

Meeting Date: Tuesday 2 September 2014
Location: Committee Room 2, Level 5, Civic Centre, 1 Devlin Street, Ryde
Time: 5.00pm

NOTICE OF BUSINESS

Item	Page
1 CONFIRMATION OF MINUTES - Meeting held on 19 August 2014.....	1
2 6 JETTY ROAD, PUTNEY. LOT 5 DP 17893. Local Development Application for New part 2 / part 3 storey dwelling house. LDA2013/0472.	5

1 CONFIRMATION OF MINUTES - Meeting held on 19 August 2014

Report prepared by: Section Manager - Governance**File No.:** CLM/14/1/3/2 - BP14/898

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 8/14, held on Tuesday 19 August 2014, be confirmed.

ATTACHMENTS

- 1 Minutes - Planning and Environment Committee - 19 August 2014

ITEM 1 (continued)

ATTACHMENT 1

Planning and Environment Committee
MINUTES OF MEETING NO. 8/14

Meeting Date: Tuesday 19 August 2014

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

Time: 5.02pm

Councillors Present: Councillors Etmekdjian (Chairperson), Chung, Laxale, Pickering and Yedelian OAM.

Apologies: Nil.

Absent: Councillor Salvestro-Martin.

Staff Present: Group Manager – Environment and Planning, Service Unit Manager – Assessment, Team Leader – Assessment, Assessment Officer – Town Planner, Planning Consultant – Creative Planning Solutions, Business Support Coordinator – Environment and Planning and Section Manager – Governance.

DISCLOSURES OF INTEREST

There were no disclosures of interest.

1 CONFIRMATION OF MINUTES - Meeting held on 5 August 2014

RESOLUTION: (Moved by Councillors Yedelian OAM and Chung)

That the Minutes of the Planning and Environment Committee 7/14, held on Tuesday 5 August 2014, be confirmed.

Record of Voting:

For the Motion: Unanimous

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

2 157 QUARRY ROAD, RYDE. LOT 9 DP 20764. Local Development Application for new dual occupancy (attached) LDA2014/0128.

Note: Mr Peter Hall (applicant) was available to answer questions in relation to this Item.

ITEM 1 (continued)

ATTACHMENT 1

Note: A Memorandum from the Group Manager – Environment and Planning dated 14 August 2014 was tabled in relation to this Item and a copy is ON FILE.

RESOLUTION: (Moved by Councillors Chung and Pickering)

(a) That Local Development Application No. LDA2014/128 at 157 Quarry Road, Ryde be approved subject to the **ATTACHED** conditions (Attachment 1) and an amendment to Condition 34 to read as follows:-

34. **Tree planting – front yard.** One (1) Australian native tree with a minimum size of 35 litres is to be planted in the front garden, on the western side of the driveway. The tree is to reach a height of 10m at maturity. Details are to be submitted to and approved by the Principal Certifying Authority prior to the issue of a **Construction Certificate**.

(b) That Condition 1a be amended to read as follows:-

1(a) To preserve the amenity to the adjoining eastern property, the window associated with the study on the ground floor of unit 1, within the eastern elevation is to have a window sill height of 1.5m from the finished first floor (FFL), or translucent glazing to any part of a window less than 1.5m above the FFL and the study window on the eastern elevation to have louvers to protect the privacy of the adjoining neighbours.

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

Record of Voting:

For the Motion: Unanimous

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

**3 62 CONSTITUTION ROAD, MEADOWBANK - LOT C IN DP 27200
Development Application for the construction of a weather shelter
structure over the public domain area (in front of 62 Constitution Road).
LDA2014/0135.**

Note: Mr Aotil Ben Elias and Mr Christian Cagnano (applicants) addressed the meeting in relation to this Item.

Note: Documentation from the applicant was tabled in relation to this Item and a copy if ON FILE.

RECOMMENDATION: (Moved by Councillors Pickering and Chung)

(a) That consideration of this application be deferred for a meeting with the Group Manager – Environment and Planning and the applicant to discuss an alternate design that cost effectively addresses the issues raised in the report.

ITEM 1 (continued)

ATTACHMENT 1

- (b) That the applicant be given the opportunity to submit amended plans.
- (c) That a further report be presented to the Environment and Planning Committee within three months.
- (d) That the adjoining shop owners on Constitution Road be consulted with to see if they also wish to lease outdoor space and construct associated structures in keeping with the ambitions of the applicant so long as it does not unduly delay the current application.

Record of Voting:

For the Motion: Unanimous

Note: This matter will be dealt with at the Council Meeting to be held on **26 AUGUST 2014** as substantive changes were made to the published recommendation.

The meeting closed at 5.45pm.

CONFIRMED THIS 2ND DAY OF SEPTEMBER 2014.

Chairperson

**2 6 JETTY ROAD, PUTNEY. LOT 5 DP 17893. Local Development
Application for New part 2 / part 3 storey dwelling house. LDA2013/0472.****INTERVIEW: 5.00pm**

Report prepared by: Assessment Officer - Town Planner; Team Leader -
Assessment**Report approved by:** Manager Assessment; Group Manager - Environment &
Planning**Report dated:** 11/08/2014 **File Number:** GRP/09/5/6/2 - BP14/1014

1. Report Summary**Applicant: A Pierzad.****Owner: A Pierzad.****Date lodged: 22 November 2013 (amended plans received 3 June 2014)**

This report considers a development application (DA) for the construction of a part two (2) and part three (3) storey dwelling house. The proposal involves retention of the existing boatshed with appropriate landscaping surrounding the dwelling house.

The DA has been notified to neighbours in accordance with Ryde DCP 2010 on two (2) occasions during the DA process and a total of seven (7) submissions were received – four (4) submissions to the original notification and a further three (3) submissions to the amended plans. The submissions raised the following key issues:

- Lot size inappropriate for proposed use
- Setbacks (both front and side setbacks)
- Building height
- Floor space ratio
- Overshadowing
- Privacy impacts
- View loss
- Potential illegal use of balcony
- Construction noise
- Excavation

The proposal has been assessed against the controls relating to dwelling houses in Part 3.3 of Ryde DCP 2010 with the following areas of non-compliance:

- Number of storeys
- Fill levels (i.e. floor levels substantially elevated above natural ground level)
- Wall plate height
- Setbacks
- Landscaping
- Overshadowing
- Privacy impacts

ITEM 2 (continued)

The areas of non-compliance regarding setbacks, landscaping and privacy are considered minor and individually and collectively do not warrant refusal of the DA as they do not result in substantial adverse impacts to the amenity of the dwelling or surrounding properties. The areas of non-compliance regarding height and fill levels are more substantial and result in many of the issues of concern raised by the neighbours. Consequently, it is recommended that a “Deferred Commencement” consent be issued, which requires the following changes be made to the plans, to minimise impacts on neighbouring properties:

1. Lower the finished floor levels by a minimum 500mm through excavation. This may involve dropping the entire floor of each storey of the dwelling, or in part (through a “split level” approach).
2. Delete the “sauna” from the lower ground level – to ensure compliance with the maximum 2 storey height control.
3. The northern and southern sides of rear decks proposed on the lower ground, ground and first floor are to be provided with privacy screens to a height of 1.8m. This is to be shown on an amended *Lower Ground, Ground & First Floor Plan* and *North & South Elevation Plan*.

The allotment as currently exists is under developed in comparison to development on surrounding waterfront properties in Putney, and in particular along Jetty Road and Pellisier Road. Whilst it is accepted that construction of a new dwelling on the site of a larger bulk and scale will result in a minor impact on neighbouring properties in terms of view loss and privacy, it is considered that the proposal demonstrates consideration for Council’s planning controls and has attempted to address concerns raised in submissions.

The proposed dwelling achieves the objectives of the R2 Low Density Residential zone and is consistent with the desired future character of the zone. Specifically, the character of the streetscape and waterfront will be maintained.

The subject DA is recommended for approval subject to conditions of consent.

Reason for Referral to Planning and Environment Committee: Requested by Mayor, Councillor Maggio

Public Submissions: A total of seven (7) submissions were received objecting to the development, including:

- (a) Four (4) submissions to the original plans (notified from 2 December to 17 December 2013); and
- (b) A further three (3) submissions when amended plans were re-notified (from 27 June to 14 July 2014).

ITEM 2 (continued)**SEPP 1 (or clause 4.6 RLEP 2010) objection required?** None required.**Value of works:** \$550,000**RECOMMENDATION:**

- (a) That Local Development Application No. 2013/472 at 6 Jetty Road, Putney, being LOT 5 DP 17893 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 Compliance Table - Ryde DCP 2010
- 3 Compliance Table - Sydney Regional Environmental Plan (SHC) 2005
- 4 Compliance Table - Sydney Harbour Foreshores and Waterways Area DCP
- 5 Map
- 6 A4 Plans
- 7 A3 Plans - subject to copyright provisions - CIRCULATED UNDER SEPARATE COVER

Report Prepared By:

Lauren Franks
Assessment Officer - Town Planner**Chris Young**
Team Leader - Assessment

Report Approved By:

Liz Coad
Manager Assessment**Dominic Johnson**
Group Manager - Environment & Planning

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

Address	: 6 Jetty Road, Putney (Lot 5 in DP 17893)
Site Area	: 569.1m ² Frontage: 14.325m Northern Side Boundary: 57.15m Southern Side Boundary: 65.225m
Topography and Vegetation	: The topography of the local area is relatively steep. A fall of 10.65m is experienced to the waterfront of Morrisons Bay / Parramatta River. Two (2) stone retaining walls exist within the rear portion of the site with heights of approximately 1.77m and 1.44m.
Existing Buildings	: A single storey brick dwelling house, outbuilding (boatshed)
Planning Controls	: Ryde LEP 2010
Zoning	: R2 Low Density Residential under Ryde LEP 2010 R2 Low Density Residential under draft Ryde LEP 2013
Other	: Ryde DCP 2010

ITEM 2 (continued)



Aerial photo of subject site and surrounds.

ITEM 2 (continued)



View of subject site from Jetty Road.

ITEM 2 (continued)**3. Councillor Representations**

Name of Councillor: Mayor, Councillor Maggio

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

Date: 11 July 2014

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

On behalf of applicant or objectors? Objectors at No. 4 Jetty Road

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

4. Political Donations or Gifts

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

5. Proposal

The proposal is for the construction of a new part two (2), part three (3) storey dwelling house. Specifically, the dwelling house will have the following features:

- Open plan kitchen, dining and living area;
- Three (3) bathrooms;
- Internal laundry;
- Attached, single lock-up garage;
- Four (4) bedrooms (3 with built-in robes and 1 with a walk-in robe & ensuite);
- Two (2) bathrooms;
- Sauna;
- Family room;
- Three (3) rear decks; and
- Front and rear landscaping.

6. Background

The DA was lodged on 22 November 2013 and placed on public notification for fourteen (14) days to 17 December 2013.

As requested by adjoining property owners at No. 4 and 8 Jetty Road, a meeting was held on 13 December 2013 at their properties to discuss the development.

ITEM 2 (continued)

On 19 February 2014, Council issued a letter raising issues with the proposal following the completion of a preliminary assessment, discussions held with adjoining properties and objections received. The issues raised related to floor space ratio, building height, fill, view loss, building articulation and inclusion of a side deck directly overlooking the property to the north.

On 22 April 2014, a meeting was held with the applicant to discuss the issues raised in Council's letter and discuss alternate design options.

On 3 June 2014, amended plans were submitted to Council. The amendments included:

- 2m increase in rear setback;
- 1m reduction in front setback;
- Removal of deck on northern side;
- Increase in southern side setback to 1.5m for majority of southern elevation; and
- Reduction in size of ground floor and lower ground floor rear decks.

The amended plans were re-notified to neighbours and previous objectors from 27 June to 14 July 2014.

7. Submissions

As aforementioned, the original proposal was notified in accordance with Development Control Plan 2010 - Part 2.1, Notification of Development Applications from 2 December to 17 December 2013.

When amended plans were received, these were re-notified for a period from 27 June to 14 July 2014.

In response, a total of seven (7) submissions were received from the owners of neighbouring properties as shown on the aerial photo earlier in this report. In particular, four (4) submissions were received during the original notification, and a further three (3) submissions were received following re-notification. The key issues raised in the submissions are summarised and discussed as follows:

- A. *Use non-compliant with required minimum lot size.*** *Concerns are raised that the minimum lot size required for new dwellings is 580m². The site has an area of 569m².*

ITEM 2 (continued)

Assessment Officer's Comment

As per clause 4.1 of the Ryde Local Environmental Plan 2010, the minimum lot size requirement of 580m² applies to the subdivision of land whereby each newly created lot is to have a minimum 580m². The proposal does not involve any subdivision or boundary adjustment therefore this control is not applicable.

The subject site occupies an area of 569.1m². A dwelling house currently exists on the site and the proposal is for the construction of a new dwelling house only.

- B. *Setbacks.*** *Concerns are raised that the proposed development does not comply with the front and side setback controls stipulated in the Ryde DCP 2010.*

Assessment Officer's Comment

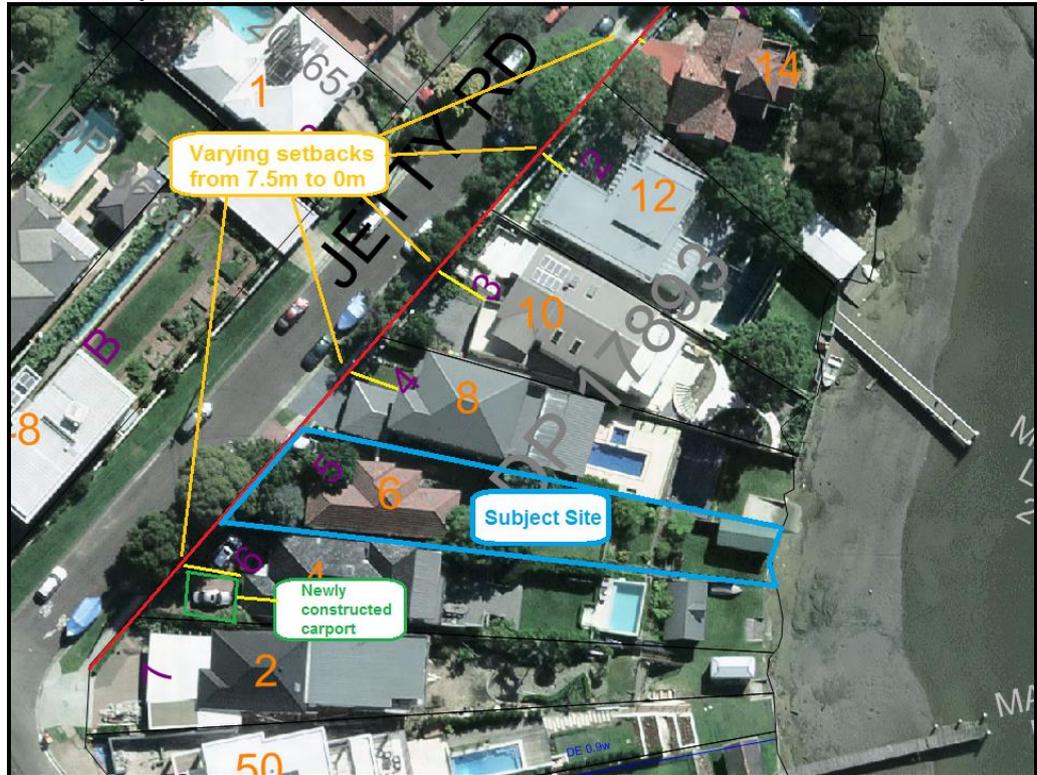
Council's DCP 2010: Part 3.3 Dwelling Houses & Dual Occupancy (attached) – Section 2.8 'Setbacks' states:

- Dwellings are generally to be set back 6 metres from the street front boundary.
- The outside walls of a single storey dwelling are to be set back from the side boundaries not less than 900mm.
- The outside walls of a two storey dwelling are to be set back from the side boundaries not less than 1.5m.

