report.

In summary, the “agreed principles” of the Mediation Meeting were:

1. Retain the western wall of the south-west wing and the eastern wall of the south-east wing with allowance for both wings to be 2 storey in height and extended as far as possible to the easements at the rear boundary.
2. Roof form of the rear extension to be a hipped roof and clad in corrugated iron.
3. The “courtyard” space between the 2 wings to be maintained, and may or may not be covered with glass at ground floor level.
4. Materials at the upper level to be sympathetic with existing ground floor structures.
5. The interior wall of the south-west wing to be retained in part, with some allowance possible for extra apertures (windows etc).
6. Balcony on the south-east side to be retained with further consideration for security measures.

ITEM 4 (continued)

After the Mediation Meeting, preliminary amended plans were lodged on 6 December 2012 for review by Council officers. These plans did not include all of the required amendments in accordance with the above “agreed principles”, in particular the preliminary amended plans did not address the courtyard space between the two wings of the building, and also materials at the upper level were not sympathetic with the existing ground floor structures (ie items 3 and 4 above were not satisfied).

A further meeting was arranged between Council officers, the objector and the applicant on 25 February 2013 to discuss these issues. Since that meeting, on 27 March 2013, amended plans were received from the applicant.

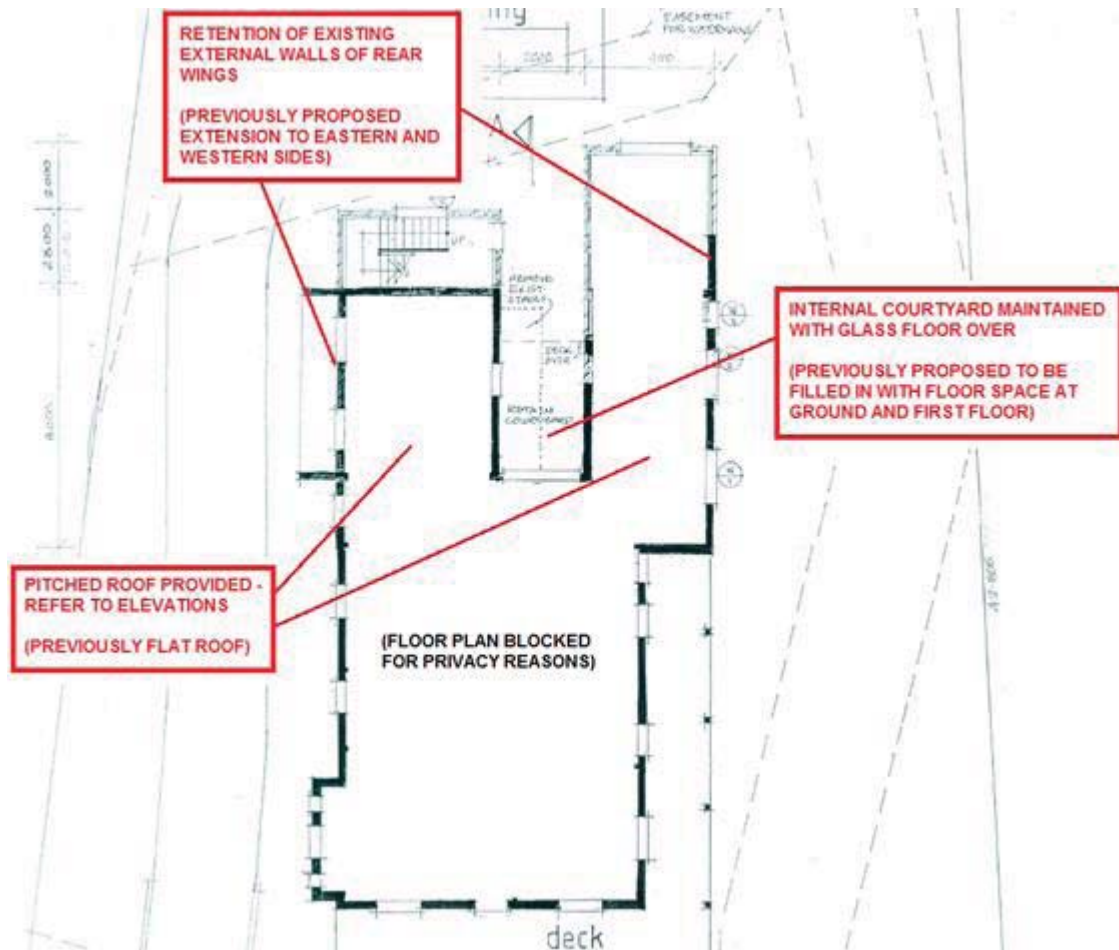
In summary, the final amended plans include the following changes compared to the original plans:

- Retention of the external walls of the two rear wings – previously there was proposed to be an extension to both the eastern and western sides which would have involved demolition of existing fabric;
- Maintain the “courtyard” between the two rear wings (this was previously proposed to become floorspace at the ground and first floor level). A glass floor structure is provided at first floor level above the “courtyard” as agreed during Mediation discussions;
- The roof of the rear additions changed from a flat roof to a pitched roof (metal finish).

The ground floor/site plan is provided below, showing the changes made compared to the original plans. The north/front elevation and west elevation of these final amended plans are also provided below, to enable comparison with the plans for the original proposal (see earlier in report).

ITEM 4 (continued)

Ground floor/site plan:

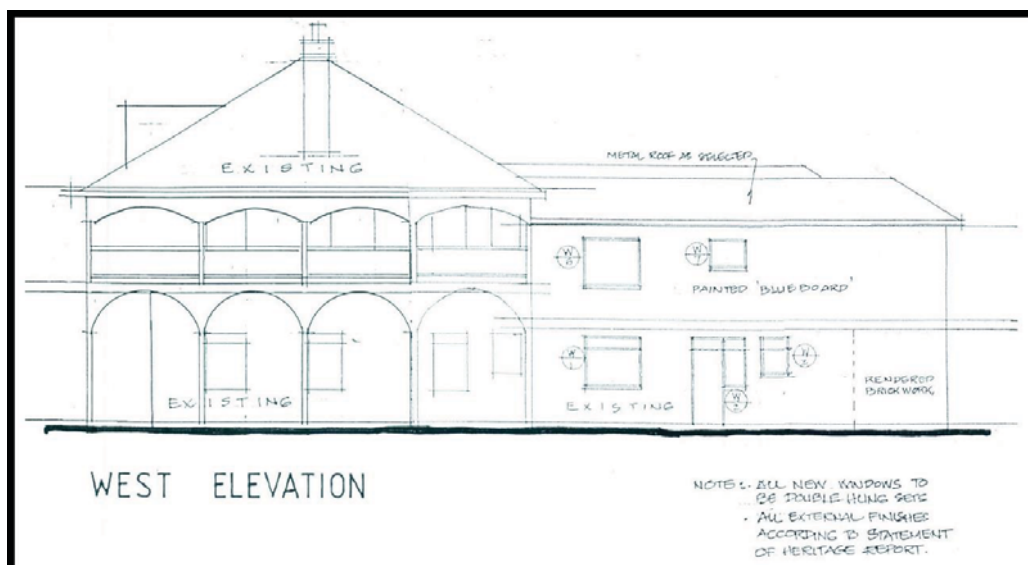


ITEM 4 (continued)

Final Amended Plans – North/Front Elevation:



Final Amended Plans – West Elevation:



ITEM 4 (continued)**3. Comments from Council's Heritage Officer**

Council's Heritage Officer has reviewed the final amended plans, and advised that the development in its current form is appropriate subject to detailed conditions of consent – these are conditions 16-26 in the Draft Conditions (Attachment 1).

4. Submissions

The final amended plans were notified to the previous objector, in accordance with Development Control Plan 2010 – Part 2.1, Notification of Development Applications, for a period between 8 April to 19 April 2013. No submissions were received.

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

Under Ryde LEP 2010, the property is zoned R2 Low Density Residential. The proposal is permissible with consent within this zoning.

Mandatory Requirements

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

Clause 4.3 – Height of buildings. Sub-clause (2) of this clause states that “the height of a building on any land is not to exceed the maximum height for the land shown for the land on the height of buildings map”. In this case, the maximum height is 9.5m. The maximum height of the proposed additions (at the rear) is 7.5m, 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 0.38:1, which complies with Ryde LEP 2010.

