



**30 JANUARY 2014**

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**NOTICE OF MEETING**

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You are advised of the following meeting:

**TUESDAY 4 FEBRUARY 2014.**

**Planning and Environment Committee Meeting No. 1/14**

**Committee Room 2, Level 5, Civic Centre, 1 Devlin Street, Ryde - 5.00pm**

**Meeting Date:** Tuesday 4 February 2014  
**Location:** Committee Room 2, Level 5, Civic Centre, 1 Devlin Street, Ryde  
**Time:** 5.00pm

**NOTICE OF BUSINESS**

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**1 CONFIRMATION OF MINUTES - Meeting held on 3 December 2013**

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**Report prepared by:** Meeting Support Coordinator**File No.:** CLM/14/1/3/2 - BP14/58

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**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 18/13, held on Tuesday 3 December 2013, be confirmed.

**ATTACHMENTS**

- 1 Minutes - Planning and Environment Committee - 3 December 2013

**ITEM 1 (continued)**

**ATTACHMENT 1**

Planning and Environment Committee  
**MINUTES OF MEETING NO. 18/13**

**Meeting Date:** Tuesday 3 December 2013  
**Location:** Committee Room 2, Level 5, Civic Centre, 1 Devlin Street, Ryde  
**Time:** 5.00pm

**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, Acting Service Unit Manager – Environmental Health and Building, Team Leader – Major Development, Senior Development Engineer, Consultant Town Planner – City Plan Strategy and Development, Team Leader – Assessment, Consultant Town Planner – Creative Planning Solutions, Business Support Coordinator – Environment and Planning, Section Manager – Governance and Meeting Support Coordinator.

**DISCLOSURES OF INTEREST**

Councillor Etmekdjian disclosed a Less than Significant Non-Pecuniary Interest in Item 2 – 58-60 Falconer Street, West Ryde – LDA2012/0124, for the reason that he lives in Falconer Street.

**1 CONFIRMATION OF MINUTES - Meeting held on 19 November 2013**

**RESOLUTION:** (Moved by Councillors Yedelian OAM and Laxale)

That the Minutes of the Planning and Environment Committee 17/13, held on Tuesday 19 November 2013, be confirmed.

**Record of Voting:**

For the Motion: Unanimous

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



**ITEM 1 (continued)**

**ATTACHMENT 1**

**2 58 - 60 FALCONER STREET, WEST RYDE. LOT 1 DP 953646 and LOT 2 DP102049. Demolition of 2 dwellings and construction of infill development under the Affordable Housing State Environmental Planning Policy - 10 strata titled town houses - LDA2012/0124.**

Note: Councillor Etmekdjian disclosed a Less than Significant Non-Pecuniary Interest in this Item for the reason that he lives in Falconer Street.

Note: Peter and Marina Kerrison (objectors on behalf of Ji Chen, Matthew Doane, Joseph Rizk and Mona Mourad), Tim Ireland (objector), John Nader (objector) and Tony Jreige (applicant) addressed the Committee in relation to this Item.

Note: A series of photographs were tabled by Marina Kerrison and a copy is ON FILE.

**MOTION:** (Moved by Councillors Yedelian OAM and Chung)

- (a) That Local Development Application No. 2012/0124 (as amended) at 58 to 60 Falconer Street, West Ryde being LOT 1 DP 953646 and LOT 2 DP102049 be approved subject to the **ATTACHED** conditions (Attachment 2).
- (b) That the persons who made submissions be advised of Council's decision.

**Record of Voting:**

For the Motion: Councillors Chung and Yedelian OAM

Against the Motion: Councillors Etmekdjian, Laxale and Pickering

As a result of the voting, the Motion was LOST. The matter was then AT LARGE.

**RECOMMENDATION:** (Moved by Councillors Pickering and Laxale)

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

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

**Particulars**

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

**ITEM 1 (continued)**

**ATTACHMENT 1**

- b) The proposal does not ensure that *"new development complements or enhances the local streetscape."*
2. The proposal is contrary to Section 79C(1)(a)(ii) of the *Environmental Planning and Assessment Act 1979* as it fails to satisfy the provisions of the Draft Ryde Local Environmental Plan 2011.

**Particulars**

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

**Particulars**

- a) The proposal is contrary to the objectives of Part 3.5 - Multi Dwelling Housing (attached) within the Low Density Residential Zone of the RDCP as it will:
- Not complement existing development and streetscape
  - Result in a housing development that is not designed to a high aesthetic standard
  - Adversely affect the amenity of occupants of adjoining land and
  - Result in a multi dwelling housing (attached) development of a scale that is not related to the character of the area
- b) The proposal does not comply with the minimum floor to ceiling height requirement of Part 3.5 of the RDCP.
- c) The proposal does not comply with the rear setback and second street frontage setback requirements of Part 3.5 of the RDCP.
- d) The garage and car parking layout dominates the development and is contrary to the provisions of Part 3.5 of the RDCP.
- e) The proposal has not demonstrated compliance with the accessibility requirements of Parts 3.5 or 9.2 of the RDCP.
- f) The proposal is unsatisfactory with regard to the Building Form requirements of Part 3.5 of the RDCP.
4. Pursuant to Section 79C(1)(b) of the *Environmental Planning and Assessment Act 1979*, the cumulative impacts of the proposed development's failure to comply with the provisions and requirements of State Environmental Planning Policy (Affordable Rental Housing) 2009, Ryde LEP 2010 and Ryde DCP 2010 will result in a development whose scale, form, density and design is inconsistent with existing development in the area and detract from the character and the amenity of the locality.

**ITEM 1 (continued)**

**ATTACHMENT 1**

5. Pursuant to Section 79C(1)(e) of the *Environmental Planning and Assessment Act 1979*, the proposed development is not in the public interest as the development is inconsistent with the scale and intensity of development that the community can reasonably expect to be provided on this site.
6. Pursuant to Section 79C(1)(e) of the *Environmental Planning and Assessment Act 1979*, the proposed development is not in the public interest, pertaining to the number of objections that have been received in relation to the proposal.

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

**Record of Voting:**

For the Motion: Councillors Etmekdjian, Laxale, Pickering and Yedelian OAM

Against the Motion: Councillor Chung

Note: This matter will be dealt with at the Council Meeting to be held on **10 DECEMBER 2013** as dissenting votes were recorded and substantive changes were made to the published recommendation.

**3 77 WHARF ROAD, GLADESVILLE - LOT 2 DP 536882. Development Application for alterations to the existing dwelling, including a new front fence and gates. LDA2012/272**

Note: Christian Farrell (applicant) addressed the Committee in relation to this Item.

**RESOLUTION:** (Moved by Councillors Chung and Pickering)

- (a) That Local Development Application No. LDA2012/272 at 77 Wharf Road, Gladesville, being LOT 2 DP536882 be approved subject to the conditions contained in **Attachment 1**.
- (b) That Council resolves to seek amended plans in relation to the Building Certificate application (Council Reference BCT2012/39) which delete the first floor 'drying room', and further that this drying room be demolished and removed from the building within 90 days of the date of the DA approval.
- (c) That the persons who made submissions to the original application and those who attended the Mediation Meeting 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.

**ITEM 1 (continued)**

**ATTACHMENT 1**

The meeting closed at 5.57pm.

CONFIRMED THIS 4TH DAY OF FEBRUARY 2014.

Chairperson

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**2 20 AMIENS STREET, GLADESVILLE - LOT A DP 27326. Development Application for demolition and construction of a new part 2 / part 3 storey dwelling, pool, front fence and landscaping. LDA2013/0211.**

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**Report prepared by:** Team Leader - Assessment; Creative Planning Solutions  
**Report approved by:** Manager Assessment; Group Manager - Environment & Planning

**Report dated:** 22/01/2014

**File Number:** grp/09/5/6/2 - BP14/70

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### 1. Report Summary

**Applicant:** Alec Pappas Architects Pty Ltd

**Owner:** Graham Perry

**Date lodged:** 22 June 2013 (amended plans received 2 October 2013)

This report considers a development application for the demolition works to an existing dwelling house and associated structures, and the construction of a part 2 / part 3 storey dwelling house, swimming pool, front fence and associated site landscaping.

This development application has been notified to neighbours and a total of twenty (20) submissions were received – ten (10) submissions in relation to the original DA notification, and a further ten (10) submissions regarding the amended plans, raising similar issues to the original notification. The submissions are generally opposed to the development on the following key grounds:

- View loss;
- Three-storey dwelling house;
- Roof terrace;
- Privacy and overlooking;
- Bulk and scale
- Tree removal; and
- Loss of solar access

The proposal has been assessed against the provisions of Council's DCP (Ryde DCP 2010), and has minor areas of non-compliance in regard to the following controls:

- Topography and excavation
- Number of Storeys (ie minor part of dwelling is three storeys)
- Car parking (ie number of parking spaces exceeded, and ramps provided within 2m of boundary)
- Pool coping height
- Trafficable roof area
- Pier width on front fence
- Front setback

**ITEM 2 (continued)**

The proposal has been assessed against the heads of consideration of Section 79C of the Environmental Planning and Assessment Act 1979 and the following has been determined:

- The proposal is complying when assessed against the mandatory requirements and objectives of the relevant environmental planning instruments pertaining to the subject site, including the Ryde Local Environmental Plan 2010, and Draft Ryde Local Environmental Plan 2011;
- The proposal is satisfactorily complying when assessed against the provisions and objectives of the Ryde Development Control Plan 2010;
- The likely environmental impacts of the proposed development have been considered and determined to be satisfactory when having regard to both the natural and built environment, and social and economic impacts in the locality;
- The proposed dwelling house is considered to be suitable for the site on which it is to be constructed.

There is, however, an issue of concern raised in the assessment by Council's Heritage Officer. Some further design changes are required to protect the amenity of the group of houses which are heritage listed across the road in Amiens Street.

On this basis, the subject development application is recommended for approval subject to conditions. Specifically, it is recommended that a Deferred Commencement consent be issued requiring the applicant to undertake minor modifications to the roof design (including the front gable and associated roof structure over the loft room and balcony on the top level), to reduce the overall height and minimise the loss of water views from the heritage items across Amiens Street.

**Reason for Referral to Planning and Environment Committee:** (Requested by the Mayor Councillor Maggio and Councillor Simon).

**Public Submissions:** A total of 20 submissions received – 10 submissions received regarding the original DA, and a further 10 submissions received regarding the amended plans.

**Clause 4.6 Ryde LEP 2010 objection required?** None required.

**Value of works:** \$1,309,644.75

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

**ITEM 2 (continued)**

**RECOMMENDATION:**

- a) That LDA2013/0211 at 20 Amiens Street, Gladesville being LOT A DP 27326 be approved subject to the **ATTACHED** (Attachment 1) conditions.
- b) That the persons who made submissions be advised of Council's decision.

**ATTACHMENTS**

- 1 Draft conditions
- 2 DCP 2010 compliance table
- 3 Comprehensive view assessment
- 4 Map
- 5 A4 plans
- 6 A3 plans - subject to copyright provisions - CIRCULATED UNDER SEPARATE COVER

Report Prepared By:

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

**Ben Tesoriero Planning Consultant**  
**Creative Planning Solutions**

Report Approved By:

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

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



**ITEM 2 (continued)**

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

- Address** : 20 Amiens Street, Gladesville (Lot A in DP 27326)
- Site Area** : 1,321.55m<sup>2</sup> (Deposited Plan 27326)  
Site Frontage (Amiens Street): 39.305m (survey)  
Western Boundary (articulated): 52.68m (survey)  
Southern Boundary: 15.24m (survey)  
Eastern Boundary: 43.985m (survey)
- Topography and Vegetation** : The topography of the subject site displays a fall in the land of approximately 7.5m from the front boundary to Amiens Street to the rear of the property. Existing vegetation on the subject site consists of several trees and shrubs in varying size and species. There are no street trees on the nature strip in front of the property.
- Existing Buildings** : There are currently two (2) cottages on the subject site which are approximately 80 years old. The existing buildings are positioned toward the front of the subject site. There is also an above-ground swimming pool located in the rear yard of the subject site. The property is bound at the front and side by an open metal fence, while a timber paling fence aligns the rear boundary.
- Planning Controls Zoning** : R2 – Low Density Residential under Ryde LEP 2010  
R2 – Low Density Residential under draft Ryde LEP 2011
- Other** : Ryde DCP 2010, SEPP(Building Sustainability Index: BASIX) 2004



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



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

Name of Councillor	The Mayor Councillor Maggio
Nature of the representation	Call-up to Planning & Environment Committee
Date	27 July and 29 July 2013
Form of the representation	Emails to Councillor Help Desk
On behalf of applicant or objectors?	Objectors at No 7 Pile Street
Any other person (e.g. consultants) involved in or part of the representation	No

Name of Councillor	Councillor Simon
Nature of the representation	Call-up to Planning & Environment Committee
Date	8 August 2013
Form of the representation	Email to Group Manager Environment & Planning
On behalf of applicant or objectors?	Unknown
Any other person (e.g. consultants) involved in or part of the representation	No

**4. Political Donations or Gifts**

None disclosed in applicant's development application submission or in any submission received.

**5. Proposal**

The following outlines the scope of works proposed as part of the development application activity at 20 Amiens Street, Gladesville:

**Demolition**

Development consent is sought for the demolition of all existing structures on the subject site, which includes two (2) cottages and an above ground swimming pool.

**Construction**

Development consent is sought for the construction of a part 2/ part 3 storey dwelling house, swimming pool, front fence and associated landscaping.

## **ITEM 2 (continued)**

Specifically, the ground floor of the proposed dwelling is to include a garage, plant room, wine tasting room with wine cellar, storage room, gym, theatre and games room, laundry, water closet, bedroom four of the dwelling house, and bedroom five of the dwelling house which includes an en-suite bathroom. Also on the ground floor level is a lift and staircase providing access to the first floor of the dwelling house.

External to the dwelling house on the ground floor is an outdoor terrace, colonnade and porch area with external stairs leading down to the terraced rear yard area.

The first floor of the dwelling house includes the main dwelling entry area, along with the master bedroom, bedroom one and bedroom two of the dwelling house with each of these bedrooms including a walk-in robe and en-suite bathroom. The first floor of the dwelling house also includes a study room, water closet, laundrette, pantry room, kitchen, meals, lounge and dining room, a cloak room, along with a lift and staircase providing access to the ground floor and rooftop level.

External to the dwelling house on the first floor is an outdoor terrace area, BBQ area and balcony off the rear of the dwelling house, while a verandah extends across the front of the dwelling house.

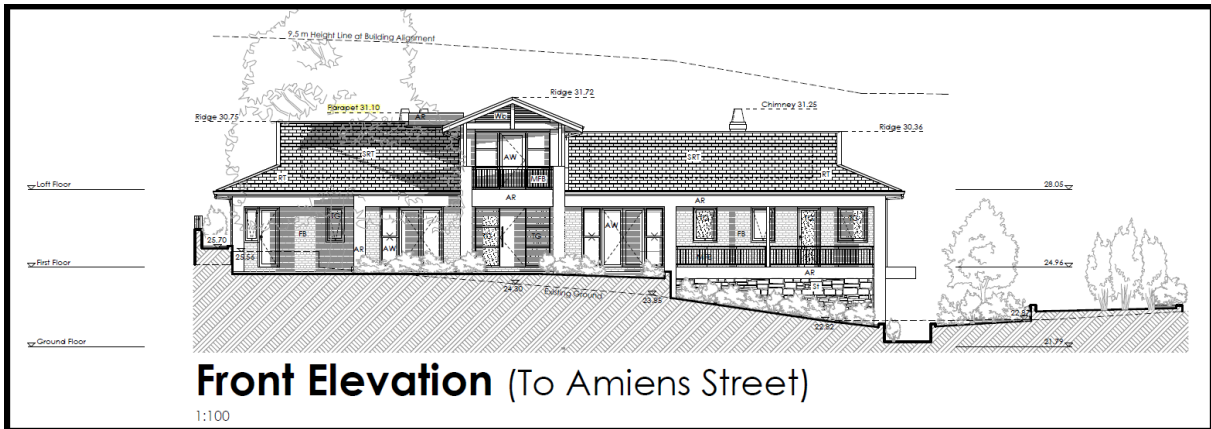
The roof top level of the dwelling house includes a loft area, balcony toward the front of the dwelling house, and terrace to the rear of the dwelling house which is incorporated into the roof cavity of the dwelling house. A staircase and lift on this level provide access to the first floor of the dwelling house below.

The rear yard of the dwelling house is to incorporate a terraced type design which is similar to the existing arrangements for the site due to the relatively steep nature of the land. Within the rear yard a new swimming pool with a water slide is proposed, along with soft and hard landscaping treatments.

The front yard of the subject site is to include a verandah extending along the front of the dwelling house with a courtyard in the north-eastern corner, and driveway in the north western corner. A new front fence along the Amiens Street boundary is also proposed, along with hard and soft landscaping features within the front setback area in a terraced garden type arrangement.

The following drawings are the architectural plan (Front Elevation), and an isometric projection/perspective depicting the development when viewed from the north-west corner.

**ITEM 2 (continued)**



**Front Elevation**



**Isometric projection/perspective view of the proposed development from a high level on the north-west corner of the site adjacent to Amiens Street.**

**6. Background**

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

- Development application LDA2013/0211 lodged with Council on 22 June 2013;
- Notification of the subject development application in accordance with Part 2.1 of the Ryde DCP 2010 took place from 28 June 2013 to 19 July 2013.

**ITEM 2 (continued)**

- A total of ten (10) submissions generally objecting to the proposed development were received from adjoining land owners;
- Letter sent to applicant on 29 July 2013 outlining the following issues which required additional information:
  - Compliance issues with proposed development exceeding maximum prescribed building height limit under the Ryde LEP 2010 / Ryde DCP 2010 by 520mm;
  - Compliance issues with proposed development not providing adequate privacy screening from the proposed swimming pool coping;
  - Compliance issues with the proposed development providing fence piers exceeding the maximum width of 350mm as prescribed under the Ryde DCP 2010;
  - Issues associated with the proposed development's impact on vicinity heritage items and the requirement for a Heritage Report prepared by a suitably qualified person to be submitted to Council for assessment.
- On 27 August 2013 a meeting was held with the applicant, land owner, Council's consultant assessment planner, and Council's Team Leader of Development Assessment to provide the applicant with more information relating to Council's request for additional information.
- For the purposes of completing an assessment of view impact against the Planning Principle of Tenacity Consulting v Warringah [2004] NSWLEC140) (as discussed later in this Report), a meeting was held on-site with the objectors living directly opposite (ie 27, 29, and 31 Amiens Street) and the land owner of the subject site on the 18 September 2013.
- On 2 October 2013, additional information was submitted to Council from the applicant which includes a revised set of plans in response to Council's issues raised, along with a written response to town planning issues raised by the applicant's consultant planner, and a Statement of Heritage Impact prepared by the applicant's heritage consultant. In summary, the amended proposal included a change to the roof design at the top level (at rear, above the loft), and provision of a 1.8m high privacy screen to the south-western corner of the swimming pool.
- In accordance with Council policy, property owners were re-notified of the amended application on 9 October 2013. Submissions about the amended proposal closed on 25 October 2013.
- A further ten (10) submissions objecting to the amended proposal were received by Council.

**ITEM 2 (continued)****7. Submissions**

The subject development application as originally lodged with Council was notified in accordance with Part 2.1 of the Ryde Development Control 2010 from 28 June 2013 to 19 July 2013.

When amended plans were received (on 2 October 2013), the DA was re-notified to the adjoining owners and all previous objectors for a period between 10 and 25 October 2013. A further ten (10) submissions were received, raising similar issues to those raised in the original submissions.

The key issues raised in the submissions are summarised and discussed as follows.

**A. View loss**

*Concerns have been raised from neighbouring properties that the proposed development will result in unacceptable view loss.*

Assessment Officer's Comment

The Land and Environment Court has established "planning principles" in relation to impacts on views from neighbouring properties. In *Tenacity Consulting P/L v Warringah Council (2004) NSWLEC 140*, Commissioner Roseth states that "the notion of view sharing is involved when a property enjoys existing views and a proposed development would share that view by taking some of it away for its own enjoyment".

In deciding whether or not view sharing is reasonable, Commissioner Roseth set out a 4 step assessment in regards to '*reasonable sharing of view*'. The following are Commissioner Roseth's 4 steps followed by the Assessment Officer's comments in relation to the proposed development and the objections on the basis of view loss from the adjacent dwellings on the northern side of Amiens Street.

Held at **Attachment 3** is a full and comprehensive View Impact Assessment prepared in relation to the proposal, having regard to the abovementioned Land and Environment Court's Planning Principles.

Although this View Impact Assessment concludes that the view impact is generally acceptable, it is considered that design modifications can be readily undertaken to further improve retention of available views as well as reducing the overall bulk and scale of the proposed dwelling when viewed from the front.

Accordingly, it is recommended that a Deferred Commencement consent be imposed as follows:



**ITEM 2 (continued)**

*Amendment of the front gable and associated roof structure over the Loft Room and Balcony on the top level; to reduce the overall height and minimize the loss of water views from the heritage items located across Amiens Street.*

**B. Three storey component of the proposed development.**

*Concerns are raised over the three storey component of the proposed development.*

**Assessment Officer's Comment**

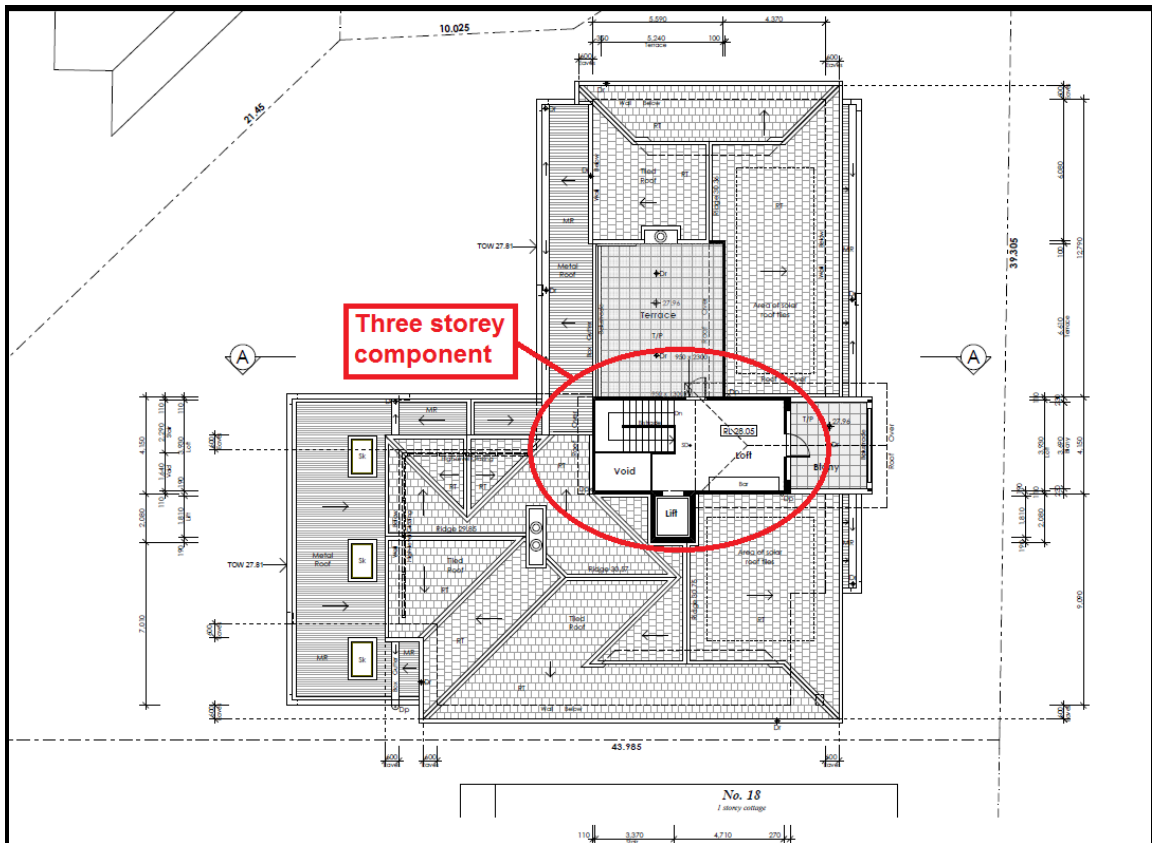
As detailed in more detail later in this report and as above in the response to objection on the basis of 'View Loss', the proposed three-storey component of the proposed dwelling house is considered acceptable on the following basis:

- As demonstrated in the isometric projections of the proposed dwelling house (see **Proposal** above) the dwelling primarily presents as a single storey dwelling house with a loft/dormer type roof element when viewed from Amiens Street. As a result, the proposed development is not considered to negatively impact upon the streetscape or present as a visually dominant building.
- The proposed dwelling house is considered to be consistent with the emerging character of modern dwelling house development closer to the waterfront areas of Gladesville, Tennyson Point, and Putney. The streetscapes of the surrounding area are characterised by three-storey development that has either been constructed, is under construction, or recently approved by Council. Many examples are identified including the following dwelling houses within the immediate vicinity of the site - 37 Amiens Street, 43 Amiens Street, adjoining the subject site at 11 Pile Street, 7 Pile Street, 5 Pile Street, and 3 Pile Street etc.
- The proposed dwelling complies with the maximum 9.5m height limit prescribed under the mandatory provisions of the Ryde LEP 2010, and the planning controls of the Ryde DCP 2010;
- When viewed from the surrounding streets and the water of Parramatta River it is considered that the development will be significantly screened by existing large three-storey dwelling house development along Pile Street and mature vegetation within the area.
- Impacts upon privacy as a result of the number of storeys have been mitigated through appropriate building location on the site and architectural design measures to ensure the privacy and amenity of the neighbouring allotments is not affected.