Front Setback

The existing dwelling house has a front setback of 5.9m. A front setback of 3.6m is proposed, representing a non-compliance of 2.4m. However, in this particular location on the eastern side of Jetty Road, most properties have dwellings (or related structures such as garages or carports) within the minimum 6m setback, and some built to the front boundary. Therefore, a front setback of 3.6m is consistent with the existing streetscape and satisfactory in this instance despite non-compliance with the DCP. The aerial photo below shows the siting of neighbouring buildings and the range in setbacks provided:

ITEM 2 (continued)



Whilst it is accepted that carports are not included in the calculation of the front setback distance, it is noted that both adjoining properties (No. 4 and 8 Jetty Road) contain carports within the front setback area. In particular, No. 8 Jetty Road has a carport of solid masonry construction, fitted with a garage door and having a corner attached to the front fence. This can be seen in the following photo:

ITEM 2 (continued)



No. 8 Jetty Road – Enclosed carport built to front boundary fence

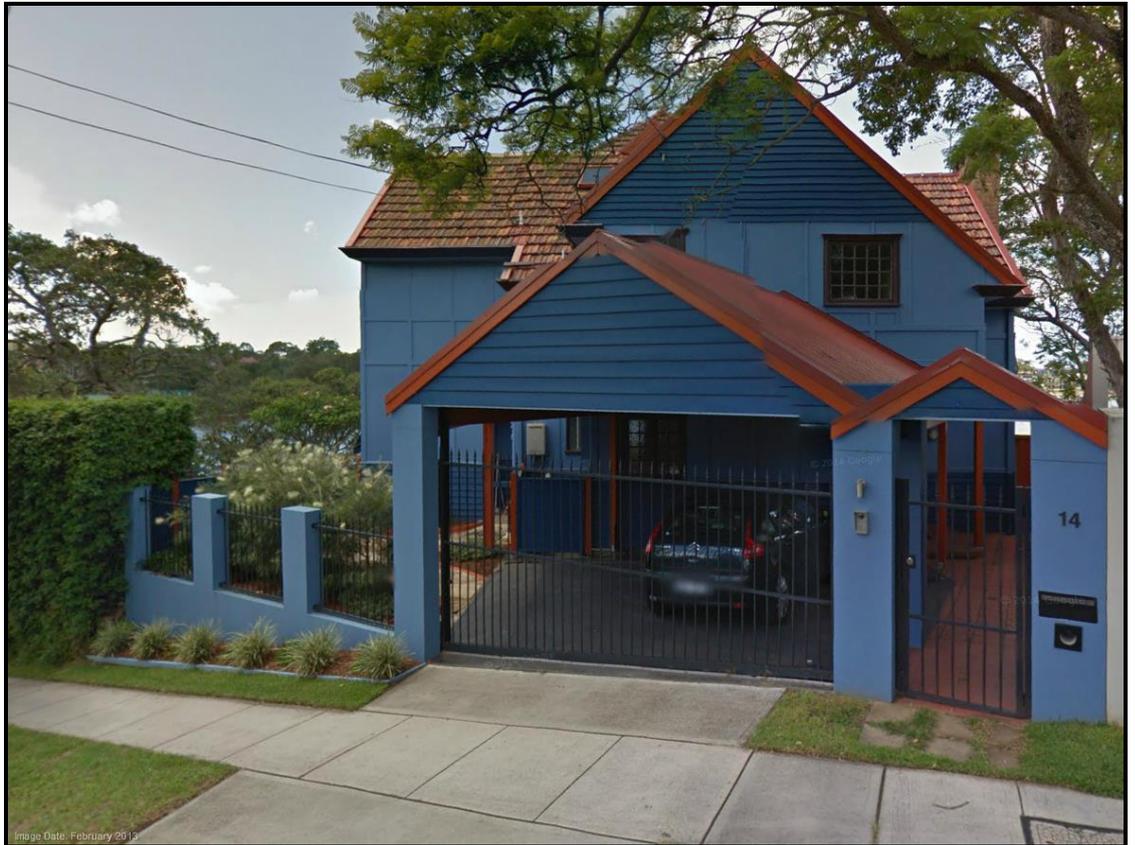
It is also worthy to note that No. 12 Jetty Road contains a dwelling with a front setback of 2.5m to a garage as shown below:



No. 12 Jetty Road – Dwelling has a 2.5m front setback

ITEM 2 (continued)

Similarly, No. 14 Jetty Road contains a dwelling with a carport built to the front boundary.



No. 14 Jetty Road – Carport built to front boundary

Shifting the proposed dwelling forward reduces the length at which the development extends towards the rear, and in turn reduces the bulk of the development at the rear, and its potential impact on view loss caused to surrounding properties. Therefore, it is a more favourable outcome to allow the applicant to encroach within the 6m front setback in this instance.

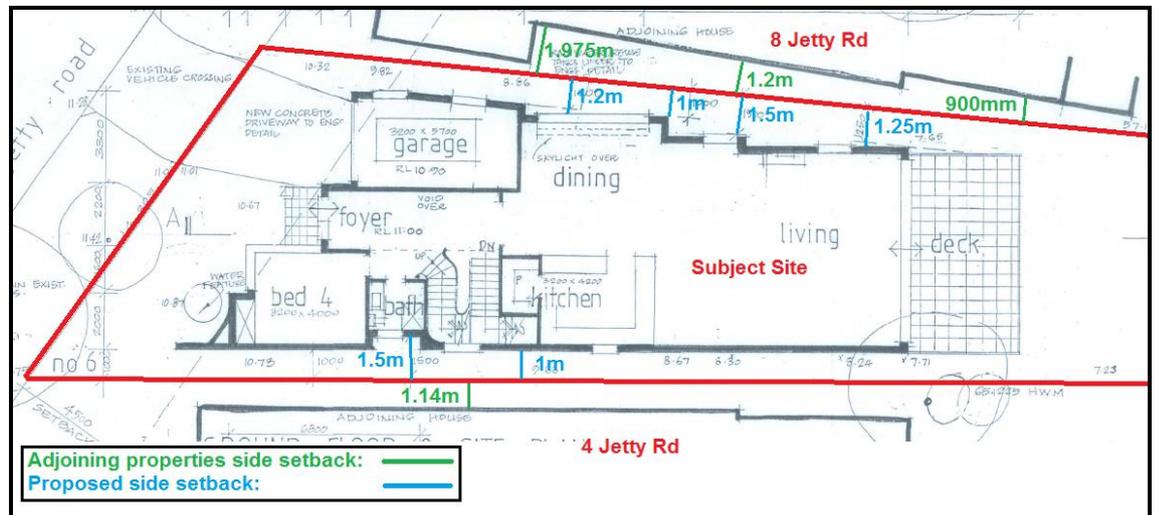
Side Setbacks

Along the southern side, the lower ground floor is set back 1m, the ground floor is set back 1m (with the articulation of the bathroom resulting in the setback increasing to 1.5m) and approximately $\frac{3}{4}$ of the first floor is set back 1.5m (with a bedroom and stairwell having a setback of 1m).

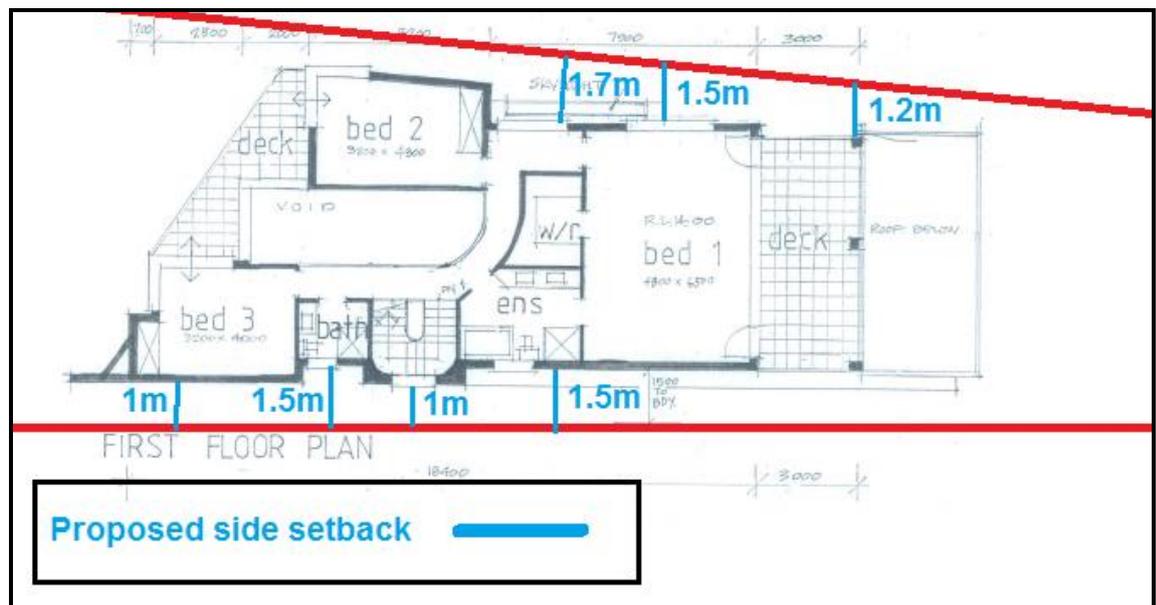
Along the northern side, the lower ground floor is set back 1.25m, the ground floor has setbacks varying between 1m to 1.5m and the first floor has setbacks varying between 1m to 1.5m. The applicant has provided a ground floor plan which shows the siting of dwellings either side of the site.

ITEM 2 (continued)

A mark-up of this plan is shown below identifying the varying setback distances at a ground floor level:



Ground floor side setback distances



First floor side setback distances

The property to the north at No. 8 Jetty Road has side setbacks varying from 900mm to 1.975m with the property to the south at No. 4 Jetty Road having a side setback distance of 1.14m.

ITEM 2 (continued)

These adjoining properties narrow towards the rear similar to the subject site however, they are both wider throughout from the front to rear boundary. The subject site has a width at the front boundary of only 14.325m, narrowing towards the water's edge with a width of only 6.8m. Taking this into account, it is seen that the proposal's side setbacks are in fact, more generous than adjoining properties with wider sites and acceptable for the site's narrow width.

The applicant complies with the 900mm setback for the ground floor component and has articulated the building along each northern and southern side elevation at the first floor level to demonstrate compliance with the 1.5m requirement at certain points.

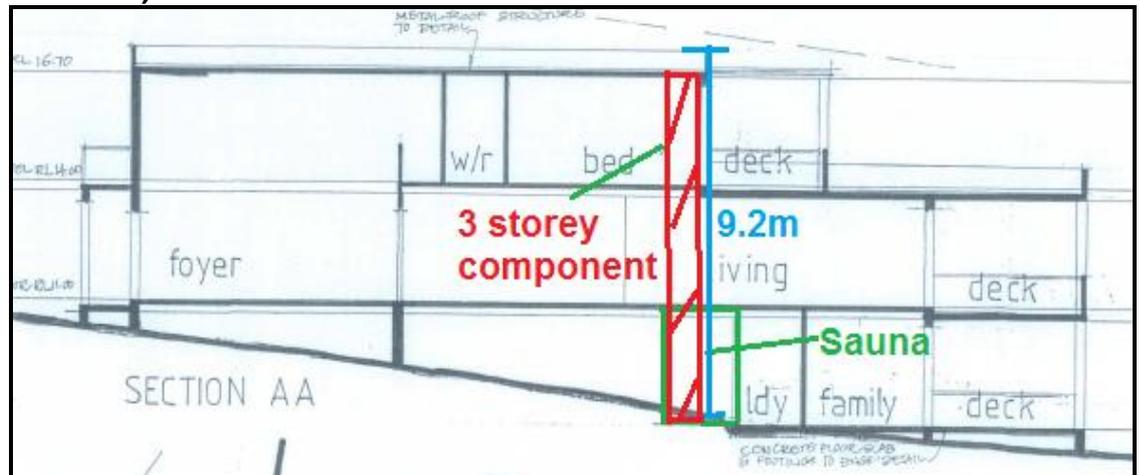
To require the applicant to conform to the 1.5m setback on both sides of a narrow site when surrounding properties of widths greater than the subject site contain dwellings of smaller setbacks is unreasonable. Further, minimal gain would be seen from increasing the side setback to 1.5m as this would have only a marginal positive impact in terms of bulk, scale or overshadowing.

- C. *Building height.*** *Concerns are raised that the height of the development is three (3) storeys and exceeds the overall building height limit of 9.5m.*

Assessment Officer's Comment

The significant slope of the land towards the rear results in the proposal incorporating three (3) floors. However, at no point does the proposal result in three (3) storeys overlapping each other (excluding balconies) – except for a very small portion towards the centre of the dwelling (i.e. at the location of the “sauna” at the lower ground level). If the “sauna” was deleted from the proposal, then the dwelling would be measured as two (2) storeys using the definition of storey in the Ryde LEP 2010 and DCP 2010. This is shown in the following plan extract:

ITEM 2 (continued)



The Ryde Local Environmental Plan 2010, Draft Ryde Local Environmental Plan 2013 and Ryde Development Control Plan 2010 prescribe a maximum building height of 9.5m.

Plans originally submitted with the application showed the height of the dwelling house reaching 9.8m to the ridge level. This concern was raised to the applicant and subsequently, the design of the development was amended to ensure compliance was achieved. Amended plans now show the overall height of the dwelling measured from the existing ground level to the ridge being 9.2m and compliant with the maximum building height requirement. However, as discussed later in this report, the proposal does not comply with the fill requirements because the ground floor level is substantially elevated above natural ground level. It is recommended that a “Deferred Commencement” consent be issued, requiring the finished floor levels to be lowered by a minimum 500mm. This would help to resolve concerns regarding the wall plate height, as well as visual bulk when viewed from either side.

D. Floor space ratio. Concerns are raised that the proposed development exceeds the maximum floor space ratio permissible of 0.5:1.

Assessment Officer’s Comment

Preliminary assessment of the proposed development identified floor space ratio non-compliance as an issue. The original plans were assessed as having a floor space ratio of approximately 0.54:1. Subsequently, this concern was raised and requested to be addressed as part of Council’s additional information request dated 19 February 2014.

Amended plans received on 3 June 2014 show the overall floor space ratio of the dwelling reduced to 0.488:1 and compliant with the maximum floor space ratio requirement.

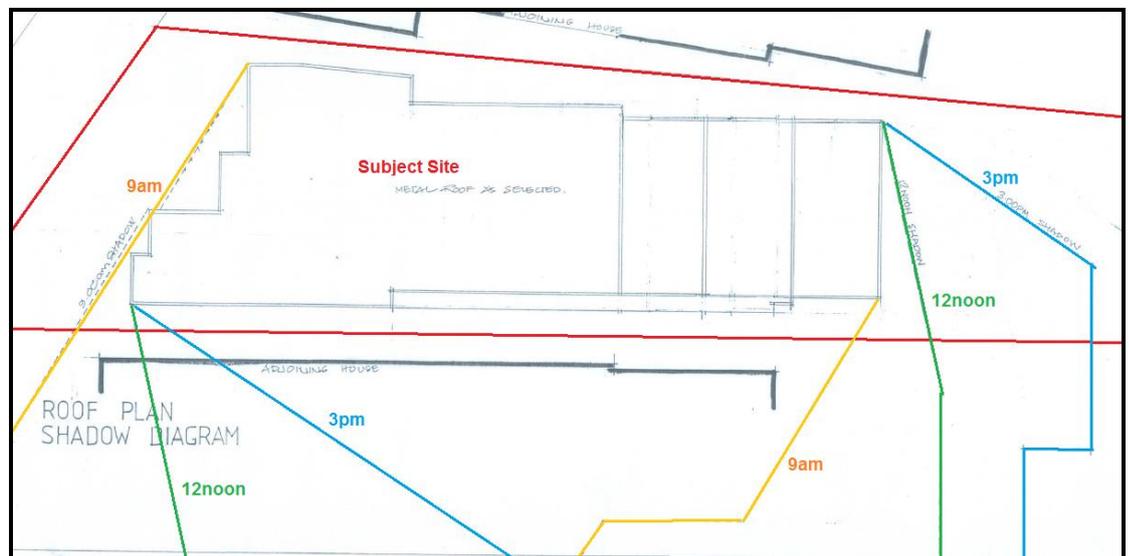
ITEM 2 (continued)

E. Overshadowing. Concerns are raised that the development will cast excessive shadow on the dwelling and private open space area of No. 4 Jetty Road

Assessment Officer's Comment

Overshadowing

As can be seen in the following plan extract, No. 4 Jetty Road is located directly to the south of the site making overshadowing to this property inevitable. It is noted that the shadow levels shown in the plan below is based on the shortest day of the year, being 21 June.



