

**ATTACHMENTS FOR: AGENDA NO. 8/13  
Planning and Environment Committee**

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

**ATTACHMENTS FOR PLANNING AND ENVIRONMENT COMMITTEE**

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**ATTACHMENT 5**

**3 958 VICTORIA ROAD, WEST RYDE. LOT 8 DP 819902. Local Development Application for alterations and additions to existing dwelling. LDA2012/0047.**

**INSPECTION: 4.20pm**  
**INTERVIEW: 5.10pm**

**Report prepared by:** Team Leader - Assessment

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

**Report dated:** 24/09/2012 **File Number:** grp/12/5/5/3 - BP12/1089

**1. Report Summary**

**Applicant: C J E Dental Pty Ltd.**

**Owner: C J E Dental Pty Ltd.**

**Date lodged: 15 February 2012**

This report considers a development application (DA) for alterations and additions to the existing dwelling at the subject property. The form of the proposal comprises a 2-storey addition to the rear of the existing dwelling (with a projection on the western side which makes the additions visible from the front), with a flat (nominal slope) skillion metal roof and a small rear balcony at the first floor level.

The existing dwelling is listed as a Heritage Item under Ryde Local Environmental Plan (LEP) 2010, and the site also immediately adjoins another listed Heritage Item (being the Ryde Pumping Station at No 948 Victoria Road to the east). Therefore the DA was referred to Council's Heritage Officer for comment and assessment in terms of the Heritage Conservation controls in Ryde LEP 2010 (clause 5.10). Council's Heritage Officer has advised that the proposal would adversely impact on the heritage significance of the subject dwelling (and the immediately adjoining Ryde Pumping Station) because:

- 19<sup>th</sup> century dwellings are rare in the City of Ryde, constituting approximately 22 of 174 Heritage Items (13%);
- The Building is significant for its associations with the Ryde Pumping Station, which is an item of State Heritage Significance;
- The fabric from the 1890s period is associated with now demolished buildings from the Pumping Station complex making the extant surviving 1890s fabric rare and highly significant;
- The house is a rare example of workers' housing in NSW and illustrates labour history in NSW; and
- Some potential for archaeological resources exist.

The proposal has been assessed against the requirements for alterations and additions contained in Ryde Development Control Plan (DCP) 2010 (Part 3.3 Dwelling Houses and Dual Occupancy (Attached)), and there are minor areas of non-compliance in terms of rear setback and deep soil area (within the rear yard). These

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are considered to be minor issues of concern, and would not (by themselves) warrant refusal of the application.

The DA has been notified to adjoining owners in accordance with Ryde DCP 2010 (Part 2.1 Notification of Development Applications), and **one submission** was received from a local resident. The submission raises a number of issues of concern regarding the demolition of part of the existing dwelling and also the form of the proposed additions. The issues of concern are considered to be valid.

The DA is recommended for refusal because of adverse impacts on the heritage significance of the subject dwelling and adjoining building (the Ryde Pumping Station). The applicant has been advised of Council's issues of concern and been given the opportunity to address them, however has not done so, and therefore the DA is referred to Planning & Environment Committee for determination.

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

Public Submissions: **One submission** was received objecting to the development.

SEPP 1 (or clause 4.6 RLEP 2010) objection required? None 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. 2012/47 at 958 Victoria Road, West Ryde being Lot 8 DP 819902 be refused for the following reasons:

1. The proposal is unsatisfactory because of its adverse impacts on the heritage significance of the existing dwelling and the adjoining Ryde Pumping Station buildings, which are both listed as Items of Environmental Heritage under Ryde LEP 2010. In particular, the proposal is considered unsatisfactory for the following reasons:
  - *19<sup>th</sup> century dwellings are rare in the City of Ryde constituting approximately 22 of 174 Heritage Items (13%);*
  - *The Building is significant for its associations with the Ryde Pumping Station an item of State Heritage Significance;*
  - *The fabric from the 1890s period is associated with now demolished buildings from the Pumping Station complex making the extant surviving 1890s fabric rare and highly significant;*

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- *The house is a rare example of worker's housing in NSW and illustrates Labour history in NSW; and*
  - *Some potential for archaeological resources exist.*
2. in the circumstances of the case, approval of the application would not be in the public interest.
- (b) That the persons who made submissions be advised of Council's decision.

**ATTACHMENTS**

- 1 Compliance table
- 2 Map
- 3 A4 plans
- 4 Addendum report dated 3/10/12 from Council's Heritage Officer
- 5 A3 plans - subject to copyright provisions - CIRCULATED UNDER SEPARATE COVER

Report Prepared By:

**Chris Young**  
**Team Leader - Assessment**

Report Approved By:

**Liz Coad**  
**Manager Assessment**

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

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

**Address** : 958 Victoria Rd West Ryde

**Site Area** : 1217m<sup>2</sup>  
Frontage 23.84m  
Depth 44.23m (average)

**Topography and Vegetation** : The site is generally flat, with a slight cross-fall from west to east. The site contains a number of trees and shrubs to the eastern side and southern rear boundary, though none is affected by this application.

**Existing Buildings** : Existing 2 storey dwelling house.

**Planning Controls Zoning** : SP1 – Special Activities (Water Supply System) under Ryde LEP 2010

**Other** : Ryde DCP 2010



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**3. Councillor Representations**

Name of Councillor: Councillor Petch

Nature of the representation: Enquiry regarding status of DA.

Date: 18 June 2012

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

On behalf of applicant or objectors? Unknown

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

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Name of Councillor: Councillor Petch

Nature of the representation: Request for further update (and Call up to Planning & Environment Committee unless DA is to be approved).

Date: 13 July 2012

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

On behalf of applicant or objectors? Unknown

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

**4. Political Donations or Gifts**

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

**5. Proposal**

The development proposes alterations and additions to the rear of the existing dwelling, including demolition of the two rear wings of the existing dwelling, minor internal alterations (being an ensuite bathroom in the ground floor guest bedroom and in bedroom 1 on the first floor) and the construction of a 2 storey addition to the rear (southern side), and new portico and external stairs to the rear of the dwelling.

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The subject dwelling is listed as a Heritage Item under Ryde LEP 2010. Full details of the history of the dwelling appears in the comments from Council's Heritage Officer (later in this report), but in summary, the dwelling was constructed in 1892 to house the "engineer in charge" of the first Ryde Pumping Station building (constructed in 1891) adjacent to this site.