(b) Relevant SEPPs**State Environmental Planning Policy (BASIX) 2009**

A compliant BASIX certificate for the amended plans has been submitted with the DA. A standard condition requiring compliance with this BASIX certificate has been included in the recommended conditions of consent (see Condition 3).

ITEM 4 (continued)**(c) Any draft LEPs**Draft Local Environmental Plan 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 has been placed on public exhibition between 30 May 2012 and 13 July 2012. Under this Draft LEP, the zoning of the property is – R2 Low Density Residential. The proposed development is permissible with consent within this zoning under the Draft LEP.

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.

Conclusion

The proposal has been assessed using the heads of consideration listed in Section 79C of the Environmental Planning & Assessment Act 1979.

The amended plans following the Mediation Meeting for this development have substantially resolved the main issue of concern with this proposal, which was the impact on the Heritage Significance of the subject building, which is a Heritage Item under Ryde LEP 2010.

Accordingly this DA is presented back to the Planning & Environment Committee for consideration and determination. Approval is recommended subject to the conditions in Attachment 1.

ITEM 4 (continued)

ATTACHMENT 1

**PROPOSED CONDITIONS OF CONSENT
958 VICTORIA ROAD WEST RYDE
LDA2012/47**

GENERAL

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

1. **Approved Plans.** 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	20 March 2013	4811 D01C
Roof Plan and Elevations	20 March 2013	4811 D02C
Section (and existing floor plans)	20 March 2013	4811 D03C

2. All building works approved by this consent must be carried out in accordance with the requirements of the Building Code of Australia.
3. Compliance with all commitments listed in BASIX Certificate(s) lodged with this application.

Protection of Adjoining and Public Land

4. Hours of work
Building activities (including demolition) may only be carried out between 7.00am and 7.00pm Monday to Friday (other than public holidays) and between 8.00am and 4.00pm on Saturday. No building activities are to be carried out at any time on a Sunday or a public holiday.
5. Hoardings:
 - (a) A hoarding or fence must be erected between the work site and any adjoining public place.
 - (b) Any hoarding, fence or awning erected pursuant this consent is to be removed when the work has been completed.
6. Any public place affected by works must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.
7. 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.

ITEM 4 (continued)

ATTACHMENT 1

8. 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. 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. 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 to facilitate the development shall be altered at the applicant's expense. Written approval and signed off at completion from the relevant Public Authority shall be submitted to Council.
13. **Restoration.** To ensure public areas will be safely maintained at all times all disturbed public areas must be restored to Council satisfaction. All restoration of disturbed road, footway areas, kerb and gutters, redundant vehicular crossings etc arising from the proposed development works will be carried out by Council subject to the lodgement of a Road Opening Permit application to Council with payment of fees in accordance with Council's Management Plan, prior to commencement of works.
14. **Road Opening Permit.** To ensure all restoration works within the public road reserve will be completed and restored to Council satisfaction, the applicant shall apply for a Road Opening permit where excavation works are proposed within the road reserve. No works shall be carried out on the road reserve without this permit being paid and a copy kept on the site.
15. **Council's Approval.** To ensure all engineering works within the public road and/or drainage reserve, including Council's parkland will be completed to Council satisfaction, engineering approval and compliance certificates must be obtained from Council for the following works at the specified stage where applicable and **submitted to the Principal Certifying Authority prior to the issue of any Occupation Certificate.** Fees applicable to the proposed works

ITEM 4 (continued)

ATTACHMENT 1

in accordance with Council's Management Plan are to be paid to Council prior to approval being given by Council

- Approval for drainage connection(s) to Council's stormwater drainage systems and inspection of the stormwater connection by council prior to backfilling.
- Approval shall be obtained for the construction of any structure on Council's road and drainage reserve, including parkland. The inspection(s) for these structures, during construction shall be made by Council e.g. prior to casting & backfilling of Council's pits and other drainage structures including kerb & gutter, access ways, aprons, pathways, vehicular crossings, dish crossings and pathway steps etc.
- Final inspection by Council after completion of all external works with all disturbed areas satisfactorily restored.