The Ryde DCP 2010 contains the following requirements for overshadowing of neighbouring properties:

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

ITEM 2 (continued)

The private open space of this property is directed to the east and will receive full sunlight at 9am. At 12 noon, shadows from the development would begin to affect the private open space of No. 4 Jetty Road, however solar access would still be provided to more than 50% of the rear yard – thus ensuring compliance with the DCP requirement. After 12 noon, shadows from the development would move across and affect more of the rear yard throughout the day.

In terms of impacts on north-facing living room windows, the following photo shows that the adjoining dwelling contains a bedroom and a bathroom on the northern side, and also a sitting room with three (3) higher level windows. It is recognised that overshadowing onto the dwelling at No. 4 Jetty Road will prevent northern side windows from receiving the minimum 3 hours sunlight to a portion of their surface.



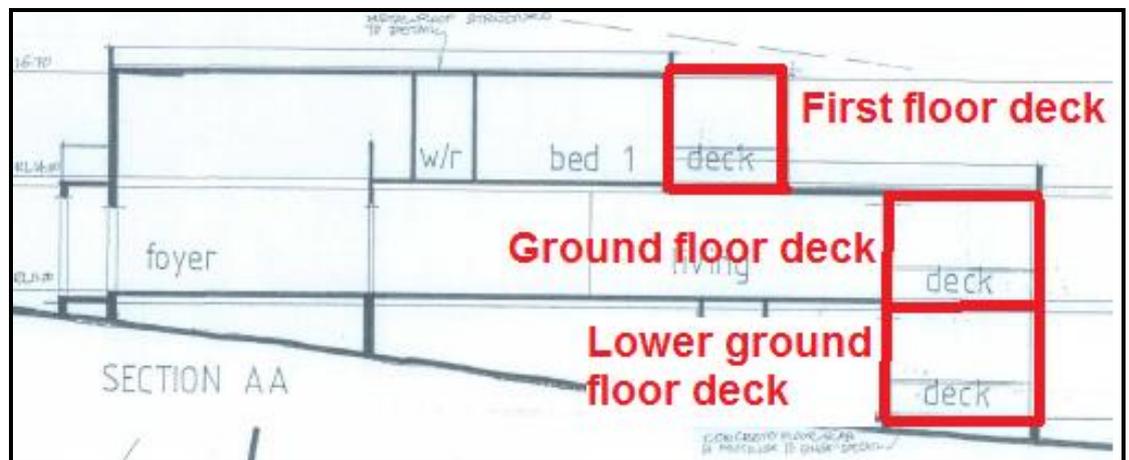
The bedroom and bathroom windows are not “living rooms” in terms of overshadowing considerations. The three (3) sitting room windows have a high sill height of 3.24m and are considered secondary windows in this room as floor to ceiling glass sliding doors in this room overlook the subject site’s rear private open space and Morrisons Bay. Therefore, the sitting room will still have the potential to gain adequate solar access.

ITEM 2 (continued)

F. Privacy. Concerns are raised relating to privacy as the development will directly overlook numerous properties' private open space areas and balconies.

Assessment Officer's Comment

This issue arises due to the inclusion of three (3) decks at the rear of the dwelling and are situated on the lower ground floor, ground floor and first floor as identified in the following section plan extract:



Amendments to the proposal since the original submitted plans have seen the ground floor and first floor decks reduced in length by 1m from 5m to 4m. It is acknowledged that the development may result in a potential for some overlooking into the private open space areas of No. 4 and 8 Jetty Road. However, most of the outlook from the proposed decks and adjoining living areas would be towards the rear – to take in views of Morrisons Bay and the dwelling's own rear yard. Views towards the side would be secondary and incidental. However, in order to minimise potential impacts of privacy / overlooking to the neighbours on either side, the following deferred commencement condition is recommended:

1. (c) The northern and southern sides of rear decks proposed on the lower ground, ground and first floor are to be provided with privacy screens to a height of 1.8m. This is to be shown on an amended *Lower Ground, Ground & First Floor Plan* and *North & South Elevation Plan*.

ITEM 2 (continued)

- G. View Loss.** *Concerns are raised over the loss of views from neighbouring properties as a result of the increase in bulk and scale of the development.*

Assessment Officer's Comment

Objections raising view loss as a concern were received from No. 4 and 8 Jetty Road. These properties adjoin either side boundary of the subject site.

It is an objective of the Ryde DCP 2010 to “ensure new dwellings endeavour to respect important views from living areas within neighbouring dwellings”. The supporting control states that the siting of (new) development is to provide for view sharing.

The matter of view loss has been addressed within a NSW Land and Environment Court Planning Principle, in which Commissioner Roseth SC established four (4) steps by which the view loss impacts of a development may be assessed. The impacts of the proposed development on each objecting property have been separately assessed against the Planning Principle below:

Tenacity Consulting v Warringah Council [2004] NSWLEC 140

The notion of view sharing is invoked when a property enjoys existing views and a proposed development would share that view by taking some of it away for its own enjoyment. (Taking it all away cannot be called view sharing, although it may, in some circumstances, be quite reasonable.) To decide whether or not view sharing is reasonable, I have adopted a four-step assessment.

Tenacity Test undertaken on 4 Jetty Road, Putney

*The **first step** is the assessment of views to be affected. Water views are valued more highly than land views. Iconic views (e.g. of the Opera House, the Harbour Bridge or North Head) are valued more highly than views without icons. Whole views are valued more highly than partial views, e.g. a water view in which the interface between land and water is visible is more valuable than one in which it is obscured.*

Assessment Officer's Comment:

The existing water views are gained from the rear outdoor terrace on the lower ground level and the balcony on the ground floor. Internal living areas gain water views directly in front of the property. Refer the following photos:

ITEM 2 (continued)



4 Jetty Rd, Putney – Existing primary view to Morrison Bay from the lower ground floor outdoor terrace, which is assessed as being valuable.

ITEM 2 (continued)



4 Jetty Rd, Putney – Secondary view from ground floor balcony towards subject site.

ITEM 2 (continued)



4 Jetty Rd, Putney – Secondary view from lower ground floor outdoor terrace gained rear yard of subject site, No. 6 Jetty Rd.

Views from the lower ground floor outdoor terrace and ground floor sitting room balcony are considered to be valuable and significant on the basis that they comprise views of the interface between land and water on the western shore of Morrison Bay. Whole views are obtained of Morrison Bay and partial views are obtained to the Tennyson Point suburb on the opposite side of the Bay, and include the interface between land and water.

*The **second step** is to consider from what part of the property the views are obtained. For example the protection of views across side boundaries is more difficult than the protection of views from front and rear boundaries. In addition, whether the view is enjoyed from a standing or sitting position may also be relevant. Sitting views are more difficult to protect than standing views. The expectation to retain side views and sitting views is often unrealistic.*

ITEM 2 (continued)

Assessment Officer's Comment:

Having a rear boundary to the water's edge, No. 4 Jetty Road enjoys unobstructed primary views directly in front of the kitchen and outdoor terrace on the lower ground floor and sitting room and rear balcony on the ground floor. In addition, unobstructed views towards Parramatta River are obtained over the southern side boundary of No. 2 Jetty Road whilst partial views (obscured through a Jacaranda tree positioned in the rear yard of No. 4 Jetty Road) of Morrison Bay Park are obtained over the northern side boundary.

Primary views directly in front of the property are both sitting and standing views whilst secondary views gained over each adjoining side boundary are standing views from the lower ground floor and both sitting and standing views from the ground floor.

*The **third step** is to assess the extent of the impact. This should be done for the whole of the property, not just for the view that is affected. The impact on views from living areas is more significant than from bedrooms or service areas (though views from kitchens are highly valued because people spend so much time in them). The impact may be assessed quantitatively, but in many cases this can be meaningless. For example, it is unhelpful to say that the view loss is 20% if it includes one of the sails of the Opera House. It is usually more useful to assess the view loss qualitatively as negligible, minor, moderate, severe or devastating.*

Assessment Officer's Comment:

The following aerial photo identifies existing views gained by No. 4 Jetty Road and the degree of view loss ascertained due to the proposal:

ITEM 2 (continued)



From the above aerial photo, it is seen that secondary views from the ground floor level balcony directed north towards Morrison Bay Park having been previously identified as significant will be most affected by the development. Whilst it appears from the photo below that view loss is substantial, it is noted that views directly in front of the balcony and south towards Parramatta River are the views from this balcony which lend itself to its labelling of 'significant'.

Currently, views north towards Morrison Bay Park from the lower ground floor outdoor terrace are obscured by mature hedge planting and a solid screen wall of an approximate height of 1.8m. The proposal will result in a minor reduction of views from this lower ground level and ground floor balcony. Refer the following photos.

ITEM 2 (continued)



4 Jetty Rd, Putney – Screen wall extending along southern side of outdoor terrace

In accordance with the third step of the Planning Principle, it is critical to note that No. 4 Jetty Road primary views to Morrison Bay directly in front of the property will be maintained from both the lower ground outdoor terrace and ground level balcony and sitting room with secondary views directed south towards Parramatta River retained.

*The **fourth step** is to assess the reasonableness of the proposal that is causing the impact. A development that complies with all planning controls would be considered more reasonable than one that breaches them. Where an impact on views arises as a result of non-compliance with one or more planning controls, even a moderate impact may be considered unreasonable. With a complying proposal, the question should be asked whether a more skilful design could provide the applicant with the same development potential and amenity and reduce the impact on the views of neighbours. If the answer to that question is no, then the view impact of a complying development would probably be considered acceptable and the view sharing reasonable.*

ITEM 2 (continued)Assessment Officer's Comment:

The view loss caused to No. 4 Jetty Road will not arise as a result of any non-compliance with planning controls. The proposed dwelling house is considered to be a reasonable development in consideration of the following design specifics:

- The height of the dwelling house at No. 4 Jetty Road, immediately to the south of the subject site is approximately 7.3m measured from existing ground level, which is 2.2m lower than the maximum allowable height of 9.5m at any point on the site.
- The FSR of the dwelling house is 0.488:1, which complies with the maximum allowable FSR of 0.5:1 on the site.
- The rear setback to the lower ground and ground floor (excluding rear balconies on these levels) is approximately 31m, which is substantially greater than the minimum DCP requirement of 14.28m (25% of the northern side boundary length of 57.15m in this instance). It is noted that a rear setback of 14.28m to the first floor of the dwelling house would obliterate views directed north towards Morrison Bay Park at No. 4 Jetty Road.

The question of whether a more skilful design could be applied to the proposed development is subjective. Notwithstanding, in consideration that only a small portion of No. 4 Jetty Road's secondary views will be reduced, the proposed development is deemed to be a reasonable development scheme and is consistent with the principle of view sharing.

Tenacity Test undertaken on 8 Jetty Road, Putney

*The **first step** is the assessment of views to be affected. Water views are valued more highly than land views. Iconic views (e.g. of the Opera House, the Harbour Bridge or North Head) are valued more highly than views without icons. Whole views are valued more highly than partial views, e.g. a water view in which the interface between land and water is visible is more valuable than one in which it is obscured.*

Assessment Officer's Comment:

The existing water views are gained from the rear lower ground floor outdoor terrace and balconies on the ground floor and first floor levels. Internal living areas on the ground floor level and a bedroom on the first floor obtain water views directly in front of the property to Morrison Bay. Refer the following photos:

ITEM 2 (continued)



8 Jetty Rd, Putney - Primary view from ground floor rear balcony.



8 Jetty Rd, Putney – Secondary view from ground floor rear balcony gained through rear yard of No. 10 Jetty Rd

ITEM 2 (continued)



8 Jetty Rd, Putney – Secondary view from ground floor balcony gained through rear yard of subject site, No. 6 Jetty Rd and No. 4 Jetty Rd

The existing views from the lower ground floor outdoor area, ground floor balcony and first floor balcony are considered valuable and significant. This is due to view consisting of the interface between land and water on the western shore of Morrison Bay. Whole views are obtained of Morrison Bay and partial views of the Tennyson Point suburb on the opposite side of the Bay, and include interface between land and water.

It is reasonable to expect that primary views directly in front of the lower ground floor, ground floor and first floor will be retained.

*The **second step** is to consider from what part of the property the views are obtained. For example the protection of views across side boundaries is more difficult than the protection of views from front and rear boundaries. In addition, whether the view is enjoyed from a standing or sitting position may also be relevant. Sitting views are more difficult to protect than standing views. The expectation to retain side views and sitting views is often unrealistic.*

ITEM 2 (continued)

Assessment Officer's Comment:

No. 8 Jetty Road has a rear boundary to the water's edge and therefore enjoys unobstructed primary views directly in front of the property of Morrisons Bay. Unobstructed views towards Parramatta River are obtained over the southern side boundary of No. 8 Jetty Road whilst partially obstructed views (caused by a portion of the dwelling house on the adjoining property to the north at No. 10 Jetty Road and a mature, tall tree) towards Morrison Bay Park are obtained over the northern side boundary of No. 8 Jetty Road.

Existing views directly in front of the property are sitting and standing views. Views gained over the southern side boundaries are standing views on the ground floor and both sitting and standing views on the first floor.

*The **third step** is to assess the extent of the impact. This should be done for the whole of the property, not just for the view that is affected. The impact on views from living areas is more significant than from bedrooms or service areas (though views from kitchens are highly valued because people spend so much time in them). The impact may be assessed quantitatively, but in many cases this can be meaningless. For example, it is unhelpful to say that the view loss is 20% if it includes one of the sails of the Opera House. It is usually more useful to assess the view loss qualitatively as negligible, minor, moderate, severe or devastating.*

Assessment Officer's Comment:

The following aerial photo identifies existing views gained by No. 8 Jetty Road and demonstrates that no view loss will be ascertained due to the proposal:

ITEM 2 (continued)



It is considered that view loss experienced by No. 8 Jetty Road will be negligible due to the siting of this dwelling being closer to the water's edge compared to the proposed development. This is illustrated in the above aerial photo shown in the third step of this Planning Principle.

Secondary views from No. 8 Jetty Road towards Parramatta River across the subject site are currently minimised due to the inclusion of privacy screens along the southern sides of both the first floor and ground floor balcony. Subsequently, no view loss will be experienced from this property. This is shown in the following photos:

ITEM 2 (continued)



8 Jetty Rd, Putney – Privacy screen fitted to first floor balcony on southern side.

ITEM 2 (continued)



8 Jetty Rd, Putney – Privacy screen fitted to ground floor balcony on southern side. Proposed dwelling house will be well set back and not extend alongside this balcony.

*The **fourth step** is to assess the reasonableness of the proposal that is causing the impact. A development that complies with all planning controls would be considered more reasonable than one that breaches them. Where an impact on views arises as a result of non-compliance with one or more planning controls, even a moderate impact may be considered unreasonable. With a complying proposal, the question should be asked whether a more skilful design could provide the applicant with the same development potential and amenity and reduce the impact on the views of neighbours. If the answer to that question is no, then the view impact of a complying development would probably be considered acceptable and the view sharing reasonable.*

Assessment Officer's Comment:

No view loss will be caused to No. 8 Jetty Road. The proposed dwelling house is considered to be a reasonable development in consideration of the following design specifics:

ITEM 2 (continued)

- The height of No. 8 Jetty Road, which contains a relatively recent dwelling house development, is approximately 9.2m in height, similar to the proposal. This represents a difference of 200mm and demonstrates compliance with the maximum allowable height of 9.5m at any point on the site.
- The FSR of the dwelling house is 0.488:1, which complies with the maximum allowable FSR of 0.5:1 on the site.
- The rear setback to the lower ground and ground floor (excluding rear balconies on these levels) is approximately 31m, which is substantially greater than the minimum DCP requirement of 14.28m (25% of the northern side boundary length of 57.15m in this instance). It is noted that a rear setback of 14.28m to the first floor of the dwelling house would obliterate views directed south towards Parramatta River at No. 8 Jetty Road.