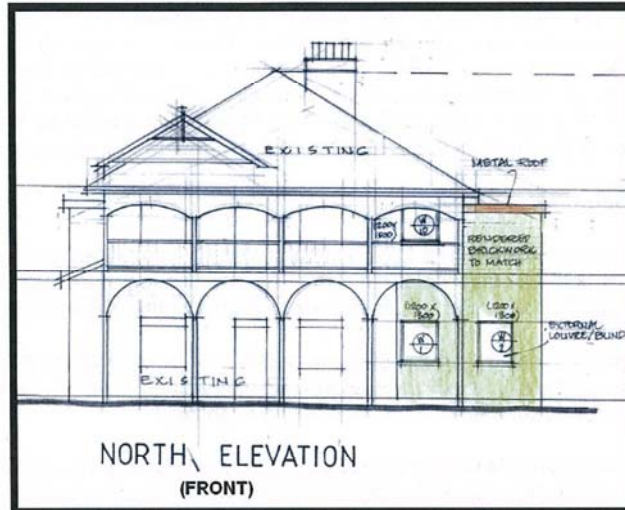
The elevations of the proposal appear below:



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**6. Background**

The DA was lodged on 15 February 2012, and shortly thereafter (21 February 2012) it was assigned to an assessment officer, referred to internal officers (Council's Heritage Officer), and notified to neighbours for 14 days until 7 March 2012. Further details of these processes are discussed later in this report.

On 7 March 2012, a 'Stop the Clock' letter was sent to the applicant requiring further information – the proposal involves extensive modifications to the existing dwelling which was not adequately addressed in the DA documentation (Statement of Environmental Effects and Heritage reports). An updated Statement of Heritage Impact and amended Architectural Plans were requested. The letter also suggested a meeting with Council Officers to discuss issues of concern regarding the application.

On 2 April 2012, a meeting was held between Council's Assessment Officer and Heritage Officer, and the applicant and their Heritage Advisor. At this meeting, it was agreed that the applicant would submit an amended Heritage Impact Statement and amended Architectural Plans.

On 3 April 2012, a submission was received from a local resident who was a member of the (former) City of Ryde Heritage Advisory Committee objecting to the proposal.

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On 23 April 2012, a final letter was sent to the applicant to provide information requested in the letter dated 7 March 2012. Then on 24 April 2012, the applicant provided a pest report showing that the building is affected by termites, but no amended Architectural Plans as per Council's previous request. Subsequently, on 25 June 2012, a Conservation Management Plan was submitted by the applicant and referred to Council's Heritage Officer, but no amended Architectural Plans.

**7. Submissions**

The proposal was notified to adjoining property owners in accordance with Development Control Plan 2010 – Part 2.1, Notification of Development Applications. Notification of the proposal was from 21 February until 7 March 2012.

In response, **one (1) submission** was received from a local resident who was a member of the (former) Ryde Heritage Advisory Committee. The issues raised in the submission is summarised and discussed as follows:

**1. Demolition of existing structures.** *Strong concerns are raised regarding the proposed demolition of structures on the western rear elevation – as these are integral to the building when it was first built as a single storey dwelling in c.1890. These should not be demolished but incorporated into the design of the proposed modern extension.*

Comment: These concerns are considered to be valid and are supported. They are discussed in more detail in the comments from Council's Heritage Officer (later in this report).

**2. Skillion Roof.** *The proposed skillion roof is out of character with the original concept of the house. If a roof were to be designed as planned, consideration should be given to a hipped roof that is compatible with the pyramidal-styled roof of the two-storey building.*

Comment: Agreed, these concerns have also been supported by Council's Heritage Officer as noted later in this report.

**3. Window design.** *The windows of the proposed new extension would differ in style to those already present in the original front section of the house. The shape and configuration of the windows should render the proposed new extension compatible with the old.*

Comment: These concerns are also considered to be valid and are supported. These issues of concern could be resolved via submission of amended plans, however the design as currently presented is unacceptable.

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- 4. Modification of original fabric.** *The provision of 2 ensuite bathrooms (at ground and first floor) would significantly modify the fabric of the original building.*

Comment: Agreed, the 2 ensuite bathrooms would involve significant internal modifications to existing floors and ceilings to the detriment to the original building fabric.

- 5. Concerns regarding subsequent uses.** *Concerns are raised regarding the number of bedrooms (7) – and queries are raised that the dwelling could be used for purposes other than a dwelling.*

Comment: The applicant's DA is for alterations and additions to a dwelling, and on the face of the documentation presented in this DA, there is nothing to suggest that the application is intended to be used for any other purpose. Future alternative landuses can be addressed either by submission of another DA (if consent is required for such use, and/or if the use is permissible), or if Council becomes aware of any illegal or unauthorised use, then Council has enforcement powers to take the necessary action under the Environmental Planning & Assessment Act 1979.

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

None required.

- 9. Policy Implications**

**Relevant Provisions of Environmental Planning Instruments etc:**

- (a) Ryde Local Environmental Plan 2010**

**Zoning**

The subject property is zoned SP1 – Special Activities (Water Supply System) under Ryde LEP 2010. Within this zoning, development that is permitted with consent includes “the purpose shown on the land zoning map (i.e. in this case – a water supply system), including any development that is ordinarily incidental or ancillary to development for that purpose”.

As noted throughout this report, the existing dwelling was constructed in 1892 for the engineer in charge of the Ryde Pumping Station. The dwelling originated as a development ancillary for the purpose on the present zoning map, and the building has been used continuously as a dwelling since that time, and hence it benefits from “existing use rights” provisions of the Environmental Planning & Assessment Act 1979. Therefore Council is able to consider a DA for alterations and additions to the dwelling.

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**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 is 6.3m, which complies with Ryde LEP 2010. The highest point of the existing building is some 10.8m, however this is part of the existing structure and is not affected by the current application.

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 this clause.

Clause 5.10 – Heritage Conservation. This clause requires development consent for altering a heritage item such as the subject building, and also for an assessment of the proposed development on the heritage significance of the heritage item. Refer to the comments from Council's Heritage Officer (see “Referrals” section of this report).

**(b) Relevant State Environmental Planning Policies (SEPPs)**

State and Sydney Regional Environmental Planning Policies

SEPP BASIX:

A compliant BASIX Certificate has been submitted with the DA.

State Environmental Planning Policy No. 55 – Remediation of Land

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

**(c) Any draft LEPs**

A Section 65 Certificate enabling the formal exhibition of Draft Local Environmental Plan 2011 was issued by the Department of Planning and Infrastructure on 23 April 2012. The Draft Plan has been placed on public exhibition between 30 May 2012 and 13 July 2012. Under this Draft LEP, the zoning of the property is SP1 – Special Activities (Water Supply System). As mentioned above, the proposed development is permissible with consent within this zoning due to existing use rights however it is considered that the proposal is not contrary to the objectives of the Draft LEP or those of the proposed zoning.

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

Ryde Development Control Plan (DCP) 2010.

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

There are 2 minor areas of non-compliance identified in the Compliance Table, which are discussed as follows:

1. Rear Deep Soil Area: Ryde DCP 2010 requires the provision of a deep soil area with minimum dimensions of 8m x 8m to be provided in the back yard. The development proposes a deep soil area of some 5.8m x 10.7m, adjacent to the 2 open car parking spaces at the rear, which is not included in consideration of deep soil area.