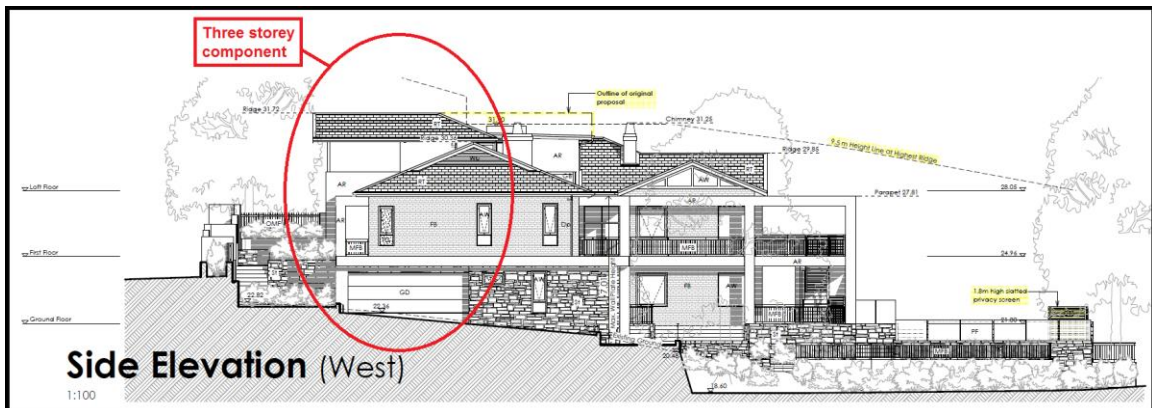
**ITEM 2 (continued)**

In this regard, objections in relation to the proposed development on the basis of excessive height as a result of the partial third storey are not supported in this instance.

The extent of the three-storey component in this development is shown in the following drawings (roof plan and west elevation):



**Roof Plan showing extent of 3 storey component**



**West Elevation showing extent of 3 storey component**

**ITEM 2 (continued)**

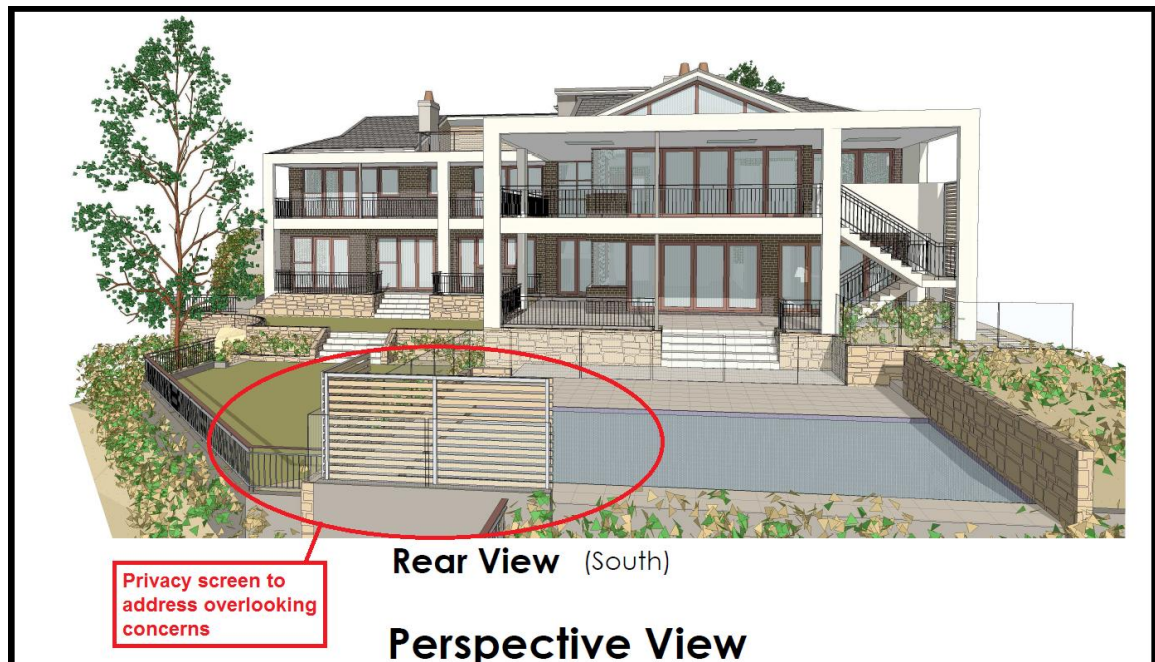
**C. Coping height of the proposed swimming pool/privacy impacts.**

*Concerns have been raised from the adjoining property at 7 Pile Street with regard to the height of the proposed swimming pool relative to the property and lack of mitigating measures.*

Assessment Officer's Comment

As outlined in the DCP Compliance assessment section of this report, the initial assessment of the proposed development identified that there was the potential for overlooking from a portion of the pool coping which is located up to 1.99m above existing ground level, and effectively 1.5m higher than that prescribed under the development controls for pool coping heights under the Ryde DCP 2010.

As such a request for additional information, along with subsequent meetings with the applicant brought about changes to the proposed design which now include the installation of a 1.8m high 'L' shaped privacy screen to the coping of the swimming pool to ensure privacy is maintained to adjoining properties to the south via reduced opportunities for overlooking, as shown in the following drawing:



Rear view (south) showing privacy screen to address overlooking concerns.



**ITEM 2 (continued)**

Although not complying with the swimming pool controls within the Ryde DCP2010, the proposed pool coping height can now be supported for the following reasons:

- The installation of a 1.8m 'L' shaped privacy screen in the south-western corner of the proposed pool area is considered to effectively reduce the potential for overlooking of adjoining property to the south.
- The area where the non-compliance with the pool coping height limit occurs is only for a small portion (2m<sup>2</sup>) of the overall pool area and confined to the south-western corner;
- The area where the pool coping height is exceeded would largely only be utilised for access around the perimeter of the pool rather than for entertainment purposes;
- Existing and proposed vegetation along the southern boundary of the subject site is considered to afford adjoining development to the south with adequate privacy screening to minimise overlooking from the swimming pool coping area.;
- Due to the steep nature of the topography and the multiple terraced levels across the site, it is considered difficult to create a pool that does not require elevated coping heights or alternatively additional excavation;
- An existing above ground swimming pool is located in a similar location to that of the proposed swimming pool. Accordingly the location and nature of the proposed swimming pool would not alter all that significantly over the existing arrangements.

Accordingly, based on the outcomes the design modifications to include the privacy screen to the swimming pool, it is considered that the privacy impacts raised from 7 Pile Street have been adequately addressed in the amended plans.

**D. Scale of the proposed development not in keeping with street.**

*Concerns are raised that the proposed development is not in keeping with the street in terms of its bulk and scale.*

**Assessment Officer's Comment**

As demonstrated in Section 9 of this report, the proposed development complies with the bulk and scale provisions of the Ryde LEP 2010, Draft Ryde LEP 2011 and the Ryde DCP 2010. Specifically, the proposed dwelling house complies with Council's floor space ratio control of 0.5:1, building height control of 9.5m, and front, side and rear setback controls.

It is important to note that the proposed development is to take place on a very large site within the Gladesville area that has area of 1,321.55m<sup>2</sup> and boundary to Amiens Street of almost 40m. For comparison, other allotments adjacent to

**ITEM 2 (continued)**

the site have a frontage to Amiens Street of approximately 13-14m, and as such represent a third of the length of the subject property.

Additionally the proposed dwelling house on the subject site has a frontage width to Amiens Street of approximately 25m, as opposed to dwellings adjacent which have a width of approximately 9-10m.

Given the size of the subject site, it is important to consider the cumulative mass of up to three dwelling houses on the subject site in order to compare the build form of the proposed development with other small allotment development in the street.

Having regard to the proposed development's compliance with the bulk and scale provisions, and also the size of the subject site the dwelling house is to be built on, it is generally considered that the proposal is consistent with the low density character of the area and as such the objections on bulk and scale are not valid. However, in order to address concerns regarding impacts on views and also visual impacts, it is recommended that a deferred commencement consent be issued as stated in the recommendation below.

**E. Impact on heritage**

*Concerns are raised over the impacts of the proposed development on the dwelling house heritage items located adjacent to the subject site on the opposite side of Amiens Street.*

**Assessment Officer's Comment**

An additional information request was issued to the applicant of the subject development application to provide a report prepared by a suitably qualified heritage consultant on the impact of the proposed development on vicinity heritage items.

A Statement of Heritage Impact prepared by Rappoport on 29 September 2013 was submitted to Council in response to the additional information request.

This report concludes the following:

- The proposed infill development responds favourably to the character of Amiens Street;
- The form of the proposed development is compatible with the Federation Period housing in the area; and
- Proposed form and materials as they present to the street are compatible with the Federation character of the area.

## ITEM 2 (continued)

Furthermore, as part of the development assessment of the proposal, this development application was referred to Council's Heritage Officers for comment (see Referrals section of this report below).

As noted throughout this report, it is recommended that a Deferred Commencement consent be issued to address issues of concern regarding visual and view impacts including those raised from the heritage properties opposite.

### F. Roof terrace

*Concerns are raised over the proposed roof terrace that is to be incorporated into the roof cavity of the proposed development and its subsequent impact on privacy/overlooking.*

#### Assessment Officer's Comment

Although concerns regarding potential impacts from the roof terrace are noted, the proposed roof terrace is considered acceptable on the following basis:

- The proposed terrace is wholly incorporated into the pitched roof cavity of the dwelling house, and as such is largely indiscernible from the public domain;
- As the proposed roof terrace is incorporated into the pitched roof cavity, it is bordered by three of its four sides effectively limiting the view from the terrace to the south over the Parramatta River area. As such minimal opportunities for overlooking and resultant loss of privacy are envisaged from persons standing or seated on the terrace;
- The trafficable area of the terrace is only approximately 14.7m<sup>2</sup>, which represents less than 10% of the overall roof area;
- The proposed terrace is setback approximately 20m from the rear boundary which provides a satisfactory separation distance from the terrace to adjoining property to minimise privacy impacts from overlooking;
- Balustrading for the terrace is setback 2.5m from the edge of the metal roof which effectively reduces the viewing angle from the terrace so as to constrain views to the distant south over Parramatta River rather than over adjoining property to the rear;
- The floor level of the terrace is set 3.76m below the upper ridge level of the roof of the loft effectively being only approximately 7.2m above the existing ground level on the site. As such the proposed roof terrace would be no higher above existing ground level than a typical balcony or terrace on any other two storey dwelling house complying with the upper building height limit of 9.5m under the Ryde LEP 2010.

The roof plan (earlier in this report) shows the location of the roof terrace.

**ITEM 2 (continued)****G. Impact on vegetation**

*Concerns are raised that the proposed development will have an unacceptable impact on site vegetation through proposed tree removal. Concerns are also raised that this will result in privacy and overlooking issues upon No 7 Pile Street from other properties to the north (eg 16 and Amiens Street).*

**Assessment Officer's Comment**

An Arboricultural Assessment Report has been submitted to Council with the subject development application.

This Arboricultural Assessment Report generally recommends that of the fourteen (14) trees identified on the subject site, three (3) be retained and protected, while eleven (11) other trees be removed and replaced with alternate planting following completion of the building works in accordance with landscape documentation prepared by Michael Siu Landscape Architects Pty Ltd Ref: L01/1-K18101 dated 9 May 2013.

As part of the development assessment of the proposal, this development application was referred to Council's Consultant Landscape Officers for comment. The response from the Council's Landscape Officers generally supports the recommendations contained within the Arboricultural Assessment Report with the addition of a 2.4m Tree Protection Zone to be established in relation to a 'Cheese Tree' identified on neighbouring property to the south of the subject site.

As such, an appropriate condition of consent will be included to ensure the protection of the abovementioned tree, however further than that, due to the expert advice received in relation to the proposed tree removal, the neighbouring objectors' concerns have been suitably addressed.

Particular concern has been raised regarding removal of trees near the boundary between the subject site and No 7 Pile Street (to the rear), and the impacts that this will have on the privacy of that property (eg from overlooking from other properties such as No 16 and 18 Pile Street). The Arborist report submitted with the DA has noted that the trees near the boundary are mostly exotic species (such as a *Castanospermum austral* "Black Bean" and also a *Olea Africana* "Wild Olive"), and in the case of the Black Bean, it is of low vigour with dieback of upper crown occurring. The existing trees in the rear yard are very close to the proposed development (particularly the swimming pool and related structures) and so they are unlikely to survive construction impacts or be viable in the longer term.

## ITEM 2 (continued)

### H. Loss of solar access

*Concerns are raised that the proposed development will result in unacceptable overshadowing of adjoining property and as such will lead to loss of solar access.*

#### Assessment Officer's Comment

The Ryde DCP 2010 provides controls to ensure that new development affords neighbouring properties with satisfactory levels of solar access by reducing overshadowing of dwelling houses and private open space areas. In particular, DCP 2010 contains the following requirements for overshadowing of neighbouring properties:

*For neighbouring properties ensure:*

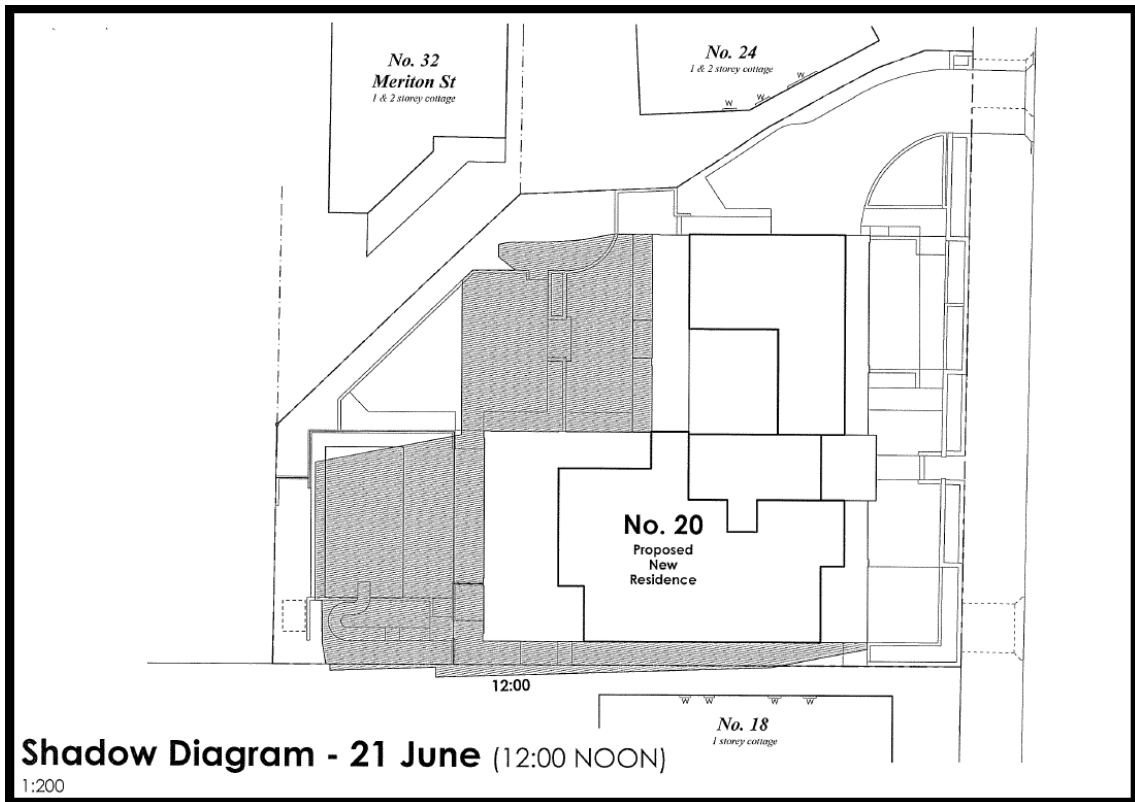
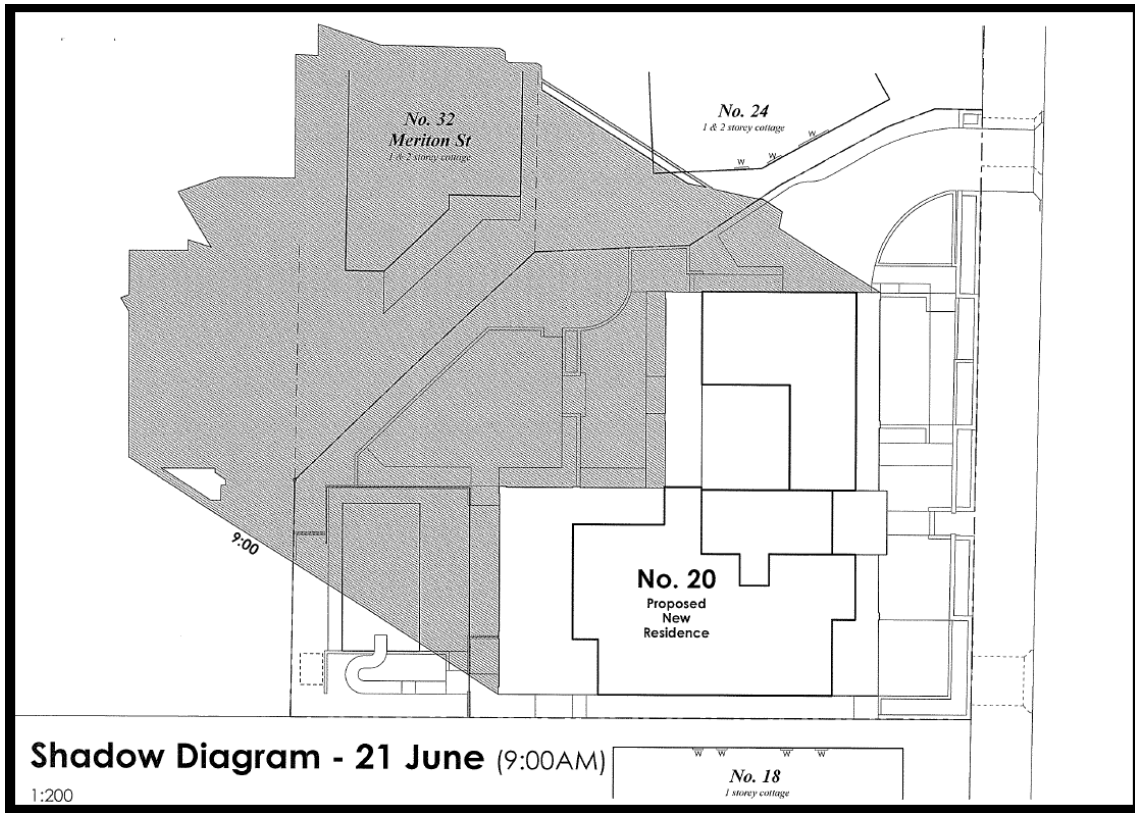
- *sunlight to at least 50% of the principal area of ground level private open space of adjacent properties is not reduced to less than two hours between 9am and 3pm on June 21, and*
- *windows to north-facing living areas of neighbouring dwellings receive at least 3 hours of sunlight between 9am and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

In this regard, shadow diagrams submitted with the subject development application (see below) demonstrate that due to the favourable orientation of the allotment, and compliant setbacks, building height and floor space ratio, neighbouring properties will maintain greater than 3 hours solar access to north facing living windows and private open space areas, and therefore achieve compliance with the controls in DCP 2010 for overshadowing of neighbouring properties.

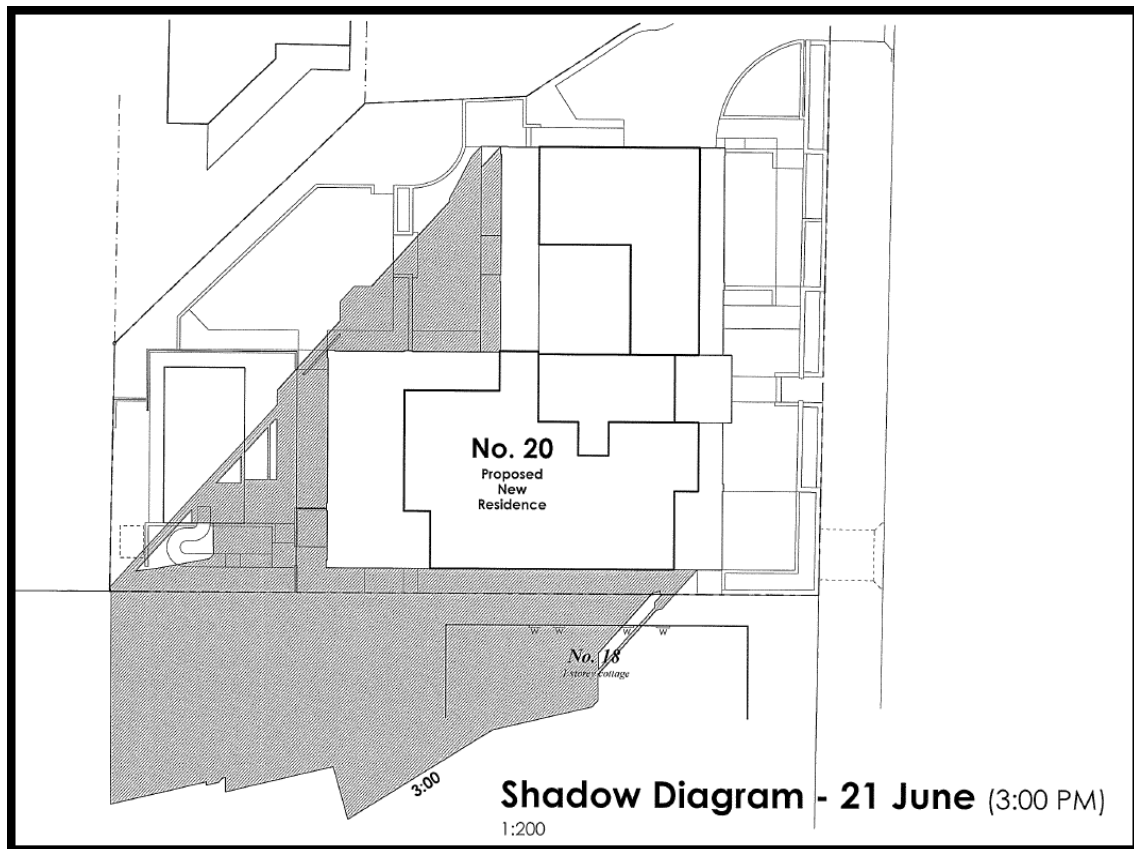
In particular, whilst the adjoining properties at No 32 Meriton, 34 Amiens and to a lesser extent 11 and 13 Pile Street to the south is substantially overshadowed at 9am, the shadows will have completely cleared these properties by 12noon, thus ensuring that they can receive 3 hours sunlight to private open space areas and north facing living room windows. Similarly, whilst the adjoining properties at No 16 and 18 Amiens Street would begin to be affected by shadows from the proposed development after 12 noon, they would be able to receive at least 3 hours (morning) sunlight to private open space areas and north facing living room windows.



**ITEM 2 (continued)**



**ITEM 2 (continued)**



**I. Potential overlooking from proposed waterslide into pool**

*Concerns are raised from 16 Amiens Street in relation to the proposed waterslide and overlooking that may result from adults using the slide.*

Assessment Officer's Comment

A review of the plans submitted with the proposed development reveal that the waterslide is to predominantly follow the existing ground levels of the site which falls considerably from a north to south direction. In this regard, as the waterslide is not necessarily located on an elevated structure, but rather incorporated mostly into existing ground level, it is not considered that any significant opportunities for overlooking would result over than of the existing ground levels of the site.

As such, objections to the waterslide component of the proposed development are not supported.

**J. Cut and Fill**

*Concerns have been raised over the proposed levels of cut and fill associated with the proposed development.*

**ITEM 2 (continued)**Assessment Officer's Comment

As detailed in the DCP Compliance section of this report below, the proposed levels of cut and fill associated with the proposed development are considered acceptable for the following reasons:

- The existing ground level on the subject site is already highly modified compared to that which would have been natural ground levels. This is the outcome of extensive cut and fill across the site to create a range of terraced levels stepping down the site from the street.
- The proposed development works across the site are to be terraced so as to follow the existing modified topography of the site and reduce the need for cut and fill;
- Outside of the building footprint the areas of non-compliance relate primarily to the elevated swimming pool areas at the rear of the dwelling which have been suitably screened as part of amended design changes;
- The subject site has a fall of approximately 7.75m from the front Amiens Street boundary to the rear which effectively makes it difficult to secure feasible level building platforms and usable private open space areas, as such cut and fill is considered somewhat necessary;
- Privacy screens, utilisation of existing vegetative screening, and large setbacks have been implemented across the development site to minimise the impacts of privacy/overlooking;
- The steep topography of the subject site and surrounding area makes it difficult to adhere to the maximum cut and fill levels; and as such a merit based assessment focusing on the objectives of the controls is considered the most appropriate way of assessing the impacts of this non-compliance.

As demonstrated in the DCP Compliance assessment Section of this report, when having regard to the above justifications and also the objectives of the cut and fill controls contained within the Ryde DCP 2010, it is clear that the proposed development is satisfactory and the objections to the proposal on the basis of cut and fill are not considered valid.

**K. Front boundary setback distance.**

*Concerns are raised over the proposed front boundary setback where the entrance portico is located.*

Assessment Officer's Comment

The Ryde DCP 2010 indicates that dwellings are generally to be setback 6m from the street front boundary, and that this is to be measured from the allotment boundary to the outside wall or the outside face of a deck balcony or the like.



## **ITEM 2 (continued)**

The proposed development has a setback from Amiens Street of 6m, however a minor encroachment of 390mm into this 6m setback occurs as a result of the articulation for the entrance portico.

Nevertheless, it is noted that the front setback control is states as 'generally 6m' to take into account those streets whereby the prevailing street setback is either less or greater than this amount and the need for consistency.