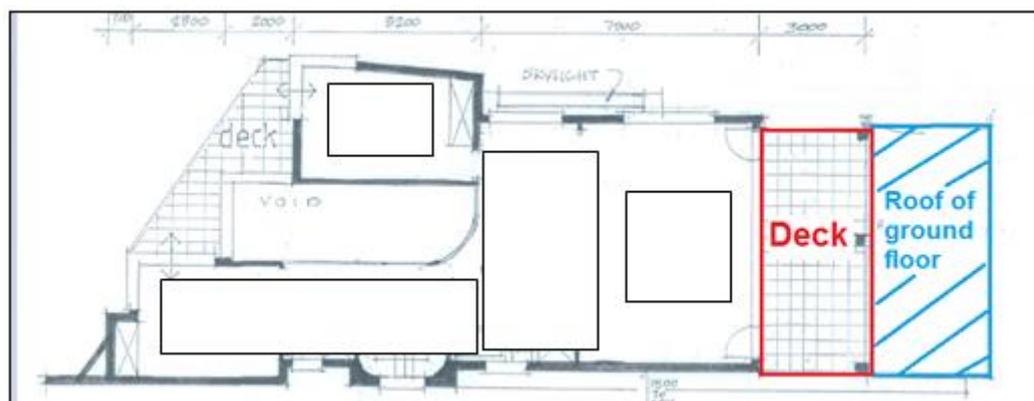
The applicant has set back the first floor level a further 6m (excluding balconies) from the rear building line of the proposed dwelling which will ensure that water views gained from the first floor level of No. 8 Jetty Road are retained.

The question of whether a more skilful design could be applied to the proposed development is subjective. Notwithstanding, in consideration that primary and secondary views of No. 8 Jetty Road will be retained with no adverse impact, the proposed development is deemed to be a reasonable development scheme and is consistent with the principle of view sharing.

H. Illegal use of balcony. Concerns are raised that the first floor balcony will be illegally extended onto the ground floor roof.

Assessment Officer's Comment

This concern is illustrated in the plan extract below:



ITEM 2 (continued)

The applicant is not proposing to utilise the ground floor roof area at the end of the first floor balcony as additional deck area (i.e. a balustrade is shown at the edge of the deck – forming a distinct and separate area to the roof below). The following condition is recommended:

2. The rear deck on the first floor level is not to exceed dimensions of 3m x 7m and must not have the capacity to extend onto the ground floor level roof.

- I. **Construction noise.** A request has been made for stricter permissible hours of construction to prevent adverse noise impacts during the construction period.*

Assessment Officer's Comment

The objector is referring to the following standard condition which would be imposed on the development consent:

1. **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.

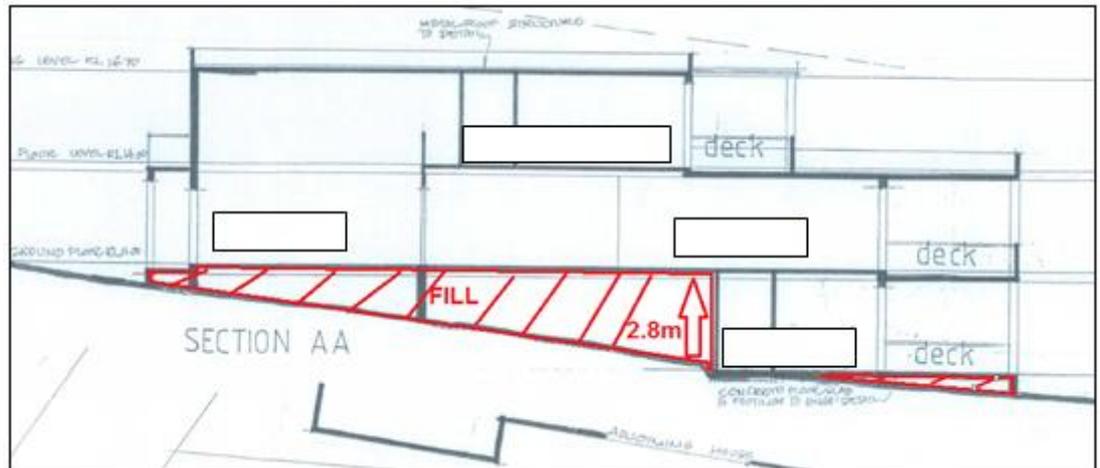
The objector's request for these hours to be further restricted would be inconsistent with Council's standard construction hours across the city. Further reducing the permitted hours of construction may impede the applicant's ability to construct their development within a timely and cost-effective manner.

- J. **Excavation.** Concerns are raised that excavation will exceed the maximum 1.2m for cut and 900mm for fill.*

Assessment Officer's Comment

As currently proposed, at its maximum, the proposal will result in a cut of 400mm under the laundry and fill of 2.8m under the kitchen and living area. Whilst the level of cut is compliant, proposed fill is non-compliant by 1.9m. The area to be filled (or provided with an elevated finished floor level via a suspended slab) is highlighted in the plan extract below:

ITEM 2 (continued)



It is considered that the finished floor levels of this dwelling could be lowered by excavation, in order to reduce the extent of this non-compliance in terms of fill. Such excavation to lower the finished floor levels would also help to address many of the other issues of concern raised by neighbours submissions, such as overall height of the building as well as visual bulk / scale in general. Accordingly, it is recommended that the finished floor levels on all levels of the building be lowered by a further 500mm minimum through excavation. This may involve dropping the entire floor of each storey of the dwelling, or in part (through a “split level” approach). It is recommended that this be achieved via a “Deferred Commencement Condition”.

8. SEPP 1 (or clause 4.6 RLEP 2010) objection required?

None required.

9. Policy Implications

Relevant Provisions of Environmental Planning Instruments etc:

(a) Ryde Local Environmental Plan 2010

Zoning

Under the Ryde LEP 2010, the zoning of the subject site is R2 Low Density Residential. The proposed development, of a ‘dwelling house’ is permissible with consent under this zoning.

ITEM 2 (continued)**Mandatory Requirements**

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

Clause 4.3 (2) – Height of Buildings

(c) This clause states that the height of a building on any land is not to exceed the maximum height shown for the land on the 'Height of Buildings Map' – which is 9.5m for the subject site. The maximum height of the development as currently proposed is 9.2m, which complies with this clause.

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 0.488:1, which complies with this clause.

(b) Relevant State Environmental Planning Policies (SEPPs)Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 (SHCREP):

Consideration has been given to the Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 which requires consideration be given to the scale, form, design and siting of any building within the jurisdiction of this SREP. An assessment in terms of the Development Control Plan for this SREP has been prepared and is held at Attachment 3.

In this regard, the proposed development is supported on the basis it is consistent with the requirements of SHCREP.

SEPP BASIX:

A compliant BASIX Certificate has been submitted with the DA.

(c) Any draft LEPs

A Section 65 Certificate enabling the formal exhibition of Draft Local Environmental Plan 2013 was issued by 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, and it is considered that the proposal is not contrary to the objectives of the Draft LEP or those of the proposed zoning.

ITEM 2 (continued)

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

(d) Any Development Control Plan

Ryde Development Control Plan (DCP) 2010

The proposal has been assessed using the development controls contained in the Ryde DCP 2010. The DCP Compliance Table for this development proposal is held at **Attachment 2** to this report. Non-compliances identified in this table include:

Part 3.3 Dwelling Houses and Dual Occupancy (attached)

A. Cut & Fill – Section 2.5.2 (b)iii

*“The area under the dwelling footprint may be filled so long as:
- the maximum height of fill is 900mm.”*

Assessment Officer’s Comment

Proposed fill of 2.8m is proposed underneath the kitchen and living area. This non-compliance was raised as an issue by an objector. See discussion in the Submissions section (7.i) of this report for commentary on this non-compliance. As noted, it is proposed that the dwelling be lowered by a minimum 500mm to address the extent of this non-compliance.

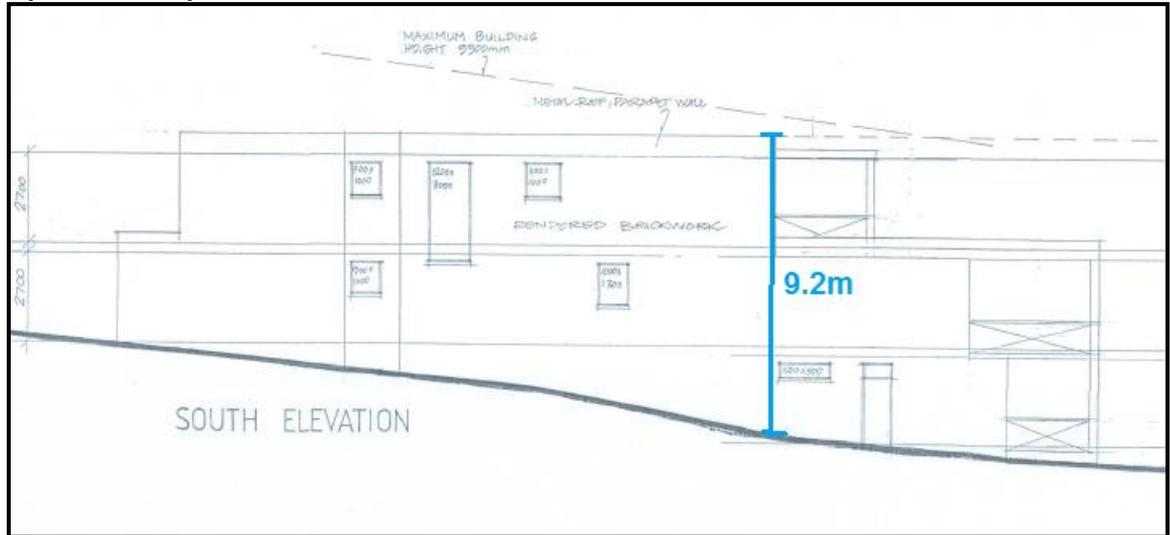
B. Wall Plate Height – Section 2.7 (a)

“Maximum wall plate height is 8m for a roof with a continuous parapet.”

Assessment Officer’s Comment

A 9.2m wall plate height is proposed. Areas of the proposal which exceed the 8m requirement occur towards the centre of each side elevation as shown in the following elevation drawing.

ITEM 2 (continued)



As noted throughout the report, it is recommended that the dwelling be lowered by a minimum 500mm through excavation which will reduce the extent of this non-compliance. Increasing the level of excavation by 500mm will still allow compliance with the maximum permissible level of excavation, being 1.2m under the dwelling footprint to be achieved. This is because the proposal currently incorporates only 400mm of excavation to accommodate the laundry and hence, there is scope for this level of cut to be increased without resulting in non-compliance. An increase of at least 500mm will assist in alleviating many concerns of objectors relating to bulk and scale, building height and overshadowing.

The proposal in its current form does comply with the maximum 9.5m building height requirement and therefore, non-compliance is acceptable.

C. Building Height – Section 2.7.1

“Maximum number of storeys – 2 but a maximum of 1 floor level of the building including car parking level can be located above a garage which is attached to a dwelling, whether a semi-basement garage or a garage at grade.”

Assessment Officer’s Comment

This non-compliance was raised as an issue by an objector. See discussion in the Submissions section (7.b) of this report for commentary.

D. Setbacks – Section 2.8.1 (a) and 2.8.2 (a) & (b)

“Dwellings are generally to be set back 6 metres from the street front boundary.”

ITEM 2 (continued)

The outside walls of a one storey dwelling are to be set back from the side boundaries not less than 900mm.

The outside walls of a two storey dwelling are to be set back from side boundaries not less than 1.5 metres.”

Assessment Officer’s Comment

These non-compliances were raised as an issue by an objector. See discussion in the Submissions section (7.c) of this report for commentary.

E. Garage Setback – Section 2.10 (c)

“Garages are to be set back at least 1 metre behind the front building elevation.”

Assessment Officer’s Comment

The proposed garage is in line with the front building line.

The dwelling incorporates a single lock-up garage within the design and has a width of 3.5m or 38% of the building frontage width. The intent of this development control is to prevent streetscapes from becoming overpowered by garages. It is not considered that non-compliance results in a displeasing view from Jetty Road as the proposal incorporates a single garage only, does not extend beyond the front building line, obstruct the view of the dwelling entry from the street and is in line with the enclosed carport present on the adjoining property at No. 8 Jetty Road.

As noted earlier in this report, dwellings situated on waterfront allotments in Jetty Road predominantly contain garages or carports forward of their dwelling’s building line. This proposed development is not out of character with garage setbacks within Jetty Road.

F. Landscaping – Section 2.12 (i)

“Where the backyard does not have a mature tree at least 15m high, plant a minimum of one large canopy tree in the backyard. The tree is to be capable of a mature height of at least 15m and is to have a spreading canopy. The tree is to be located in the 8m x 8m deep soil area.”

Assessment Officer’s Comment

Proposed landscaping in the rear yard does not incorporate a tree species with the potential to reach 15m in height at maturity.

ITEM 2 (continued)

This non-compliance is acceptable as the site is a waterfront property fronting Morrisons Bay. Imposing a requirement for a substantial size tree would significantly impact the views enjoyed by the surrounding properties.

Furthermore, 44% of the site is identified as deep soil area which exceeds the minimum 35% requirement by 9%. Council's Consultant Landscape Architect and Senior Development Engineer have not raised any concerns with the level of vegetation and deep soil area proposed therefore, it is not considered necessary to impose a condition requiring a tree species capable of reaching 15m in height to be planted in the backyard.

G. Landscaping – Section 2.12 (k)

“Hedge planting on boundaries is to consist of plant species which have a mature height no greater than 2.7m.”

Assessment Officer's Comment

A total of sixteen (16) *Murraya panicolata* plants are proposed on the site, with nine (9) plants along the northern side boundary and seven (7) plants along the southern side boundary. These plants will extend from the rear building line to the stone retaining wall nearest to the proposed dwelling in the backyard.

This plant species grows to a height of up to 4m at maturity. Non-compliance is acceptable as surrounding development is of dwellings of significant bulk and scale, all with outdoor terraces, balconies and decks directed to the rear to take advantage of views of Morrisons Bay.

Incorporating these plants will assist in the retention of privacy to the private open space area of the dwelling and neighbouring dwellings and therefore, on this occasion non-compliance is acceptable.

H. Dwelling Amenity – Section 2.13.1 (b)

“Dwellings on allotments which have a side boundary with a northerly aspect are to be designed to maximise sunlight access to internal living areas by increasing the setback of these areas. In these cases, a minimum side setback of 4m is preferred.”

ITEM 2 (continued)Assessment Officer's Comment

The subject site has a north facing side boundary. Given the site's narrow width of 14.325m at the front boundary and just 9.5m in width at the rear building line, imposing a strict 4m side setback would significantly impede the applicant's ability to construct a dwelling that can substantially comply with the remaining development controls appearing in the Ryde DCP 2010.

The intent of this control is to maximise the level of solar access gained to habitable rooms within the proposed dwelling. A two (2) storey dwelling of substantial bulk aligns the northern side boundary thereby reducing the level of solar access gained to windows along the northern side of the proposal.

It is considered that through non-compliance with this control, an improved design is achieved.

I. Dwelling Amenity – Section 2.13.1 (e)

“For neighbouring properties, ensure that windows to north-facing living areas of neighbouring dwellings receive at least 3 hours of sunlight between 9am and 3pm on 21 June over a portion of their surface, where this can be reasonably maintained given the orientation, topography of the subject and neighbouring sites.”

Assessment Officer's Comment

This issue was raised in a submission. See the Submissions section 7(e) of this report for comments regarding privacy.

J. Visual Privacy – Section 2.13.2 (c)

“Terraces and balconies are not to overlook neighbours living areas and private open space.”

Assessment Officer's Comment

This issue was raised in a submission. See the Submissions section 7(f) of this report for comments regarding privacy.

ITEM 2 (continued)**10. Likely impacts of the Development****(a) Built Environment**

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

The resultant impacts of the dwelling house are considered to result in a development that is consistent with the desired character of the low density residential areas, and consistent with the nature of modern waterfront development in the Putney area and wider Ryde local government area.

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

(b) Natural Environment

Approval of the proposal will result in the replacement of an existing dwelling house which will not involve significant vegetation removal. Proposed landscaping of the front and rear yard's will assist in providing a balance between the natural and built environment. Plant species proposed has been reviewed and supported by Council's Consultant Landscape Architect.

11. Suitability of the site for the development

A review of Council's Map of Environmentally Sensitive Areas (held on file) identifies that the subject site is affected by the following constraints:

Acid Sulphate Soils

The subject site is identified as class 5 Acid Sulphate Soils and within a 500m buffer zone of a higher class Acid Sulphate Soil environment. Department of Land and Water conservation in its "*Guidelines for the Use of Acid Sulphate Soil Risk Maps*", states that:

"In general, landforms below this level (10m AHD) were classed as having No Known Occurrence of Acid Sulphate Soil based on an assessment of the geomorphic processes occurring there...These environments are not expected to contain Acid Sulphate Soils."