**Comment:** The objectives of the deep soil area control are as follows:

1. *To ensure that land retains its ability to absorb rain water so as to reduce stormwater runoff and to increase the moisture level of the soil for the use of trees and other vegetation.*
2. *To ensure that each building allotment has a minimum deep soil area.*
3. *To retain and enhance vegetation corridors.*
4. *To provide space for mature tree growth and other vegetation.*
5. *To generally retain existing mature trees and vegetation.*
6. *To enable movement of fauna along vegetation corridors.*

Despite the non-compliance with the numerical control in a DCP, it is considered that the objectives of the control would still be achieved. The deep soil area proposed in this development is still reasonably sizeable at some 62.06m<sup>2</sup>, and there are also significant areas available to the west of the proposed building (over 150m<sup>2</sup>) because of the large side setbacks to the western boundary.

Overall, it is considered that the development is satisfactory in terms of deep soil area, despite the fact that an 8m x 8m area cannot be provided. This issue (by itself) would not justify refusal of the application.

2. Rear Setback: Ryde DCP 2010 requires a rear setback of 8m or 25% of the length of the allotment, whichever is the greater. At this site, a rear setback of 10.71m would be required (as the site has a length along the western boundary of 42.885m). The development proposes a rear setback of 7.6m at the closest point, which does not comply with the numerical control.

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**Comment:** The objectives of the rear setback control are:

1. *To provide an area for private outdoor recreation and relaxation.*
2. *To allow space for vegetation, mature trees and deep soil zones.*
3. *To separate dwellings to achieve privacy.*
4. *To enable contiguous vegetation corridors across blocks.*

Although the proposal does not comply with the numerical control, it is considered that it meets the above objectives. In particular, it is noted that this property does not adjoin any other residential allotment, so there are no privacy issues as there would be in a normal residential environment. Also, there are generous setbacks to the side boundaries which would enable sufficient space for vegetation corridors, and it is noted that the development proposes to maintain existing vegetation.

Overall, it is considered that the development is satisfactory in terms of rear setbacks, despite the non-compliance with the numerical controls. This issue (by itself) would not justify refusal of the application.

**10. Likely impacts of the Development**

**(a) Built Environment**

Issues regarding impacts on the built environment are discussed throughout this report (in particular impacts on the heritage significance of the building, and also DCP compliance). In summary, the proposal as currently presented is considered unacceptable in terms of heritage issues, and hence the DA is recommended for refusal.

**(b) Natural Environment**

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

**11. Suitability of the site for the development**

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

Urban Bushland (non-conservation): The site has been identified to contain urban bushland (non-conservation) however the proposal does not involve any removal of existing vegetation.

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Heritage Item: Refer to the "Referrals" section of this report for Heritage Officer's comments.

**12. The Public Interest**

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

**13. Consultation – Internal and External**

Internal Referrals

**Heritage Officer:** As the site is listed in Ryde LEP 2010 as an Item of Environmental Heritage in Schedule 5, the DA was referred to Council's Heritage Officer for comment and for an assessment in terms of Clause 5.10 of Ryde LEP 2010.

The following comments have been provided:

**Heritage Controls:**

*Ryde LEP 2010 Clause 5.10 Heritage Conservation*

**"(2) Requirement for consent**

*Development consent is required for any of the following:*

*(b) altering a heritage item that is a building by making structural changes to its interior or by making changes to anything inside the item that is specified in Schedule 5 in relation to the item,"*

**Background:**

*The subject of this referral is the development application for the site 958 Victoria Road, herewith known as 'the subject site'. This referral considers the original submitted architectural plans and the Heritage Impact Statement and the Conservation Management Plan, both prepared by Archnex Designs.*

*A Development Application (LDA2012/47) was lodged with Council in February 2012. Following a desk top review of the submitted documentation, a site visit was conducted on March 7 2012. Attending the site meeting from Council was the Assessing Officer, Team Leader Urban Planning and Council's Heritage Advisor.*

*Subsequent to the site visit, a meeting was arranged and held on Monday 2 April 2012. The meeting was held between Council's assessing officer, heritage advisor and urban planning's team leader, the applicant and the applicant's heritage consultant to discuss the site visit and the submitted Statement of Heritage Impact ('HIS'). During the meeting the applicant was requested to revise*

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*the proposal and to prepare and submit a Conservation Management Plan ('CMP') for the subject site. The applicants submitted a CMP to Council on 22 May 2012; however, the applicant nominated not to submit an amended proposal.*

**Proposal:**

*The proposal is for extensive alterations and additions at the rear of the dwelling. The alterations and additions include demolition of the two rear wings and the construction of a ground and second storey, new portico and external stairs to the rear of the dwelling oriented south.*

**Existing Conditions:**

*The subject site contains a large two storey house, located at the crest of a hill between the Ryde Pumping Station (Item 155 pursuant to Schedule 5 RLEP 2010) and Victoria Road. The dwelling on the subject site is the pumping station's engineer-in-charge house built in 1892 for the Engineer in charge of the Ryde Pumping station (then known as Ryde Pumping Station No 1).*

*An extract from the Ryde LEP 2010 Heritage Map identifies the subject site in relation to the Ryde Pumping Station. The subject site is listed as 156 and the Ryde Pumping Station as 155.*



*The subject site has associations with some of the earliest European occupation in Ryde Local Government Area. The subject site, and the land occupied by the Ryde Pumping station, is part of a 100 acre grant to William Kent in 1797. It was transferred to John Gregory Blaxland and Frederick Blaxland in 1887. Then in 1888, part of the land was resumed by the Department of Public Works and adjoining land was resumed by The Commissioner for Railways.*

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*The Ryde Pumping Station was constructed on the portion of the land resumed by the Department of Public Works and was constructed in numerous stages. The first water pumping station was built on the site in 1891 demonstrating an early and significant phase in the expansion of the Sydney water supply delivery. The Engineer-in-charge house is associated with this significant period in the history of the Pumping Station. The engineer-in-charge residence was constructed by 1892 (first stage completed in 1892), shortly after the opening of the pumping station' (Architectus, 2004). In 1907 it was necessary to enlarge the residence to accommodate the growing family. Plans are attached of the 1907 second story addition to the residence.*

*The subsequent development of the Pumping Station complex, which includes the building of a second, larger station and the eventual demolition of the initial pumping station (the engineer-in-charge residence was not demolished), reflects growing water demands and development of the region. The second steam powered pumping station was completed in 1921. At the time of its conversion to electricity by 1982 it was described as the largest steam powered water station in the Southern Hemisphere.*

*The subject site was disposed from the land containing Ryde Pumping station in the mid-20<sup>th</sup> century as reflected in the Ryde LEP 2010 map extract. According to the CMP for the Pumping Station the act of subdividing the site, 'placed one of the most important surviving elements from its past outside Sydney Water's management' (Architectus, 2004:98). The CMP prepared for the Ryde Pumping Station describes the Engineer's residence as follows:*

*"There is a two-storey residence built in 1892, with visible characteristics of the Federation period. These include a return veranda across the east and west elevations on both levels. The veranda features timber posts and decorative brackets. The walls are made of blond bricks with decorative arches above the windows. The arches and sills have been painted. The front (north) elevation is symmetrical with the entrance door in the centre and double hung windows on either side. On the upper level double hung French doors open to the veranda. The original slate roof of the drawings has been replaced with terracotta tiles. There is a subsidiary gable at the front. At the rear of the house are two single storey wings with corrugated iron roofing."*

(The Architectus report referenced in the Heritage Officer's comments is held on the DA file and is available for Councillor's perusal if required.)