In this regard it is noted that the front setbacks of dwelling houses adjoining and adjacent to that of the subject site along Amiens Street has been measured as being between 3-5m.

Accordingly, the proposed development with a front setback of 6m, and 5.6m for the entrance portico is considered to comply with the provisions of the front setback control contained within the Ryde DCP 2010.

Therefore objection to the proposed development on the basis of the proposed front setback is not supported.

### **8. Clause 4.6 Ryde LEP 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 proposal is permissible with Council's development consent.

#### **Mandatory Requirements**

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

##### Clause 4.3 – Height of buildings

The objective of clause 4.3 of the Ryde LEP 2010 is generally to maintain the desired character and proportions of a street, and minimise overshadowing to ensure adequate solar access

**ITEM 2 (continued)**

Specifically, 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.

As demonstrated in the DCP 2010 Compliance assessment, when using the relevant definitions provided within the Ryde LEP 2010, the proposed development, as amended, has a maximum building height of 9.4m, therefore complying with the maximum height of buildings under the mandatory provisions of the Ryde LEP 2010.

It is also noted that the shadow diagrams submitted with the subject development application demonstrate overshadowing has been minimised to ensure a compliant level of solar access is maintained to the subject site and adjoining property in accordance with the Ryde DCP 2010.

Accordingly the amended proposed development is considered to be consistent with the objectives of the height of buildings development standard.

**Clause 4.4 – Floor space ratio**

The objective of clause 4.4 of the Ryde LEP 2010 is generally to provide effective control over the bulk of future development, allow appropriate levels of development for specific areas.

Specifically, this clause states that the maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the 'Floor Space Ratio Map'.

As demonstrated in the DCP 2010 Compliance assessment, when using the relevant definitions provided within the Ryde LEP 2010, the proposed development, as amended, has a maximum floor space ratio of 0.495:1, therefore complying with the maximum floor space ratio limit under the mandatory provisions of the Ryde LEP 2010.

Accordingly the proposed development is considered to be consistent with the objectives of the floor space ratio development standard as the bulk of the development is at a complying level.

**(b) Relevant State Environmental Planning Policies (SEPPs)****State and Sydney Regional Environmental Planning Policies**

SEPP BASIX: A BASIX Certificate has been submitted with this application.

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

**ITEM 2 (continued)****(c) Any draft LEPs**

A Section 65 Certificate enabling the formal exhibition of Draft Local Environmental Plan 2011 was issued by the Department of Planning and Infrastructure on 23 April 2012. The Draft Plan has been placed on public exhibition between 30 May 2012 and 13 July 2012. Under this Draft LEP, the zoning of the property is R2 Low Density Residential. It is considered that the proposal is not contrary to the objectives of the Draft LEP or those of the proposed zoning.

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

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

It should be noted that there has been a new Section of the Environmental Planning & Assessment Act 1979 regarding flexibility in implementing DCP requirements as part of the assessment of DAs.

Section 79C(3A)(b) of the Environmental Planning and Assessment Act 1979, states that if a development control plan contains provisions that relate to the development that is the subject of a development application, the consent authority is to be flexible in applying those provisions and allow reasonable alternative solutions that achieve the objects of those standards for dealing with that aspect of the development.

The non-compliances identified in the Compliance Table are discussed below:

*Non-Compliances - Justifiable:***1. Topography and Excavation**

Section 2.5.2 of Part 3.3 of the Ryde Development Control Plan 2010 (Ryde DCP 2010) prescribes development controls for topography and excavation. Specifically, the excavation controls state:

- within the building footprint the maximum level of cut is 1.2m, and maximum fill is 900mm,
- outside the building footprint the maximum cut is not to exceed 900mm and maximum fill is not to exceed 500mm.

## ITEM 2 (continued)

Additionally, there is to be no fill between the side of the building and the boundary.

An assessment of the cut and fill arrangements for the proposed development indicate that within the building footprint the maximum level of cut is 3.05m and the maximum level of fill is 1.08m; and outside the building footprint the maximum cut is 1.88mm and the maximum amount of fill is 2.19m, which does not comply with the numerical requirements of the DCP.

As a result retaining walls up to 2.19m high are proposed, which do not comply with the 900mm maximum retaining wall height under the Ryde DCP 2010.

Although exceeding the maximum levels of cut and fill on site, this non-compliance can be supported for the following reasons:

- The existing ground level on the subject site is already highly modified compared to that which would have been natural ground levels. This has been achieved via extensive cut and fill across the site to create a range of terraced levels stepping down the site from the street.
- The proposed development works across the site are to be terraced so as to follow the existing modified topography of the site and reduce the need for cut and fill;
- Outside of the building footprint the areas of non-compliance relate primarily to the elevated swimming pool areas at the rear of the dwelling which have been suitably screened as part of amended design changes;
- The subject site has a fall of approximately 7.75m from the front Amiens Street boundary to the rear which effectively makes it difficult to secure feasible level building platforms and usable private open space areas, as such cut and fill is considered somewhat necessary;
- Privacy screens, utilization of existing vegetative screening, and large setbacks have been implemented across the development site to minimise the impacts of privacy/overlooking;
- The steep topography of the subject site and surrounding area makes it difficult to adhere to the maximum cut and fill levels; as such a merit based assessment focusing on the objectives of the controls is considered the most appropriate way of assessing the impacts of this non-compliance.

**ITEM 2 (continued)**

In this regard an assessment of the proposed development against the objectives of the topography and excavation controls contained within the Ryde DCP 2010 is provided below followed by the assessing officer's comment:

- *To retain natural ground levels and existing landform.*

Assessing Officer's Comment

Retaining natural ground levels is not an option for the subject site as there is evidence the natural ground levels have already been highly modified. This has been undertaken via cut and fill techniques to create terraces in order to accommodate the existing dwelling house, secondary dwelling house, swimming pool, and private open space areas.

As mentioned, the existing landform on the subject site is one which includes a series of terraced platforms for which various building elements are currently located as well as private open space areas. The proposed development will maintain a terraced approach to development and open space areas on the site, albeit in a modified manner in order to consolidate the two dwellings on site into a single larger dwelling house with basement garage.

- *To create consistency along streetscapes.*

Assessing Officer's Comment

The topography of the area surrounding the subject site is considered to be relatively steep. The natural topography of the surrounding area has been significantly modified via excavation, fill and retaining wall techniques to accommodate level building platforms for dwelling houses and their respective private open space areas.

The proposed development on the subject site also proposes to extend the current excavation arrangements on site to enable a level building platform for the proposed dwelling house and associated private open space areas.

Given the proposed development's approach to cut and fill is consistent with that of other residential development in the area, the proposed development is considered to be consistent along the streetscape and therefore in accordance with this objective.

**ITEM 2 (continued)**

- *To minimise the extent of excavation and fill.*

Assessing Officer's Comment

A balance of both cut and fill techniques have been adopted on the subject site, however inevitably when developing on steeply sloping land, greater amounts of cut and fill are generally required to secure a workable building footprint.

In this regard, while the controls contained within the Ryde DCP 2010 are considered to work well in ensuring the retention of a consistent relationship between the topography within a streetscape on those areas of the City of Ryde where the ground is level or undulating, in steeper areas it is acknowledged that increased levels of excavation and fill are required for usable and practical buildings and private outdoor recreation spaces.

It is noted that the level of cut and fill proposed on the subject site is considered to be consistent with that undertaken for development in the surrounding area of the subject site.

- *To ensure that excavation & fill does not result in an unreasonable loss of privacy or security for neighbours.*

Assessing Officer's Comment

Maintenance of reasonable privacy levels is achieved by the proposed development through a number of inherent site features and architectural design measures. These include:

- Side setback of 1.5m across all levels of the building, which is greater than the minimum prescribed under the provisions of the Ryde DCP 2010;
- Rear setback of 11m at the shortest point which is greater than the minimum prescribed under the provisions of the Ryde DCP 2010;
- Proposed building height which complies with the minimum 9.5m height limited prescribed under the Ryde LEP 2010 and Ryde DCP 2010;
- Minimisation of windows on side elevations, and where such windows are proposed they are of a size, dimension, and location to ensure overlooking of adjoining property is restricted;
- No side balconies or terraces proposed as part of the proposed development;
- Utilisation of privacy screens within rear yard of the proposed development to minimise opportunities for overlooking; and



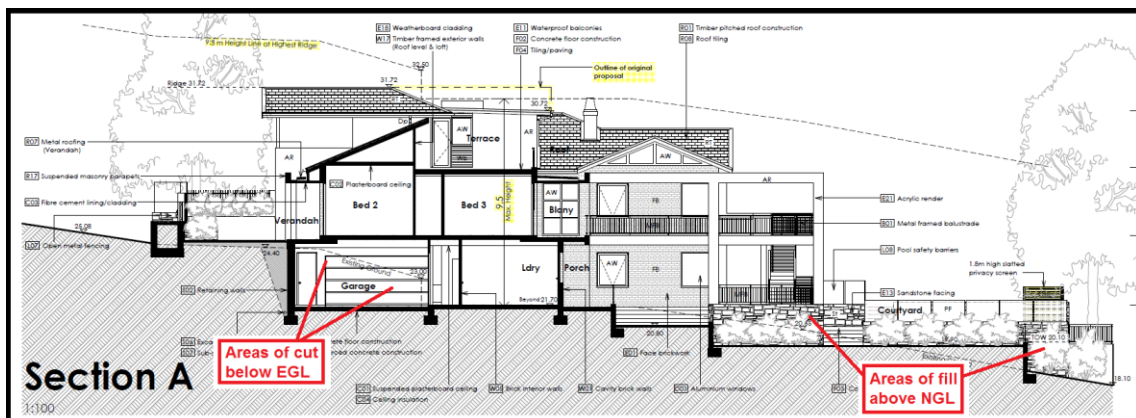
## ITEM 2 (continued)

- Existing vegetation surrounding the subject site is largely proposed to be retained and augmented by new landscape planting which also has the effect of maintaining privacy by reducing overlooking.

In addition, it is considered that the result of excavation of the subject site serves to reduce the overall height of the proposed development, effectively lowering the dwelling house and therefore reducing the potential for loss of privacy via overlooking opportunities.

Given the above, the proposed non-compliance with the topography and excavation controls contained within the Ryde DCP 2010 are considered justifiable in this instance, particularly as the provisions of Section 79C(3A)(b) the Environmental Planning and Assessment Act 1979 as noted above.

The following drawing (section A) shows the location and extent of cut and fill associated with the proposal.



## 2. *Maximum number of storeys exceeded*

Section 2.7.1 of Part 3.3 of the Ryde Development Control Plan 2010 (Ryde DCP 2010) prescribes development controls for building height. Specifically, the building height controls state:

- 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.

In addition, a number of other sections of the Ryde DCP 2010 also prescribe that dwelling houses within the R2 Low Density Residential area are to have a maximum 2 storey height limit. These include Section 2.1 and Section 2.10.

**ITEM 2 (continued)**

An assessment of the building height of the proposed development indicates that the proposed dwelling house will have a partial three (3) storey component where a loft is proposed, which therefore does not comply with the 2 storey maximum building height under the Ryde DCP 2010.

Although exceeding the maximum building height when expressed as the number of storeys within a building, this non-compliance can be supported for the following reasons:

- As demonstrated in the isometric projections of the proposed dwelling house earlier in this report (see **Proposal** above) the dwelling primarily presents as a single storey dwelling house with a loft/dormer type roof element when viewed from Amiens Street. As a result, the proposed development is not considered to negatively impact upon the streetscape or present as a visually dominant development.
- The proposed dwelling house is considered to be consistent with the emerging character of modern dwelling house development closer to the waterfront areas of Gladesville, Tennyson Point, and Putney. The streetscapes of the surrounding area are characterised by three-storey development that has either been constructed, is under construction, or recently approved by Council. Many examples are identified including the following dwelling houses within the immediate vicinity of the site - 37 Amiens Street, 43 Amiens Street, adjoining the subject site at 11 Pile Street and 7 Pile Street, 5 Pile Street, 3 Pile Street etc.
- The proposed dwelling complies with the maximum 9.5m height limit prescribed under the mandatory provisions of the Ryde LEP 2010, and the planning controls of the Ryde DCP 2010;
- When viewed from the surrounding streets and the water of Parramatta River it is considered that the development will be significantly screened by existing large three-storey dwelling house development along Pile Street and mature vegetation within the area.
- Impacts upon privacy as a result of the number of storeys have been mitigated through appropriate building location on the site and architectural design measures to ensure the privacy and amenity of the neighbouring allotments is not affected.



**ITEM 2 (continued)**

The proposed development is also considered to meet the objectives of the new dwelling houses as prescribed in Section 2.2.1 of the Ryde DCP 2010. To demonstrate this, below is a list of the new dwelling houses objectives with the Assessing Officer's comment indicating how the proposed development performs against each of these objectives:

- *To be free-standing in landscaped lots.*

Assessing Officer's Comment

The proposed dwelling is a free standing dwelling on a single allotment. Furthermore the proposed development includes significant landscaping across the allotment including providing large areas of deep soil planting covering 482.2m<sup>2</sup> of the site, or 36.49% of the site area.

- *To be well designed and compatible with the site's context.*

Assessing Officer's Comment

The proposed development is considered to be well designed and compliant with the objectives and provisions of the Ryde LEP 2010. The proposed development also satisfactorily complies with the majority of controls set out within the Ryde DCP 2010. Additionally, the design provides for a high level of amenity and is considered to enhance the existing built form character of Amiens Street.

- *To be of a low scale.*

Assessing Officer's Comment

As evidenced in the front elevation drawings (see earlier in this report, the proposed dwelling largely has the appearance of a single storey dwelling house with a loft/dormer roof extension when viewed from Amiens Street. The remainder to of the dwelling house is considered to be largely screen from other streets and areas of the public domain due to surrounding development and existing vegetation. The scale of the development is considered consistent with that required by the Ryde LEP 2010 and Ryde DCP 2010 by virtue of its compliance floor space ratio, overall building height, and proposed setbacks.

Additionally, the scale of the proposed development is considered consistent that of other modern dwelling house development in the surrounding area and along Amiens Street.

**ITEM 2 (continued)**

Additionally, the proposed development is also considered to meet the objectives of the building height control under Ryde DCP 2010. To demonstrate this, an assessment of the proposed development against the objectives of the building height control contained within the Ryde DCP 2010 is provided below:

- *To ensure that the height of development is consistent with the desired future character of the low density residential areas and is compatible with the streetscape.*
- *To ensure that the height of dwellings does not exceed 2 storeys.*

Assessing Officer's Comment

The height of the proposed development, being 9.4m, complies with the development standard of a maximum 9.5m building height contained within the Ryde LEP 2010, Draft Ryde LEP 2011, and Ryde DCP 2010. In this regard, the proposed development is considered to have an overall height that is consistent with the desired future character of the low density residential areas of the Ryde local government area.

Furthermore the proposed development is considered to be consistent with the overall building height of other development in the surrounding area as it adheres to the 9.5m maximum height limit.

While it is acknowledged that the proposed development includes a partial three-storeys element rather than a maximum of two-storeys, it is noted that the streetscapes of the surrounding area are characterised by three-storey development that has either been constructed, is under construction, or recently approved by Council. Many examples are identified including the dwellings within the immediate vicinity of the site - 37 Amiens Street, 43 Amiens Street, adjoining the subject site at 11 Pile Street and 7 Pile Street, 5 Pile Street, 3 Pile Street etc.

Accordingly, it can be seen that the emerging character of development within this area of Gladesville is for three storey development, and as such the proposed development is consistent with the streetscape.

Furthermore the proposed development is considered compatible with the streetscape of Amiens Street as it largely presents to Amiens Street as a single storey dwelling with a lofted/dormer type roof feature that has a height of only approximately 6.5m at the frontage. This is because the building is only really evident as a three-storey development when viewed from the rear, and as such the proposal is significantly more compatible with the older low scale dwellings on Amiens Street than that of other recently constructed or recently approved dwelling on Amiens Street which present as three-storeys to the public domain.

**ITEM 2 (continued)**

Given the above it is considered that the proposed number of storeys is justifiable in this instance, particularly having regard to the provisions of Section 79C(3A)(b) the Environmental Planning and Assessment Act 1979 and the ability of the proposed development to achieve the objectives of the building height controls within the Ryde DCP 2010.

**3. Car parking and access**

Section 2.10 of Part 3.3 of the Ryde DCP 2010 prescribes development controls for car parking and assess. Specifically, the DCP contains provisions for basement car parking which states:

- Provision must be made for a maximum of two car parking spaces for a dwelling house with ramps to semi-basement car parking areas not commencing less than 2m from the boundary.

An assessment of the proposed development indicates that it provides four (4) car parking spaces within the garage, plus one (1) outdoor visitor space, and also the design includes a ramp descending from the street to the semi-basement garage begins within 2m of the boundary of the subject site, which therefore does not comply with the controls of the Ryde DCP 2010.

Although not complying with these controls within the Ryde DCP2010, the proposed car parking provision and arrangements can be supported for the following reasons:

- The proposed garage is to be located in a basement configuration beneath the dwelling house; effectively screened from Amiens Street and other areas of the public domain by virtue of the topography of the land and architectural design of the dwelling house.
- Additionally, the ramp providing access to the car parking garage beneath the dwelling house will be blocked from access via a new front boundary gate to the driveway, partially screening the ramp, and assisting in safety to pedestrian utilising the road verge.
- In their referral for the proposed development, Council's Development Engineers have not raised the proposed car parking and access arrangements as significant issue.

Additionally, the proposed development is also considered to meet the objectives of the car parking and access controls under Ryde DCP 2010. To demonstrate this, an assessment of the proposed development against the objectives of the car parking and access controls contained within the Ryde DCP 2010 is provided below:

**ITEM 2 (continued)**

- *To provide off-street parking:*

Assessing Officer's Comment

The proposed development will provide for four (4) off-street car parking spaces and one (1) off-street visitor car parking space. As a result, it is considered that the proposed development will not contribute to on-street car parking demand, and as such is consistent with this objective.

- *To ensure car parking structures and garage doors are not prominent features with regard to either the individual lot or the streetscape:*

Assessing Officer's Comment

Due to the location of the garage being beneath the dwelling house and accessed via the western side of the dwelling house, the car parking structure and garage doors will be largely indiscernible from Amiens Street and other areas of the public domain.

Accordingly, the proposed development is not considered to include car parking structures or garage doors that are prominent features with regard to either the individual lot or the streetscape.

It is considered that the proposed car parking arrangements provide a much better development outcome than that of other dwellings on the southern side of Amiens Street, whereby the car parking structure is primary building element fronting the street.

- *To ensure that car parking structures are consistent with the design of the dwelling.*

Assessing Officer's Comment

The car parking structure is integrated within the building envelope in a basement type configuration, with the garage door access being from the western side of the dwelling house via a short driveway. This arrangement results in a car parking structure that is consistent with the design of the dwelling.

Given the above it is considered that the proposed car parking and access is justifiable in this instance, particularly having regard to the provisions of Section 79C(3A)(b) the Environmental Planning and Assessment Act 1979 as discussed above.

## ITEM 2 (continued)

### 4. *Pool coping height*

Section 2.11 of Part 3.3 of the Ryde DCP 2010 prescribes development controls for swimming pools and spas. Specifically, the controls state:

- The finished coping level of the pool must not be higher than 500mm above the adjacent existing ground level. This maximum height can only be achieved where it will not result in an unreasonably adverse impact on the privacy of neighbours.

The proposed development has a finished coping level of the pool of some 1.99m in the south western corner of the pool area, which therefore does not comply with the controls of the Ryde DCP 2010.

Although not complying with the swimming pool controls within the Ryde DCP2010, the proposed pool coping height can be supported for the following reasons:

- As a result of an additional information request to the applicant, along with a subsequent meeting to discuss the issue of the proposed pool coping height, amended plans were submitted to Council on 2 October 2013 that demonstrate the installation of a 1.8m 'L' shaped privacy screen in the south-western corner of the proposed pool area which is considered to effectively reduce the potential for overlooking of adjoining property to the south.
- The area where the non-compliance with the pool coping height limit occurs is only for a small portion (2m<sup>2</sup>) of the overall pool area and confined to the south-western corner;
- The area where the pool coping height is exceeded would largely only be utilised for access around the perimeter of the pool rather than for entertainment purposes;
- Existing and proposed vegetation along the southern boundary of the subject site is considered to afford adjoining development to the south with adequate privacy screening to minimise overlooking from the swimming pool coping area.;
- Due to the steep nature of the topography and the multiple terraced levels across the site, it is considered difficult to create a pool that does not require elevated coping heights or alternatively additional excavation;
- An existing above ground swimming pool is located in a similar location to that of the proposed swimming pool. Accordingly the location and nature of the proposed swimming pool would not alter all that significantly over the existing arrangements – see drawings below.



**ITEM 2 (continued)**

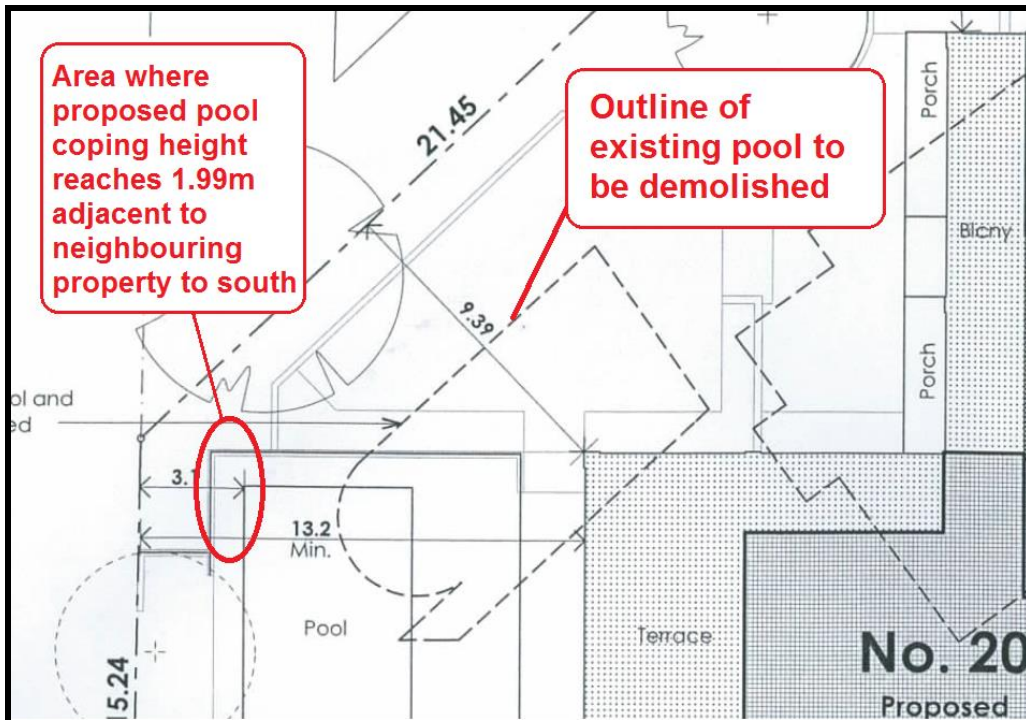


Diagram indicating the location of the existing above ground swimming pool and proposed new swimming pool in similar location. Small area of proposed pool coping that reaches 1.99m above existing ground level due to steeply sloping land.

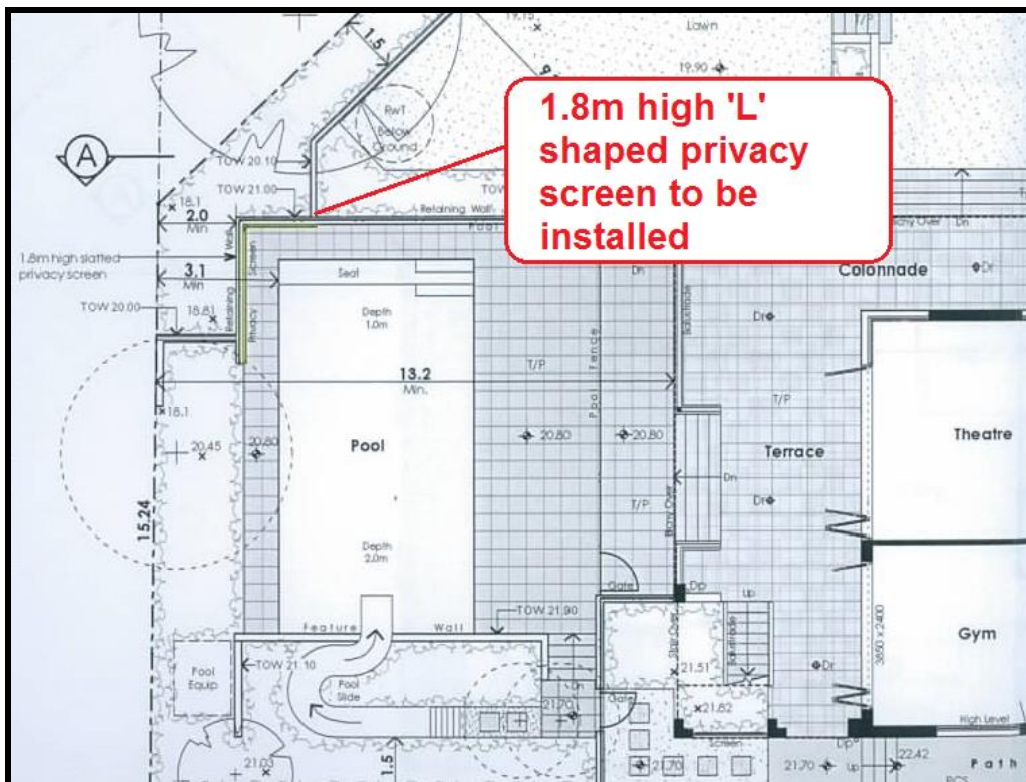


Diagram indicating the proposed 1.8m high 'L' shaped privacy screen to be installed adjacent to the area where the pool coping height extends significantly beyond the maximum amount permitted and where potential for overlooking of neighbouring property could have occurred.