Whilst the proposal involves some excavation, it is not considered this will have any potential environmental impact such as lowering the water tables of the adjoining lands and may be supported.

ITEM 2 (continued)

Slope Instability

The rear quarter of the subject site is identified as land with a moderate risk of slope instability. The proposed dwelling house is located outside this area as noted by Council's Consultant Structural Engineer and that there will be no concerns with the proposed excavation provided that all foundations are piered to the underlying sandstone bedrock.

Heritage Item

The site is within 100m of a local heritage item listed under Ryde LEP 2010 (ie No 60 Pellisier Road to the south). However, as the proposed development does not directly adjoin or have a direct line of sight to or from that heritage item, approval of the application will not result in any adverse impact to this item.

12. The Public Interest

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

The development substantially complies with Council's current development controls, and includes a built form that is in keeping with the existing and desired future character of the low density residential area and consistent with the nature of modern waterfront development in the Putney area and wider Ryde local government area.

13. Consultation – Internal and External

Internal Referrals

Senior Development Engineer: The following comments have been provided by Council's Senior Development Engineer:

Stormwater Management

The proposed drainage system directs stormwater runoff to the existing system which is understood to discharge to Morrisons Bay. The plan has made provision to upgrade the outlet if required, which will need to be in accordance with NSW Maritime requirements. There is no objection to the proposed system subject to the application of conditions of consent.

Impacts to Council Infrastructure

The proposal will utilise the existing driveway crossover which is noted to be constructed of brick pavers. This is inconsistent with Council infrastructure and likely to be dilapidated during construction works and therefore warrants the infrastructure be reconstructed.

ITEM 2 (continued)Vehicle Access and Parking

Internal dimensions of the single enclosed garage and access ramp grades comply with AS 2890.1.

Recommendation

There are no objections to the proposed development with respect to the engineering components, subject to the application of the following conditions being applied to any development consent being issued for the proposed development.

Consultant Landscape Architect: Council's Consultant Landscape Architect is supportive of the recommendations made in the submitted Arborist Report. Three (3) conditions of consent have been recommended.

Consultant Structural Engineer: Council's Consultant Structural Engineer has reviewed the submitted geotechnical report and is supportive of the proposal, providing the following comment:

Cardno suggests that approval be conditioned on all foundations being piered to the underlying sandstone bedrock.

Heritage Officer: The proposal has been referred to Council's Heritage Officer because of the site's close proximity to a local heritage item, namely, a dwelling house at No. 60 Pellisier Road, Putney. No objections were raised.

Internal Referrals

None.

14. Critical Dates

There are no critical dates or deadlines to be met.

15. Financial Impact

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

16. Other Options

None relevant.

ITEM 2 (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 and is generally considered to be satisfactory for approval.

The amended plans received for this development have addressed the main issues of concern raised by Council and the submissions. The proposed development complies with the mandatory requirements of the Ryde LEP 2010 and Draft Ryde LEP 2013 for building height and floor space ratio, and meets the objectives and development controls of Ryde DCP 2010.

On this basis, the proposal is considered acceptable and is recommended for approval subject to conditions. It is recommended that this approval be a “Deferred Commencement” consent to provide further amendments as discussed throughout the report – namely:

- a) The finished floor levels and overall height of the dwelling shall be lowered by a minimum of 500mm through excavation. This may involve dropping the entire floor of each storey of the dwelling, or in part (through a “split level” approach).
- b) The “sauna” on the lower ground level shall be deleted – to ensure compliance with the maximum two (2) storey height control in Ryde DCP 2010.
- c) The northern and southern sides of rear decks proposed on the lower ground, ground and first floor are to be provided with privacy screens to a height of 1.8m. This is to be shown on an amended *Lower Ground, Ground & First Floor Plan* and *North & South Elevation Plan*.

ITEM 2 (continued)

ATTACHMENT 1

DEFERRED COMMENCEMENT

PART 1 - The following are the Deferred Commencement condition(s) imposed pursuant to Section 80(3) of the Environmental Planning & Assessment Act 1979.

- 1) **Plan amendments.** The submission of amended plans for Council's approval which provide the following plan amendments:
 - a) The finished floor levels and overall height of the dwelling shall be lowered by a minimum of 500mm through excavation. This may involve dropping the entire floor of each storey of the dwelling, or in part (through a "split level" approach).
 - b) The "sauna" on the lower ground level shall be deleted – to ensure compliance with the maximum two (2) storey height control in Ryde DCP 2010.
 - c) The northern and southern sides of rear decks proposed on the lower ground, ground and first floor are to be provided with privacy screens to a height of 1.8m. This is to be shown on an amended *Lower Ground, Ground & First Floor Plan* and *North & South Elevation Plan*.

PART 2 - The conditions in the following sections of this consent shall apply upon satisfactory compliance with the above requirements and receipt of appropriate written confirmation from Council.

GENERAL

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

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

Document Description	Date	Plan No/Reference
Contour Survey of Lot 5 in DP 17893	Undated	-
Lower Ground, Ground & First Floor Plan	22/5/14	1231 – D01F
East & West Elevations, Roof Plan and Section AA	22/5/14	1231 – D02E
North & South Elevations	22/5/14	1231 – D03D
Legend, Notes, Details, Calculations	07.06.2013	108311 (D1 – Issue A)
Stormwater Management Plan	07.06.2013	108311 (D2 – Issue A)
Erosion & Sediment Control Plan	07.06.2013	108311 (D3 – Issue A)
Landscape Planting Plan	11 Nov 2013	L01/1-K18508
Geotechnical Report		

ITEM 2 (continued)

ATTACHMENT 1

2. The rear deck on the first floor level is not to exceed dimensions of 3m x 7m and must not have the capacity to extend onto the ground floor level roof.
3. **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.
4. **BASIX.** Compliance with all commitments listed in BASIX Certificate numbered 507920S, dated 12 November 2013.
5. **Support for neighbouring buildings.** If the development involves excavation that extends below the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
 - (a) Protect and support the adjoining premises from possible damage from the excavation, and
 - (b) Where necessary, underpin the adjoining premises to prevent any such damage, in accordance with relevant Australian Standards.

Protection of Adjoining and Public Land

6. **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.
7. **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.
8. **Illumination of public place.** Any public place affected by works must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.
9. **Development to be within site boundaries.** The development must be constructed wholly within the boundaries of the premises. No portion of the proposed structure shall encroach onto the adjoining properties. Gates must be installed so they do not open onto any footpath.
10. **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.

ITEM 2 (continued)

ATTACHMENT 1

Works on Public Road

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

Conditions imposed by Senior Development Engineer:

13. **Design and Construction Standards.** All engineering plans and work shall be carried out in accordance with the requirements specified within Council's publication *Environmental Standards Development Criteria* and relevant Development Control Plans except otherwise as amended by conditions of this consent.
14. **Service Alterations.** All mains, services, poles, etc., which require alteration shall be altered at the applicant's expense.
15. **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.
16. **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) required within the road reserve. No works shall be carried out on the footpath without this permit being paid and a copy kept on the site.

Condition imposed by Structural Engineer:

17. All foundations are to be piered to the underlying sandstone bedrock.

ITEM 2 (continued)

ATTACHMENT 1

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.

18. **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**.
19. **Structural Certification.** The applicant must engage a qualified practising structural engineer to provide structural certification in accordance with relevant BCA requirements prior to the release of the **Construction Certificate**.
20. **Security deposit.** The Council must be provided with security for the purposes of section 80A(6) of the *Environmental Planning and Assessment Act 1979* in a sum determined by reference to Council's Management Plan prior to the release of the **Construction Certificate**. (category: dwelling houses with delivery of bricks or concrete or machine excavation)
21. **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
22. **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**.

ITEM 2 (continued)

ATTACHMENT 1

23. **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.

24. **Reflectivity of materials.** Roofing and other external materials must be of low glare and reflectivity. Details of finished external surface materials, including colours and texture must be provided to the Principal Certifying Authority prior to the release of the **Construction Certificate**.
25. **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**.

Conditions imposed by Senior Development Engineer:

26. **Boundary Levels.** The levels of the street alignment shall be obtained from Council. These levels shall be incorporated into the design of the driveway crossover and access, carparking areas, landscaping and stormwater drainage plans and must be obtained prior to the issue of the construction certificate.
27. **Driveway Grades.** The driveway access and footpath crossing(s) shall be designed to fully comply with the relevant section of AS 2890.1.-2004 and Council's issued alignment levels. Engineering certification indicating compliance with this condition is to be submitted with the Construction Certificate application.
28. **Reconstruction of Vehicle Footpath Crossing.** The existing footpath crossing is not in accordance with Council specifications and likely to degrade during construction works. It is therefore warranted that the existing crossover be reconstructed in accordance with Council specifications. Finished levels must conform with property alignment levels issued by Council's Public Works Division.
29. **Access & Parking.** All internal driveways, vehicle turning areas, garage opening widths and parking space dimensions shall comply with AS 2890.1-2004.

ITEM 2 (continued)

ATTACHMENT 1

30. **Stormwater Management.** To ensure that stormwater runoff from the development is drained in an appropriate manner, without impact to neighbouring properties and downstream systems, a detailed plan and certification of the development's stormwater management system must be submitted with the application for a Construction Certificate.

Stormwater runoff on the site shall be collected and piped by gravity flow to the existing drainage system (discharging to Morrisons Bay), in accordance with the plans by StormCivil Engineering Solutions (Refer to Job No. 108311 Dwgs D1-D3 Iss. A dated 7 June 2013).

The detailed plans, documentation and certification of the system must be prepared by a chartered civil engineer with NPER registration with Engineers Australia and comply with the following;

- The certification must state that the submitted design (including any associated components such as pump/ sump, absorption, onsite dispersal, charged system) are in accordance with the requirements of AS 3500.3 (2003) and any further detail or variations to the design are in accordance with the requirements of City of Ryde – DCP 2010 Part 8.2 (Stormwater Management).
- The submitted design is consistent with the approved architectural and landscape plan and any revisions to these plans required by conditions of this consent.
- Approval from NSW Maritime must be provided should a new discharge outlet to Morrisons Bay be required.

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.

31. **Site Sign**

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

ITEM 2 (continued)

ATTACHMENT 1

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

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

34. **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.
35. **Safety fencing.** The site must be fenced prior to the commencement of construction, and throughout demolition and/or excavation and must comply with WorkCover New South Wales requirements and be a minimum of 1.8m in height.

ITEM 2 (continued)

ATTACHMENT 1

Conditions imposed by Consultant Landscape Architect:

36. **Project Arborist** - A Project Arborist with minimum AQF level 5 qualifications is to be engaged to ensure adequate tree protection measures are put in place for all trees to be retained on the subject site and neighbouring allotments and that recommendations contained within the Arboricultural Implication Assessment by Horticultural Resources Consulting Group dated 15.11.2013 are carried out. All trees are to be monitored to ensure adequate health throughout the construction period is maintained. Additionally, all work within the Tree Protection Zones is to be supervised throughout construction. Details of the Project Arborist are to be submitted to Council prior to the commencement of construction.

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.

37. **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*.
38. **Construction noise.** The L₁₀ noise level measured for a period of not less than 15 minutes while demolition and construction work is in progress must not exceed the background noise level by more than 20 dB(A) at the nearest affected residential premises.
39. **Survey of footings/walls.** All footings and walls within 1 metre of a boundary must be set out by a registered surveyor. On commencement of brickwork or wall construction a survey and report must be prepared indicating the position of external walls in relation to the boundaries of the allotment.
40. **Sediment/dust control.** No sediment, dust, soil or similar material shall leave the site during construction work.
41. **Use of fill/excavated material.** Excavated material must not be reused on the property except as follows:
- (a) Fill is allowed under this consent;
 - (b) The material constitutes Virgin Excavated Natural Material as defined in the *Protection of the Environment Operations Act 1997*;
 - (c) the material is reused only to the extent that fill is allowed by the consent.
42. **Construction materials.** All materials associated with construction must be retained within the site.

ITEM 2 (continued)

ATTACHMENT 1

43. 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.

44. 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.

45. Work within public road. At all times work is being undertaken within a public road, adequate precautions shall be taken to warn, instruct and guide road users safely around the work site. Traffic control devices shall satisfy the minimum standards outlined in Australian Standard No. AS1742.3-1996 "Traffic Control Devices for Work on Roads".

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

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

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

Conditions imposed by Consultant Landscape Architect

49. Tree removal. The Cedrus deodara, identified as Tree 3 in the submitted Arboricultural Implication Assessment by Horticultural Resources Consulting Group dated 15.11.2013 is to be removed in accordance with the NSW Workcover Code of Practice (2007) and undertaken by an Arborist with minimum AQF Level 2 qualifications.

50. Hold points and certification. The Tree Protection Schedule provides a logical sequence of hold points for the various development stages including pre construction, construction and post construction. It also provides a checklist of various hold points that are to be signed and dated by the Project Arborist. This is to be completed progressively and included as part of the final certification. A copy of the final certification is to be made available to Ryde City Council on completion of the projection.

ITEM 2 (continued)

ATTACHMENT 1

Conditions imposed by Senior Development Engineer:

51. **Truck Shaker.** A truck shaker grid with a minimum length of 6 metres must be provided at the construction exit point. Fences are to be erected to ensure vehicles cannot bypass them. Sediment tracked onto the public roadway by vehicles leaving the subject site is to be swept up immediately.
52. **Erosion and Sediment Control - Implementation.** The applicant shall install erosion and sediment control measures in accordance with the approved plan by StormCivil Engineering Solutions (Refer to Job No. 108311 Dwgs D3 Iss. A dated 7 June 2013) at the commencement of works on the site. Suitable erosion control management procedures in accordance with the manual "Managing Urban Stormwater: Soils and Construction" by the NSW Department – Office of Environment and Heritage, must be practiced at all times throughout the construction. Where construction works deviate from the plan, soil erosion and sediment control measures are to be implemented in accordance with the above referenced document.
53. **Stormwater Management - Construction.** The stormwater drainage system on the site must be constructed in accordance with the Construction Certificate version of the Stormwater Management Plan by StormCivil Engineering Solutions (Refer to Job No. 108311 Dwgs D1-D3 Iss. A dated 7 June 2013) submitted in compliance to the condition labelled "Stormwater Management."

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.

54. **BASIX.** The submission of documentary evidence of compliance with all commitments listed in BASIX Certificate numbered 507920S, dated 13 November 2013.
55. **Landscaping.** All landscaping works approved by condition 1 are to be completed prior to the issue of the final **Occupation Certificate**.

ITEM 2 (continued)

ATTACHMENT 1

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

Conditions imposed by Senior Development Engineer:

57. **Disused Gutter Crossing.** All disused gutter and footpath crossings shall be removed and the kerb and footpath reinstated to the satisfaction of Council.
58. **Stormwater Management - Work-as-Executed Plan.** A Work-as-Executed plan (WAE) of the as constructed Stormwater Management System must be submitted with the application for an Occupation Certificate. The WAE must be prepared and certified (signed and dated) by a Registered Surveyor and is to clearly show the constructed stormwater drainage system (including any onsite detention, pump/ sump, charged/ siphonic and onsite disposal/ absorption system) and finished surface levels which convey stormwater runoff.
59. **Compliance Certificates – Engineering.** To ensure that all engineering facets of the development have been designed and constructed to the appropriate standards, Compliance Certificates must be obtained for the following items and are to be submitted to the Accredited Certifier prior to the release of any Occupation Certificate. All certification must be issued by a qualified and practising civil engineer having experience in the area respective of the certification unless stated otherwise.
- a) Confirming that all components of the parking areas contained inside the site comply with the relevant components of AS 2890. and the City of Ryde DCP 2010, Part 9.3 “Car Parking”.
 - b) Confirming that the sites Stormwater Management system (including any ancillary components such as onsite detention) servicing the development complies with the City of Ryde DCP 2010, Part 8.2, “Stormwater Management” and has been constructed to function in accordance with all conditions of this consent relating to the discharge of stormwater from the site.
 - c) Confirming that erosion and sediment control measures were implemented during the course of construction and were in accordance with the manual “*Managing Urban Stormwater: Soils and Construction*” by the NSW Department – Office of Environment and Heritage and the City of Ryde DCP 2010, Part 8.1 “Construction Activities”.
 - d) Compliance certificate from Council confirming that all external works in the public road reserve have been completed to Council’s satisfaction.