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**Statement of Significance**

*The Ryde Pumping Station is considered to have state significance for the following:*

**An item is important in the course, or pattern, of NSW's cultural or natural history or the cultural or natural history of the local area**

- Ryde Water Pumping Station Complex is highly significant as an integral component of the water supply system that serviced much of the Sydney area to the north of Parramatta River from 1891 until today. This presents a notable historical continuity of water pumping operations at the site.
- When completed, and for many years that followed, the Ryde Water Pumping Station was considered the most important water pumping station in the Sydney Water system and the only one warranting appointment of a Grade 1 Pumping Engineer-in-Charge.
- Ryde Water Pumping Station and its tangible historical components present evidence of former work practices on a scale that is rare for its type of operation in the Sydney Water system. Surviving vegetation on the site contributes to this evidence reflecting distinct phases of the site's history

*The Architectus CMP goes on to identify significant elements of the complex and rate them. The Engineer-in-charge's residence was assessed as being highly significant and contributing to its significance. Conservation policies recommend that the significance of the site will be conserved by maintaining the significant fabric.*

**Assessment of Heritage Impact:**

*The Ryde Pumping Station has State Heritage Significance. The Architectus CMP documents a schedule of significant elements at the pumping stations and associated infrastructure. Classifications of exceptional and high significance (making VITAL or CONSIDERABLE contributions to the overall significance of the item) were identified as those contributing to the recognition of the State level of significance of the whole site (refer Appendix A). The Engineer's residence (while outside the current site boundaries of the pumping station) is classified as high significance and is 'important for associations with Pumping Station No. 1 building...' (Architectus, 2004:118).*

*The Archnex HIS and CMP submitted for the subject site neglect to document the association of the Engineer's residence with the Ryde Pumping Station, in particular the pumping station known as No. 1 constructed in 1891. The significance of the relationship of the between the two buildings must be taken into consideration when assessing the potential impacts of the proposal on the significance of the Engineer's residence and should guide the proposed development accordingly. For example the Archnex CMP focuses on the Engineer's residence as merely an example of the thematic history "Housing" failing to recognise its unique history.*

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*By comparison, the Architectus CMP lists the thematic histories which the complex illustrates. These include a number which are relevant to the Engineer's Residence, such as (2004:58, refer to Appendix A):*

- **Labour history** – Living and working on site, Engineer's House, Worker's Housing
- **Utilities** - Promotion of urban growth through the provision of essential services
- **Technology, commerce, industry**
- **Environment** – cultural landscape

*The Architectus CMP identifies areas of the site that are potentially archaeologically significant. The CMP documents that archaeological evidence may exist within the ... discrete area of the Engineers residence (a plan is included in Appendix A). The potential for an archaeological resource is not documented in the Archnex HIS and the CMP for the subject site, nor do these documents include recommended management guidelines for the construction period should an item of significance be uncovered.*

*The submitted architectural plans demonstrate that the proposal will result in the demolition of the rear wings and significant 19<sup>th</sup> Century (original) fabric. A review of the current and past architectural plans indicates that the existing ground floor plan, matches the ground floor plan of the engineer's residence in 1907 (refer Appendix A). A review of these plans indicates that little to no alteration has taken place to the main form and features of the ground floor and rear wings since the original modifications took place in 1907. A site visit conducted 7 March 2012 confirmed the findings of the desktop review of the architectural plans.*

*The Archnex HIS and CMP submitted for the subject site fails to adequately address the extent of the proposed work to the Engineer's residence and the potential impact of these works. The Archnex HIS and CMP document the alterations and additions to the dwelling at the rear without adequately demonstrating the physical extent of the 'alterations and additions', what impact these alterations and additions will have on the fabric of the Engineer's residence, and consequently on the heritage significance of the item and its ability to illustrate labour history and the history of the Pumping Station. Notwithstanding the fact that the building has been subdivided from the Pumping Station site, the historical associations still exist between the two sites.*

**Conclusion**

*It is considered that the proposal to demolish the two 19<sup>th</sup> century rear wings of the Engineer in Charge residence and replace these with a new two storey rear addition will impact adversely on the heritage significance of the item because:*

- 19<sup>th</sup> century dwellings are rare in the City of Ryde constituting approximately 22 of 174 Heritage Items (13%);
- The Building is significant for its associations with the Ryde Pumping Station an item of State Heritage Significance;

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- *The fabric from the 1890s period is associated with now demolished buildings from the Pumping Station complex making the extant surviving 1890s fabric rare and highly significant;*
- *The house is a rare example of worker's housing in NSW and illustrates Labour history in NSW; and*
- *Some potential for archaeological resources exist.*

**Recommendations:**

*Based on the reasons outlined above it is considered that the proposal will have an adverse impact on the heritage significance of the item. Thus, the application is not supported and recommended for refusal. Moreover, it is not recommended that redesign is pursued as demolition of the rear wings will not be supported.*

Addendum Report 3 October 2012

In addition to the above, Council's Heritage Officer has provided further comments regarding development options for this building. In particular:

- a) Details of whether there would be any circumstances in which the rear wings could be demolished; and
- b) Additional comment on the architectural merit of the proposal in the context of the dwelling and the subject site;
- c) Recommendations on an alternative design and specifications for what should be designed by a heritage architect.

These additional comments are provided in full at **ATTACHMENT 4** to this report.

External Referrals

**Sydney Water:** The DA was referred to Sydney Water as the site was previously part of the West Ryde Pumping Station, which Sydney Water has listed as a "critical site".

In response, Sydney Water advised that the development poses no adverse effects to their facilities, and has requested (if the DA is to be approved) that Council includes a condition requiring the approved plans to be submitted to a "Quick Check" agent to determine whether the development will affect any Sydney Water sewer or water main, stormwater drains and/or easement, and if further requirements can be met.

A standard condition could be imposed to address this matter, if Council decides to approve the DA.

**14. Critical Dates**

There are no critical dates or deadlines to be met.

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**ITEM 4 (continued)**

**ATTACHMENT 5**

**ITEM 3 (continued)**

**15. Financial Impact**

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

**16. Other Options**

On the basis of the proposal as currently presented, the recommendation of this report is for refusal of the application.

Alternatively, if Council is mindful to allow further amendments to the proposal, then such modifications are to be undertaken strictly in accordance with the following parameters:

1. Amended plans are to be prepared by an architect with qualifications and experience in heritage conservation
2. Under no circumstances would demolition of the rear wings be considered – as these are considered to be highly significant to the history of this heritage item and its heritage values.
3. Internal modifications of the rear wings may be considered, however the rear wing external walls, verandah and external fabric, including roof form must remain intact, be retained and conserved as part of any redesign.
4. A new rear addition may be constructed in the identified zone (see below) for development and attached to the existing building, but must include the following features:
  - Gable or hipped roof in order to be sympathetic to the original built form
  - Retention of the two existing Victorian rear wings and their roof forms
  - The courtyard form to be retained and the relationship between the significant Victorian rear wings retained
  - Possible projection to the west beyond the alignment of the existing building (but only if the form and scale is considered by the heritage architect to be sympathetic)
  - Material quality (wall and roofing materials) to be sympathetic to the existing heritage item
  - Fenestration and external architectural detailing including the fire stairs to be designed to be sympathetic with the existing heritage item.
  - Demolition of the existing unsympathetic rear stair will be favourably considered. To facilitate access to the second level of the dwelling, the wall closing off the existing internal stair at the ground floor could be opened up.