**ITEM 2 (continued)**

Additionally, the proposed development is also considered to meet the objectives of the swimming pool controls under Ryde DCP 2010. To demonstrate this, an assessment of the proposed development against the objectives of the swimming pool controls contained within the Ryde DCP 2010 is provided below:

- *To provide a place for recreation and enjoyment.*

Assessing Officer's Comment

The proposed swimming pool will continue to provide a place for recreation and enjoyment of residents of the new dwelling house on the site in a similar way the existing swimming pool does for residents of the current dwelling house.

- *To provide a high level of child safety.*

Assessing Officer's Comment

The proposed swimming pool and fences will be required to comply with the the relevant NSW Government Acts and Regulations and with relevant Australian Standards.

- *To minimise the impact of swimming pools and spas on neighbours.*

Assessing Officer's Comment

As mentioned, although an existing above-ground swimming pool is located in much the same location as the proposed swimming pool, the new swimming pool will include the installation of a 1.8m 'L' shaped privacy screen in the south-western corner of the proposed pool area. This is considered to effectively reduce the potential for overlooking of adjoining property to the south.

The area where the coping height is exceeded is not for the purposes of an entertaining area, but rather is considered to be for the purposes of access around the perimeter of the pool for servicing and maintenance.

- *To require swimming pools to comply with all relevant legislation and Australian Standards.*

Assessing Officer's Comment

As a standard condition of consent, the proposed development will be required to comply with all relevant Australian Standards, including the relevant NSW Government Acts and Regulations relating to swimming pools.

**ITEM 2 (continued)****5. Trafficable roof terrace**

Section 2.14.1 of Part 3.3 of the Ryde DCP 2010 prescribes development controls for roofs. Specifically, the roof controls state that balconies and terraces are not to be set into roofs.

An assessment of the proposal indicates that it incorporates a trafficable external terrace set into the pitched roof cavity, adjacent to the upper level loft, which does not comply with the DCP requirement.

Although not complying with the roof controls within the Ryde DCP2010, the proposed trafficable roof terrace can be supported for the following reasons:

- The proposed terrace is wholly incorporated into the pitched roof cavity of the dwelling house, and as such is largely indiscernible to the public domain;
- As the proposed roof terrace is incorporated into the pitched roof cavity, it is bordered by three of its four sides effectively limiting the view from the terrace to the south over the Parramatta River. As such minimal opportunities for overlooking and resultant loss of privacy are envisaged from persons standing or seated on the terrace;
- The trafficable area of the terrace is only approximately 14.7m<sup>2</sup>, which represents less than 10% of the overall roof area;
- The proposed terrace is setback approximately 20m from the rear boundary which provides a satisfactory separation distance from the terrace to adjoining property to minimise privacy impacts from overlooking;
- Balustrading for the terrace is setback 2.5m from the edge of the metal roof which effectively reduces the viewing angle from the terrace so as to constrain views to the distant south over Parramatta River rather than over adjoining property to the rear;
- The floor level of the terrace is set 3.76m below the upper ridge level of the roof of the loft effectively being only approximately 7.2m above the existing ground level on the site. As such the proposed roof terrace would be no higher above existing ground level than a typical balcony or terrace on any other two storey dwelling house complying with the upper building height limit of 9.5m under the Ryde LEP 2010.

Additionally, the proposed development is also considered to meet the objectives of the roof controls under Ryde DCP 2010. To demonstrate this, an assessment of the proposed development against the objectives of the roof controls contained within the Ryde DCP 2010 is provided below:

**ITEM 2 (continued)**

- *To contribute to the design and performance of buildings.*

Assessing Officer's Comment

The subject development application has been submitted with a compliant BASIX Certificate (No. 484676S) and as such the proposed roof terrace is not considered to impact on the design and performance of the building in terms of water, thermal comfort, or energy.

The rooftop terrace will afford residents of the dwelling with a private open space area adjoining the lot which is considered to benefit the design and performance of the building from an amenity perspective, which not significantly impacting on the design or performance of adjoining development.

- *To integrate the design of the roof, including roof elements such as dormer windows, into the overall elevation and building composition.*

Assessing Officer's Comment

The proposed loft and terrace enables the design of the roof to include articulated elements adding architectural interest to the roof structure and helping to break up the roof mass when viewed from the public domain.

Additionally, the loft/dormer type roof element is considered to compliment character of other development in the streetscape, including that of older dwelling houses which also include dormer type elements and lofts.

The result is considered to be a roof structure that appears as an integrated whole with interesting articulations.

- *To contribute to a consistent and attractive streetscape.*

Assessing Officer's Comment

As identified above, the design of the proposed roof is considered to reflect elements of the roof structures of other dwelling houses on Amiens Street. Like the proposed development, roofs along Amiens Street tend to be pitched, of tiled material, inclusive of dormer/loft type building elements, and gabled rather than hipped roof construction.

In this regard, the proposed roof structure is considered to be a modern interpretation of older type development along Amiens Street which effectively helps the proposal be consistent and attractive within the streetscape.

**ITEM 2 (continued)**

This is generally considered to be a better outcome for streetscape consistency than the flat roofed dwelling house designs which are littered through the surrounding area and Amiens Street.

- *To provide shading and weather protection.*

**Assessing Officer's Comment**

The proposed development will provide shading and weather protection for the dwelling house. It is noted that no roof is proposed over the roof terrace, however this is considered to be a beneficial trait of the proposed development as limits the bulk of the building when viewed from the rear, provides some articulation to the roof span, and as the roof terrace is not the primary open space area for the development, is considered acceptable.

**6. *Maximum front fence pier width***

Section 2.15 of Part 3.3 of the Ryde DCP 2010 prescribes development controls for front and return fences and walls. Specifically, the front fence controls states that the piers of front fences are to have a maximum width of 350mm.

The proposed development includes a front fence with pier widths ranging between 800mm and 1200mm, which therefore do not comply with the controls set within the Ryde DCP 2010.

Although not complying with Ryde DCP2010, the proposal can be supported for the following reasons:

The proposed development is to take place on a very large site within the Gladesville area that has area of 1,321.55m<sup>2</sup> and frontage to Amiens Street of almost 40m. For comparison, other allotments adjacent to the site have a frontage to Amiens Street of approximately 13-14m, and as such represent a third of the length of the subject property.

Accordingly, in terms of scale, it is considered that a 40m long front boundary fence that contains piers with a width of only 350mm would be a poor presentation to the streetscape as they would be disproportionate to the boundary length.

Additionally 350mm piers would also be considered as disproportionate to the size of the proposed dwelling on the subject site which has a frontage to Amiens Street of approximately 25m, as opposed to dwellings adjacent which have a width of approximately 9-10m.

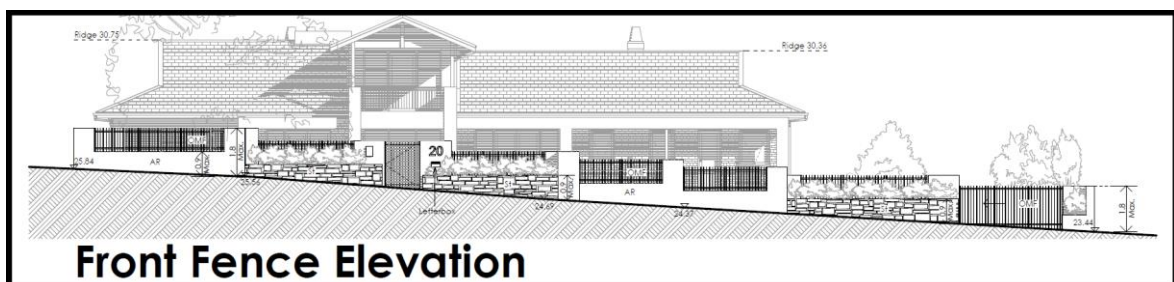
## ITEM 2 (continued)

As the front boundary fence represents an expanse that is approximately three times the length of other allotments adjacent on Amiens Street, and as the dwelling house itself represents a width three times greater than that of the other allotments adjacent to the site on Amiens Street, it is considered that pier width three times greater than that prescribed by the development control would be appropriate.

In this regard, the proposed front fence pier widths are considered to be appropriate in the circumstances of the subject site as consistent with the objectives of this control, they appropriately contribute to a fence that defines the boundary between public and private land, and also positively contribute to the streetscape appearance.

As such, it is considered appropriate to allow flexibility in the application of this control as per the provisions of Section 79C(3A)(b) the Environmental Planning and Assessment Act 1979.

The following drawing (front fence elevation) illustrates the proposed front fence.



## 10. Likely impacts of the Development

### (a) Built Environment

Impacts in terms of the built environment have been addressed in the issues discussed throughout this report in response to the proposed development's performance against the relevant planning controls and objector submissions.

The proposed development is considered to be satisfactory in terms of impacts on the built environment, subject to the imposed conditions of consent.

### (b) Natural Environment

Given the nature of the proposed development being for the replacement of an existing dwelling house with a new dwelling house in an existing urban area it is considered there will be no significant impact upon the natural environment as a result of the proposal, subject to the imposed conditions of consent.

**ITEM 2 (continued)****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 various constraints as follows:

100m from Heritage Items

Refer to Heritage Officer's comments in the referrals section of this report (below).

Urban Bushland

Refer to the Consultant Landscape Architect's comments in the referrals section of this report (below).

**12. The Public Interest**

The proposed development satisfactorily complies with Council's current and future environmental planning instruments and also Council's relevant development controls.

Based on this level of compliance and the outcomes of Council's assessment of the development application, it is considered that approval of this development application would be in the public interest – subject to the recommended conditions of consent which include further modification to protect the amenity of the heritage listed dwellings across the road in Amiens Street.

**13. Consultation – Internal and External****Internal Referrals**

Heritage Officer: Council's Heritage Officer has reviewed the proposal having regard to the site's location directly opposite Amiens Street from a group of dwellings which are collectively listed as a heritage item under Ryde LEP 2010 (at 23, 25, 27 and 29 Amiens Street) and also in proximity to other heritage items at No 19A Amiens Street and 43 Wharf Road.

*It is considered that the submitted DA is disproportionate for the subject site and would adversely impact on the surrounding heritage items and the heritage streetscape, by virtue that five listed dwellings (located opposite the subject site) contain landmark qualities of a distinctive group in the streetscape and the group contain water views towards Parramatta River (having been there since the building were constructed in circa 1915).*



**ITEM 2 (continued)**

*The submitted DA contains various non-compliances with Council's Dwelling House and Dual Occupancy DCP 2010, these are:*

- *That the proposed dwelling is essentially 3 storeys in height;*
- *A roof terrace is proposed; and*
- *Impact on Viewing Sharing: That the height of the proposed dwelling will directly impact the water views enjoyed from the heritage listed items located across the road.*

*It is considered that parts of the DA results in a large bulky building that is not designed with consideration for the local listed heritage items across the road. The applicant is aware of the Heritage Officers concerns and this has never been appropriately addressed (first comments provided in July 2013).*

*A thorough review has been undertaken of the Rappoport Heritage Report prepared for the applicants; however it does not provide any justification or details on relationship to the view loss from the heritage items nor the potential for archaeological significance across the site. Hence the Conditions below are required.*

**Recommendations**

*That the applicants are granted a **Deferred Commencement Approval** subject to the following information being submitted and approved by Council in writing, prior to release of the Construction Certificate:*

1. *That the DA architectural plans as submitted are revised including:*
  - a. *Amendment of the front gable and associated roof structure over the Loft Room and Balcony on the top level; to reduce the overall height and minimize the loss of water views from the heritage items located across the road;*
  - b. *The rear gable end above the Lounge Room must be replaced with a hipped roof (to reduce the overall height);*
  - c. *Specific Details must be provided on the proposed Solar Tiles (If it is found that there would be any adverse impact on the adjacent Heritage Items this element must be removed) and replaced with an appropriately approved alternative (by Council prior to Construction Certificate Plans);*
  - d. *A detailed Photographic Archival Recording is to be undertaken in accordance with the NSW Heritage Division guidelines of the existing two dwellings located on the site (including internal and external images) prior to any excavation or demolition;*

## ITEM 2 (continued)

- e. *Detailed Schedule on how the existing sandstone will be re-used in the construction of the new dwelling; including details on cleaning, storing and location of the re-used sandstone.*

*The above changes must be reflected on revised architectural plans and re-submitted to Council for review, prior to ANY construction works / demolition works / Construction Certificate being issued.*

### Assessment Officer's Comments

Issues of concern in relation to non-compliance with Council's DCP 2010 have discussed throughout this report. Although concerns have been raised as above, the proposal is considered acceptable as outlined in the justification provided in relation to each particular issue of concern.

In order to address particular issues of concern raised in regard to impacts on water views from properties opposite the site (ie the heritage items in Amiens Street), and in terms of bulk and scale generally, it is recommended that design changes be undertaken to the issues as outlined above, particularly the front gable and associated roof structure. These are recommended as Deferred Commencement conditions which require amended plans to the satisfaction of the Group Manager Environment & Planning before the consent becomes fully operational (rather than prior to any Construction Certificate).

### Development Engineers

Council's Senior Development Engineer has assessed the proposal as originally submitted and provided the following comments.

*The subject property is located within the OSD exemption zone therefore OSD is not required. Please amend the plans to delete the OSD. It would appear that the drainage plans are generally satisfactory.*

*As for the easement, please ensure the owners benefit from the easement.*

*As for access, the applicant indicates a visitor space. It would be critical that a vehicle can exit in a forward direction given the limited sight lines and it is recommended that a turning bay be provided for this. The visitor space may need to be deleted and that area be provided for a turning bay.*

### Assessment Officer's Comments

Amended plans (to delete the proposed on-site detention system that is not required on this site) have been submitted by the applicant, in accordance with the discussions with Council's Senior Development Engineer.

## ITEM 2 (continued)

The amended drainage plans have also replaced the visitor parking space (not required for single dwelling houses) with a turning bay as suggested by Council's Development Engineer.

In relation to comments regarding the property's benefit from an easement (for drainage), the applicant has submitted a survey plan indicating that the property benefits from such an easement over the property immediately to the south (No 7 Pile Street).

In regard to the amended plans (which provide for deletion of the visitor parking space but which keep the driveway width to enable vehicle turning), Council's Senior Development Engineer has provided the following additional comment:

*The proposed driveway replicates the existing driveway grades and alignment however the widening fronting the garage area enables the provision for vehicles to turn around in the site in order to exit in a forward manner. The demarcation of a visitor space on the driveway is not essential though would be seldom utilised. In the event that a vehicle had to reverse out of the driveway, the provision of a splay free of obstruction on the eastern side of the driveway entry, equivalent to the dimensions specified in Figure 3.3 AS 2890.1 (2m at the boundary by 2.4m deep) would ensure adequate sight distance from between a vehicle about to exit and pedestrians. This may be addressed by the attached condition which reads as follows;*

### 1. **Access & Parking**

*All internal driveways, vehicle turning areas, garage opening widths and parking space dimensions shall comply with AS 2890.1-2004.*

*With respect to this, the following revision(s) must be undertaken;*

- a) *A splay clear of obstructions must be provided on the eastern side of the driveway entry to permit adequate sight distance between pedestrians and a vehicle exiting the property. The splay must be generally in accordance with Figure 3.3 of AS 2890.1 and is to provide 2m clearance from the edge of the driveway at the property boundary alignment.*

It is recommended that this requirement be added to the Deferred Commencement conditions that are required to address other design issues that are discussed throughout this report.

## ITEM 2 (continued)

### External Referrals

#### Landscape Architects

As part of the development assessment of the proposal, this development application was referred to Council's Consultant Landscape Architects for comment. The response from the Council's Consultant Landscape Architect generally supports the proposed tree removal recommended within the Arboricultural Assessment Report submitted as part of the development application package.

The only addition to the recommendations of the arborist report by Council's Consultant Landscape Architects is the establishment of a 2.4m Tree Protection Zone in relation to a 'Cheese Tree' identified on neighbouring property to the south of the subject site (No 34 Meriton Street).

As such, the following conditions of consent will be included to ensure the protection of the abovementioned tree:

- **Tree protection**

*The *Glochidion ferdinandi* (Cheese Tree) located on the adjoining property at 34 Meriton Street is to be retained and protected as part of the proposed development through establishment of a 2.4m Tree Protection Zone (TPZ).*

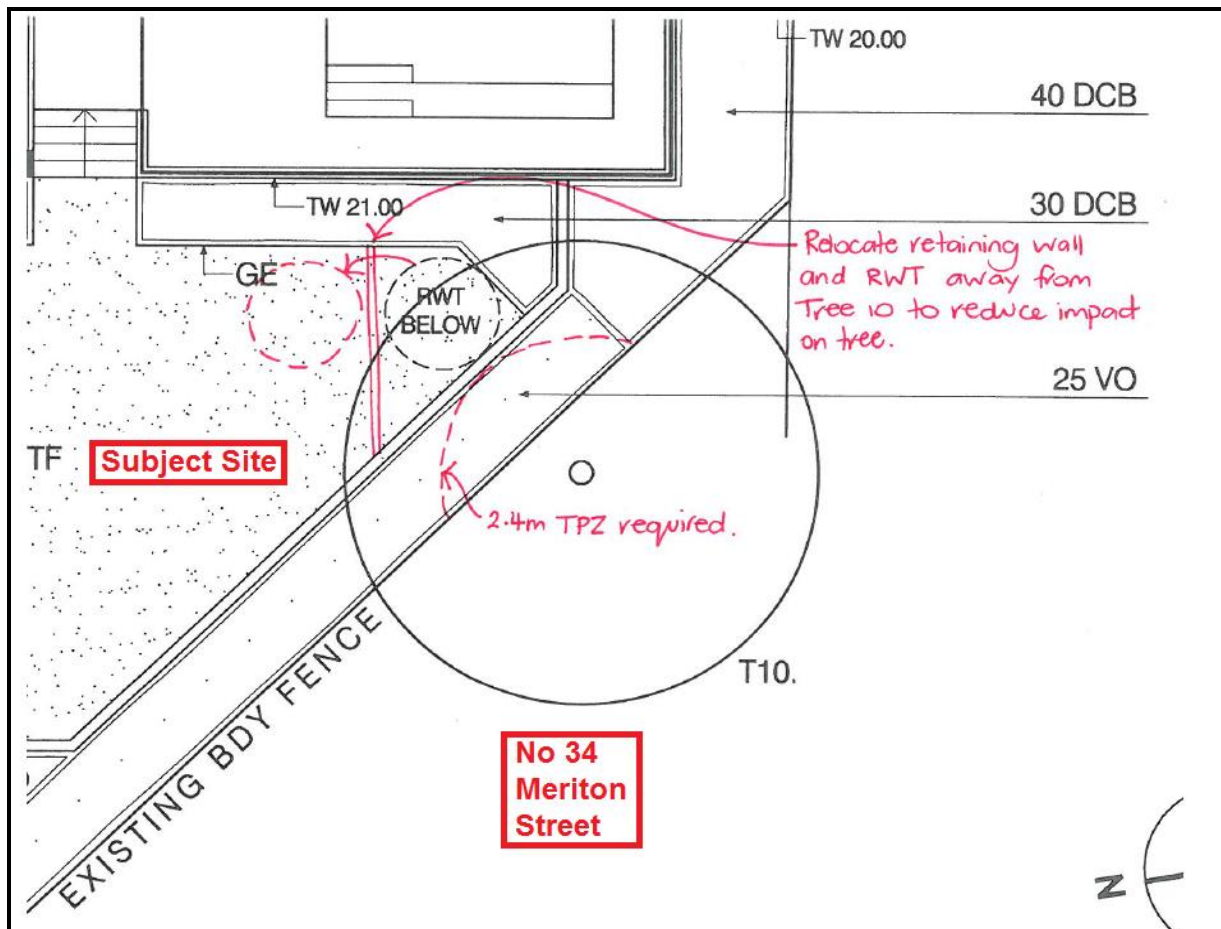
*In this regard, to ensure adequate protection of the tree's roots, the proposed rainwater tank and retaining wall adjacent to the rainwater tank is to be relocated away from the 2.4m tree protection zone area. Details of the revised rainwater tank and retaining wall location are to be submitted to Council for approval prior to the issue of the **Construction Certificate**.*

- **Tree works – arborist supervision**

*A Project Arborist with AQF Level 5 qualifications is to be engaged to ensure compliance with the tree protection measures and oversee all works including demolition and construction, in relation to the trees identified for retention on the site.*

The required relocation is shown in the drawing below (extract of landscaping plan submitted with the DA).

**ITEM 2 (continued)**



**14. Critical Dates**

There are no critical dates or deadlines to be met.

**15. Financial Impact**

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

**16. Other Options**

None relevant.

**ITEM 2 (continued)****17. Conclusion**

The proposal has been assessed against the heads of consideration of Section 79C of the Environmental Planning and Assessment Act 1979 and the following has been determined:

- The proposal is complying when assessed against the mandatory requirements and objectives of the relevant environmental planning instruments pertaining to the subject site, including the Ryde Local Environmental Plan 2010, and Draft Ryde Local Environmental Plan 2011;
- The proposal is satisfactorily complying when assessed against the provisions and objectives of the Ryde Development Control Plan 2010;
- The likely environmental impacts of the proposed development have been considered and determined to be satisfactory when having regard to both the natural and built environment, and social and economic impacts in the locality;
- The proposed dwelling house is considered to be suitable for the site on which it is to be constructed; and
- The proposed development is considered to be in the public interest, subject to the recommended conditions of consent as outlined in the recommendation.

On this basis, the subject development application is recommended for approval subject to conditions. Specifically, it is recommended that a Deferred Commencement consent be issued requiring the applicant to undertake minor modifications to the roof design (including the front gable and associated roof structure over the loft room and balcony on the top level), to reduce the overall height and minimise the loss of water views from the heritage items across Amiens Street.



**ITEM 2 (continued)**

**ATTACHMENT 1**

**DRAFT CONDITIONS OF CONSENT.  
20 AMIENS STREET, GLADESVILLE  
LDA2013/211**

**DEFERRED COMMENCEMENT**

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 the approval of Council's Group Manager Environment & Planning which provide the following plan amendments:
  - Amendment of the front gable and associated roof structure over the Loft Room and Balcony on the top level; to reduce the overall height and minimize the loss of water views from the heritage items located across the road
  - The rear gable end above the Lounge Room must be replaced with a hipped roof (to reduce the overall height);
  - Specific Details must be provided on the proposed Solar Tiles (If it is found that there would be any adverse impact on the adjacent Heritage Items this element must be removed) and replaced with an appropriately approved alternative;
  - A detailed Photographic Archival Recording is to be undertaken in accordance with the NSW Heritage Division guidelines of the existing two dwellings located on the site (including internal and external images) prior to any excavation or demolition;
  - Detailed Schedule on how the existing sandstone will be re-used in the construction of the new dwelling; including details on cleaning, storing and location of the re-used sandstone.
  
2. **Access & Parking.** All internal driveways, vehicle turning areas, garage opening widths and parking space dimensions shall comply with AS 2890.1-2004.

With respect to this, the following revision(s) must be undertaken;

- (a) A splay clear of obstructions must be provided on the eastern side of the driveway entry to permit adequate sight distance between pedestrians and a vehicle exiting the property. The splay must be generally in accordance with Figure 3.3 of AS 2890.1 and is to provide 2m clearance from the edge of the driveway at the property boundary alignment.

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.

**ITEM 2 (continued)**

**ATTACHMENT 1**

**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:

<b>Document Description</b>	<b>Date</b>	<b>Plan No/Reference</b>
Site Plan & Site Analysis	October 2013	Drawing No. A-01 Rev A
Ground Floor Plan	October 2013	Drawing No. A-02 Rev A
First Floor Plan	October 2013	Drawing No. A-03 Rev A
Roof Plan	October 2013	Drawing No. A-04 Rev A
Elevations	October 2013	Drawing No. A-05 Rev A
Elevations & Section	October 2013	Drawing No. A-06 Rev A
Landscape Planting Plan	9 May 2013	L01/1- K18101
Arboricultural Assessment Report	23 May 2013	No reference
Demolition Work Plan	June 2013	Project No. J10-12
Waste Management Plan	June 2013	Project No. J10-12
Stormwater Drainage/Sediment Control Details	4 July 2013	1404-S1/3 Revision D
Stormwater Drainage/Sediment Control Details	4 July 2013	1404-S2/3 Revision D
Stormwater Drainage/Sediment Control Details	4 July 2013	1404-S3/3 Revision D

2. **Building Code of Australia.** All building works approved by this consent must be carried out in accordance with the requirements of the Building Code of Australia.
3. **BASIX.** Compliance with all commitments listed in BASIX Certificate(s) numbered 484676S, dated 17 June 2013.
4. **Support for neighbouring buildings.** If the development involves excavation that extends below the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
  - (a) Protect and support the adjoining premises from possible damage from the excavation, and
  - (b) Where necessary, underpin the adjoining premises to prevent any such damage, in accordance with relevant Australian Standards.

**Protection of Adjoining and Public Land**

5. **Hours of work.** Building activities (including demolition) may only be carried out between 7.00am and 7.00pm Monday to Friday (other than public holidays) and

## ITEM 2 (continued)

## ATTACHMENT 1

between 8.00am and 4.00pm on Saturday. No building activities are to be carried out at any time on a Sunday or a public holiday.

6. **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.
7. **Public space.** The public way must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances, without prior approval from Council.

### Works on Public Road

8. **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.
9. **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.