OPERATIONAL CONDITIONS

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

ITEM 2 (continued)

ATTACHMENT 1

60. **Single dwelling only.** The dwelling is not to be used or adapted for use as two separate domiciles or a boarding house.

End of consent

ITEM 2 (continued)

ATTACHMENT 2

Ryde Development Control Plan 2010
Compliance Check – Part 3.3 Dwelling Houses and Dual Occupancy (attached)

DCP 2010	Proposed	Compliance
<i>Part 3.3 - Dwelling Houses and Dual Occupancy (attached)</i>		
Desired Future Character		
Development is to be consistent with the desired future character of the low density residential areas.	The proposed development is consistent with the desired future character of the low density residential area as detailed further in this table.	Y
Dwelling Houses		
<ul style="list-style-type: none"> - To have a landscaped setting which includes significant deep soil areas at front and rear. - Maximum 2 storeys. - Dwellings to address street - Garage/carports not visually prominent features. 	Front and rear gardens proposed. Two storeys Dwelling presents to Jetty Rd Garage not prominent feature as setback in front elevation of building.	Y Y Y Y
Public Domain Amenity		
Streetscape		
<ul style="list-style-type: none"> - Front doors and windows are to face the street. Side entries to be clearly apparent. - Single storey entrance porticos. - Articulated street facades. 	Front doors and windows face street. Single entrance portico. Articulated street façade.	Y Y Y
Public Views and Vistas		
<ul style="list-style-type: none"> - A view corridor is to be provided along at least one side allotment boundary where there is an existing or potential view to the water from the street. Landscaping is not to restrict views. Garages/carports and outbuildings are not to be 	Adequate side setbacks provided to maintain a view corridor either side of the dwelling. Attached garage and proposed landscaping will not restrict views gained through corridors. Boatshed is existing and not proposed to be altered. No front fencing	Y

ITEM 2 (continued)

ATTACHMENT 2

DCP 2010	Proposed	Compliance
located within view corridor if they obstruct view. Fence 70% open where height is >900mm.	proposed.	
<p>Pedestrian & Vehicle Safety</p> <ul style="list-style-type: none"> - Car parking located to accommodate sightlines to footpath & road in accordance with relevant Australian Standard. - Fencing that blocks sight lines is to be splayed. 	No front fence proposed therefore sightlines are maintained.	Y
Site Configuration		
<p>Deep Soil Areas</p> <ul style="list-style-type: none"> - 35% of site area min. - Min 8x8m deep soil area in backyard. - Front yard to have deep soil area (only hard paved area to be driveway, pedestrian path and garden walls). - Dual occupancy developments only need 1 of 8 x 8m area (doesn't have to be shared equally). 	<p>Permeable (deep soil) area: 251.92m² approx. (44% of site area).</p> <p>Rear DSA dimensions: 8m x 8m provided.</p> <p>Front DSA: 100% permeable area in front yard= 52.76m². Hard surface areas have been kept to a minimum in the front yard.</p>	<p>Y</p> <p>Y</p> <p>Y</p>
<p>Topography & Excavation</p> <p>Within building footprint:</p> <ul style="list-style-type: none"> - Max cut: 1.2m - Max fill: 900mm <p>Outside building footprint:</p> <ul style="list-style-type: none"> - Max cut: 900mm - Max fill: 500mm - No fill between side of building and boundary or close to rear boundary - Max ht retaining wall 900mm 	<p>Within BF</p> <p>Max cut: 400mm (laundry)</p> <p>Max fill: 2.8m (under kitchen / living area)</p> <p>Outside BF</p> <p>Max cut: -</p> <p>Max fill: -</p> <p>No fill proposed outside building footprint.</p> <p>2 existing stone retaining walls in the rear yard will be maintained, each have heights of approx. 1.6m.</p>	<p>No (to be amended by condition)</p> <p>N/A</p> <p>Y</p> <p>Y (existing)</p>

ITEM 2 (continued)

ATTACHMENT 2

DCP 2010	Proposed	Compliance
Floor Space Ratio		
Lower ground floor	37.5m ²	
Ground floor	167.8m ²	
First floor	90.64m ²	
Total (Gross Floor Area)	295.94m ²	
Less 36m ² (double) or 18m ² (single) allowance for parking	277.94m ²	
FSR (max 0.5:1) Note: Excludes wall thicknesses; lifts/stairs; basement storage/vehicle access/garbage area; terraces/balconies with walls <1.4m; void areas.	0.488:1	Y
Height		
- 2 storeys maximum (storey incl basement elevated greater than 1.2m above EGL).	3 storeys (due to sauna)	No (variation not supported)
- 1 storey maximum above attached garage incl semi-basement or at-grade garages.	1 storey maximum above garage.	Y
Wall plate (Ceiling Height) - 7.5m max above FGL or - 8m max to top of parapet <i>NB:</i> <i>TOW = Top of Wall</i> <i>EGL = Existing Ground Level</i> <i>FGL = Finished Ground Level</i>	TOW RL: 17.4 FGL below (lowest point): RL: 8.2 TOW Height (max) = 9.2m	No (to be amended by condition)
9.5m Overall Height <i>NB:</i> <i>EGL = Existing Ground Level</i>	Max point of dwelling RL: 17.4 EGL below ridge (lowest point-low ground floor level): RL: 8 Overall Height (max)= 9.4m	Y
Habitable rooms to have 2.4m floor to ceiling height (min).	2.7m min room height.	Y

ITEM 2 (continued)

ATTACHMENT 2

DCP 2010	Proposed	Compliance
Setbacks		
<p>SIDE</p> <p>Two storey dwelling</p> <ul style="list-style-type: none"> - 1500mm to wall - Includes balconies etc 	<p>1-1.5m to each side setback.</p>	<p>No (variation supported)</p>
<p>Side setback to secondary frontage (cnr allotments): 2m to façade and garage/carports</p>	<p>No secondary street frontage.</p>	<p>N/A</p>
<p>Front</p> <ul style="list-style-type: none"> - 6m to façade (generally) - Garage setback 1m from the dwelling façade - Wall above is to align with outside face of garage below. - Front setback free of ancillary elements eg RWT, A/C 	<p>3.6m front setback.</p> <p>Garage is in line with dwelling façade and is not set back 1m.</p> <p>Wall above aligns with outside face of garage.</p> <p>Front setback is free of ancillary elements.</p>	<p>Y</p> <p>No (variation supported)</p> <p>Y</p> <p>Y</p>
<p>Rear</p> <ul style="list-style-type: none"> - 8m to rear of dwelling OR 25% of the length of the site, whichever is greater. <p>Note: 14.28m is 25% of site length.</p>	<p>31m rear setback (27m to balcony).</p>	<p>Y</p>
<p>Sites wider than they are long</p> <ul style="list-style-type: none"> - One side setback of 8m or 20% of allotment width, whichever is greater. - Rear setback 4m min (in addition to 8m side setback). <p>NB: Side setback on irregular allotments can be measured at the centre line of the site. (must have 8x8m DSA)</p>	<p>Site is not wider than it is long.</p>	<p>N/A</p>

ITEM 2 (continued)

ATTACHMENT 2

DCP 2010	Proposed	Compliance
Outbuildings		
<p>Not within front setback. Max area – 20m² Max wall plate (ceiling) height 2.7m Max O/A height 4.5m – Ridge to EGL To be single storey. Windows not less than 900mm from boundary. Concrete dish drain if setback less than 900mm. Design to complement new dwelling.</p>	<p>No new outbuildings proposed. Existing boatshed to remain.</p>	<p>N/A</p>
Car Parking & Access		
<p>General</p> <ul style="list-style-type: none"> - Dwelling: 2 spaces max, 1 space min. - Dual Occupancy (attached): 1 space max per dwelling. - Where possible access off secondary street frontages or laneways is preferable. - Max 6m wide or 50% of frontage, whichever is less. - Behind building façade. 	<p>2 car spaces proposed (1 single garage & 1 stacked car space). Dual occ. not proposed.</p> <p>Access from: Jetty Road</p> <p>External width: 3.4m (50% of frontage = 6.6m)</p>	<p>Y</p> <p>N/A</p> <p>Y</p> <p>Y</p>
<p>Garages</p> <ul style="list-style-type: none"> - Garages setback 1m from façade. - Total width of garage doors visible from public space must not exceed 5.7m and be setback not more than 300mm behind the outside face of the building element immediately above. - Garage windows are to be at least 900mm away from boundary. - Free standing garages are to have a max GFA of 36m² 	<p>Garage is in line with façade.</p> <p>Width of opening: 2.8m Door setback: 300mm</p> <p>Windows setback: 1m</p> <p>Garage is attached.</p>	<p>No (variation supported) Y</p> <p>Y</p> <p>N/A</p>

ITEM 2 (continued)

ATTACHMENT 2

DCP 2010	Proposed	Compliance
<ul style="list-style-type: none"> - Materials in keeping or complimentary to dwelling. 	<p>Materials: consistent with new dwelling.</p>	<p>Y</p>
<p>Carports</p> <ul style="list-style-type: none"> - Sides 1/3 open (definition in BCA) - Design & materials compatible with dwelling. 	<p>No carport proposed.</p>	<p>N/A</p>
<p>Parking Space Sizes (AS)</p> <ul style="list-style-type: none"> o Double garage: 5.4m wide (min) o Single garage: 3m w(min) o Internal length: 5.4m (min) 	<p>Internal measurements: 5.7m x 3.2m</p>	<p>Y</p>
<p>Driveways Extent of driveways minimised</p>	<p>Existing driveway to be retained. Internal portion of driveway minimised.</p>	<p>Y</p>
<p>Semi-basement Car Parking</p> <ul style="list-style-type: none"> - Ramps must start 2m from the boundary (not on public land). - Walls are not to extend beyond walls of dwelling above. 	<p>Parking located at ground level.</p>	<p>N/A</p>
Swimming Pools & Spas		
<ul style="list-style-type: none"> - Must comply with all relevant Acts, Regulations and Australian Standards. - Must at all times be surrounded by a child resistant barrier and located to separate pool from any residential building and/or outbuildings (excl cabanas) and from adjoining land. - No openable windows, doors or other openings in a wall that forms part of barrier. - Spa to have lockable lid. - Pools not to be in front setback. 	<p>No swimming pool or spa proposed.</p>	<p>N/A</p>

ITEM 2 (continued)

ATTACHMENT 2

DCP 2010	Proposed	Compliance
<p>Pool coping height</p> <ul style="list-style-type: none"> - 500mm maximum above existing ground level <p><i>(only if no impact on privacy)</i></p>	<p>No swimming pool proposed.</p>	<p>N/A</p>
<p>Pool Setback</p> <ul style="list-style-type: none"> - 900mm min from outside edge of pool coping, deck or surrounds to allow sufficient space for amenity screen planting - Screen planting required for pools located within 1500mm, min bed width of 900mm for the length of the pool. Min ht 2m, min spacing 1m - Pool setback 3m+ from tree >5m height on subject or adjacent property - Pool filter located away from neighbouring dwellings, and in an acoustic enclosure 	<p>No swimming pool proposed.</p>	<p>N/A</p>
Landscaping		
<p>Trees & Landscaping</p> <ul style="list-style-type: none"> - Major trees retained where practicable - Physical connection to be provided between dwelling and outdoor spaces where the ground floor is elevated above NGL eg. stairs, terraces. - Obstruction-free pathway on one side of dwelling (excl cnr allotments or rear lane access) - Front yard to have at least 1 tree with mature ht of 10m min and a spreading canopy. - Back yard to have at least 1 tree with mature ht of 15m min and a spreading 	<p>Major trees to be retained.</p> <p>Physical connection provided.</p> <p>Pathway provided along northern side of dwelling.</p> <p>Front yard will have a tree with a height of 10m.</p> <p>Backyard will not have a tree with a height capable of 15m.</p>	<p>Y</p> <p>Y</p> <p>Y</p> <p>Y</p> <p>No (variation supported)</p>

ITEM 2 (continued)

ATTACHMENT 2

DCP 2010	Proposed	Compliance
<p>canopy.</p> <ul style="list-style-type: none"> - Hedging or screen planting on boundary mature plants reaching no more than 2.7m. - OSD generally not to be located in front setback unless under driveway. 	<p>Hedge planting along northern and southern side boundaries have potential to reach 3-4m at maturity. Rainwater tanks located under dwelling.</p>	<p>No (variation supported)</p> <p style="text-align: center;">Y</p>
<ul style="list-style-type: none"> - Landscaped front garden, with max 40% hard paving 	<p>Hard Paving: 33.35%</p>	<p style="text-align: center;">Y</p>
<p>Landscaping for lots with Urban Bushland or Overland Flow constraints</p> <ul style="list-style-type: none"> - Where lot is adjoining bushland protect, retain and use only native indigenous vegetation for distance of 10m from bdy adjoining bushland. - No fill allowed in overland flow areas. - Fences in Overland Flow areas must be of open construction so it doesn't impede the flow of water. 	<p>Urban bushland identified in southern portion of front yard. Site is not flood affected.</p> <p>Council's Consultant Landscape Architect considers proposed landscaping arrangements satisfactory.</p> <p>Site is not affected by overland flooding. No front fence proposed.</p>	<p style="text-align: center;">Y</p> <p style="text-align: center;">N/A</p> <p style="text-align: center;">Y</p>
Dwelling Amenity		
<p>Daylight and Sunlight Access</p> <ul style="list-style-type: none"> - Living areas to face north where orientation makes this possible. - 4m side setback for side living areas where north is to the side allotment boundary. <p><u>Subject Dwelling:</u></p> <ul style="list-style-type: none"> - Subject dwelling north facing living area windows are to receive at least 3hrs of sunlight to a portion of their surface between 9am and 3pm on June 21. 	<p>Living areas face north and east towards Morrisons Bay.</p> <p>Northern side setback varies from 1m – 1.5m.</p> <p>A 2 storey dwelling house aligns the subject site to the north which will restrict the level of solar access gained to this property, restricting the potential for northern side windows to receive the</p>	<p style="text-align: center;">Y</p> <p style="text-align: center;">No (variation supported)</p> <p style="text-align: center;">Y</p>

ITEM 2 (continued)

ATTACHMENT 2

DCP 2010	Proposed	Compliance
<ul style="list-style-type: none"> - Private open space of subject dwelling is to receive at least 2 hours sunlight between 9am and 3pm on June 21. <p><u>Neighbouring properties are to receive:</u></p> <ul style="list-style-type: none"> - 2 hours sunlight to at least 50% of adjoining principal ground level open space between 9am and 3pm on June 21. - At least 3 hours sunlight to a portion of the surface of north facing adjoining living area windows between 9am and 3pm on June 21. 	<p>minimum 3hrs. However, living area is directed to east to gain views over Morrison Bay.</p> <p>Site has potential for 2 hrs sunlight to be achieved to the P.O.S., with the most sunlight received between 9am and 11am.</p> <p>Shadow cast from the development will occur primarily to No. 4 Jetty Rd to the south. 2 hrs sunlight will easily be achieved to 50% of the adjoining principal ground level open space.</p> <p>Northern side windows of No. 4 Jetty Rd will not achieve compliance with this control.</p>	<p style="text-align: center;">Y</p> <p style="text-align: center;">Y</p> <p style="text-align: center;">No (variation supported)</p>
<p>Visual Privacy</p> <ul style="list-style-type: none"> - Orientate windows of living areas, balconies and outdoor living areas to the front and rear of dwelling. - Windows of living, dining, family etc placed so there are no close or direct views to adjoining dwelling or open space. - Side windows offset from adjoining windows. - Terraces, balconies etc are not to overlook neighbouring dwellings/private open space. 	<p>Primary windows to living and family room directed to the rear. Decks are all situated at the rear.</p> <p>Windows of living, dining, family room and kitchen do not directly align with adjoining dwellings or overlook their private open space areas.</p> <p>Side windows are offset from adjoining windows.</p> <p>Decks have the potential to overlook neighbouring dwelling's private open space.</p>	<p style="text-align: center;">Y</p> <p style="text-align: center;">Y</p> <p style="text-align: center;">Y</p> <p style="text-align: center;">No (variation supported)</p>
<p>Acoustic Privacy Layout of rooms in dual occupancies (attached) are to minimise noise impacts between dwellings eg:</p>	<p>Dwelling house only.</p>	<p style="text-align: center;">N/A</p>