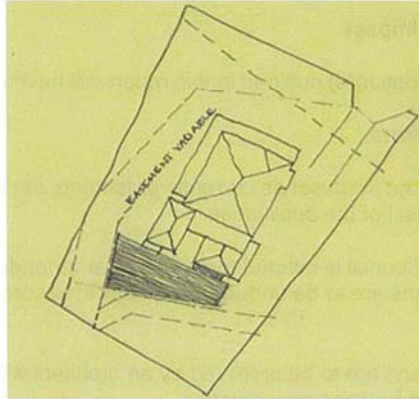
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**ITEM 4 (continued)**

**ATTACHMENT 5**

**ITEM 3 (continued)**



**17. Conclusion**

The proposed development has been assessed using the heads of consideration listed in Section 79 of the Environmental Planning & Assessment Act 1979. It is considered that the development as proposed in this application is unsatisfactory because of its adverse impacts on the heritage significance of the existing dwelling and the adjoining Ryde Pumping Station buildings, which are both listed as Items of Environmental Heritage under Ryde LEP 2010.

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**ITEM 4 (continued)**

**ATTACHMENT 5**

**ITEM 3 (continued)**

**ATTACHMENT 1**

**DCP Compliance Table.**

DCP 2010	Proposed	Compliance
<b>Part 3.3 - Dwelling Houses and Dual Occupancy (attached)</b>		
<b>Dwelling Houses</b>		
- To have a landscaped setting which includes significant deep soil areas at front and rear.	Front and rear gardens to remain.	Yes
- Maximum 2 storeys.	Two storeys	Yes
- Dwellings to address street	Dwelling presents to Victoria Road.	Yes
- Garage/carports not visually prominent features.	No garages within the front façade.	N/A
<b>Alterations and Additions</b>		
- Design of finished building appears as integrated whole.	Complies.	Yes
- Development to improve amenity and liveability of dwelling and site.	Complies.	Yes
<b>Public Domain Amenity</b>		
<b>Streetscape</b>		
- Front doors and windows are to face the street. Side entries to be clearly apparent.	Front doors and windows face street.	Yes
- Single storey entrance porticos.	Single entrance portico.	Yes
- Articulated street facades.	Articulated street façade.	Yes
<b>Public Views and Vistas</b>		
- A view corridor is to be provided along at least one side allotment boundary where there is an existing or potential view to the water from the street.	No significant views to/from the site.	N/A
<b>Pedestrian &amp; Vehicle Safety</b>		
- Car parking located to accommodate sightlines to footpath & road in accordance with relevant Australian Standard.	Car parking is to be located at the rear of the site on existing hard paved area.	Yes
- Fencing that blocks sight lines is to be splayed.	Existing front fencing.	N/A

Agenda of the Planning and Environment Committee Report No. 11/12, dated Tuesday 16 October 2012.

**ITEM 4 (continued)**

**ATTACHMENT 5**

**ITEM 3 (continued)**

**ATTACHMENT 1**

DCP 2010	Proposed	Compliance
<b>Site Configuration</b>		
<b>Deep Soil Areas</b>		
- 35% of site area min.	Permeable (deep soil) area: 711.98m <sup>2</sup> approx (59% of site area).	Yes
- Min 8x8m deep soil area in backyard.	Rear DSA dimensions: 5.8m x 10.7m provided.	No
- Front yard to have deep soil area (only hard paved area to be driveway, pedestrian path and garden walls).	Front DSA: 100% permeable area in front yard= 340.64m <sup>2</sup> . Hard surface areas have been kept to a minimum in the front yard.	Yes
<b>Topography &amp; Excavation</b>		
Within building footprint:	Within BF	
- Max cut: 1.2m	Max cut: nil	N/A
- Max fill: 900mm	Max fill: nil	N/A
Outside building footprint:	Outside BF	
- Max cut: 900mm	Max cut: nil	N/A
- Max fill: 500mm	Max fill: nil	N/A
- No fill between side of building and boundary or close to rear boundary	Not proposed.	N/A
- Max ht retaining wall 900mm	Not proposed.	N/A
<b>Floor Space Ratio</b>		
Ground floor	230.87m <sup>2</sup>	
First floor	230.09m <sup>2</sup>	
Total (Gross Floor Area)	460.96m <sup>2</sup>	
<b>FSR (max 0.5:1)</b> <b>Note: Excludes wall thicknesses; lifts/stairs; basement storage/vehicle access/garbage area; terraces/balconies with walls &lt;1.4m; void areas.</b>	<b>0.38:1</b>	<b>Yes</b>
<b>Height</b>		
- 2 storeys maximum (storey incl basement elevated greater than 1.2m above EGL).	2 storeys maximum.	Yes
- 1 storey maximum above attached garage incl semi-basement or at-grade garages.	Not applicable to the proposed development.	N/A

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**ITEM 4 (continued)**

**ATTACHMENT 5**

**ITEM 3 (continued)**

**ATTACHMENT 1**

DCP 2010	Proposed	Compliance
Wall plate (Ceiling Height) - 7.5m max above FGL or - 8m max to top of parapet NB: TOW = Top of Wall EGL = Existing Ground Level FGL = Finished Ground Level	TOW RL: 29.36  FGL/EGL blw RL: 23.66  TOW Hgt (max)= 5.7m	Yes
- 9.5m Overall Height  NB: EGL = Existing Ground Level	Max pnt of dwlng RL: 29.66  FGL/EGL blw RL: 23.66  Overall Hgt (max)= 6m	Yes
Habitable rooms to have 2.4m floor to ceiling height (min).	2.7m min room height	
<b>Setbacks</b>		
<b>SIDE</b> <b>Single storey dwelling</b> - 900mm to wall - Includes balconies etc	Approximately 5.5m to wall min	Yes
<b>SIDE</b> <b>First floor addition</b> - 1500mm to wall - Includes balconies etc	Approximately 5.5m to wall min	Yes
<b>Front</b> - 6m to façade (generally)	Existing 11.5m.	Yes
<b>Rear</b> - 8m to rear of dwelling OR 25% of the length of the site, whichever is greater. <b>Note: between 10.71m and 11.4m is 25% of site length.</b>	Between 7.6m and 13m provided.	No
<b>Car Parking &amp; Access</b>		
<b>General</b> - Dwelling: 2 spaces max, 1 space min. - Behind building façade.  - Where possible access off secondary street frontages or laneways is preferable.	Two car parking spaces provided at the rear of the site on existing hard paving. Uncovered.  Existing vehicular access off Victoria Road.	Yes  N/A
<b>Garages</b>	Two proposed spaces to be provided at the rear of the site on the existing hard paving and uncovered by any structures.	N/A