Heritage Conditions

16. A detailed **photographic archival recording** in accordance with the NSW Heritage Branch guidelines, it is to be undertaken (internally and externally) prior to the release of the Construction Certificate.

This archival recording shall include, but not be limited to, the following features:

fireplaces, internal stairs, all door /window openings, plaster archways, ceiling cornices and roses, skirtings, architraves, windows, doors, verandah tiling, chimney, fencing etc. All the photos must be accurately labelled with full description required.

The archival recording shall be submitted to and approved by Council's Heritage Officer prior to the release of the **Construction Certificate**.

17. Any works proposed to the original fabric (internal or external) of No. 958 Victoria Road must comply with the '**How to Carry Out Work on Heritage Buildings and Sites**' policy from the NSW Heritage Branch (previously NSW Heritage Office). This includes but is not limited to the works for the installation of the new bathrooms, the construction of the two new wing extensions, connection of the new roof to the existing roof and the treatment to the internal courtyard decking and glass roofing.

Note: This policy provides detailed information on painting, mortar, roofing and repair, render, drainage, damp, ventilation, fences and gates etc.

18. A detailed **Colour Schedule and Sample Board of all materials**, including but not limited to the double hung windows, glass decking & roofing, external stairs, rendered brickwork, roofing, guttering. The colour scheme is to be in accordance with the recommendations within the book '*Colour Schemes for Old Australian Houses*' by Ian Evans, Clive Lucas and Ian Stapleton.

ITEM 4 (continued)

ATTACHMENT 1

19. Detailed plans and elevations of the proposed glass deck and glass roof in the internal/rear courtyard are to be submitted to and approved by Council's Heritage Officer, prior to the release of the **Construction Certificate**. These architectural plans should describe how the new fixtures and fittings will be installed to the original building fabric with minimal damage to the building.
20. Details and an elevation are to be submitted showing a clear distinguishable feature (such as a shadowline recess or a neat butt joint) between the old and the new construction in the rear wings. This plan must be submitted to and approved by Council's Heritage Officer prior to release of the **Construction Certificate**.

This plan will be used for the construction purposes for the two rear wings additions between the ground floor (original fabric) and the first floor level (new fabric). This architectural feature is to follow the perimeter of the original wings and within the decked area and must clearly distinguish the area of the existing fabric and the start of the proposed painted blue board, and the extension of the ground floor area to enclose the rear set of stairs.

The Principal Certifying Authority (PCA) must review the approved architectural plan/ details (subject to this Condition) and must ensure these works are executed accordingly prior to the Occupation Certificate or interim Occupation Certificate being issued.

21. The original internal stairs must be repaired / restored or reinstated with treads, stringers and handrails, which clearly replicate the original stairs. Details and plans must be submitted to and approved in writing by Council's Heritage Officer, prior to the issue of a **Construction Certificate**.
22. All works must be reversible, any additions and changes to the original fabric of the building must be undertaken in a non-intrusive and non-invasive manner.
23. Where new facilities are being installed within the original building envelope (such as the ensuite bathrooms, plumbing) false tracks for ceiling and walls are to be installed which are separated from the original walls and decorative ceilings. This will allow waterproofing and plumbing to be installed with minimal impact on the original building fabric. Evidence (including photos) of this procedure is to be provided and approved by the Principal Certifying Authority (PCA) prior to the Occupation Certificate or interim Occupation Certificate being issued.
24. Any intrusive features that currently exist on the property (such as invasive conduits, wiring, cameras and individual key pad locks on doors) should be removed. The original doors and walls must be reinstated / repaired to the traditional appearance of the property.

ITEM 4 (continued)

ATTACHMENT 1

25. The new two storeys (wings) must have a maximum RL 30.56 to the ridge of the new roof wings. This is to be demonstrated to the Principal Certifying Authority (PCA) prior to release of the Occupation Certificate or Interim Occupation Certificate.
26. The applicant must demonstrate to the Principal Certifying Authority that the period features of the original federation house (as per the submitted and approved Archival Recording – See Condition 16) have been retained, repaired and/or restored (like for like where necessary) in a manner that complies with the NSW Heritage Branch (previous NSW Heritage Office) ‘*How to Carry Out Work on Heritage Buildings and Sites*’ policy, prior to the Occupation Certificate (OC) or interim Occupation Certificate being issued.