ITEM 2 (continued)

ATTACHMENT 2

DCP 2010	Proposed	Compliance
place adjoining living areas near each other and adjoining bedrooms near each other.		
View Sharing - The siting of development is to provide for view sharing.	View sharing achieved.	Y
Cross Ventilation - Plan layout is to optimise access to prevailing breezes and to provide for cross ventilation.	Layout optimal for prevailing breezes to provide cross ventilation.	Y
External Building Elements		
Roof - Articulated. - 450mm eaves overhang minimum. - Not to be trafficable Terrace. - Skylights to be minimised and placed symmetrically. - Front roof plane is not to have both dormer windows and skylights. Attic Dormer Windows - Max 2 dormer windows with a max total width of 3m. - Highest point to be 500mm min below roof ridge and 1m min above the top of gutter. - Total roof area of attic dormer: 8m ² - Front face to be setback 1m min back from external face of wall below. - Balconies set into roof not permitted.	Flat roof proposed. No eaves proposed. No trafficable terrace proposed. No skylights proposed. No dormer windows or skylights proposed. No attic dormer windows.	Y Y Y Y Y N/A
Fencing		
Front/return: - To reflect design of dwelling. - To reflect character &	No front fence proposed or change to existing return fencing.	Y

ITEM 2 (continued)

ATTACHMENT 2

DCP 2010	Proposed	Compliance
height of neighbouring fences. - Max 900mm high for solid (picket can be 1m). - Max 1.8m high if 50% open (any solid base max 900mm). - Retaining walls on front bdy max 900mm. - No colorbond or paling Max width of piers 350mm.		
Side/rear fencing: - 1.8m max o/a height.	No change to existing boundary fencing.	Y
Part 7.1 - Energy Smart, Water Wise		
External Clothes Drying Area		
External yard space or sheltered ventilated space for clothes drying	Rear yard adequate in size to contain a clothes line.	Y
Part 7.2- Waste Minimisation & Management		
Submission of a Waste Management Plan in accordance with Part 7.2 of DCP 2010.	The applicant has submitted a Waste Management Plan in accordance with Part 7.2 of DCP 2010.	Y
Part 8.2 - Stormwater Management		
Stormwater		
Drainage is to be piped in accordance with Part 8.2 - Stormwater Management.	Council's Development Engineer is satisfied with the proposed stormwater drainage arrangements.	Y
Part 9.2- Access for People with Disabilities		
Accessible path required from the street to the front door, where the level of land permits.	Path provided to front door.	Y
Part 9.4 – Fencing		
Front & return fences		
Front and return fences that	No front fence proposed. Existing return fence to remain	Y

ITEM 2 (continued)

ATTACHMENT 2

DCP 2010	Proposed	Compliance
exceed 1m in height are to be 50% open	unchanged.	
Part 9.6 – Tree Preservation		
<p>Where the removal of tree(s) is associated with the redevelopment of a site, or a neighbouring site, the applicant is required to demonstrate that an alternative design(s) is not feasible and retaining the tree(s) is not possible in order to provide adequate clearance between the tree(s) and the proposed building and the driveway.</p> <p>Note: A site analysis is to be undertaken to identify the site constraints and opportunities including trees located on the site and neighbouring sites. In planning for a development, consideration must be given to building/site design that retains healthy trees, as Council does not normally allow the removal of trees to allow a development to proceed. The site analysis must also describe the impact of the proposed development on neighbouring trees. This is particularly important where neighbouring trees are close to the property boundary. The main issues are potential damage to the roots of neighbouring trees (possibly leading to instability and/or health deterioration), and canopy spread/shade from neighbouring trees that must be taken into account during the landscape design of the new development.</p>	<p>Trees to be retained where possible. Consultant Landscape Architect is satisfied with the required removal of 1 tree within the front yard which impacts on the proposed building footprint.</p>	<p>Y</p>

ITEM 2 (continued)

ATTACHMENT 2

BASIX		
<p>All ticked "DA plans" commitments on the BASIX Certificate are to be shown on plans (list)</p> <p>BASIX Cert 507920S dated 12 November 2013</p> <ul style="list-style-type: none"> • RWT 5000L • Swimming Pool <ol style="list-style-type: none"> 1. <28kL 2. outdoors • Thermal Comfort Commitments – Construction. • TCC – Glazing. • Solar Gas Boosted HWS w/41-45 RECS+ • HWS Gas Instantaneous 5 star. • Natural Lighting <ol style="list-style-type: none"> 1. kitchen 2. bathrooms 	BASIX info. shown on plans	Y
Water Target 40	Water: 45	Y
Energy Target 40	Energy: 40	Y
Correct description of property/proposal on 1 st page of Certificate.	Correct details shown.	Y

ITEM 2 (continued)

ATTACHMENT 3

Sydney Regional Environmental Plan Compliance Table

Provision	Proposal	Compliance
<i>Cl. 21 Biodiversity, Ecology and Environmental Protection</i>		
(a) Development should have neutral or beneficial effect on quality of water entering waterways	The proposed dwelling house will replace an existing dwelling therefore no change in landuse is proposed. The existing boatshed will be retained. The development is considered to have a neutral impact on biodiversity, ecology and the natural environment. No adverse impact will occur to the quality of water entering waterways.	Yes
(b) Development should protect and enhance terrestrial and aquatic species, populations and ecological communities and, in particular, should avoid physical damage and shading of aquatic vegetation (such as seagrass, saltmarsh and algal and mangrove communities)	With all works associated with the proposed development occurring a minimum 29m from the MWHM it is considered there will be minimal impacts on any terrestrial and aquatic species, populations and ecological communities. Additionally it is noted that only 1 tree is proposed to be removed and is located in the front yard. All remaining vegetation will be retained and protected. The shadow diagrams submitted with the subject development application indicate the proposed development will overshadow land areas only, and not adjacent aquatic areas. Given the above, it is considered the proposed development will protect terrestrial and aquatic vegetation.	Yes
(c) Development should promote ecological connectivity between neighbouring areas of aquatic vegetation (such as seagrass, saltmarsh and algal and mangrove communities)	All works are to be located a minimum 29m from the MWHM. Accordingly, the proposed development is not considered to have a negative impact on ecological connectivity of aquatic vegetation.	N/A
(d) Development should avoid	All works are to be located a	Yes

ITEM 2 (continued)

ATTACHMENT 3

Provision	Proposal	Compliance
indirect impacts on aquatic vegetation (such as changes to flow, current and wave action and changes to water quality) as a result of increased access.	minimum 29m from the MHW. Accordingly, the proposed development is not considered to have any indirect impact on aquatic vegetation. It is noted that the proposed dwelling house is considered minor in terms of causing any indirect impacts on the natural environment.	
(e) Development should protect and reinstate natural intertidal foreshore areas, natural landforms and native vegetation	All works are to be located a minimum 29m from the MHW. Accordingly, the proposed development is considered to protect the natural intertidal foreshore, natural landforms & native vegetation with minimal adverse impacts on the natural environment.	Yes
(f) Development should retain, rehabilitate and restore riparian land	All works are to be located a minimum 29m from the MHW. Therefore all riparian land is retained and the proposed development is not considered to have any adverse impacts. The proposed development does not aim to rehabilitate or restore riparian land.	N/A
(g) Development on land adjoining wetlands should maintain and enhance the ecological integrity of the wetlands and, where possible, should provide a vegetation buffer to protect the wetlands	The subject site adjoins a wetlands protection area, however as no works are proposed within 29m of the MHW an acceptable buffer is considered to be provided to maintain the ecological integrity of the wetlands.	Yes
(h) The cumulative environmental impact of development	With all works proposed to be located a minimum 29m from the MHW, it is considered the cumulative environmental impact of development to be minimal. Whilst the building footprint of the new dwelling will increase in comparison to the existing dwelling, this form of low density housing is consistent with surrounding waterfront properties and is not a change in landuse.	Yes

ITEM 2 (continued)

ATTACHMENT 3

Provision	Proposal	Compliance
	Thus, no negligible impacts on the natural environment will occur.	
(i) Whether sediments in the waterway adjacent to the development are contaminated, and what means will minimise their disturbance	Sediments in the adjoining waterway are not proposed to be disturbed during proposed works. Sediments are considered unlikely to be containment due to continued history of residential use on the subject site and the surrounding area.	Yes
Cl. 22 Public Access to, and Use of, Foreshores and Waterways		
(a) Development should maintain and improve public access to and along the foreshore, without adversely impacting on watercourses, wetlands, riparian lands or remnant vegetation	There is no existing public use of this part of the foreshore. Access to public will not be restricted any further than existing as result of the proposed alterations and additions. No adverse impacts on watercourses, wetlands, riparian lands or remnant vegetation has been identified due to no works taking place within this zone.	Yes
(b) Development should maintain and improve public access to and from the waterways for recreational purposes (such as swimming, fishing and boating), without adversely impacting on watercourses, wetlands, riparian lands or remnant vegetation	The proposal will not impede or alter existing public access to the river.	Yes
(c) If foreshore land made available for public access is not in public ownership, development should provide appropriate tenure and management mechanisms to safeguard public access to, and public use of, that land	Land below high water mark remains available for public access (by boat) and presents no change from the existing relationship.	N/A
(d) The undesirability of boardwalks as a means of access across or along land below the mean high water mark if adequate alternative public access can	Not proposed	N/A

ITEM 2 (continued)

ATTACHMENT 3

Provision	Proposal	Compliance
otherwise be provided.		
(e) The need to minimise disturbance of contaminated sediments	All works are proposed well above MHW and is considered not to disturb any contaminants in water/sediments. Additionally, sediments are considered unlikely to be containment due to continued history of residential use on the subject site and the surrounding area.	Yes
Cl. 24 Interrelationship of Waterway and Foreshore Uses		
(a) Development should promote equitable use of the waterway, including use by passive recreation craft	Proposal will not inhibit or prevent equitable use of waterway by passive recreation craft and presents no change from the existing relationship with the waterway.	Yes
(b) Development on foreshore land should minimise any adverse impact on the use of the waterway, including the use of the waterway for commercial and recreational uses	Proposal will not inhibit or prevent equitable use of waterway for commercial or recreational uses and presents no change from the existing relationship with the waterway.	Yes
(c) Development on foreshore land should minimise excessive congestion of traffic in the waterways or along the foreshore	Development does not seek to increase or impede any existing traffic conditions in the waterway or along the foreshore and presents no change from the existing relationship with the waterway.	Yes
(d) Water-dependent land uses should have propriety over other uses	Not applicable.	N/A
(e) Development should avoid conflict between the various uses in the waterways and along the foreshores	No change to existing use of site and waterway as part of the proposed development. The existing boatshed will remain unchanged. It is therefore considered conflicts between various uses in the waterways & along the foreshore will be avoided.	Yes
Cl. 25 Foreshore and Waterways Scenic Quality		

ITEM 2 (continued)

ATTACHMENT 3

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

ITEM 2 (continued)

ATTACHMENT 3

Provision	Proposal	Compliance
<p>Cl. 26 Maintenance, Protection and Enhancement of Views (a) Development should maintain, protect and enhance views (including night views) to and from Sydney Harbour</p>	<p>Views to and from Sydney Harbour will be generally maintained. Some minor views across the subject site may be interrupted due to the proposed 2 storey dwelling replacing a more open rear yard arrangement with a smaller sized dwelling. This however is considered to be acceptable given the topography of the subject site and the fact that any development proposed on this site will likely have an impact on views across the site.</p>	<p>Yes</p>
<p>(b) Development should minimise any adverse impacts on views and vistas to and from public places, landmarks and heritage items</p>	<p>Views and vistas to and from public places, landmarks and heritage items have generally been maintained through appropriate setbacks, heights and terracing of building form. It is considered that adverse impacts have been minimised.</p>	<p>Yes</p>
<p>(c) The cumulative impact of development on views should be minimised</p>	<p>The cumulative impact on views is considered to be acceptable as all major views have been maintained through appropriate design of the proposed dwelling.</p>	<p>Yes</p>
<p>Cl. 27 Boat Storage Facilities (a) Development should increase the number of public boat storage facilities and encourage the use of such facilities</p>	<p>The existing boatshed on the site will remain and be utilised in association with the new proposed dwelling on the site. As no change to this boatshed is proposed, no change in impact to the Foreshores and Waterway Area will occur.</p>	<p>Yes</p>
<p>Cl. 29 Consultation required for certain development applications (1) The consent authority must not grant development consent to the carrying out in the</p>	<p>(1) It is acknowledged that the subject site is located within the Foreshores and Waterways Area.</p>	<p>N/A</p>

ITEM 2 (continued)

ATTACHMENT 3

Provision	Proposal	Compliance
<p>Foreshores and Waterways Area of development listed in Schedule 2, unless: (a) it has referred the development application to the Advisory Committee, and (b) it has taken into consideration any submission received from the Advisory Committee within 30 days after the date on which the application was forwarded to the Committee.</p>	<p>The proposed dwelling house does not include any items included in relation to Schedule 2 of the SREPSHC 2005. (b) As per Cl.29(3) (see below), it is the opinion of the assessment officer working on behalf of the consent authority (Ryde City Council) that the proposed development is well distanced from the Foreshores and Waterway Area and is not an intensification of the site as the existing dwelling is replaced for a new dwelling. Accordingly, the development application has not been referred to the Advisory Committee. (c) Noted.</p>	
<p>(2) In the case of an application to carry out development for more than one purpose, of which one or more is listed in Schedule 2 and one or more is not, the consent authority is only required to refer to the Advisory Committee that part of the application relating to development for a purpose so listed.</p>	<p>(2) Noted.</p>	<p>Noted.</p>
<p>(3) This clause does not apply to development that consists solely of alterations or additions to existing buildings or works and that, in the opinion of the consent authority, is minor and does not, to any significant extent, increase the scale, size or intensity</p>	<p>(3) As the proposed works are not identified under Schedule 2 of the SHCREP this clause does not apply.</p>	<p>N/A</p>

ITEM 2 (continued)

ATTACHMENT 3

Provision	Proposal	Compliance
of use of those buildings or works.		
Part 6 Wetlands protection		
Wetlands Protection Area along Lane Cove / Parramatta River frontage	The subject site is located within a Wetlands Protection Area.	Yes
Cl. 62 Requirement for Development Consent		
(2) Development may be carried out only with development consent	The proposed development is currently seeking development consent via LDA2013/0472 under assessment with Ryde City Council.	Yes
(3) Development consent is not required by this clause:	Not applicable.	N/A
(a) For anything (such as dredging) that is done for the sole purpose of maintaining an existing navigational channel, or	The proposed development does not include maintenance of an existing navigational channel.	N/A
(b) For any works that restore or enhance the natural values of wetlands being works:	The proposed development does not include any works that aim to restore or enhance the natural values of wetlands.	N/A
(i) that are carried out to rectify damage arising from a contravention of this plan, and	Not applicable.	N/A
(ii) that are not carried out in association with another development, and	Not applicable.	N/A
(iii) that have no significant impact on the environment beyond the site on which they are carried out.	Not applicable.	N/A
Cl. 63 Matters for Consideration		
(2) The matters to be taken into consideration are as:		
(a) The development should have a neutral or beneficial effect on the quality of water entering the waterways,	The proposed development will see alterations and additions to the existing dwelling. As there is no change in landuse proposed and works are considered minor in terms of biodiversity, ecology and environmental impacts it is	Yes

ITEM 2 (continued)

ATTACHMENT 3

Provision	Proposal	Compliance
<p>(b) The environmental effects of the development, including effects on:</p> <p>(i) the growth of native plant communities,</p> <p>(ii) the survival of native wildlife populations,</p> <p>(iii) the provision and quality of habitats for both indigenous and migratory species,</p> <p>(iv) the surface and groundwater characteristics of the site on which the development is proposed to be carried out and of the surrounding areas, including salinity and water quality and whether the wetland ecosystems are groundwater dependant,</p>	<p>considered the proposed development will have a neutral effect on the quality of water entering waterways.</p> <p>No impact on the growth of native plant communities due to all existing vegetation being retained and all proposed works to be located a minimum 29m from the MHWM.</p> <p>Wildlife populations are considered to be unharmed as result of the proposed development due to all existing habitats being retained.</p> <p>The quality of habitats for both indigenous and migratory species is fully retained as part of the proposed development.</p> <p>The proposed development is considered to have no adverse effects on surface and groundwater characteristics of the site and surrounding areas due to there being no significant change to land use and the development being in compliance with the stormwater controls set out in the Ryde DCP 2010.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
<p>(c) Whether adequate safeguards and rehabilitation measures have been, or will be, made to protect the environment.</p>	<p>Plans submitted as part of the proposal indicate that safeguards have been put in place to ensure all runoff, sedimentation & siltation is controlled so as to protect the environment.</p> <p>Rehabilitation measures are not considered necessary due to no works being undertaken within 29m of the MHWM.</p>	<p>Yes</p>
<p>(d) Whether carrying out the development would be consistent with the principles set out in <i>The NSW Wetlands</i></p>	<p>As relevant safeguards will be put in place to ensure no negative impacts on the wetlands and all works are taking</p>	<p>Yes</p>