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**ITEM 4 (continued)**

**ATTACHMENT 5**

**ITEM 3 (continued)**

**ATTACHMENT 1**

<b>DCP 2010</b>	<b>Proposed</b>	<b>Compliance</b>
<b>Carports</b>	Not proposed.	N/A
<b>Driveways</b>		
- Extent of driveways minimised	Existing driveway.	N/A
<b>Landscaping</b>		
<b>Trees &amp; Landscaping</b>		
- Major trees retained where practicable	The application does not propose to alter any existing vegetation on the site.	Yes
- Physical connection to be provided between dwelling and outdoor spaces where the ground floor is elevated above NGL eg. stairs, terraces.	Complies.	Yes
- Obstruction-free pathway on one side of dwelling (excl cnr allotments or rear lane access)	Complies.	Yes
- Front yard to have at least 1 tree with mature ht of 10m min and a spreading canopy.	Existing vegetation throughout the site is considered satisfactory.	N/A
- Back yard to have at least 1 tree with mature ht of 15m min and a spreading canopy.	Existing vegetation throughout the site is considered satisfactory.	N/A
- Hedging or screen planting on boundary mature plants reaching no more than 2.7m.	Not proposed.	N/A
- OSD generally not to be located in front setback unless under driveway.	Not proposed.	N/A
- Landscaped front garden, with max 40% hard paving	Existing hard paving: 18%	N/A
<b>Landscaping for lots with Urban Bushland</b>		
- Where lot is adjoining bushland protect, retain and use only native indigenous vegetation for distance of 10m from bdy adjoining bushland.	Existing vegetation on the site. No vegetation is proposed for removal/replacement.	N/A
<b>Dwelling Amenity</b>		
<b>Daylight and Sunlight</b>		

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**ITEM 4 (continued)**

**ATTACHMENT 5**

**ITEM 3 (continued)**

**ATTACHMENT 1**

DCP 2010	Proposed	Compliance
<p><b>Access</b></p> <ul style="list-style-type: none"> <li>- Living areas to face north where orientation makes this possible.</li> <li>- 4m side setback for side living areas where north is to the side allotment boundary.</li> </ul> <p><u>Subject Dwelling:</u></p> <ul style="list-style-type: none"> <li>- Subject dwelling north facing windows are to receive at least 3hrs of sunlight to a portion of their surface between 9am and 3pm on June 21.</li> <li>- Private Open space of subject dwelling is to receive at least 2 hours sunlight between 9am and 3pm on June 21.</li> </ul> <p><u>Neighbouring properties are to receive:</u></p> <ul style="list-style-type: none"> <li>- 2 hours sunlight to at least 50% of adjoining principal ground level open space between 9am and 3pm on June 21.</li> <li>- At least 3 hours sunlight to a portion of the surface of north facing adjoining living area windows between 9am and 3pm on June 21.</li> </ul>	<p>Living areas face north.</p> <p>Not applicable.</p> <p>North facing windows will receive at least 3hrs of sunlight to a portion of their surface between 9am and 3pm on June 21.</p> <p>Private open space will receive at least 2 hours sunlight between 9am and 3pm on June 21.</p> <p>There are no adjoining residential dwellings.</p>	<p>Yes</p> <p>N/A</p> <p>Yes</p> <p>Yes</p> <p>N/A</p>
<p><b>Visual Privacy</b></p> <ul style="list-style-type: none"> <li>- Orientate windows of living areas, balconies and outdoor living areas to the front and rear of dwelling.</li> <li>- Windows of living, dining, family etc placed so there are no close or direct views to adjoining dwelling or open space.</li> <li>- Side windows offset from adjoining windows.</li> <li>- Terraces, balconies etc are</li> </ul>	<p>Complies.</p> <p>Complies.</p> <p>Complies.</p> <p>Complies.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>

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**ITEM 4 (continued)**

**ATTACHMENT 5**

**ITEM 3 (continued)**

**ATTACHMENT 1**

<b>DCP 2010</b>	<b>Proposed</b>	<b>Compliance</b>
not to overlook neighbouring dwellings/private open space.		
<b>View Sharing</b> - The siting of development is to provide for view sharing.	No significant views to/from the site.	N/A
<b>Cross Ventilation</b> - Plan layout is to optimise access to prevailing breezes and to provide for cross ventilation.	Complies.	Yes
<b>External Building Elements</b>		
<b>Roof</b> - Articulated. - 450mm eaves overhang minimum. - Not to be trafficable terrace. - Skylights to be minimised and placed symmetrically. - Front roof plane is not to have both dormer windows and skylights.	Flat roof will not be visible from the street.  Complies. Not proposed.  None proposed.	N/A  Yes N/A  N/A
<b>Attic Dormer Windows</b>	Not proposed.	N/A
<b>Fencing</b>		
<b>Front/return:</b>	Existing front fence.	N/A
<b>Side/rear fencing:</b>	Existing side fencing.	N/A
<b>Part 7.1 - Energy Smart, Water Wise</b>		
As per submitted BAISX Certificate		Yes
<b>External Clothes Drying Area</b>		
External yard space or sheltered ventilated space for clothes drying	Complies.	Yes
<b>Part 7.2- Waste Minimisation &amp; Management</b>		
Submission of a Waste Management Plan in accordance with Part 7.2	The applicant has submitted a Waste Management Plan in accordance with Part 7.2	Yes
<b>Part 8.2 - Stormwater Management</b>		
<b>Stormwater</b>		
Drainage is to be piped in accordance with Part 8.2 - Stormwater Management.	Satisfactory drainage concept plan submitted.	Yes
<b>Part 9.6 – Tree Preservation</b>		
Where the removal of tree(s) is associated with the redevelopment of a site, or a	No existing landscaping to be removed as part of this proposal.	N/A

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**ITEM 4 (continued)**

**ATTACHMENT 5**

**ITEM 3 (continued)**

**ATTACHMENT 1**

DCP 2010	Proposed	Compliance
neighbouring site, the applicant is required to demonstrate that an alternative design(s) is not feasible and retaining the tree(s) is not possible in order to provide adequate clearance between the tree(s) and the proposed building and the driveway.		