PRIOR TO CONSTRUCTION CERTIFICATE

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

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

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

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

27. 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.
28. The applicant must engage a qualified practising structural engineer to provide structural certification in accordance with relevant BCA requirements.
29. 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 (category: dwelling houses with delivery of bricks or concrete or machine excavation)
30. The following fees must be paid to Council in accordance with Council’s Management Plan:
 - (a) Infrastructure Restoration and Administration Fee
 - (b) Enforcement Levy

ITEM 4 (continued)

ATTACHMENT 1

31. 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**.
32. The approved plans must be submitted to a Sydney Water Quick Check agent or Customer Centre 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.

33. **Road Opening Permit.** The Council must be provided with evidence that there has been compliance with all matters that are required by the Road Opening Permit issued by Council as required under section 139 of the Roads Act 1993 to be complied with prior to issue of the **Construction Certificate**.
34. **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.
35. **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

36. **Site Stormwater Drainage System.** To ensure satisfactory stormwater disposal and minimise downstream stormwater impacts, stormwater runoff from the site shall be collected and piped by gravity flow to the public road in accordance with the requirements of DCP 2010: Part 8.2- Stormwater Management. Accordingly, detailed engineering plans with certification indicating compliance with this condition are to be submitted with the Construction Certificate application.

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ATTACHMENT 1

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.

37. Site Sign

- (a) A sign must be erected in a prominent position on site:
- (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.

38. 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.

39. 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).

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ATTACHMENT 1

40. 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.

- 41. Safety Fencing.** The site must be fenced throughout demolition and/or excavation and must comply with WorkCover New South Wales requirements and be a minimum of 1.8m in height.

Engineering Conditions

- 42. 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.

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.

Critical stage inspections

- 43.** The person having the benefit of this consent is required to notify the Principal Certifying Authority to ensure that the following critical stage inspections are undertaken, as required under clause 162A(4) of the *Environmental Planning and Assessment Regulation 2000*:
- (a) after excavation for, and prior to the placement of, any footings, and
 - (b) prior to pouring any in-situ reinforced concrete building element, and
 - (c) prior to covering of the framework for any floor, wall, roof or other building element, and
 - (d) prior to covering waterproofing in any wet areas, and

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ATTACHMENT 1

- (e) prior to covering any stormwater drainage connections, and
- (f) after the building work has been completed and prior to any occupation certificate being issued in relation to the building.

Noise and vibration

- 44. The construction of the development and preparation of the site, including operation of vehicles, must be conducted so as to avoid unreasonable noise or vibration and not cause interference to adjoining or nearby occupations.
- 45. 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.

Survey of footings and walls

- 46. 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.
- 47. No sediment, dust, soil or similar material shall leave the site during construction work.
- 48. 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.
- 49. All materials associated with construction must be retained within the site.
- 50. **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.
- 51. **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.

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ATTACHMENT 1

52. 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".

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. The submission of documentary evidence of compliance with all commitments listed in the BASIX Certificate(s) lodged with this application.
54. All letterboxes 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

55. **Disused Gutter crossing.** Any disused gutter crossings shall be removed and kerb and gutter including footpath shall be reinstated to Council's satisfaction.
56. **Engineering Certification.** To ensure stormwater drainage works are completed in accordance with approved plans, Certification shall also be obtained from a chartered civil engineer with NPER registration with Engineers Australia, indicating the constructed works complied with DCP 2010. Part 8.2.