ITEM 2 (continued)

ATTACHMENT 3

Provision	Proposal	Compliance
<p><i>Management Policy</i> (as published in March 1996 by the then Department of Land and Water Conservation).</p> <p>(e) Whether the development adequately preserves and enhances local native vegetation,</p> <p>(f) Whether the development application adequately demonstrates:</p> <p>(i) how the direct and indirect impacts of the development will preserve and enhance wetlands, and</p>	<p>place a considerable distance from the foreshore and MWHM it is considered the development is consistent with the <i>NSW Wetlands Management Policy</i>. The development is considered to adequately preserve the local native vegetation through proposing no works within 29m of the MHWM, therefore retaining all existing local native vegetation within this area.</p> <p>The development is considered to adequately preserve the wetlands through proposing no works within 29m of the MHWM, therefore retaining all existing wetland protection areas.</p>	<p>N/A</p> <p>Yes</p>
<p>(ii) how the development will preserve and enhance the continuity and integrity of the wetlands, and</p> <p>(iii) how soil erosion and siltation will be minimised both while the development is being carried out and after it is completed, and</p> <p>(iv) how appropriate on-site measures are to be implemented to ensure that the intertidal zone is kept free from pollutants arising from the development, and</p>	<p>The development is considered to preserve the wetlands through proposing no works within 29m of the MHWM, therefore preserving all existing wetland protection areas. No enhancement of wetlands is to occur or is considered necessary.</p> <p>Soil erosion and siltation will be minimised during construction through implementation of sediment fences & sediment traps set up strategically across the site. Following construction all existing stormwater controls will remain unchanged.</p> <p>The plans submitted as part of the proposal indicate sufficient sediment control measures will be put in place to ensure that the intertidal zone is kept free from pollutants arising from the development.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>
<p>(v) that the nutrient levels in the wetlands do not</p>	<p>The development is considered not to result in any increase in</p>	<p>Yes</p>

ITEM 2 (continued)

ATTACHMENT 3

Provision	Proposal	Compliance
increase as a consequence of the development, and	nutrient levels in any surrounding wetlands due to all works taking place a minimum 29m from the MHWM. Additionally sediment and soil erosion control measures will be put in place during construction to mitigate any adverse effects as a result of runoff.	
(vi) that stands of vegetation (both terrestrial and aquatic) are protected or rehabilitated, and	No development is proposed within the stands of existing vegetation (both terrestrial and aquatic) therefore protecting them from any adverse impacts.	N/A
(vii) that the development minimises physical damage to aquatic ecological communities, and	The development has aimed to minimise any adverse impacts on the aquatic ecological communities through ensuring no works are undertaken within 29m of the MHWM.	Yes
(viii) that the development does not cause physical damage to aquatic ecological communities,	With all development works being located a minimum 29m from the MHWM, it is considered that no physical damage to aquatic ecological communities will occur as result of the proposed development.	Yes
(g) Whether conditions should be imposed on the carrying out of the development requiring the carrying out of works to preserve or enhance the value of any surrounding wetlands.	No conditions to be imposed on the development in regards to carrying out works to preserve or enhance the surrounding wetlands.	Yes

ITEM 2 (continued)

ATTACHMENT 4

**Sydney Harbour Foreshores & Waterways Area DCP
for SREP (Sydney Harbour Catchment) 2005**

(SHFWADCP 2005) Compliance Check

Provision	Proposal	Compliance
<p>Cl. 2 Ecological Communities and Landscape Characters:</p> <ul style="list-style-type: none"> • Terrestrial Ecological Community 		
<ul style="list-style-type: none"> ○ Urban Development with Scattered Trees (low status) <ul style="list-style-type: none"> - Conserve and enhance vegetation - Minimise risk of predation on native fauna by domestic pets - Minimise impacts of soil erosion, water siltation and pollution 	<p>No vegetation affected No change to existing risk</p> <p>Erosion controls required through conditions</p>	<p>NA Yes Yes</p>
<p>Cl. 3 Landscape Character Type 14 Performance Criteria:</p> <ul style="list-style-type: none"> • Consideration given to cumulative and incremental effects of further development along foreshore and to preserving the remaining special features • Development to avoid substantial impact on landscape qualities of foreshore and minimise removal of natural foreshore vegetation, radical alteration of natural ground levels, dominance of structures protruding from rock walls or ledges or the erection of sea walls, retaining walls or terraces. • Landscaping between buildings to soften the built environment; • Existing ridgeline vegetation and its dominance as backdrop to waterway, is retained. 	<p>No impact on any special features</p> <p>With the exception of removal of 1 tree in front yard, well distanced from foreshore, no removal of natural vegetation, no terraces, ledges or seawalls are proposed</p> <p>Planting along northern and southern side boundaries at the end of the rear building line.</p> <p>No change to any existing vegetation on ridgeline</p>	<p>NA Yes Yes NA</p>
<p>Cl. 5 Land Based Developments</p> <p>5.2 Foreshore Access</p> <p>5.3 Siting of Building & Structures</p> <ul style="list-style-type: none"> • Where there is existing native vegetation, building should be set back from this vegetation to avoid disturbing it, 	<p>No foreshore access from subject site gained.</p> <p>1 non-native tree requiring removal due to interference with building footprint. Landscaping provided by property owner.</p>	<p>N/A Yes</p>

ITEM 2 (continued)

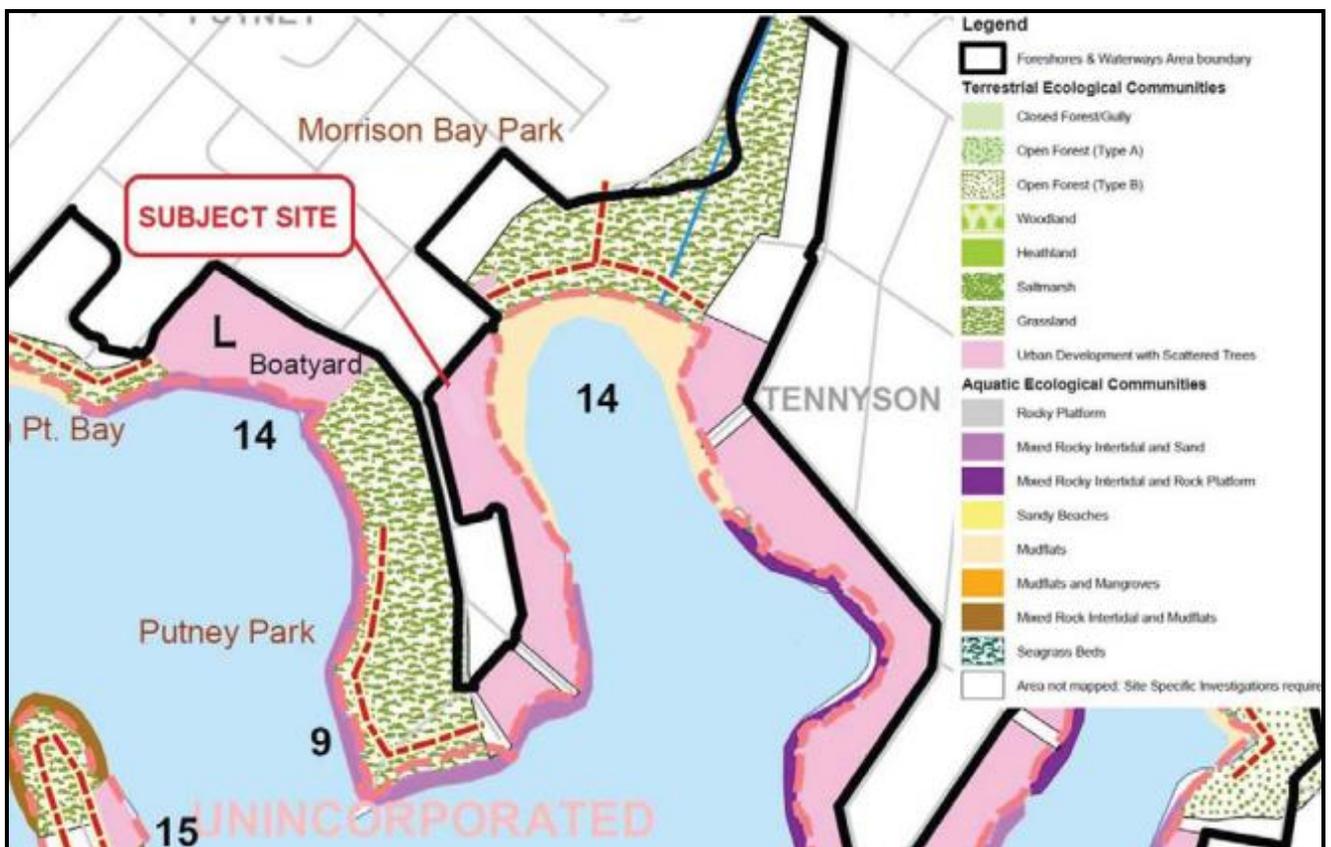
ATTACHMENT 4

Provision	Proposal	Compliance
<ul style="list-style-type: none"> Buildings should address the waterway; 	Building footprint and layout conducive to trend for surrounding waterfront properties.	Yes
<ul style="list-style-type: none"> Buildings should not obstruct views and vistas from public places to the waterway; 	From Jetty Road, a tiny portion of waterway is visible. However, due to its small size; this is not considered to be of a significant impact.	Yes
<ul style="list-style-type: none"> Buildings should not obstruct views of landmarks and features identified on the maps accompanying this DCP; and 	Proposal will not obstruct views of landmarks.	Yes
<ul style="list-style-type: none"> Where there are cliffs or steep slopes, buildings should be sited on the top of the cliff or rise rather than on the flat land at the foreshore. 	Site slopes towards the waterway however, no real change in building siting is proposed, just an increase in building size towards the base of the slope.	Yes
<p>5.4 Built Form</p>		
<ul style="list-style-type: none"> Care will be needed to ensure contrast of buildings scale or design to existing buildings enhances the setting; 	Building scale is in character with surrounding buildings.	Yes
<ul style="list-style-type: none"> Where undeveloped ridgelines occur, building should not break these unless they have a backdrop of trees; 	Undeveloped ridgeline does not occur.	N/A
<ul style="list-style-type: none"> Development's façade and roof line is broken up into smaller elements and uses pitched roofs; 	Style of roof is a flat roof. 1 st floor is considerably smaller in size to allow development and roof to step down and reduce in bulk towards the rear.	Yes
<ul style="list-style-type: none"> Walls and fences are kept low enough to allow views of private gardens from the waterway; 	No change to existing walls and fences.	Yes
<ul style="list-style-type: none"> External lights should be directed downward, away from the water; 	No external lights proposed.	Yes
<ul style="list-style-type: none"> Use of reflective materials is minimised; 	Reflective materials minimised.	Yes
<ul style="list-style-type: none"> Colours sympathetic with their surrounds; 	Colours will be complimentary to surrounding development.	Yes
<ul style="list-style-type: none"> Cumulative visual impact of a number of built elements on a 	Minimal cumulative visual impact.	Yes

ITEM 2 (continued)

ATTACHMENT 4

Provision	Proposal	Compliance
<p>single lot are mitigated through bands of vegetation and by articulating walls and using smaller elements; and</p> <ul style="list-style-type: none"> Cumulative impact of development along the foreshore is considered having regard to preserving views of special natural features, landmarks or heritage items. 	<p>Minimal cumulative impact of the development along the foreshore.</p>	<p>Yes</p>

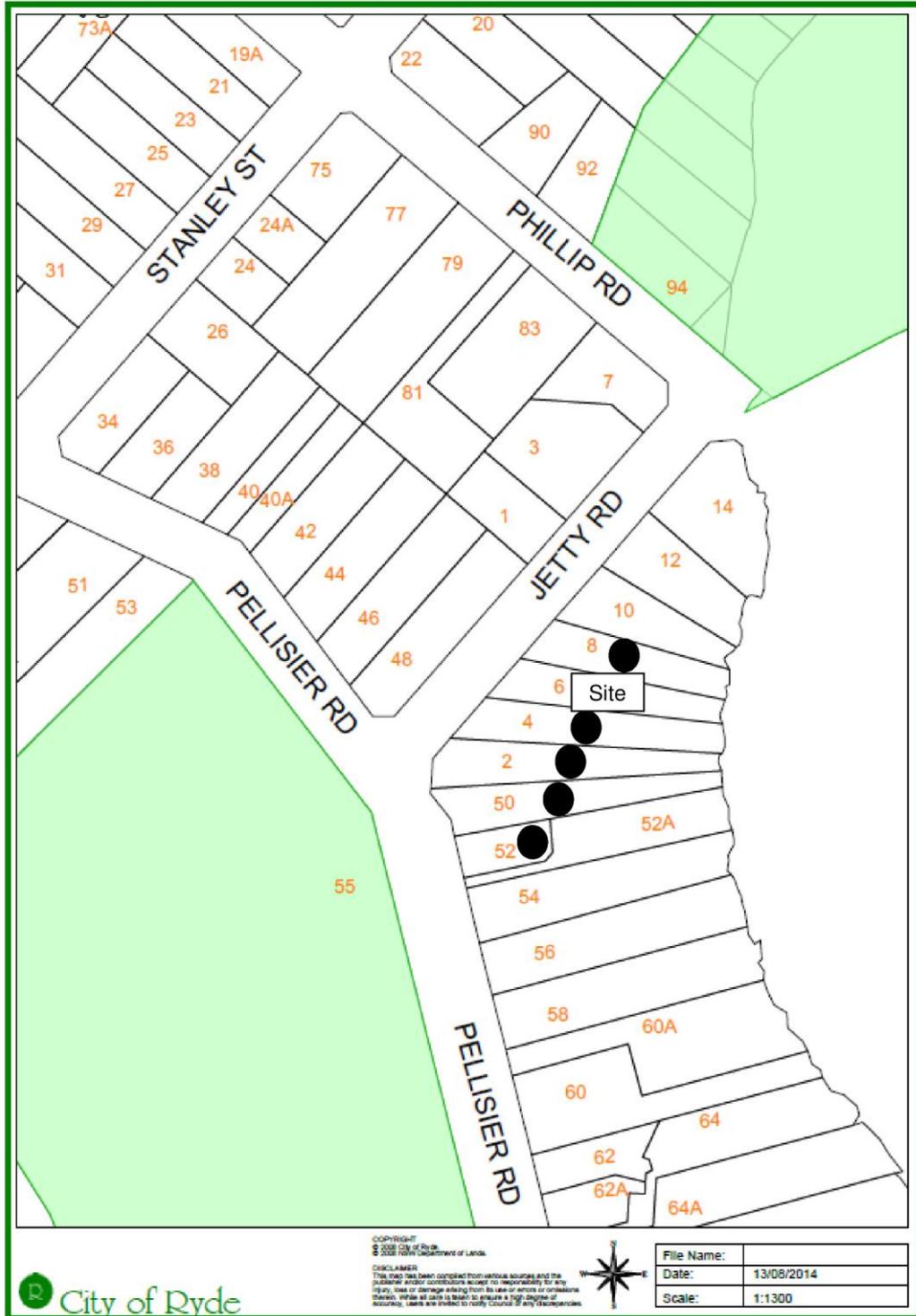


As illustrated in the map extract above, the subject site, being No. 6 Jetty Road, Putney is identified on the Landscape Character Map as having urban development (Terrestrial Ecological Community) classification.

ITEM 2 (continued)

ATTACHMENT 5

 Indicates submissions received.



ITEM 2 (continued)

ATTACHMENT 6