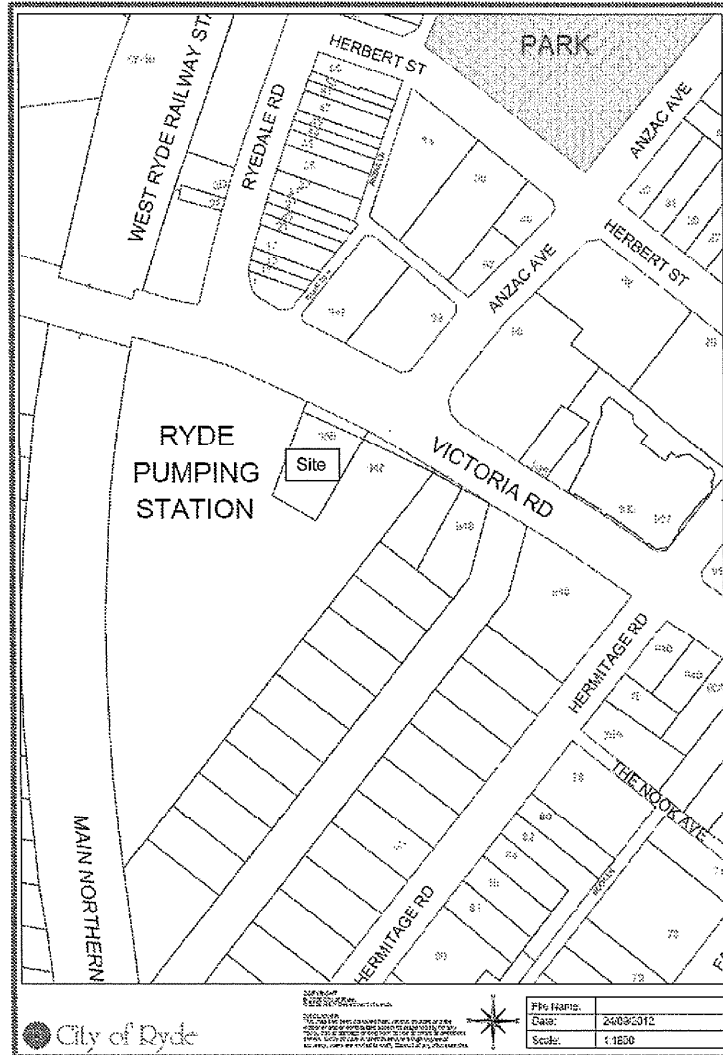
**ITEM 4 (continued)**

**ATTACHMENT 5**

**ITEM 3 (continued)**

**ATTACHMENT 2**

Submission received from member of the (former) City of Ryde Heritage Advisory Committee



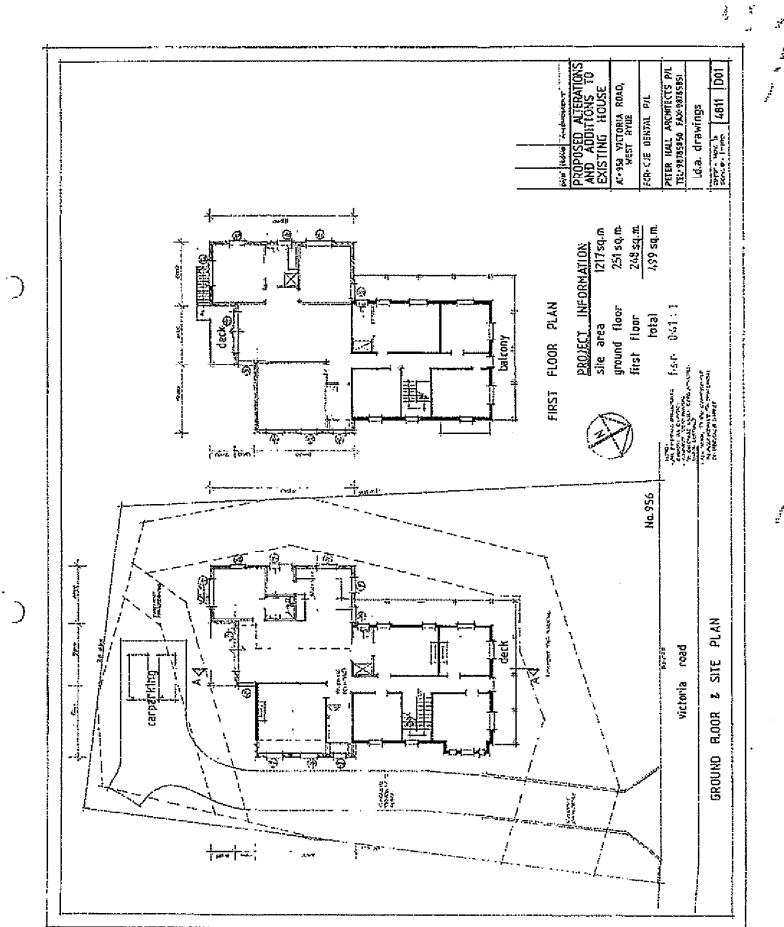
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**ITEM 4 (continued)**

**ATTACHMENT 5**

**ITEM 3 (continued)**

**ATTACHMENT 3**



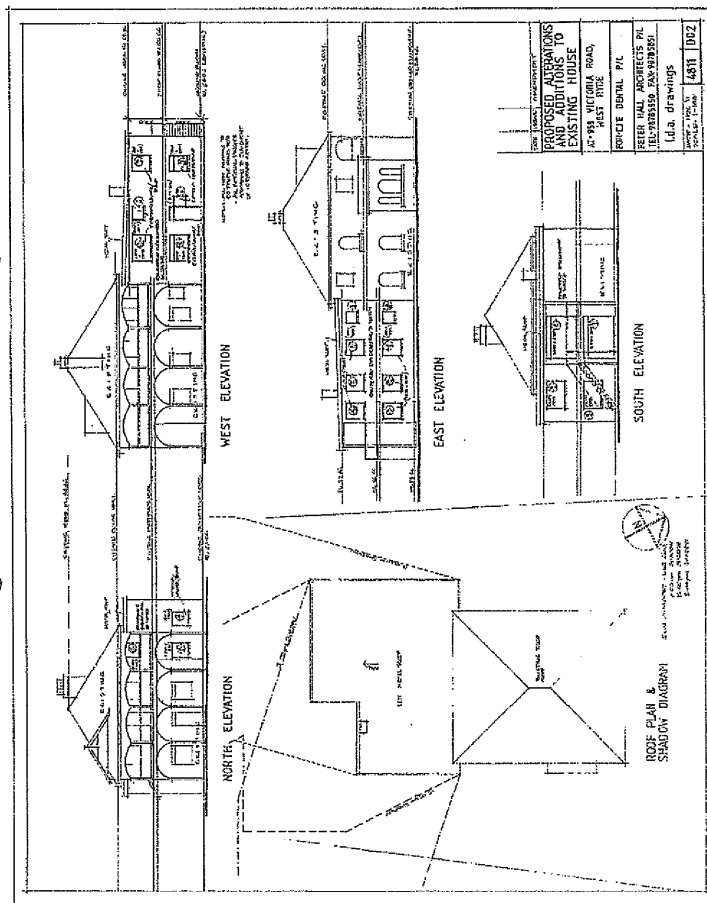
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**ITEM 4 (continued)**

**ATTACHMENT 5**

**ITEM 3 (continued)**

**ATTACHMENT 3**



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**ITEM 4 (continued)**

**ATTACHMENT 5**

**ITEM 3 (continued)**

**ATTACHMENT 4**

**Development Application Comments In Relation to Heritage Impact:**

<b>To:</b>	Chris Young	<b>Date:</b>	3 October 2012
<b>From:</b>	Renee Walmsley Heritage/Strategic Planner		
<b>Trim Ref And Address:</b>	LAD2012/0047 958 Victoria Road WEST RYDE 2114		

**Heritage Listing:**

Heritage item:	Yes: Item 156 (Local)
In the vicinity of a heritage item	Yes: Item 155 (Local – however, the item is to be listed as an item of state significance pursuant to the Draft Ryde LEP 2011)
Conservation area:	Yes – C3 and C2, however the subject site is outside the visual catchment of the heritage conservation areas
Character area (DCP 2010):	No.