### Swimming Pools/Spas

10. **Pool filter – noise.** The pool/spa pump/filter must be enclosed in a suitable ventilated acoustic enclosure to ensure the noise emitted therefrom does not exceed 5dB(A) above the background noise level when measured at any affected residence.
11. **Depth markers.** Water depth markers are to be displayed at a prominent position within and at each end of the swimming pool.
12. **Wastewater discharge.** The spa/pool shall be connected to the Sydney Water sewer for discharge of wastewater.
13. **Resuscitation Chart.** A resuscitation chart containing warning “YOUNG CHILDREN SHOULD BE SUPERVISED WHEN USING THIS POOL” must be provided in the immediate vicinity of the pool area so as to be visible from all areas of the pool.

### Engineering Conditions

14. **Stormwater disposal.** Stormwater runoff from all impervious areas of the site is to be collected and piped to the existing or new underground stormwater drainage system in accordance with Council's DCP 2010, Part 8.2 "Stormwater Management".

**ITEM 2 (continued)**

**ATTACHMENT 1**

15. **Design and Construction Standards.** All engineering plans and work shall be carried out in accordance with the requirements as outlined within Council's publication *Environmental Standards Development Criteria 1999 and City of Ryde Development Control Plan 2010 Section 8* except as amended by other conditions.
16. **Service Alterations.** All mains, services, poles, etc., which require alteration to facilitate the development shall be altered at the applicant's expense. Written approval and signed off at completion from the relevant Public Authority shall be submitted to Council.
17. **Restoration.** To ensure public areas will be safely maintained at all times all disturbed public areas must be restored to Council satisfaction. All restoration of disturbed road, footway areas, kerb and gutters, redundant vehicular crossings etc arising from the proposed development works will be carried out by Council subject to the lodgement of a Road Opening Permit application to Council with payment of fees in accordance with Council's Management Plan, prior to commencement of works.
18. **Road Opening Permit.** To ensure all restoration works within the public road reserve will be completed and restored to Council satisfaction, the applicant shall apply for a Road Opening permit where excavation works are proposed within the road reserve. No works shall be carried out on the road reserve without this permit being paid and a copy kept on the site.
19. **Council's Approval.** To ensure all engineering works within the public road and/or drainage reserve, including Council's parkland will be completed to Council satisfaction, engineering approval and compliance certificates must be obtained from Council for the following works at the specified stage where applicable and **submitted to the Principal Certifying Authority prior to the issue of any Occupation Certificate.** Fees applicable to the proposed works in accordance with Council's Management Plan are to be paid to Council prior to approval being given by Council:
  - Approval for drainage connection(s) to Council's stormwater drainage systems and inspection of the stormwater connection by council prior to backfilling.
  - Approval shall be obtained for the construction of any structure on Council's road and drainage reserve, including parkland. The inspection(s) for these structures, during construction shall be made by Council e.g. prior to casting & backfilling of Council's pits and other drainage structures including kerb & gutter, access ways, aprons, pathways, vehicular crossings, dish crossings and pathway steps etc.
  - Final inspection by Council after completion of all external works with all disturbed areas satisfactorily restored.

**ITEM 2 (continued)**

**ATTACHMENT 1**

**DEMOLITION CONDITIONS**

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

A Construction Certificate is not required for Demolition.

20. **Provision of contact details/neighbour notification.** At least 7 days before any demolition work commences:
  - (a) Council must be notified of the following particulars:
    - (i) The name, address, telephone contact details and licence number of the person responsible for carrying out the work; and
    - (ii) The date the work is due to commence and the expected completion date
  - (b) A written notice must be placed in the letter box of each property identified in the attached locality plan advising of the date the work is due to commence.
21. **Compliance with Australian Standards.** All demolition work is to be carried out in accordance with the requirements of the relevant Australian Standard(s).
22. **Excavation**
  - (a) All excavations and backfilling associated with the development must be executed safely, properly guarded and protected to prevent the activities from being dangerous to life or property and, in accordance with the design of a structural engineer.
  - (b) A Demolition Work Method Statement must be prepared by a licensed demolisher who is registered with the Work Cover Authority, in accordance with AS 2601-2001: *The Demolition of Structures*, or its latest version. The applicant must provide a copy of the Statement to Council prior to commencement of demolition work.
23. **Asbestos.** Where asbestos is present during demolition work, the work must be carried out in accordance with the guidelines for asbestos work published by WorkCover New South Wales.
24. **Asbestos – disposal.** All asbestos wastes must be disposed of at a landfill facility licensed by the New South Wales Environmental Protection Authority to receive that waste. Copies of the disposal dockets must be retained by the person performing the work for at least 3 years and be submitted to Council on request.
25. **Waste management plan.** Demolition material must be managed in accordance with the approved waste management plan.

**ITEM 2 (continued)**

**ATTACHMENT 1**

26. **Disposal of demolition waste.** All demolition waste must be transported to a facility or place that can lawfully be used as a waste facility for those wastes.

**Imported fill**

27. **Imported fill – type.** All imported fill must be Virgin Excavated Natural Material as defined in the *Protection of the Environment Operations Act 1997*.
28. **Imported fill – validation.** All imported fill must be supported by a validation from a qualified environmental consultant that the fill constitutes Virgin Excavated Natural Material. Records of the validation must be provided upon request by the Council.
29. **Delivery dockets to be provided.** Each load of imported fill must be accompanied by a delivery docket from the supplier including the description and source of the fill.
30. **Delivery dockets – receipt and checking on site.** A responsible person must be on site to receive each load of imported fill and must examine the delivery docket and load to ensure that only Virgin Excavated Natural Material that has been validated for use on the site is accepted.
31. **Delivery dockets – forward to PCA on demand.** The delivery dockets must be forwarded to the Principal Certifying Authority within seven (7) days of receipt of the fill and must be produced to any authorised officer who demands to see them.

**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.

32. **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**.



**ITEM 2 (continued)**

**ATTACHMENT 1**

33. **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**.
34. **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)
35. **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
36. **Alignment Levels.** The applicant is to apply to Council, pay the required fee, and have issued site specific alignment levels by Council prior to the issue of the **Construction Certificate**.
37. **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**.
38. **Dilapidation Survey.** A dilapidation survey is to be undertaken that addresses all properties (including any public place) that may be affected by the construction work namely 18 and 24 Amiens Street, Gladesville. A copy of the survey is to be submitted to the PCA (*and Council, if Council is not the PCA*) prior to the release of the **Construction Certificate**.
39. **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](http://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.

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

**ITEM 2 (continued)**

**ATTACHMENT 1**

41. **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**.
42. **Pool fencing.** The pool fence is to be erected in accordance with the approved plans and conform with the provisions of the *Swimming Pools Act 1992* and *Swimming Pools Regulation 2008*. Details of compliance are to be reflected on the plans submitted with the **Construction Certificate**.
43. **Relocation of retaining wall and rain water tank.** To ensure adequate protection of the tree's roots covered in the following condition, the proposed rainwater tank and retaining wall adjacent to the rainwater tank is to be relocated away from the 2.4m tree protection zone area. Details of the revised rainwater tank and retaining wall location are to be submitted to Council for approval prior to the issue of the **Construction Certificate**.
44. **Tree protection.** The *Glochidion ferdinandi* (Cheese Tree) located on the adjoining property at 34 Meriton Street is to be retained and protected as part of the proposed development through establishment of a 2.4m Tree Protection Zone (TPZ).

In this regard, to ensure adequate protection of the tree's roots, the proposed rainwater tank and retaining wall adjacent to the rainwater tank is to be relocated away from the 2.4m tree protection zone area. Details of the revised rainwater tank and retaining wall location are to be submitted to Council for approval prior to the issue of the **Construction Certificate**.

Engineering Conditions

45. **Site Stormwater Drainage System.** To ensure satisfactory stormwater disposal and minimise downstream stormwater impacts, stormwater runoff from the site shall be collected and piped by gravity flow to the public road in accordance with the requirements of DCP 2010: Part 8.2- Stormwater Management. Accordingly, detailed engineering plans with certification indicating compliance with this condition are to be submitted with the Construction Certificate application.
46. **Boundary Levels.** The levels of the street alignment shall be obtained from Council. These levels shall be incorporated into the design of the internal driveways, carparking areas, landscaping and stormwater drainage design where applicable to ensure smooth transition.
47. **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.

**ITEM 2 (continued)**

**ATTACHMENT 1**

48. **Vehicle Footpath Crossings.** Concrete footpath crossings shall be constructed at all locations where vehicles cross the footpath, to protect it from damage resulting from the vehicle traffic. The crossing(s) are to be constructed in plain reinforced with location, design and construction shall conform to Council requirements. Accordingly, prior to issue of Construction Certificate an application shall be made to Council's Public Works division for driveway crossing alignment levels. These issued levels are to be incorporated into the design of the driveway access and clearly delineate on plans submitted with the Construction Certificate application.

**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.

49. **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.

50. **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.

51. **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.

**ITEM 2 (continued)**

**ATTACHMENT 1**

- (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).

**52. 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.

- 53. 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.

**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.

- 54. 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*.
- 55. 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.
- 56. Sediment/dust control.** No sediment, dust, soil or similar material shall leave the site during construction work.

**ITEM 2 (continued)**

**ATTACHMENT 1**

57. **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.

58. **Construction materials.** All materials associated with construction must be retained within the site.

59. **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.

60. **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.

61. **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".

62. **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.

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

64. **Tree protection.** The *Glochidion ferdinandi* (Cheese Tree) located on the adjoining property at 34 Meriton Street is to be retained and protected as part of the proposed development through establishment of a 2.4m Tree Protection Zone (TPZ).

65. **Tree works – Australian Standards.** Any works approved by this consent to trees must be carried out in accordance with all relevant Australian Standards.

**ITEM 2 (continued)**

**ATTACHMENT 1**

66. **Tree works – provision of arborist details.** Council is to be notified, in writing, of the name, contact details and qualifications of the Consultant Arborist appointed to the site. Should these details change during the course of works, or the appointed Consultant Arborist alter, Council is to be notified, in writing, within seven working days.
67. **Tree works – arborist supervision.** A Project Arborist with AQF Level 5 qualifications is to be engaged to ensure compliance with the tree protection measures and oversee all works including demolition and construction, in relation to the trees identified for retention on the site.
68. **Drop-edge beams.** Perimeters of slabs are not to be visible and are to have face brickwork from the natural ground level.

**PRIOR TO OCCUPATION CERTIFICATE**

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

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

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

69. **BASIX.** The submission of documentary evidence of compliance with all commitments listed in BASIX Certificate(s) numbered 484676S, dated 17 June 2013.
70. **Landscaping.** All landscaping works approved by Condition 1 are to be completed prior to the issue of the final **Occupation Certificate**.
71. **Fire safety matters.** At the completion of all works, a Fire Safety Certificate must be prepared, which references all the Essential Fire Safety Measures applicable and the relative standards of Performance (as per Schedule of Fire Safety Measures). This certificate must be prominently displayed in the building and copies must be sent to Council and the NSW Fire Brigade.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of the Interim/Final Occupation Certificate.

Each year the Owners must send to the Council and the NSW Fire Brigade an annual Fire Safety Statement which confirms that all the Essential Fire Safety Measures continue to perform to the original design standard.



**ITEM 2 (continued)**

**ATTACHMENT 1**

72. **Road opening permit – compliance document.** The submission of documentary evidence to Council of compliance with all matters that are required by the Road Opening Permit issued by Council under Section 139 of the *Roads Act 1993* in relation to works approved by this consent, prior to the issue of the **Occupation Certificate**.
73. **Letterboxes and street/house numbering.** All letterboxes and house numbering are to be designed and constructed to be accessible from the public way. Council must be contacted in relation to any specific requirements for street numbering.

Engineering Conditions

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

**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.

76. **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

Quality Certification

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

<b>LDA No:</b>	<b>LDA13/211</b>
<b>Date Plans Rec'd</b>	<b>22/06/2013</b>
<b>Address:</b>	<b>20 Amiens Street, Gladesville</b>
<b>Proposal:</b>	Demolition, new part 2/ part 3 storey dwelling, pool and front fence.
<b>Constraints Identified:</b>	<b>Heritage, Acid Sulphate Soils.</b>

COMPLIANCE CHECK

RYDE LEP 2010	PROPOSAL	COMPLIANCE
<b>4.3(2) Height</b> • 9.5m overall	9.4m	Yes
<b>4.4(2) &amp; 4.4A(1) FSR</b> • 0.5:1	0.4958:1	Yes

DCP 2010	PROPOSED	COMPLIANCE
<b>Part 3.3 – Dwelling Houses and Dual Occupancy (attached)</b>		
<b>Desired Future Character</b>		
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.	Yes
<b>Dwelling Houses</b>		
– To have a landscaped setting which includes significant deep soil areas at front and rear. – Maximum 2 storeys.	Front and rear gardens proposed.  Partly three storeys, however due to the site's topography the proposed building appears to be single storey with a loft / dormer from Amiens Street and reflects the surrounding streetscape. The third storey only includes a small amount of floor space being 20.15m <sup>2</sup> providing access to upper level terrace.	Yes  No - Justified
– Dwellings to address street – Garage/carports not visually	Dwelling presents to street Double garage is located at	Yes Yes

**ITEM 2 (continued)**

**ATTACHMENT 2**

<b>DCP 2010</b>	<b>PROPOSED</b>	<b>COMPLIANCE</b>
prominent features.	lower ground level at an RL below that of Amiens Street additionally the proposed garage is orientated away from the street and accessed by a curved driveway, which reduces its visual prominence.	
<b>Alterations and Additions</b>		
<ul style="list-style-type: none"> <li>- Design of finished building appears as integrated whole.</li> <li>- Development to improve amenity and liveability of dwelling and site.</li> </ul>	Proposal is for a new dwelling house.	NA
<b>Public Domain Amenity</b>		
<ul style="list-style-type: none"> <li>• <b>Streetscape</b> <ul style="list-style-type: none"> <li>- Front doors and windows are to face the street. Side entries to be clearly apparent.</li> <li>- Single storey entrance porticos.</li> </ul> </li> <li>- Articulated street facades.</li> <li>- Corner buildings to address both frontages</li> </ul>	<p>Front doors and windows face street.</p> <p>Although the entrance portico may appear to be two storey the upper level component actually services as a trafficable balcony and accordingly should be considered as a single storey entrance portico only.</p> <p>Articulated street facade Not on corner</p>	<p>Yes</p> <p>Yes</p> <p>Yes NA</p>
<ul style="list-style-type: none"> <li>• <b>Public Views and Vistas</b> <ul style="list-style-type: none"> <li>- 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.</li> <li>- Garages/carports and outbuildings are not to be located within view corridor if they obstruct view.</li> <li>- Fence 70% open where height is &gt;900mm</li> </ul> </li> </ul>	<p>No water views available from Amiens Street across subject site.</p> <p>NA see above.</p> <p>NA see above.</p>	NA
<ul style="list-style-type: none"> <li>• <b>Pedestrian &amp; Vehicle Safety</b> <ul style="list-style-type: none"> <li>- Car parking located to accommodate sightlines to footpath &amp; road.</li> </ul> </li> </ul>	Proposed car parking is located within an integrated garage that allows entry and	Yes

**ITEM 2 (continued)**

**ATTACHMENT 2**

DCP 2010	PROPOSED	COMPLIANCE
<ul style="list-style-type: none"> <li>- Fencing that blocks sight line is to be splayed.</li> </ul>	<p>egress from the site in a forward direction, accordingly satisfactory sightlines are anticipated to be provided.</p> <p>The proposed dwelling includes a front fence along the Amiens Street frontage which generally complies with fencing controls under Section 2.15, Part 3.3 of the Ryde DCP 2010 and accordingly does not block sight lines.</p>	<p style="text-align: center;">Yes</p>
<b>Site Configuration</b>		
<ul style="list-style-type: none"> <li>• <b>Deep Soil Areas</b></li> <li>- 35% of site area min.</li> <li>- Min 8x8m deep soil area in backyard.</li> <li>- Front yard to have deep soil area (only hard paved area to be driveway, pedestrian path and garden walls).</li> <li>- Dual occupancy developments only need 1 of 8 x 8m area (doesn't have to be shared equally).</li> </ul>	<p>482.23m<sup>2</sup> approx (36.49% of site area).</p> <p>8m x 8m not provided, however equivalent provided with satisfactory with satisfactory dimensions.</p> <p>100% permeable area in front yard= 171.3m<sup>2</sup>. Hard surface areas have been kept to a minimum.</p> <p>Proposal does not include dual occupancy development</p>	<p style="text-align: center;">Yes</p> <p style="text-align: center;">Yes</p> <p style="text-align: center;">Yes</p> <p style="text-align: center;">NA</p>
<ul style="list-style-type: none"> <li>• <b>Topography &amp; Excavation</b></li> <li>Within building footprint: <ul style="list-style-type: none"> <li>- Max cut: 1.2m</li> <li>- Max fill: 900mm</li> </ul> </li> <li>Outside building footprint: <ul style="list-style-type: none"> <li>- Max cut: 900mm</li> </ul> </li> </ul>	<p>Max cut: between approximately 2.61m (plant room) and 3.05m (games room).</p> <p>Max fill: approximately 1.08m in the area of the proposed theatre.</p> <p>Maximum cut for the construction of the Garage is approximately 2.7m, however it is noted on the plans that this intends to be back filled therefore the maximum level of cut outside of the building footprint that will remain once</p>	<p style="text-align: center;">No</p> <p style="text-align: center;">No</p> <p style="text-align: center;">No</p>

ITEM 2 (continued)

ATTACHMENT 2

DCP 2010	PROPOSED	COMPLIANCE
<ul style="list-style-type: none"> <li>- Max fill: 500mm</li> <li>- No fill between side of building and boundary or close to rear boundary</li> <li>- No fill in overland flow path</li> <li>- Max ht retaining wall 900mm</li> </ul>	<p>construction is completed would be that cut proposed on the western side of the proposed dwelling house adjacent to the courtyard which is approximately 1.88m. Max fill: approximately 2.19m at the retaining wall of the swimming pool and turfed courtyard.</p> <p>Fill occurs 2m from rear boundary.</p> <p>Not in overland flow path Highest retaining wall proposed is at the swimming pool and is approximately 2.19m in height.</p>	<p>No</p> <p>No</p> <p>NA</p> <p>No</p>
<b>Floor Space Ratio</b>		
<ul style="list-style-type: none"> <li>- Lower Ground Floor</li> <li>- Ground floor</li> <li>- First floor (loft)</li> <li>- Total (Gross Floor Area)</li> <li>- Less 36m<sup>2</sup> (double) or 18m<sup>2</sup> (single) allowance for parking</li> </ul> <p><b>FSR (max 0.5:1)</b></p> <p><b>Note: Excludes wall thicknesses, lifts/stairs; basement storage/vehicle access/garbage area; terraces/balconies with walls &lt;1.4m; void areas.</b></p>	<p>336.58m<sup>2</sup></p> <p>332.54m<sup>2</sup></p> <p>22.17m<sup>2</sup></p> <p>691.29m<sup>2</sup></p> <p>655.29m<sup>2</sup></p> <p><b>0.4958:1</b> (area from DP27326 - 1,321.55m<sup>2</sup>)</p> <p><b>0.4950:1</b> (area from Site Survey - 1,323.8m<sup>2</sup>)</p>	<p>Yes</p>
<b>Height</b>		
<ul style="list-style-type: none"> <li>- 2 storeys maximum (storey) incl basement elevated greater than 1.2m above EGL).</li> <li>- 1 storey maximum above attached garage incl semi-basement or at-grade garages.</li> </ul> <p>Wall plate (Ceiling Height)</p> <ul style="list-style-type: none"> <li>- 7.5m max above FGL or</li> </ul>	<p>Three storey proposed.</p> <p>Due to articulation of the building there is only one storey directly above the attached garage. The buildings second storey (i.e. the loft) is spaced approximately 12m away from the entrance of the attached garage.</p> <p>TOW RL: 27.81</p>	<p>No</p> <p>Yes</p> <p>Yes</p>

**ITEM 2 (continued)**

**ATTACHMENT 2**

DCP 2010	PROPOSED	COMPLIANCE
<p>- 8m max to top of parapet.</p> <p>NB: <i>TOW = Top of Wall</i> <i>EGL = Existing Ground Level</i> <i>FGL = Finished Ground Level</i></p> <p>- 9.5m Overall Height</p> <p><i>NB: EGL – Existing ground Level</i></p>	<p>FGL below (lowest point): RL:20.11 TOW Height =7.7m (This is the height to parapet of the column in the south west corner of the proposed building and is below the maximum 8m height allowable for continuous parapets). Max point of dwelling RL:31.1 EGL below ridge (lowest point) RL: 21.70 Overall Height = 9.4m</p>	<p>Yes</p>
<p>- Habitable rooms to have 2.4m floor to ceiling height (min).</p>	<p>2.6m min room height (loft)</p>	<p>Yes</p>
<b>Setbacks</b>		
<ul style="list-style-type: none"> <li>• <b>Side</b> <ul style="list-style-type: none"> <li>○ <b>Single storey dwelling</b> <ul style="list-style-type: none"> <li>- 900mm to wall, includes balconies etc.</li> </ul> </li> <li>○ <b>First floor addition</b> <ul style="list-style-type: none"> <li>- 150mm to wall, includes balconies etc.</li> </ul> </li> <li>○ <b>Two storey dwelling</b> <ul style="list-style-type: none"> <li>- 1500mm to wall, includes balconies etc.</li> </ul> </li> <li>○ Side setback to <b>secondary frontage</b> (cnr allotments): 2m to façade and garage/carports</li> </ul> </li> <li>• <b>Front</b> <ul style="list-style-type: none"> <li>- 6m to façade (generally)</li> </ul> </li> <li>- 2m to secondary street frontage</li> <li>- Garage setback 1m from the dwelling facade</li> </ul>	<p>1.5m to wall min</p> <p>1.5m to wall min</p> <p>1.5m to wall min</p> <p>Not a corner allotment</p> <p>The proposed development is generally setback 6m from the front boundary to the support posts of the balcony and 7m to the dwelling façade. A minor encroachment at front porch by 390mm results in setback of 5.6m to entry porch, however the general setback distance is still considered to comply with the 6m control.</p> <p>Not on a corner site. The proposed garage is orientated toward the western side boundary and in a semi-basement configuration, as such the proposed garage is</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>NA</p> <p>Yes</p> <p>NA</p> <p>NA</p>



**ITEM 2 (continued)**

**ATTACHMENT 2**

DCP 2010	PROPOSED	COMPLIANCE
<ul style="list-style-type: none"> <li>- Wall above is to align with outside face of garage below.</li> <li>- Front setback free of ancillary elements e.g. RWT,A/C</li> <li>• <b>Rear</b></li> <li>- 8m to rear of dwelling <b>OR</b> 25% of the length of the site, whichever is greater. <b>Note: 10.996m is 25% of site length.</b></li> <li>• <b>Sites wider than they are long</b></li> <li>- One side setback of 8m or 20% of allotment width, whichever is greater. NB: Side setback on irregular allotments can be measured at the centre line of the site (must have 8x8 DSA).</li> <li>- Rear setback 4m min (in addition to 8m side setback)</li> </ul>	<p>not a prominent element in the streetscape and accordingly this control is considered not applicable in this instance. It is noted that the garage door is set back 1.2m from the western side elevation of the dwelling and any minor view of the garage door from the streetscape is minimised through the design.</p> <p>Wall above aligns with outside face of garage wall Front setback is free of ancillary elements</p> <p>The rear setback to the terrace is 11m at the shortest point which is at the south western corner of the porch adjacent to bedroom 5 and the drying area.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>NA</p> <p>NA</p>
<b>Car Parking &amp; Access</b>		
<ul style="list-style-type: none"> <li>• <b>General</b></li> <li>- Dwelling: 2 spaces max, 1 space min.</li> <li>- Dual Occupancy (attached): 1 space max per dwelling.</li> <li>- Where possible access off secondary street frontages or laneways is preferable.</li> <li>- Garage or carport may be in front If no other suitable position, no vehicular access to side or rear</li> </ul>	<p>Four (4) spaces in garage plus one (1) outdoor visitor space as per submitted SEE and plans.</p> <p>NA</p> <p>Access from Amiens Street only, no secondary access possible.</p> <p>Proposed garage faces western side boundary.</p>	<p>No</p> <p>NA</p> <p>Yes</p> <p>NA</p>

**ITEM 2 (continued)**

**ATTACHMENT 2**

DCP 2010	PROPOSED	COMPLIANCE
<ul style="list-style-type: none"> <li>- Max 6m wide or 50% of frontage, whichever is less.</li> <li>- Behind building façade.</li> </ul>	<p>Proposed garage faces western side boundary.</p> <p>Garage entrance to the side of the building facade.</p>	<p>NA</p> <p>Yes</p>
<ul style="list-style-type: none"> <li>• <b>Garages</b></li> <li>- Garages setback 1m from façade.</li> </ul>	<p>The proposed garage is orientated toward the western side boundary and in a semi-basement configuration, as such the proposed garage is not a prominent element in the streetscape and accordingly this control is considered not applicable in this instance. It is noted that the garage door is set back 1.2m from the western side elevation of the dwelling and any minor view of the garage door from the streetscape is minimised through the design.</p>	<p>Yes</p>
<ul style="list-style-type: none"> <li>- 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.</li> </ul>	<p>Width of opening: 5.7m</p> <p>It is noted that the garage door is set back 1.2m from the western side elevation of the dwelling and the building element immediately above, however as the proposed garage is orientated toward the western side boundary and in a semi-basement configuration, the proposed garage is not a prominent feature with regard to the individual lot or streetscape.</p>	<p>Yes</p> <p>NA</p>
<ul style="list-style-type: none"> <li>- Garage windows are to be at least 900mm away from boundary.</li> </ul>	<p>No garage windows proposed.</p>	<p>NA</p>
<ul style="list-style-type: none"> <li>- Free standing garages are to have a max GFA of 36m<sup>2</sup>.</li> </ul>	<p>The proposed garage is attached and is not free standing.</p>	<p>NA</p>
<ul style="list-style-type: none"> <li>- Solid doors required</li> <li>- Materials in keeping or complementary to dwelling.</li> </ul>	<p>Solid doors proposed</p> <p>Materials: consistent with new dwelling.</p>	<p>Yes</p> <p>Yes</p>
<ul style="list-style-type: none"> <li>• <b>Carpports</b></li> <li>- Sides 1/3 open (definition in BCA)</li> </ul>		