ITEM 4 (continued)

ATTACHMENT 2

Notes from Mediation Meeting	
958 Victoria Road, West Ryde. Proposed alterations and additions to existing dwelling (LDA2012/47)	
Wednesday 14 November 2012, 4.00pm.	
Ground Floor Meeting Room, Ryde Planning and Business Centre	
In attendance:	
<u>Council Officers:</u>	Dominic Johnson: Group Manager Environment & Planning (Chair); Lexie MacDonald: Team Leader Strategic Planning; Chris Young: Team Leader Assessment
<u>Applicant:</u>	Mr Chad Hazouri (owner); Peter Hall (architect)
<u>Objector:</u>	Mr Gregory Blaxcell
SUMMARY OF DISCUSSIONS:	
Dominic Johnson (DJ)	Opened the meeting and introduced those attending from Council. Quoted the resolution from Council which requires a mediation to occur between the applicants and the Group Manager Environment & Planning to resolve the issues of concern regarding the DA. Following this resolution, it is expected that the proposal will be amended to address the issues of concern.
DJ	Identified the main issues of concern with the proposal which are the appearance or “aesthetics” of the design; and the retention of the rear wings which are integral to the heritage significance of the building.
Chad Hazouri (CH)	Noted some of the concerns and issues he has had with the dwelling since he bought it recently, including repairing white-ant damage and on-going security issues with squatters. Also noted that the building was possibly used as an illegal boarding house by the previous owner but it is now vacant. Now he wants to restore the building and undertake the proposed additions as soon as he can, and reside in the completed building and also possibly use it for his dental practice.
(General)	There was general discussion in the meeting about the significance of the rear wings, in particular the western wing containing the kitchen. CH questioned the significance, however GB and Council officers stated that the rear wings are part of the original fabric of the building, and buildings from this period (19 th century/Victorian) are rare in the City of Ryde, and should be retained.

ITEM 4 (continued)

ATTACHMENT 2

Gregory Blaxcell (GB)	Spoke in his capacity as a submitter to the DA, and as a member of the (former) Heritage Advisory Committee. He stated that he has a clear understanding of the history of the building and it's heritage significance.
GB	Stated that the walls of the rear wings were similar in fabric to the original (front/northern) part of the dwelling and should be retained. Also questioned why the additions result in so many bedrooms, to which CH replied that the development was intended to accommodate his children and also parents.
DJ	<p>Queried if there would be major heritage concerns to removing the western wing (containing kitchen and extended living room), and retaining the eastern wing (containing extended media room).</p> <p>Also queried whether there are concerns regarding the loss of the "courtyard" between the 2 wings.</p>
Lexie McDonald (LMc)/GB	<p>Advised of major concerns from a heritage perspective regarding the demolition of the western (kitchen) wing as the external wall was part of the existing fabric.</p> <p>Further, GB noted that the central courtyard between the 2 wings was important, but may be considered in the context of the proposal. It may be possible to retain at ground level, but provide a roof (eg of glass) at first floor level to create an atrium.</p>
CH	Raised concerns that this arrangement would not meet the needs of his family.
(General)	<p>General discussion then took place regarding possible amendments to the design as shown in the current plans:</p> <ul style="list-style-type: none"> • The eastern wing (media room) should be kept in line with the eastern wall (as existing) with a 1st floor addition above (also in line with the eastern wall). A verandah or roof may be provided. • Retain the external wall on the western wing • The internal space may be covered with a hipped roof.
	<p>Agreed Principles:</p> <p>The following principles, which were read and agreed to at the meeting were:</p> <ol style="list-style-type: none"> 1. Retain the western wall of the south-west wing and the eastern wall of the south-east wing with allowance for both wings to be 2 storey in height and extended as far as possible to the easements at the rear boundary. 2. Roof form of the ear extension to be a hipped roof and clad in corrugated iron. 3. The "courtyard" space between the 2 wings to be maintained, and may or may not be covered with glass at ground floor level. 4. Materials at the upper level to be sympathetic with existing ground floor structures.

ITEM 4 (continued)

ATTACHMENT 2

	<p>5. The interior wall of the south-west wing to be retained in part, with some allowance possible for extra apertures (windows etc).</p> <p>6. Balcony on the south-east side to be retained with further consideration for security measures.</p>
DJ	<p>Advised that amended plans (including site plan, floor plans and elevations) shall be submitted, which would be re-notified to neighbours and to Mr Blaxcell. Arrangements could be made to review a draft version of these plans by Council officers and Mr Blaxcell prior to formal submission as amended DA plans.</p>
DJ	<p>Closed the meeting at 5.00pm, thanked everyone for their attendance and positive contribution in the discussions.</p>