**Heritage Controls:**

Ryde LEP 2010 Clause 5.10 Heritage Conservation

**“(2) Requirement for consent**

*Development consent is required for any of the following:*

- (b) altering a heritage item that is a building by making structural changes to its interior or by making changes to anything inside the item that is specified in Schedule 5 in relation to the item,”*

**Background:**

A referral was prepared for the assessing officer by Council's heritage advisor and submitted to the assessing officer on 6 July 2012. Following, the Development Application was called up to the Planning and Environment Committee for determination in October 2012. A request for further information was made by the Manager of Assessment as follows:

- a) Details of whether there would be any circumstances in which the rear wings could be demolished; and
- b) Additional comment on the architectural merit of the proposal in the context of the dwelling and subject site;
- c) Recommendations on an alternative design and specifications for what should be designed by a heritage architect.

The following comments are provided in response to this request and should be read as an addendum to, and not in replace of, the original referral dated 6 July 2012.

**Additional Heritage Comments:**

*a) Circumstances to demolish the rear wings*

The proposal is for extensive alterations and additions at the rear of a heritage item. The heritage item was constructed in three stages. The first two stages are Victorian in style and character while the third stage is twentieth century and Edwardian in style. The proposed alterations and additions include demolition of the two original Victorian rear wings

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**ITEM 4 (continued)**

**ATTACHMENT 5**

**ITEM 3 (continued)**

**ATTACHMENT 4**

The rear wings comprise 19 century Victorian (original) fabric, and are considered to be highly significant to the history of the item and its heritage values. Victorian buildings are rare in the City of Ryde. Under no circumstances would demolition of the rear wings be considered.

A proposal for the internal modification of the rear wings may be considered; however the rear wing external walls, verandah and external fabric, including roof form must remain intact, be retained and conserved as part of any redesign. Conservation measures of the item could include restoration and maintenance works such as fixing leaking roofs, mortar joints and the like. A full photo archival recording of the rear wings (internal and external) must be completed and submitted to Council for review and approval prior to the commencement of any building works. It is likely this requirement would also apply to any building works to the dwelling.

*b) Architectural merit of the proposal*

The alterations and additions to the dwelling include demolition of the two original Victorian rear wings and the construction of a ground and second storey addition with a skillion roof and external stairs to the rear of the dwelling. The completed proposal will include 8 bedrooms, 3 ensuites, 3 bathrooms, 3 living areas, a gymnasium, an external "fire" stair and other facilities.

The design of the proposed ground and second storey at the rear of the dwelling is not sympathetic to the architectural styles of the heritage item or to its heritage significance. The proposed rear addition is a brick box with few design features and little architectural character. The bulk and scale of the proposed addition is not subservient to the existing building and will be clearly visible from the west and from the street. The appearance of this bulk is considered to alter the visual continuity of the heritage item. It is determined that the proposed rear addition is not considered to be sympathetic to the heritage item.

It is noted that the architectural plans have not been prepared by a recognized heritage architect.

*c) Recommendations on an alternative design*

An amended design was requested by Council's assessing officer and Heritage advisor, in addition to a request that a Conservation Management Plan (CMP) be prepared for the subject site to accompany the submitted Statement of Heritage impact. The applicant submitted the requested CMP but did not submit an amended design. This is documented in the original heritage referral dated 6 July 2012.

A desk top review of the survey plan was undertaken to determine the potential of an area on the subject site with the potential to support development. The review took into account the easements on the subject site and the required retention of the single storey rear wings. The below image identifies a 'zone' for potential development at the rear of the subject site identified by cross-hatching. The identified zone is to the rear of the existing rear wings and within an area defined by easements. It is recommended that the location of the easements is researched (in particular the "easement of variable width") and more accurately plotted in consultation with the relevant authorities.

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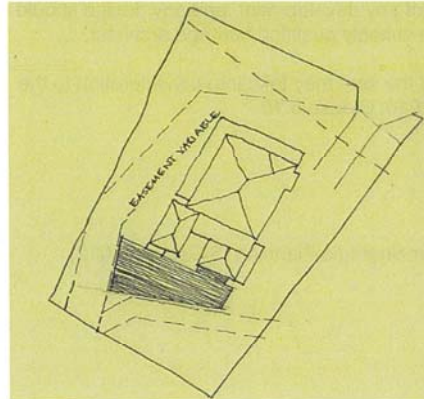
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**ATTACHMENT 5**

**ITEM 3 (continued)**

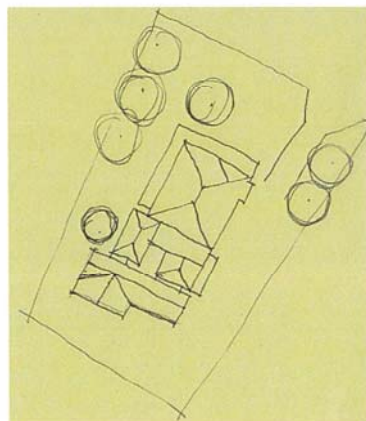
**ATTACHMENT 4**



**Figure 1:** Subject site with zone for development indicated by cross-hatching

A new rear addition may be constructed in the identified zone for development and attached to the existing building, but must include the following features:

- Gable or hipped roof in order to be sympathetic to the original built form
- Retention of the two existing Victorian rear wings and their roof forms
- The courtyard form to be retained and the relationship between the significant Victorian rear wings retained
- Possible projection to the west beyond the alignment of the existing building (but only if the form and scale is considered by the heritage architect to be sympathetic)
- Material quality (wall and roofing materials) to be sympathetic to the existing heritage item
- Fenestration and external architectural detailing including the fire stairs to be designed to be sympathetic with the existing heritage item.
- Demolition of the existing unsympathetic rear stair will be favorably considered. To facilitate access to the second level of the dwelling, the wall closing off the existing internal stair at the ground floor could be opened up.



**Figure 2:** Indicative potential form and roofline of a rear addition, constructed within the identified zone for development

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**ITEM 4 (continued)**

**ATTACHMENT 5**

**ITEM 3 (continued)**

**ATTACHMENT 4**

It is noted that Figure 2 is only indicative of any development, and any design should be carried out and works supervised by a suitably qualified heritage architect.

A redesign that facilitates conservation of the item may take into consideration to the heritage incentives clause in Ryde LEP 2010, Clause 5.10.

Heritage Advisor  
3 October 2012

Reviewed and approved by: Team Leader Strategic Planning (3 October 2012)