**ITEM 2 (continued)**

**ATTACHMENT 2**

DCP 2010	PROPOSED	COMPLIANCE
<ul style="list-style-type: none"> <li>- Design and materials compatible with dwelling.</li> <li>• <b>Parking Space Sizes (AS)</b> Double garages: 5.4m w (min)</li> <li>- Single garage: 3m w(min)</li> <li>- Internal length: 5.4m (min)</li> <li>• <b>Driveways</b></li> <li>- Extent of driveways minimised</li> <li>• <b>Semi-basement Car Parking</b></li> <li>- Ramps must start 2m from the boundary (not on public land).</li> <li>- Walls are not to extend beyond walls of dwelling above.</li> <li>- Only allowed where appropriate to site topography</li> </ul>	<p>None proposed</p> <p>6m NA 11.5m</p> <p>Driveway minimised</p> <p>Ramp begins less than 2m from the boundary. Development Engineer to comment.</p> <p>Walls do not extend beyond walls of dwelling above</p> <p>Appropriate considering topography of site.</p>	<p>NA</p> <p>Yes NA Yes</p> <p>Yes Yes No</p> <p>Yes</p> <p>Yes</p>
<b>Swimming Pools &amp; Spas</b>		
<ul style="list-style-type: none"> <li>- Must comply with all relevant Acts, Regulations and Australian Standards.</li> <li>- 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.</li> <li>- No openable windows, door or other openings in a wall that forms part of barrier</li> <li>- Spa to have lockable lid if not fenced or covered</li> <li>- Pools not to be in front setback</li> <li>• <b>Pool coping height</b></li> <li>- 500mm maximum above existing ground level</li> <li><i>(only if no impact on privacy)</i></li> <li>• <b>Pool Setback</b></li> <li>- 900mm min from outside edge of pool coping, deck or surrounds to allow sufficient space for amenity screen planting</li> </ul>	<p>Assessed before issuing Construction Certificate</p> <p>Pool is to be surrounded by child resistant barrier, fencing isolates pool area from dwelling and adjoining land.</p> <p>Gate location/swing illustrated on plans.</p> <p>There are no openable windows/doors within close proximity of the pool area.</p> <p>No Spa proposed</p> <p>Pool located at rear. Pool coping RL:20.80</p> <p>EGL (lowest point below coping): RL:18.81</p> <p>Coping Height =1.99m</p> <p>Setback (min):2m</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>NA</p> <p>Yes No</p> <p>Yes</p> <p>Yes</p>

**ITEM 2 (continued)**

**ATTACHMENT 2**

DCP 2010	PROPOSED	COMPLIANCE
<ul style="list-style-type: none"> <li>- 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.</li> <li>- Pool setback 3m+ from tree &gt;5m height on subject or adjacent property.</li> <li>- Pool filter located away from neighbouring dwellings, and in an acoustic enclosure.</li> </ul>	<p>Located more than 1.5m from boundary.</p> <p>Existing tree within 3m to be removed.</p> <p>Pool equipment located at sufficient distance away from neighbouring dwellings a standard condition to ensure that the equipment including pool filter is stored in an appropriate acoustic enclosure.</p>	<p>NA</p> <p>Yes</p> <p>Yes</p>
<b>Landscaping</b>		
<ul style="list-style-type: none"> <li>• <b>Trees &amp; Landscaping</b></li> <li>- Major trees retained where practicable.</li> <li>- If bushland adjoining use native indigenous species for 10m from boundary</li> <li>- Physical connection to be provided between dwelling and outdoor spaces where the ground floor is elevated above NGL e.g. stairs, terraces.</li> <li>- Obstruction-free pathway on one side of dwelling (excl cnr allotments or rear lane access).</li> <li>- Front yard to have at least 1 tree with mature ht of 10m min and a spreading canopy.</li> </ul>	<p>Three (3) major trees are to be retained. The major trees proposed to be removed cannot practicably be retained during construction and the submitted arborist report identifies them as being either poor in condition, low in vigour or exempt under Council's tree preservation order. The arborist report therefore recommends that eleven (11) trees are to be removed and replaced with alternate plantings.</p> <p>Not bushland adjoining</p> <p>Proposal includes physical connection between dwelling and outdoor spaces.</p> <p>Obstruction free pathway provided.</p> <p>Existing tree (Jacaranda mimosifolia) in north east front corner of site is to be retained which has a mature height of 10m with spreading canopy.</p>	<p>Yes</p> <p>NA</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>

**ITEM 2 (continued)**

**ATTACHMENT 2**

DCP 2010	PROPOSED	COMPLIANCE
<ul style="list-style-type: none"> <li>- Backyard to have at least 1 tree with mature ht of 15m min and a spreading canopy.</li> </ul>	<p>Existing tree (Black Bean) in rear of site is to be retained which has a mature height above 15m with spreading canopy. A second Jacaranda is also proposed for the north west front corner of the subject site.</p>	<p>Yes</p>
<ul style="list-style-type: none"> <li>- Hedging or screen planting on boundary mature plants reaching no more than 2.7m.</li> </ul>	<p>The submitted landscape plan includes planting along the boundaries of Viburnum Odoratissimum and Murraya Paniculata which can reach mature heights above 2.7m.</p>	<p>No</p>
<ul style="list-style-type: none"> <li>- OSD generally not to be located in front setback unless under driveway.</li> </ul>	<p>OSD located at rear of site</p>	<p>Yes</p>
<ul style="list-style-type: none"> <li>- Landscaped front garden, with max 40% hard paving.</li> </ul>	<p>Hard Paving: 30.99%</p>	<p>Yes</p>
<ul style="list-style-type: none"> <li>• <b>Landscaping for lots with Urban Bushland or Overland Flow constraints</b></li> <li>- Where lot is adjoining bushland protect, retain and use only native indigenous vegetation for distance of 10m from building adjoining bushland.</li> <li>- No fill allowed in overland flow areas.</li> <li>- Fences in Overland Flow areas must be of open construction so it doesn't impede the flow of water.</li> </ul>	<p>No Urban Bushland or Overland Flow constraints identified.</p>	<p>NA</p>
<p><b>Dwelling Amenity</b></p>		
<ul style="list-style-type: none"> <li>• <b>Daylight and Sunlight Access</b></li> <li>- Living areas to face north where orientation makes this possible.</li> </ul>	<p>Where possible living areas have been given a northern orientation, however as north is the street boundary and there is an obvious amenity benefit derived from providing living areas adjoining principle private open space areas a number of living areas within the proposed dwelling are orientated to the south.</p>	<p>Yes</p>

**ITEM 2 (continued)**

**ATTACHMENT 2**

DCP 2010	PROPOSED	COMPLIANCE
<ul style="list-style-type: none"> <li>- Increase side setback for side living areas (4m preferred) where north is the side boundary.</li> </ul>	<p>North is the front boundary</p>	<p>NA</p>
<p>Subject Dwelling:</p>		
<ul style="list-style-type: none"> <li>- Subject dwelling north facing windows are to receive at least 3 hrs of sunlight to a portion of their surface between 9am and 3pm on June 21.</li> </ul>	<p>North facing windows will receive at least 3hrs of sunlight between 9am and 3pm on June 21</p>	<p>Yes</p>
<ul style="list-style-type: none"> <li>- Private Open space of subject dwelling is to receive at least 2 hours sunlight between 9am and 3pm on June 21.</li> </ul>	<p>The submitted shadow diagrams indicate that approximately a quarter of the private open space area receives sunlight at 12pm and approximately half of the private open space area at 3pm, which is sufficient considering the orientation of the site.</p>	<p>Yes</p>
<p><u>Neighbouring properties are to receive:</u></p> <ul style="list-style-type: none"> <li>- 2 hours sunlight to at least 50% of adjoining principal ground level open space between 9am and 3pm on June 21.</li> </ul>	<p>The submitted shadow diagrams indicate that more than 2 hours of sunlight to at least 50% of adjoining principal open space between 9am and 3pm on June 21.</p>	<p>Yes</p>
<ul style="list-style-type: none"> <li>- At least 3 hours sunlight to a portion of the surface of north facing adjoining living area windows between 9am and 3pm on June 21.</li> </ul>	<p>The submitted shadow diagrams indicate that more than 3 hours of sunlight to adjoining living area windows between 9am and 3pm on June 21.</p>	<p>Yes</p>
<ul style="list-style-type: none"> <li>• <b>Visual Privacy</b></li> </ul>		
<ul style="list-style-type: none"> <li>- Orientate windows of living areas, balconies and outdoor living areas to the front and rear of dwelling.</li> </ul>	<p>Windows of living areas, balconies and outdoor living areas are orientated to the front and rear of the proposed dwelling.</p>	<p>Yes</p>
<ul style="list-style-type: none"> <li>- Windows of living, dining, family etc. placed so there are no close or direct views to adjoining dwelling or open space.</li> </ul>	<p>The majority of windows are placed so there are no close or direct views towards neighbouring properties. Those windows which are orientated towards the eastern side boundary include high level sill heights to ensure privacy is maintained and overlooking is minimised.</p>	<p>Yes</p>



**ITEM 2 (continued)**

**ATTACHMENT 2**

<b>DCP 2010</b>	<b>PROPOSED</b>	<b>COMPLIANCE</b>
<ul style="list-style-type: none"> <li>- Side windows offset from adjoining windows.</li> </ul>	<p>The proposed Kitchen Window is in line and at a similar level to a window of adjoining property No. 18 Amiens Street, however the size and sill height of this window is considered to result in minimal opportunities for overlooking. As such, visual privacy is considered to be maintained.</p>	<p>Yes</p>
<ul style="list-style-type: none"> <li>- Terraces, balconies etc. are not to overlook neighbouring dwellings/private open space.</li> </ul>	<p>Terraces and balconies are orientated towards the front and rear of the site. The eastern side of the first floor terrace includes a screen to prevent overlooking and the western side is setback 3m from the neighbouring boundary.</p>	<p>Yes</p>
<ul style="list-style-type: none"> <li>• <b>Acoustic Privacy</b></li> <li>- Layout of rooms in dual occupancies (attached) are to minimise noise impacts between dwellings e.g.: place adjoining living areas near each other and adjoining bedrooms near each other.</li> </ul>	<p>Not dual occupancy. Acoustic privacy of neighbouring properties unlikely to be affected.</p>	<p>Yes</p>
<ul style="list-style-type: none"> <li>• <b>View Sharing</b></li> <li>- The siting of development is to provide for view sharing.</li> </ul>	<p>Siting of the development does not affect view sharing.</p>	<p>Yes</p>
<ul style="list-style-type: none"> <li>• <b>Cross Ventilation</b></li> <li>- Plan layout is to optimise access to prevailing breezes and to provide for cross ventilation.</li> </ul>	<p>Plan layout optimises cross ventilation.</p>	<p>Yes</p>
<b>External Building Elements</b>		
<ul style="list-style-type: none"> <li>• <b>Roof</b></li> <li>- Articulated.</li> <li>- 450mm eaves overhang minimum.</li> <li>- Not to be trafficable Terrace.</li> <li>- Skylights to be minimised and placed symmetrically.</li> <li>- Front roof plane is not to have both dormer windows and skylights.</li> </ul>	<p>Articulated roof 600mm overhang</p> <p>Trafficable roof terrace provided in main roof. Minimal and symmetrical skylights.</p> <p>Front roof plane include dormer / balcony without skylights.</p>	<p>Yes</p> <p>Yes</p> <p>No</p> <p>Yes</p> <p>Yes</p>

**ITEM 2 (continued)**

**ATTACHMENT 2**

DCP 2010	PROPOSED	COMPLIANCE
<ul style="list-style-type: none"> <li>- Attic to be within roof space</li> <li>• <b>Attic Dormer Windows</b></li> <li>- Max 2 dormer windows with a max total width of 3m.</li> <li>- Highest point to be 500mm min below roof ridge and 1m min above the top of gutter.</li> <li>- Total roof area of attic dormer: 8m<sup>2</sup>.</li> <li>- Front face to be setback 1m min back from external face of wall below.</li> <li>- Balconies set into roof not permitted.</li> </ul>	<p>Attic is within roof space Extra roof level proposed – technically not a dormer window</p> <p>Balconies and terraces set in main roof</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>No</p>
<b>Fencing</b>		
<ul style="list-style-type: none"> <li>• <b>Front/return:</b></li> <li>- To reflect design of dwelling.</li> <li>- To reflect character and height of neighbouring fences.</li> <li>- Max 900mm high for solid (picket can be 1m).</li> <li>- Max 1.8m high if 50% open (any solid base max 900mm).</li> <li>- Retaining walls on front building max 900mm.</li> <li>- No colourbond or paling</li> <li>- Max pier width 350mm.</li> <li>• <b>Side/rear fencing:</b></li> <li>- 1.8m max o/a height.</li> </ul>	<p>Reflects design of dwelling</p> <p>Reflects character and height of neighbouring fences</p> <p>900mm solid base wall with rail above, 50% open and 1.8m max. in height.</p> <p>As above</p> <p>No retaining walls over 900mm as part of front or return fence.</p> <p>No colourbond or paling proposed.</p> <p>Pier widths vary between approximately 800-1200mm.</p> <p>Screen planting proposed.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>No</p> <p>Yes</p>
<b>Part 7.1 – Energy Smart, Water Wise (only if BASIX not required)</b>		
• <b>Insulation</b>		
<ul style="list-style-type: none"> <li>- Walls: R1.5</li> <li>- Ceiling: R3.0</li> </ul>	BASIX provided	NA
• <b>Hot Water System</b>		
<ul style="list-style-type: none"> <li>- Any hot water system/s installed as part of a development or as a replacement must consider the most efficient option available to minimise greenhouse gas emissions.</li> </ul>		NA

**ITEM 2 (continued)**

**ATTACHMENT 2**

DCP 2010	PROPOSED	COMPLIANCE
<ul style="list-style-type: none"> <li><b>Water Fixtures, Fitting and Appliances</b></li> </ul>		
<ul style="list-style-type: none"> <li>- 3 star shower heads; 4 star dual flush toilet; 4 star taps (other than bath outlets and garden taps); aerators to bathroom/kitchen taps.</li> </ul>		NA
<ul style="list-style-type: none"> <li><b>External Clothes Drying Area</b></li> </ul>		
<ul style="list-style-type: none"> <li>- External yard space or sheltered ventilated space for clothes drying.</li> </ul>		NA
<ul style="list-style-type: none"> <li><b>Water Efficient Labelling &amp; Standards (WELS)</b></li> </ul>		
<ul style="list-style-type: none"> <li>- Minimum WELS rating of 4.5 stars for new or replacement dishwashers and washing machines.</li> </ul>		NA
<p><b>Part 7.2 – Waste Minimisation &amp; Management</b></p>		
Submission of a Waste Management Plan	The applicant has submitted a Waste Management Plan	Yes
<p><b>Part 8.2 – Stormwater Management</b></p>		
<ul style="list-style-type: none"> <li><b>Stormwater</b></li> </ul>		
<ul style="list-style-type: none"> <li>- Drainage is to be piped in accordance with Part 8.2 – Stormwater Management.</li> </ul>	Drainage plans submitted and referred to Development Engineer for comment.	Yes
<p><b>Part 9.2 – Access for People with Disabilities</b></p>		
Accessible path required from the street to the front door, where the level of land permits.	Accessible path provided	Yes
<p><b>Part 9.4 – Fencing</b></p>		
<ul style="list-style-type: none"> <li><b>Front &amp; Return Fences</b></li> </ul>		
<ul style="list-style-type: none"> <li>- Front and return fences that exceed 1m in height are to be 50% open.</li> </ul>	Front and return fences exceeding 1m in height are 50% open.	Yes
<p><b>Part 9.6 – Tree Preservation</b></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.	Submitted arborist report includes justification for the proposed removal of trees.	Yes

**ITEM 2 (continued)**

**ATTACHMENT 2**

DCP 2010	PROPOSED	COMPLIANCE
<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>		

BASIX	PROPOSAL	COMPLIANCE
<p>All ticked "DA plans" commitments on the BASIX Certificate are to be shown on plans (list) <b>BASIX Cert # dated ABSA Cert #</b></p>	<p>BASIX Certificate No. 484676S 17 June 2013 ABSA Certificate No. 1005423338 17 June 2013</p>	<p>Yes</p>
<ul style="list-style-type: none"> <li>• RWT 5000L</li> </ul>	<p>Underground 5000L RWT rear of site</p>	<p>Yes</p>
<ul style="list-style-type: none"> <li>• Swimming Pool</li> <li>1. &lt;28kL</li> <li>2. outdoors</li> </ul>	<p>Yes Yes</p>	<p>Yes Yes</p>
<ul style="list-style-type: none"> <li>• Thermal Comfort Commitments:</li> <li>- Construction</li> <li>- TCC – Glazing.</li> </ul>	<p>Masonry insulated Double glazed</p>	<p>Yes Yes</p>
<ul style="list-style-type: none"> <li>• Solar Gas Boosted HWS 2/41-45 RECS+</li> </ul>		
<ul style="list-style-type: none"> <li>• HWS Gas Instantaneous 5 star.</li> </ul>	<p>Yes</p>	<p>Yes</p>

**ITEM 2 (continued)**

**ATTACHMENT 2**

<b>BASIX</b>	<b>PROPOSAL</b>	<b>COMPLIANCE</b>
<ul style="list-style-type: none"> <li>Natural Lighting</li> <li>- kitchen</li> <li>- bathrooms ( )</li> </ul>	Yes Yes	Yes Yes
Water Target 40	Water:40	Yes
Energy Target 40	Energy:40	Yes
Correct description of property/proposal on 1 <sup>st</sup> page of Certificate.	Correct details shown	Yes

<b>DEMOLITION</b>	<b>PROPOSAL</b>	<b>COMPLIANCE</b>
<ul style="list-style-type: none"> <li>Plan showing all structures to be removed.</li> </ul>	Plan submitted	Yes
<ul style="list-style-type: none"> <li>Demolition Work Plan</li> </ul>	Plan submitted	Yes
<ul style="list-style-type: none"> <li>Waste Management Plan</li> </ul>	Plan submitted	Yes

Summary of Issues/Non compliances:

**Non justifiable**

- Nil

**Justifiable**

- Topography and excavation
- Number of Storeys
- Car parking (ie number of parking spaces exceeded, and ramps provided within 2m of boundary)
- Pool coping height
- Trafficable roof area
- Pier width on front fence
- Front setback

**Can be dealt with by condition**

- Location of pool filter
- Screen planting height

**Certification**

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

Name Ben Tesoriero

Signature



Date 15 January 2014

**ITEM 2 (continued)**

**ATTACHMENT 3**

**View Impact Assessment**

**Alterations & Additions to existing dwelling including a first floor extension and new swimming pool at No.20 Amiens Street, Gladesville**

<b>LDA No:</b>	<b>2013/0211</b>
<b>Date Plans Rec'd</b>	<b>22 June 2013. Amended plans received 2 October 2013</b>
<b>Address:</b>	<b>20 Amiens Street, Gladesville</b>
<b>Proposal:</b>	Demolition of existing dwelling house and associated structures and construction of a new dwelling house with in-ground swimming pool, new front fence, and landscaping treatments.

**History**

A number of submissions objecting to the proposed development have been received, with a common issue for certain objectors being the issue of potential view loss as a result of the proposed dwelling house. In particular, those objectors most concerns with potential view loss as a result of the proposal are those dwelling houses located on the northern side of Amiens Street, being 27, 29 and 31 Amiens Street.

**Comment**

A site inspection of the properties opposite the subject site on the northern side of Amiens Street was undertaken on 18 September 2013 by Consultant Planner Ben Tesoriero (CPS) and Chris Young, Team Leader, Development Assessment and Nancy Tarlao, Heritage Officer at City of Ryde Council to assess the potential loss of the abovementioned views as a result of the proposed development.

Council's DCP 2010 Part 3.3 Dwelling Houses and Dual Occupancy (attached) states Clause 2.13.4 – View Sharing, that *view sharing is where development is designed so as to retain the private views enjoyed from existing dwellings on neighbouring sites. However the equitable sharing of views is desired and existing dwellings will not always be able to retain existing views across neighbouring allotments.*

**Objectives**

1. To ensure new dwellings endeavour to respect important views from living areas within neighbouring dwellings.

**Controls**

- a. The siting of development is to provide for view sharing.



## ITEM 2 (continued)

## ATTACHMENT 3

The Land and Environment Court has established “planning principles” in relation to impacts on views from neighbouring properties. In *Tenacity Consulting P/L v Warringah Council* (2004) NSWLEC 140 Roseth SC, states that “the notion of view sharing is involved 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). In deciding whether or not view sharing is reasonable, Commissioner Roseth set out a 4 step assessment in regards to ‘*reasonable sharing of view*’. The steps are as follows:

1. *Description and assessment of views to be affected by proposal and the value of these views*
2. *Ascertain whether view retention expectations are realistic. Consider from what part of the property the views are obtained.*
3. *Assess the extent of the impact for the whole property. The impact should be qualified on a scale from negligible to devastating.*
4. *Assess the reasonableness of the proposal that is causing the impact, taking into account any non-compliance that is causing the view loss. (A development that complies with all the planning controls would be more reasonable than one that breaches them).*

In this instance, the views currently enjoyed by adjoining properties can be assessed as follows:

### Planning Principles

#### The First Step

*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, eg a water view in which the interface between land and water is visible is more valuable than one in which it is obscured.*

Firstly, the views from 31 Amiens Street, Gladesville is considered.

**Front porch** – As demonstrated in **Figure 1** and **Figure 2** views from the front porch of 31 Amiens Street toward Parramatta River are very limited partial views of the southern side of Parramatta River that are highly obscured by existing stands of mature vegetation and dwelling house development. The only clear substantial partial view of Parramatta River is considered to be to the far south-west where the intersection of Amiens Street and Meriton Street provides a gap in vegetation and development to present a small view over Parramatta River.

Due to the nature of the front porch, views are considered from a standing position only.

**ITEM 2 (continued)**

**ATTACHMENT 3**

**Main bedroom** – As demonstrated in *Figure 3* and *Figure 4*, views from both a standing and seated position within the front main bedroom of the dwelling house are also considered to be very limited partial views of the southern side of Parramatta River that are highly obscured by existing stands of mature vegetation and existing dwelling house development at 20 Amiens Street.

**Second bedroom** – As demonstrated in *Figure 5* and *Figure 6*, views from both a standing and seated position within the front second bedroom of the dwelling house are also considered to be very limited partial views of the southern side of Parramatta River that are highly obscured by existing stands of mature vegetation and existing dwelling house development at 20 Amiens Street. Like the front porch, the only clear substantial partial view of Parramatta River is considered to be to the far south-west where the intersection of Amiens Street and Meriton Street provides a gap in vegetation and development to present a small view over Parramatta River.

When considering the value of the above mentioned obscured views, it is noted the views to the south do not include any views of icons such as the Harbour Bridge or Opera House, and as mentioned the views do not represent whole views, but rather only partial or fractional views of the water. As such, the value of these views is considered to be relatively poor. The most valuable view of those afforded to 31 Amiens Street are considered to be those to the far south west angle where the intersection of Amiens Street and Meriton Street provides a gap in vegetation and development to present a small view over Parramatta River.

Secondly, the views from 29 Amiens Street, Gladesville is considered.

**Front porch** – As demonstrated in *Figure 7*, *Figure 8* and *Figure 9* views from the front porch of 29 Amiens Street toward Parramatta River are very limited partial views of the southern side of Parramatta River that are highly obscured by existing stands of mature vegetation and dwelling house development. Like 31 Amiens Street, the only clear substantial partial view of Parramatta River is considered to be to the far south-west where the fall of the land and Meriton Street provides a gap in vegetation and development to present a small view over Parramatta River.

Due to the nature of the front porch, views are considered from a standing position only.

**Main bedroom** – As demonstrated in *Figure 10* and *Figure 11*, views from both a standing and seated position within the front main bedroom of the dwelling house are also considered to be very limited partial views of the southern side of Parramatta River that are heavily obscured by existing stands of mature vegetation and existing dwelling house development at 20 Amiens Street. Views from this bedroom are considered to be even more obscured than those from 31 Amiens Street, and also virtually indiscernible from the existing vegetation and development.

**ITEM 2 (continued)**

**ATTACHMENT 3**

**Second bedroom** – As demonstrated in *Figure 12* and *Figure 13*, views from both a standing and seated position within the front second bedroom of the dwelling house are also considered to be very limited partial views of the southern side of Parramatta River that are highly obscured by existing stands of mature vegetation and existing dwelling house development at 20 Amiens Street.

**Upper level bedroom** – As demonstrated in *Figure 14* and *Figure 15*, views from both a standing and seated position within the upper level bedroom addition to the dwelling house are partial and distant views of the southern side of Parramatta River high over the land at 20 Amiens Street. These views are partially obscured by existing vegetation and development within the local area.

**Upper level balcony** – As demonstrated in *Figure 16* and *Figure 17*, views from both a standing and seated position within the upper level balcony adjoining the bedroom addition to the dwelling house are partial and distant views of the southern side of Parramatta River high over the land at 20 Amiens Street. These views are partially obscured by existing vegetation and development within the local area.

When considering the value of the above mentioned obscured views, it is noted the views to the south do not include any views of icons such as the Harbour Bridge or Opera House, and as mentioned the views do not represent whole views, but rather only partial or fractional views of the water. As such, the value of these views is considered to be relatively poor. The most valuable views of those afforded to 29 Amiens Street on the ground floor are considered to be those to the far south west angle where the fall of the land and Meriton Street provides a gap in vegetation and development to present a small view over Parramatta River. It is noted that this south-west view it only really seen from the front porch and the second bedroom however.

On the upper floor, the more valuable views are considered to be those high over the top of 20 Amiens Street toward the southern side of the Parramatta River and Cabarita Park area.

Thirdly, the views from 27 Amiens Street, Gladesville is considered.

**Front porch** – As demonstrated in *Figure 18*, views from the front porch of 27 Amiens Street toward Parramatta River are very limited partial views of the southern side of Parramatta River that are highly obscured by existing stands of mature vegetation and dwelling house development.

Due to the nature of the front porch, views are considered from a standing position only.

**Main bedroom** – As demonstrated in *Figure 19* and *Figure 20*, views from both a standing and seated position within the front main bedroom of the dwelling house at 27 Amiens Street are also considered to be very limited partial views of the southern side of Parramatta River that are heavily obscured by existing stands of mature vegetation and existing dwelling house development at 20 Amiens Street.

**ITEM 2 (continued)**

**ATTACHMENT 3**

**Second bedroom** – As demonstrated in **Figure 21** and **Figure 22**, views from both a standing and seated position within the front second bedroom of the dwelling house are also considered to be very limited partial views of the southern side of Parramatta River that are highly obscured by existing stands of mature vegetation and existing dwelling house development .

When considering the value of the above mentioned obscured views, it is noted the views to the south do not include any views of icons such as the Harbour Bridge or Opera House, and as mentioned the views do not represent whole views, but rather only partial or fractional views of the water. As such, the value of these views is considered to be relatively poor. The most valuable view of those afforded to 27 Amiens Street are considered to be those to the far south west angle where the fall of the land and Meriton Street provides a gap in vegetation and development to present a small view over Parramatta River.



**ITEM 2 (continued)**

**ATTACHMENT 3**

**Views from No.31 Amiens Street, Gladesville**



**Figure 1 - Standing view from the front porch of No.31 Amiens Street, Gladesville looking toward the south over the western side of 20 Amiens Street – note very limited and highly obscured partial views of the distant southern side of Parramatta River.**



**Figure 2 - Standing view from the front porch of No.31 Amiens Street, Gladesville looking toward the south-west – note very limited and highly obscured partial views of the distant southern side of Parramatta River.**



**ITEM 2 (continued)**

**ATTACHMENT 3**



**Figure 3 - Standing view from within the front main bedroom at No.31 Amiens Street, Gladesville looking toward the south over the western side of 20 Amiens Street – note very limited and almost totally obscured partial views of the distant southern side of Parramatta River**



**Figure 4 – Seated view from the front main bedroom at No.31 Amiens Street, Gladesville looking toward the south / south-west over the western side of 20 Amiens Street – note very limited and almost totally obscured partial views of the distant southern side of Parramatta River**



**ITEM 2 (continued)**

**ATTACHMENT 3**



**Figure 5 - Standing view from front second bedroom at No.31 Amiens Street, Gladesville looking toward the south / south-west over the western side of 20 Amiens Street – note very limited and obscured partial views of the distant Parramatta River**



**Figure 6 - Seated view from front second bedroom at No.31 Amiens Street, Gladesville looking toward the south / south-west over the western side of 20 Amiens Street – note very limited and highly obscured partial views of Parramatta River**



**ITEM 2 (continued)**

**ATTACHMENT 3**

**Views from No.29 Amiens Street, Gladesville**



**Figure 7 - Standing view from the front porch of No.29 Amiens Street, Gladesville looking toward the south over the western side of 20 Amiens Street – note very limited and highly obscured partial views of the southern side of Parramatta River.**



**Figure 8 - Standing view from the front porch of No.29 Amiens Street, Gladesville looking toward the south-west over the western side of 20 Amiens Street – note limited and obscured partial views of the southern side of Parramatta River.**



ITEM 2 (continued)

ATTACHMENT 3



Figure 9 - Standing view from the front porch of No.29 Amiens Street, Gladesville looking toward the south-east over the eastern side of 20 Amiens Street – note totally obscured views of Parramatta River.



Figure 10 - Standing view from the front main bedroom of No.29 Amiens Street, Gladesville looking toward the south over the western side of 20 Amiens Street – note heavily obscured views of Parramatta River with only clear view evident to the south-west



ITEM 2 (continued)

ATTACHMENT 3



Figure 11 – Seated position view from the front main bedroom of No.29 Amiens Street, Gladesville looking toward the south over the western side of 20 Amiens Street – note heavily obscured views of Parramatta River, with only real clear views of the water being to the south-west.



Figure 12 – Standing view from the front second bedroom of No.29 Amiens Street, Gladesville looking toward the south over the western side of 20 Amiens Street – note heavily obscured distant views of Parramatta River

ITEM 2 (continued)

ATTACHMENT 3



Figure 13 – Seated position view from the front second bedroom of No.29 Amiens Street, Gladesville looking toward the south over 20 Amiens Street – note heavily obscured distant views of Parramatta River with only clear view high over 20 Amiens Street.

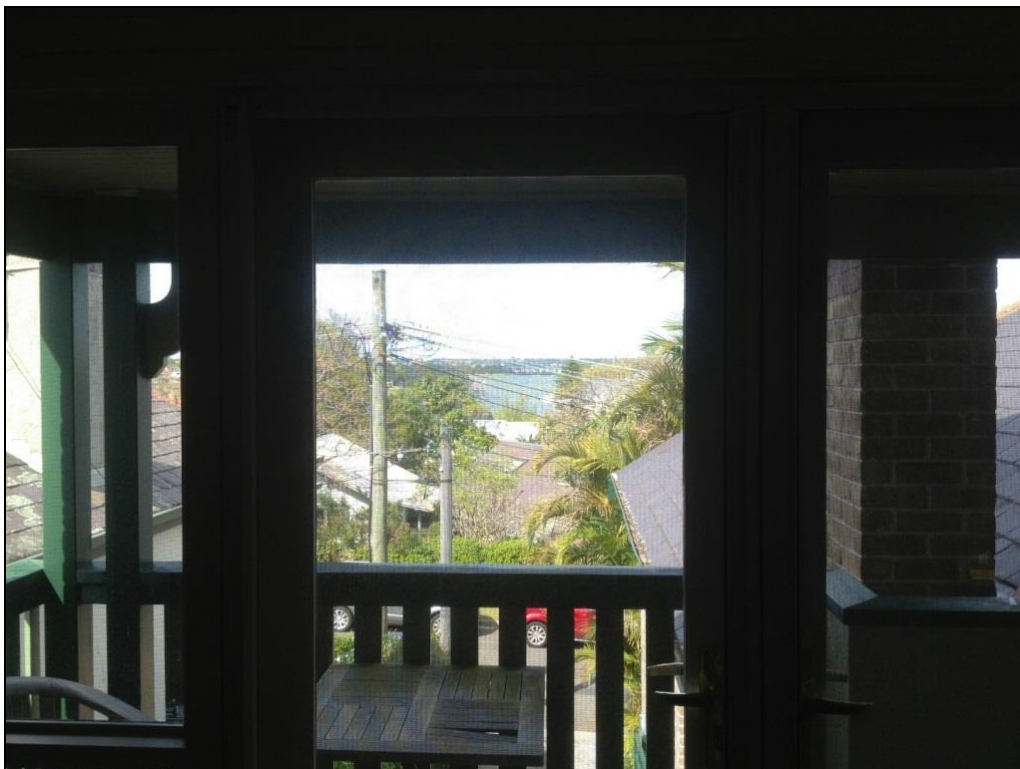


Figure 14 – Standing view from the front upper floor bedroom (building addition) of No.29 Amiens Street, Gladesville looking toward the south over 20 Amiens Street – note partial and distant obscured views high over the top of 20 Amiens Street.



ITEM 2 (continued)

ATTACHMENT 3



Figure 15 – Seated position view from the upper level bedroom (building addition) of No.29 Amiens Street, Gladesville looking toward the south over 20 Amiens Street – note obscured and distant partial views of Parramatta River with only clear view high over 20 Amiens Street.



Figure 16 – Standing view from the upper floor balcony (building addition) of No.29 Amiens Street, Gladesville looking toward the south over 20 Amiens Street – note partial and distant obscured views high over the top of 20 Amiens Street.



**ITEM 2 (continued)**

**ATTACHMENT 3**



**Figure 17 – Seated position view from the upper level balcony (building addition) of No.29 Amiens Street, Gladesville looking toward the south over 20 Amiens Street – note obscured and partial distant views only of Parramatta River with only clear view high over 20 Amiens Street.**

**ITEM 2 (continued)**

**ATTACHMENT 3**

**Views from No.27 Amiens Street, Gladesville**



**Figure 18 - Standing view from the front porch of No.27 Amiens Street, Gladesville looking toward the south over 20 Amiens Street – note obscured partial views of Parramatta River.**



**Figure 19 - Standing view from the front main bedroom of No.27 Amiens Street, Gladesville looking toward the south over 20 Amiens Street – note heavily obscured and partial views only of Parramatta River**



**ITEM 2 (continued)**

**ATTACHMENT 3**



**Figure 20 – Seated view from the front main bedroom of No.29 Amiens Street, Gladesville looking toward the south over 20 Amiens Street – note heavily obscured and distant partial views only of Parramatta River**



**Figure 21 – Standing view from the front second bedroom of No.27 Amiens Street, Gladesville looking toward the south over 20 Amiens Street – note heavily obscured and distant partial views only of Parramatta River**

**ITEM 2 (continued)**

**ATTACHMENT 3**



**Figure 22 – Seated view from the front second bedroom of No.27 Amiens Street, Gladesville looking toward the south over 20 Amiens Street – note heavily obscured and distant partial views only of Parramatta River**



**ITEM 2 (continued)**

**ATTACHMENT 3**

**The Second Step**

*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.*

As demonstrated in all of **Figures 1 to Figure 21** above, views from the subject dwelling houses on the northern side of Amiens Street are afforded across the allotment at 20 Amiens Street towards the south, and across 34 Meriton Street. Although these obscured views are across other parcels of land, they are not necessarily considered ‘cross views’ as they are largely viewed perpendicular to the front boundary rather than at an angle across adjoining land.

As also demonstrated in the abovementioned Figures, whether observed from a standing or seated position, the views of Parramatta River from the dwelling houses on the northern side of Amiens Street are highly obscured by existing vegetation and development in the area. See **Figure 22** below.



**Figure 22 – Diagram demonstrating the area of Parramatta River which is currently viewable in a partial and highly obscured form from the dwelling houses on the northern side of Amiens Street. It is noted that the immediate foreshore area of Parramatta River is not viewable from the subject site due to the fall of the land along with existing vegetation and development.**

## ITEM 2 (continued)

## ATTACHMENT 3

### The Third Step

*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 the sails of the Opera House. It is usually more useful to assess the view loss qualitatively as negligible, minor, moderate, severe or devastating.*

The living areas of the subject dwelling houses on the northern side of Amiens Street are located to the rear of these houses, and as such do not have the benefit of any views over Parramatta River.

As outlined in the Figures above, the only rooms with water views of Parramatta River are those front two bedrooms in each dwelling house and the front porch area. For 29 Amiens Street, an upper level addition to the existing dwelling house also afforded views over Parramatta River to an additional bedroom and small balcony off that upper level bedroom.

It is acknowledged that impacts on views from bedrooms or service areas (such as the front porch) are less significant than that from living areas.

As evident in **Figure 23**, the anticipated view loss from the front porches of the dwelling houses on the northern side of Amiens Street is considered to range from being minor or more significant depending on the particular dwelling house, view orientation and level of vegetation / development obscuring the view.

As evident from **Figure 24**, the anticipated view loss from the upper level bedroom and balcony adjoining at 29 Amiens Street is considered to be more significant due to its elevated position and it current being somewhat clear of the vegetation and development obscuring views from lower levels.

As evident from **Figure 25**, the anticipated view loss is considered to be moderate to significant, as although a larger portion of view loss is experienced to the south and south east, views are retained to the south-west where the intersection of Amiens Street and Meriton Street provide some relief in vegetation and development to present some small views over Parramatta River.

**Figure 26** demonstrates that the height of the proposed development is somewhat comparable to that of the adjoining development at 18 Amiens Street.



ITEM 2 (continued)

ATTACHMENT 3

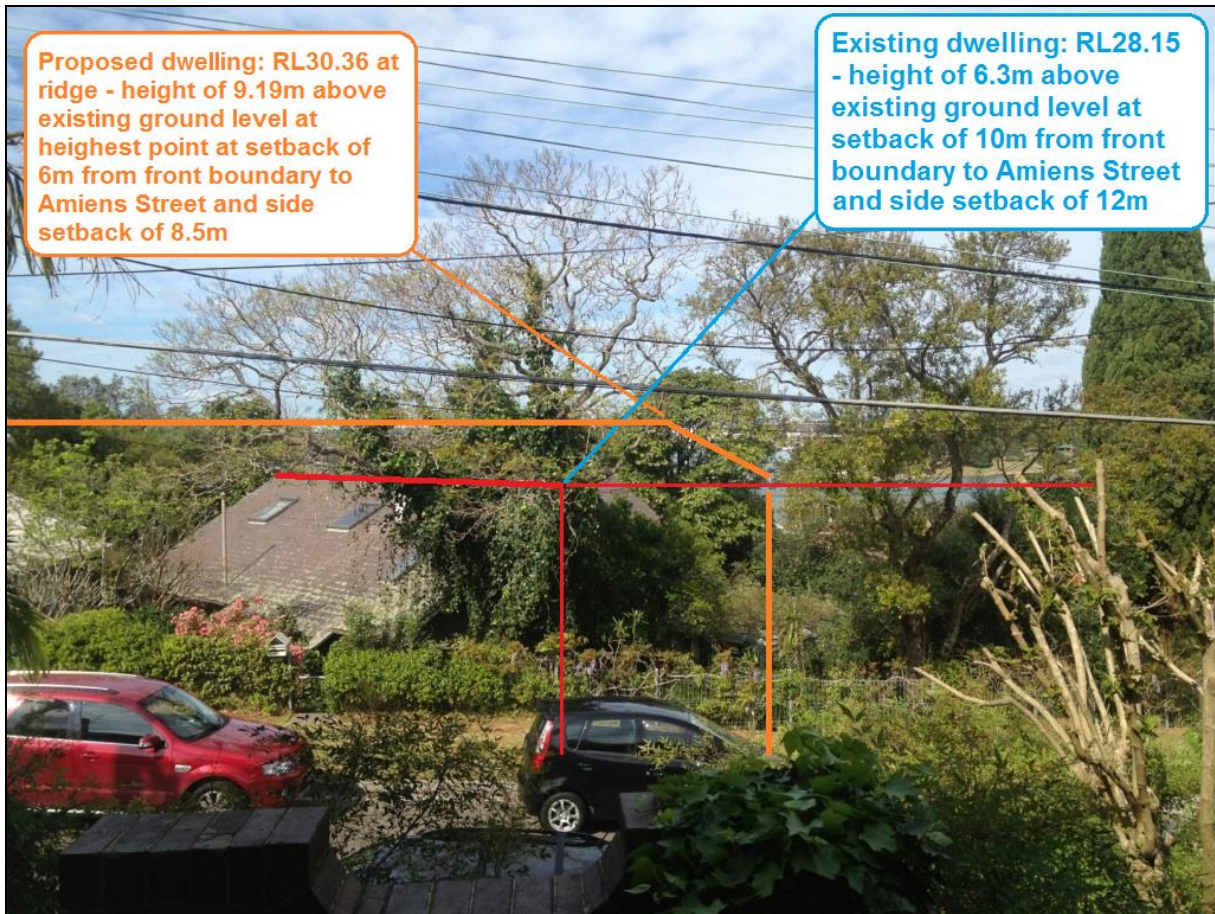


Figure 23 – Diagram indicating the estimated outline of the proposed development at 20 Amiens Street when compared with that of the existing development on the subject site along the with anticipated view loss to be expected from the front porch areas of the dwelling houses on the northern side of Amiens Street. In this image, the amount of view loss is considered to be minor to significant.

ITEM 2 (continued)

ATTACHMENT 3



Figure 24 – Diagram indicating the estimated outline of the proposed development at 20 Amiens Street and anticipated view loss from the upper level of 29 Amiens Street. In this image, the amount of view loss is considered to be higher due to its coincidence with the pitched roof over the loft of the proposed dwelling



ITEM 2 (continued)

ATTACHMENT 3

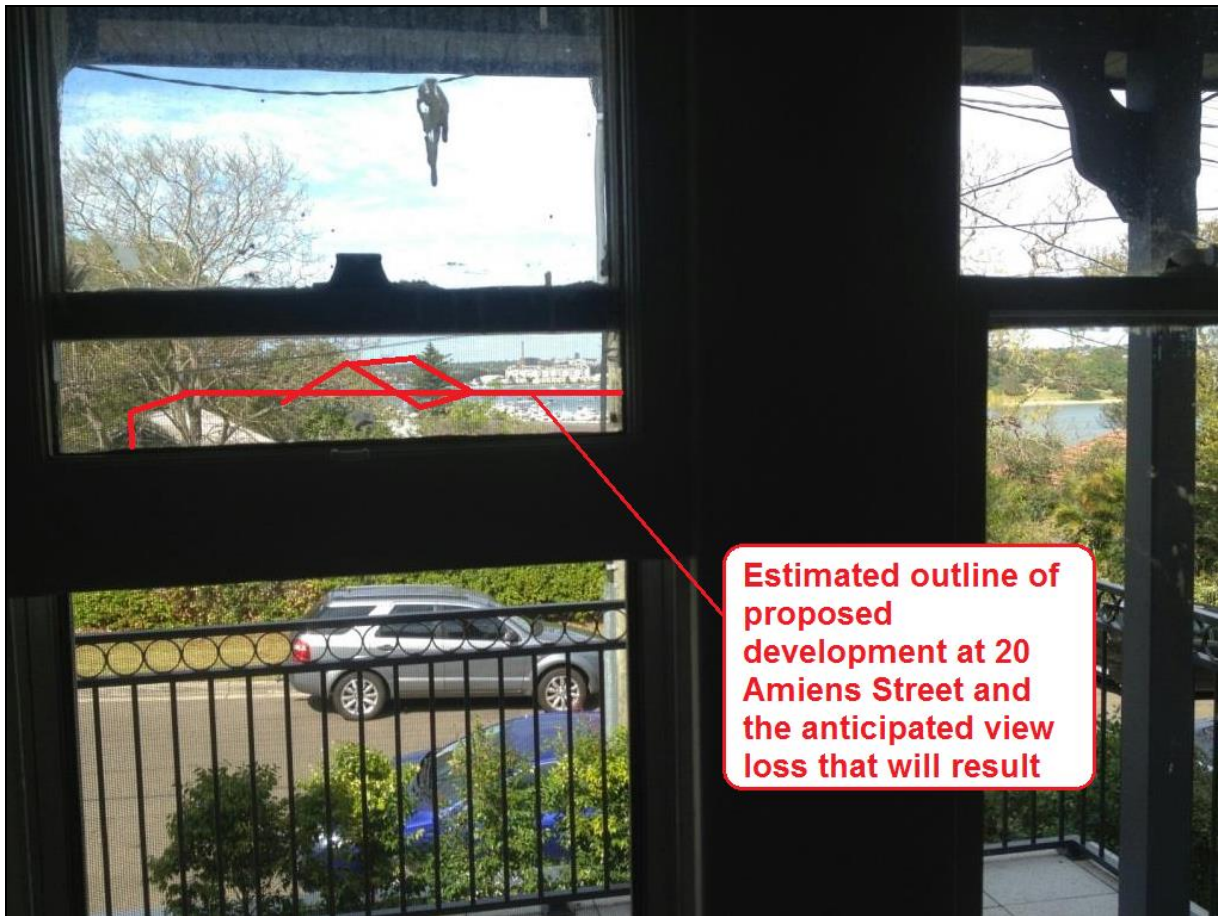


Figure 25 – Diagram indicating the estimated outline of the proposed development at 20 Amiens Street and the anticipated view loss to be expected from the front bedrooms within the dwelling houses on the northern side of Amiens Street. In this image the amount of view loss is considered to be moderate to significant, as although a larger portion of view loss is experienced to the south and south east, views are retained to the south-west and demonstrated in the right of frame.

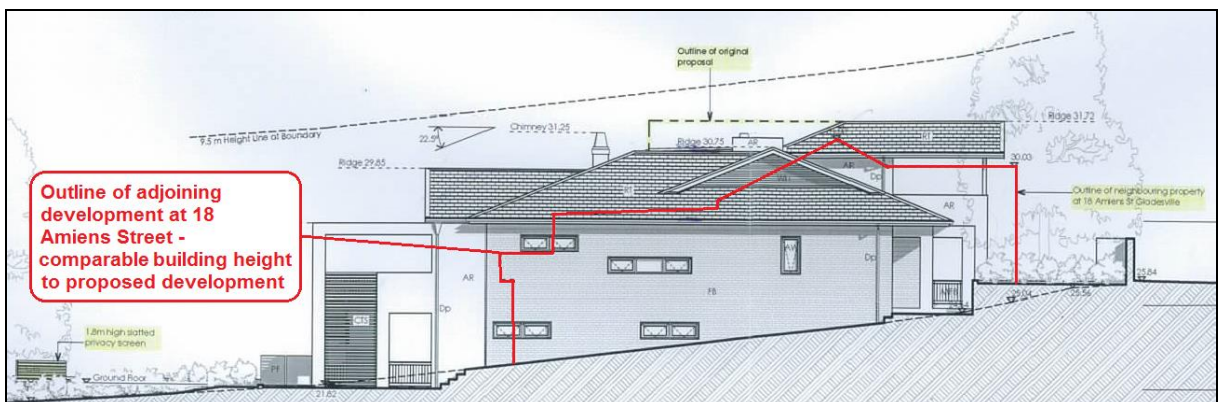


Figure 26 – Diagram showing the proposed development and the outline of adjoining development to the east of the subject site at 18 Amiens Street, Gladesville. It is noted that the building height of the proposed development is considered to be comparable when utilizing the definitions for building height as contained within the Ryde LEP 2010 and Ryde DCP 2010 which is measured above existing ground level.

**ITEM 2 (continued)**

**ATTACHMENT 3**

**The Fourth Step**

*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 skillful 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.*

The proposed development complies with all planning controls that govern the bulk and scale of new development in the City of Ryde, including those of setbacks, floor space ratio and building height.

It is noted a number of numerical non-compliances with certain aspects of the Ryde DCP 2010 are included as part of the proposed development, however these have been assessed and determined to be satisfactory when having regard to the objectives of the Ryde DCP 2010, and the provisions of Section 79C(3A)(b) of the Environmental Planning and Assessment Act 1979. Additionally these non-compliances are not considered to be factors that would ultimately impact on the bulk and scale of the proposed development and as such would not change view sharing arrangements over that of the current proposal.

Posing the question whether a more skillful design could provide the applicant with the same development potential and amenity and reduce the impact on the views of neighbours, the answer is considered to be yes. It is considered that amendment of the front gable and associated roof structure over the loft room and balcony at the top level to reduce the overall height and minimize loss of water views from the heritage items across Amiens Street could be undertaken. This is recommended to be resolved via a Deferred Commencement condition of consent.

Subject to the above, the proposed development is considered acceptable for the following reasons:

1. Partial water and land views have still been afforded to the dwelling houses on the northern side of Amiens Street to the south-west where the intersection of Amiens Street and Merton Street provides relief in the dense vegetation and dwelling house development to offer retained small views of Parramatta River.
2. The dwelling house complies with the bulk and scale provisions of the Ryde LEP 2010 and the Ryde DCP 2010 which effectively impact on view sharing.
3. The design of the dwelling is considered to be consistent with the desired future character of the low density residential zone and that of the emerging waterfront character of the Gladesville area.

**ITEM 2 (continued)**

**ATTACHMENT 3**

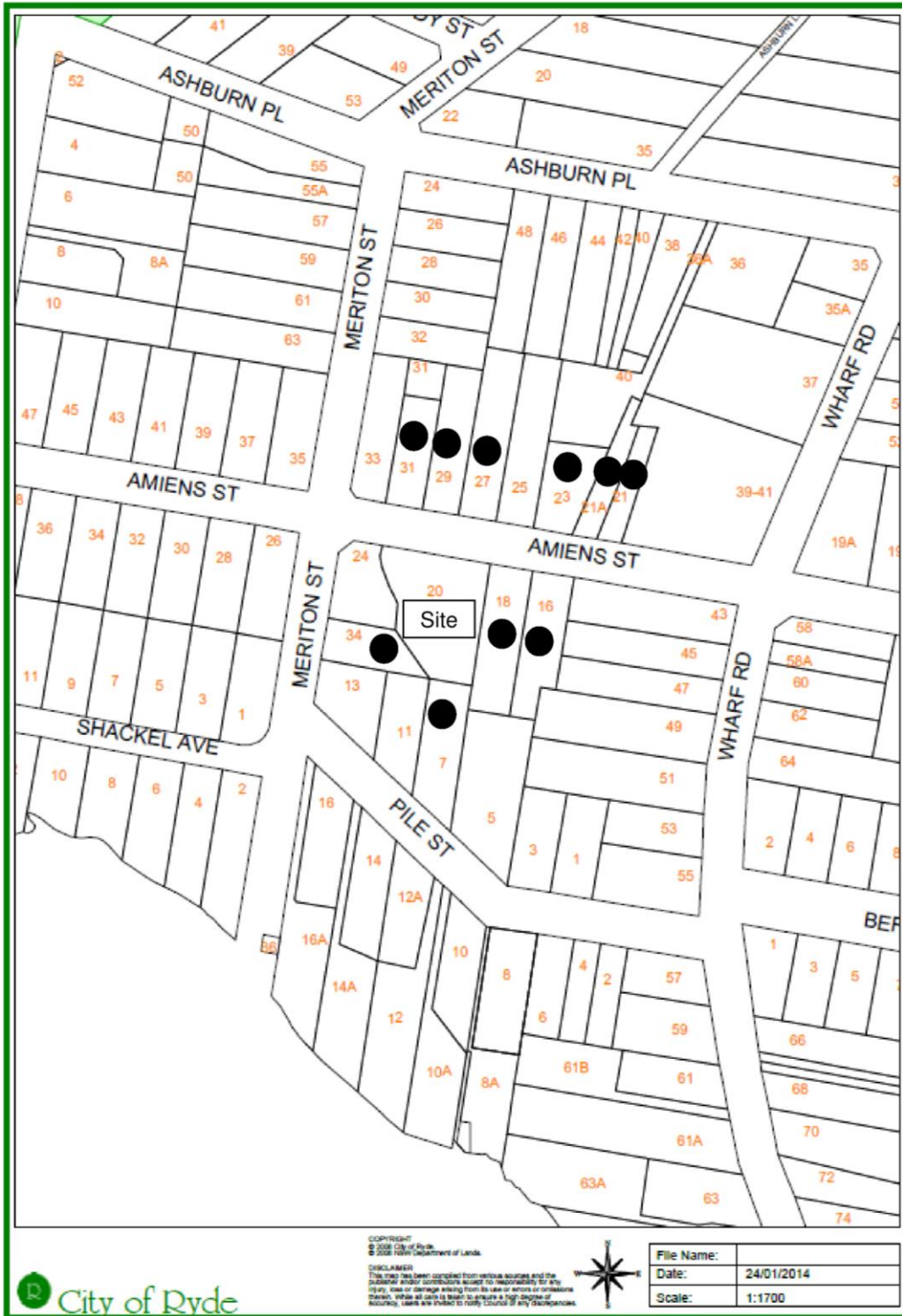
In this instance the view impact is considered acceptable and the view sharing reasonable as:

- the views to be affected by the proposed development are considered to be relatively poor, and highly obscured;
- maintenance of views is considered to be somewhat unrealistic as development complying with Council's key bulk and scale provisions of building height, floor space ratio, and setbacks will still ultimately result in view loss to adjoining dwellings to the north;
- the views are obtained from bedrooms within the dwelling houses and front porch areas. These areas are not living areas within the dwelling houses and as such are not considered to be as highly regarded;
- The proposed development is considered reasonable when taking into account its substantial compliance with local planning controls, particularly those relating to bulk and scale.




ITEM 2 (continued)

ATTACHMENT 4

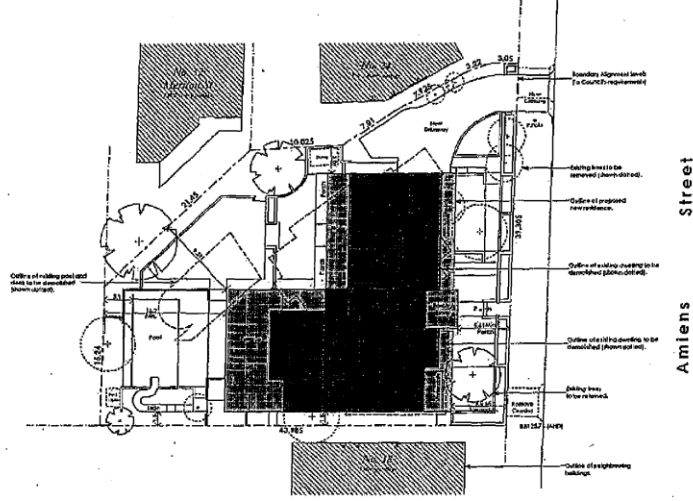
● Indicates submissions received.





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Rev. #	Description	Date											
A	DA Approval	08/13											

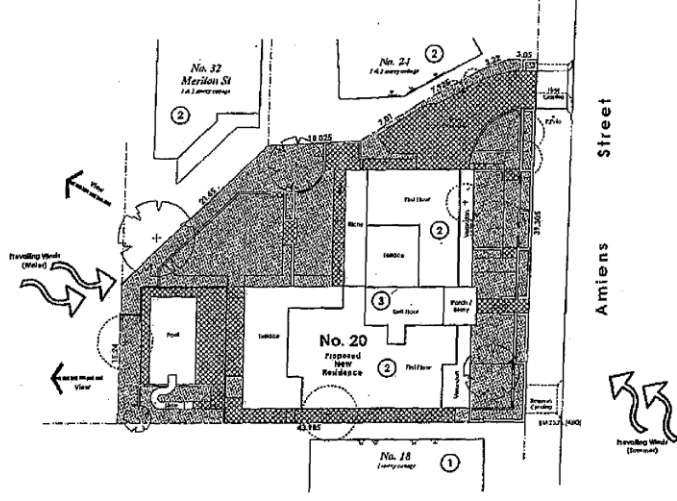
Total Site Area = 1323.8m<sup>2</sup>



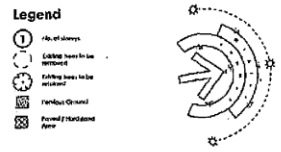
Site Plan  
1:200

BASIX & NATURE'S COMMITMENTS NOTES					
<b>WATER</b>	Water	Water	Water	Water	Water
<b>ENERGY</b>	Energy	Energy	Energy	Energy	Energy

THE SITES COVERED		
Building Elements	Material	Finish
Colour of walls	Material of roof/ceiling	Material of roof/ceiling
Roof pitch	Roof pitch	Roof pitch
Roof type	Roof type	Roof type
Roof colour	Roof colour	Roof colour
Roof finish	Roof finish	Roof finish
Roof structure	Roof structure	Roof structure
Roof insulation	Roof insulation	Roof insulation
Roof ventilation	Roof ventilation	Roof ventilation
Roof waterproofing	Roof waterproofing	Roof waterproofing
Roof drainage	Roof drainage	Roof drainage
Roof gutters	Roof gutters	Roof gutters
Roof downpipes	Roof downpipes	Roof downpipes
Roof eaves	Roof eaves	Roof eaves
Roof overhangs	Roof overhangs	Roof overhangs
Roof soffits	Roof soffits	Roof soffits
Roof fascias	Roof fascias	Roof fascias
Roof bargeboards	Roof bargeboards	Roof bargeboards
Roof ridgeboards	Roof ridgeboards	Roof ridgeboards
Roof rafters	Roof rafters	Roof rafters
Roof trusses	Roof trusses	Roof trusses
Roof joists	Roof joists	Roof joists
Roof purlins	Roof purlins	Roof purlins
Roof bracing	Roof bracing	Roof bracing
Roof cladding	Roof cladding	Roof cladding
Roof tiles	Roof tiles	Roof tiles
Roof shingles	Roof shingles	Roof shingles
Roof corrugated metal	Roof corrugated metal	Roof corrugated metal
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Roof cane	Roof cane	Roof cane
Roof rattan	Roof rattan	Roof rattan
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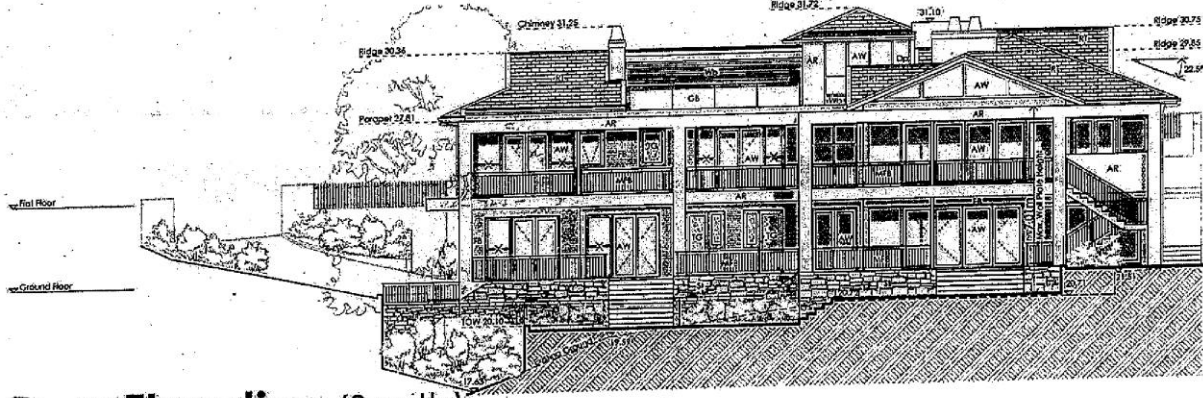


Site Analysis  
1:200



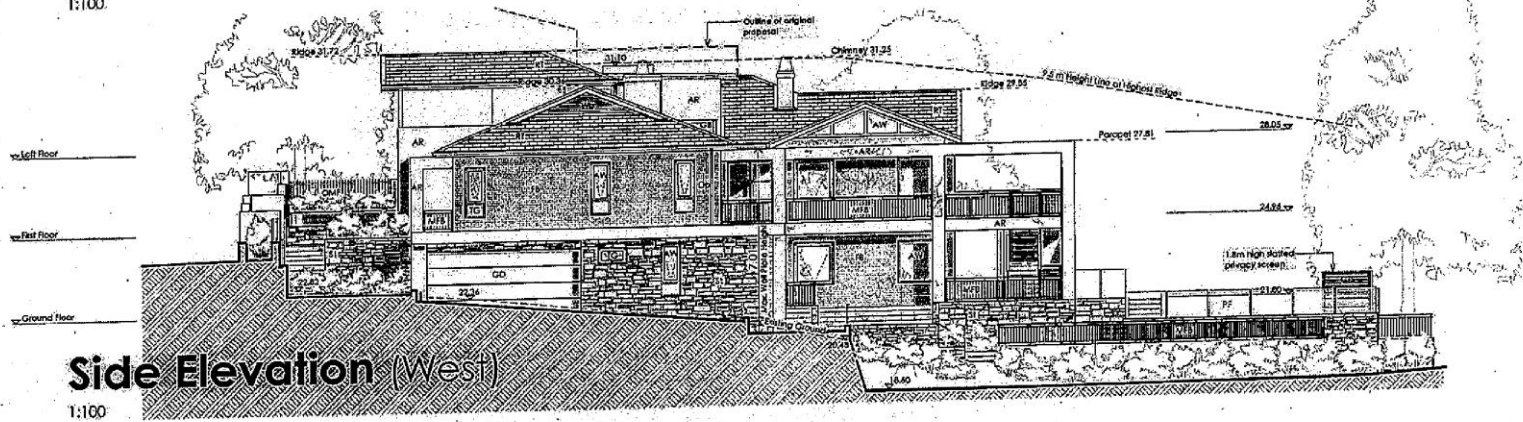
ITEM 2 (continued)

ATTACHMENT 5



Rear Elevation (South)

1:100



Side Elevation (West)

1:100

<table border="1"> <thead> <tr> <th>Rev. # - Description</th> <th>Date</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> </tr> </tbody> </table>	Rev. # - Description	Date									<p>Client: Mr. &amp; Mrs. C Peery</p>	<p>Consultants: John Romenous &amp; Assoc. (Structural) Michael Sku Landscape Architects Building &amp; Energy Consultants Australia (BESIN)</p>	 <p>alec.pappas.architects PTY LTD ABN 48 628 201 828 1/45 Waterfront Drive West Murrumbidgee NSW 2586 ph: (02) 8544 6933 fax: (02) 8544 6944 www.alecpappasarchitects.com.au alec.pappas@alecpappasarchitects.com.au alec.pappas@alecpappas.com.au</p>	 <p>Member AUSTRALIAN INSTITUTE OF ARCHITECTS</p>	<p>Project: Proposed New Residence at 20 Amiens Street Gladesville</p>	<p>Date: May '13</p> <p>Scale: Job No. J10-12 1:100 Draw No. Revision: A-05 'A'</p>
Rev. # - Description	Date															
<p>© The Australian Institute of Architects. All rights reserved. For more information visit <a href="http://www.aia.com.au">www.aia.com.au</a></p>		<p>DESIGN INTENT DOCUMENTS FOR COUNCIL (DA)</p>		<p>Alec Pappas Architects Pty Ltd</p>		<p>Project: Proposed New Residence at 20 Amiens Street Gladesville</p> <p>Title: Elevations &amp; Sections</p>										





**ITEM 2 (continued)**

**ATTACHMENT 5**





- 
- 3 78-80 WINBOURNE STREET EAST, WEST RYDE. LOT 19 & 20 DP 28855. Multi dwelling housing: 6 units - 2 x two storey units at the front (1 x 3 and 1 x 4 bedroom) and 4 x single storey 3 bedroom units at the rear & strata subdivision - LDA2013/0222.**
- 

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

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

**Report dated:** 23/01/2014

**File Number:** GRP/09/5/6/2 - BP14/74

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## 1. Report Summary

**Applicant: Ryde Exclusive Development Pty Ltd**

**Owner: Ryde Exclusive Developments Pty Ltd**

**Date lodged: 28 June 2013**

This report considers a proposal to demolish the existing dwellings and erect a multi-dwelling housing ("villa") development containing 6 dwellings, and strata subdivide the development upon completion.

The proposal has been assessed against the controls in Ryde LEP 2010 and DCP 2010 (Part 3.5 Multi-Dwelling Housing (Attached)), and non-compliances have been identified in terms of:

- Non-preferred location – slope of site and cross fall
- Linear separation
- Height of unit 6 (8.2m) exceeds the maximum 8m
- Pervious area – proposal of 33% landscaped area is less than minimum 35% of site area
- Altering the levels of the site (ie cut and fill requirements)
- Side and rear setbacks
- Streetscape – internal driveway width and garage dominance (unit 1)
- Private open space (under DCP 2010, courtyards are required to be "generally at natural ground level" – some of the courtyards/terraces are elevated above natural ground level - NGL)
- Visual and acoustic privacy (ie overlooking from finished floor levels).
- Solar access to the private open space of some units is less than 2 hours
- Internal setbacks – 9m of spatial separation is not provided between some dwellings

The DA has been advertised in the local press and notified to adjoining owners/occupiers, and **6 submissions** have been received as a result of this process. The issues of concern in the submissions include non-compliance with linear separation controls, excessive villa developments in the street, density of development inconsistent with R2 low density zoning, design of dwellings relative to slope of site, bulk and scale, poor amenity for future residents of development, privacy impacts on surrounding properties, onsite manoeuvring, inadequate detail provided on plans.

**ITEM 3 (continued)**

Some of the concerns raised in the submissions are minor and would not (by themselves) warrant refusal of the application and/or could be managed via conditions of consent, however a number of the concerns raised about privacy impacts on the adjoining properties, dwelling design and detail provided on plans are more substantial and would require a significant re-design.

An option available for Council is to request amended plans to address the issues of concern discussed throughout this report. However, as currently presented, the proposal is unacceptable and is recommended for refusal.

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

**Public Submissions:** 6 submissions were received objecting to the development.

**Clause 4.6 RLEP 2010 objection required?** Yes. Clause 4.6 variation required as Unit 6 exceeds the maximum allowable height of 8m for multi dwelling housing (attached) under LEP 2010. However, no objection has been submitted by the applicant.

Value of works: \$1, 600, 000

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

**RECOMMENDATION:**

- (a) That Local Development Application No. 2013/222 at 78- 80 Winbourne Street East, West Ryde being LOT 19 and 20 DP 28855 be refused for the following reasons:
- i. The proposal does not comply with Council's DCP 2010 – Part 3.5 Multi Dwelling Housing (attached), in particular the controls regarding, Non-preferred location – Slope of site, Solar access, Landscaping – pervious area, Side and Rear setbacks, Visual and Acoustic Privacy, Streetscape – internal driveway width and garage dominance (unit 1) and internal setbacks
  - ii. The proposal will have unacceptable impacts on adjoining properties in terms of visual privacy, and the proposed methods of addressing these impacts will cause unacceptable amenity impacts.
  - iii. The proposal as submitted is unsatisfactory in terms of solar access and overshadowing, in relation to impacts both on the courtyards of units 5 and 6 within the development, and also impacts on the adjoining development at No 76 Winbourne Street to the south. As a result, there will be poor levels of amenity to the occupants of both this development and the adjoining development.

**ITEM 3 (continued)**

- iv. The proposal as submitted is unsatisfactory in terms of vehicle access and manoeuvring, particularly from the car spaces for units 3, 4 and 5.
- v. The proposal as submitted is unsatisfactory in terms of the design of the driveway, which causes adverse visual impacts associated with the extent of hard-paving near the front of the site.
- vi. In the circumstances of the case, approval of the development is not in the public interest.

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

**ATTACHMENTS**

- 1 Compliance table
- 2 A4 plans
- 3 Map
- 4 A3 plans - subject to copyright provisions - CIRCULATED UNDER SEPARATE COVER

Report Prepared By:

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**Assessment Officer - Town Planner**

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Report Approved By:

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

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

**ITEM 3 (continued)**

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

**Address** : 78 - 80 Winbourne Street East, West Ryde

**Site Area** : 1874 m<sup>2</sup>  
Primary Frontage: 42.37m (Winbourne Street East)  
Secondary frontage: 35.66m (John Street)  
Depth: 35.66 – 40.08m

**Topography and Vegetation** : The site slopes to Winbourne Street from the north east to the south west corner and incorporates a significant cross slope. A number of smaller shrubs are present onsite.

**Existing Buildings** : Existing dwellings, carport, swimming pool and outbuildings (all to be demolished).

**Planning Controls**  
**Zoning** : R2 Low Density Residential  
**Other** : Ryde LEP 2010  
Ryde DCP 2010





**ITEM 3 (continued)**
**3. Councillor Representation**

Name of Councillor	Councillor Etmekdjian
Nature of the representation	Call-up to Planning and Environment Committee
Date	22 August 2013
Form of the representation	Email to Councillor HelpDesk
On behalf of applicant or objectors?	Objector – details unknown
Any other person (e.g. consultants) involved in or part of the representation:	No

**4. Political Donations or Gifts**

Any political donations or gifts disclosed? None disclosed

**5. Proposal**

The development proposes the demolition of the existing dwellings and associated structures, and erection of a new multi-dwelling housing (“villa”) development containing 6 units. The development has a 2 x 2-storey villas at the front (unit 1 – 3 bedroom and Unit 6 – 4 bedroom) and single-storey villas behind (units 2, 3, 4 and 5 – all 3 bedrooms). The development has a single garage and “stacked” car space behind for each unit (ie total 12 resident parking spaces) and 2 visitor spaces, with the driveway located in the centre of the site. Strata subdivision of the development is also proposed.

**6. Background**

The DA was lodged 28 June 2013. Shortly afterwards it underwent a preliminary check, referral to other Council officers, neighbour notification and advertising (closing date for submissions = 14 August 2013) and allocation to the Assessment Officer. Six (6) submissions were received as discussed in the Submissions section of this report.

On 17 July 2013, the applicant was advised of a number of non-compliances with the controls in DCP 2010 and requested to address these via additional information/amended plans. The applicant provided a response and submitted the additional information and amended plans intermittently up until 10 October 2013. The amendments included; altering of driveway gradient and manoeuvring area (within rear of development), lowering floor level of unit 6, fencing details, revised site plan showing additional levels, amended stormwater plan and provision of an accessibility report.

**ITEM 3 (continued)**

On 21 October 2013, the applicant was advised a further assessment has been conducted on the amended plans and the application as a whole, and numerous issues (originally identified in the letter dated 17 July 2013) have not been addressed in the additional information submitted.

On 8 November 2013, a meeting was held at the Ryde Planning and Business Centre with the applicant and owner to discuss the issues with proposal. The applicant was advised during the meeting that Council Officers have significant concerns with the proposal and a substantial re-design, including the provision of a reduced number of dwellings should be considered to achieve greater compliance with Councils controls and lessen the impact upon neighbouring properties.

On 21 November 2013, the applicant provided a response and submitted additional information and amended plans. The amendments included; altering of driveway gradient and manoeuvring area (within rear of development), details of fencing to John Street, provision of fencing and privacy screen details, access ramps provided to units 2 and 5 and reduced roof pitch of units 2 and 5

As the amended detail was mostly of a technical nature for Council's information to assist in Council's assessment, and to clarify details previously shown on the DA plans, re-notification to the neighbours of such information as not required.

**7. Submissions**

The proposal was advertised and notified in accordance with Development Control Plan 2010 - Part 2.1, Notification of Development Applications. The application was advertised on 24 July 2013. Notification of the proposal closed on 14 August 2013.

Six (6) submissions were received. The issues raised in the submissions are summarised and discussed as follows:

**1. *Linear separation***

*The proposal does not comply with the Linear Separation requirements of DCP 2010 as there is an existing villa development at No 76 Winbourne Street and the subject site is within twice the frontage of that site (ie immediately adjoining).*

**Comment**

This street contains a number of number of multi dwelling developments located in close proximity to the proposal at No. 55, 75 and 76 Winbourne Street East. As there is an existing multi-dwelling housing development immediately adjoining the site at 76 Winbourne Street East, this development does not comply with the linear separation controls.

**ITEM 3 (continued)**

Although the linear separation controls remain in Council's current DCP (Ryde DCP 2010), in March 2013 Council resolved to delete these controls and replace with an allotment width control for villa and dual occupancy developments when Draft LEP 2013 is gazetted. This Draft LEP is currently awaiting gazettal in the Department of Planning, and so it is considered certain and imminent. When Draft LEP 2013 is formally gazetted, amendments to DCP 2010 will be made which include removal of the linear separation controls. Accordingly, whilst the linear separation controls remain in the DCP, and the DA does not comply with these controls, no planning objections are raised to this development given Council's previous resolution to delete the linear separation controls when Draft LEP 2013 is gazetted.

**2. Traffic**

*The development will generate additional traffic which will impact on surrounding streets.*

Comment

According to the Roads and Traffic Authority's Guidelines for Traffic Generating Development, the two existing dwelling houses would generate an average of 18 vehicle trips per day (1.8 in each peak hour).

Medium density housing developments (of 3 or more bedrooms such as the subject proposal) generate an average of between 5 and 6.5 vehicle trips per dwelling (0.5 – 0.65 in each peak hour), and therefore this development could generate between 30 and 39 trips per day (3 to 3.9 in each peak hour). This development proposal (replaces 2 dwellings with 6 dwellings), therefore only generate around 12 - 21 additional trips per day compared to what the two single dwellings would generate (on average, using the RTA Guidelines). Therefore, the proposal would generate only a small increase in traffic compared to the existing situation.

**3. Privacy**

*Number of dwellings proposed on site (6 dwellings) is not appropriate and creates privacy and overlooking issues.*

Comment

Whilst the number of units proposed in this development complies with the density requirements of DCP 2010, there are issues of concern relating to the design currently presented which are unsatisfactory. These issues are discussed fully in terms of "DCP Compliance" – see later in this report.

**ITEM 3 (continued)****4. Parking**

*The driveway and parking spaces proposed to the rear of the development comprises various changes in ground levels and minimum parking space dimensions creating an unworkable driveway and manoeuvring area. In addition, concerns are raised that insufficient detail regarding location of retaining walls and change in levels adjacent to driveway and car spaces has been provided.*

Comment

The applicant submitted amended plans and reduced the difference in ground levels surrounding the parking spaces and manoeuvring area to the rear of the development by up to 1000mm. Council's Senior Development Engineer has reviewed the plans with respect to vehicle access and accommodation, and whilst it is feasible, the design is not conducive for safe and efficient vehicle manoeuvring, but could be addressed via conditions of consent. It is considered that any re-design of the proposal should address these issues of concern regarding vehicle manoeuvring.

**5. Separation between units**

*Spatial separation of up to 9m is not provided between units 2 and 5 and inadequate landscaping has been proposed around the respective bedrooms and will be subject to direct head light glare. Also, concerns are raised that the second bedroom and bathroom windows associated with units 2 and 5 will not receive adequate sunlight or privacy as they are located next to a garages associated with units 3 and 4.*

Comment

These concerns were raised in relation to the original design, in which the bedrooms of units 2 and 5 were located directly opposite each other (separated by the driveway). The latest amended plans (21 November 2013) have addressed this issue by re-locating the window of bedroom 1 unit 5, and providing a highlight window to bedroom 1 unit 2 to prevent the situation where the windows of different villa units face each other.

In terms of concerns regarding sunlight and privacy for the second bedroom of unit 2 and 5, these issues have also been addressed in the latest amended plans via the provision of skylights for these units which will ensure sufficient light and ventilation to the units. Issues regarding privacy and solar access within the development are discussed more fully in the DCP Compliance section of this report.



**ITEM 3 (continued)****6. Solar access**

*The living rooms and courtyards of units 5 and 6 face south and will not receive adequate sunlight.*

Comment

Agreed. Due to the orientation of the site and the design of the development, the courtyards of these units do not receive the required amount of solar access, which would result in poor amenity for the future occupants. It is considered that any re-design of the proposal should address these issues of concern regarding solar access. The issue of solar access within the development will be discussed fully in terms of “DCP Compliance” – see later in this report.

**7. Landscaping**

*Excessive hard surfaces associated with the driveway are proposed within the front setback, including the proposed visitor car space.*

Comment

In terms of driveways, the proposal results in replacement of two driveways with one along the Winbourne Street frontage, so in that sense it would be an improvement in the prevailing streetscape. The driveway crossing is 5m wide (at the street boundary) and then widens out to provide access to the garage of unit 1 and the visitor parking space, and then to the development generally, and is a typical driveway arrangement for a villa development.

It is considered that further improvement to the streetscape impact of the proposed driveway could be made by re-arranging access to the garage of unit 1 from the internal driveway (similar to unit 6) and replace the driveway with additional landscaping. Such design changes could be considered in any re-design undertaken given the recommendation of this report to refuse the current design.

**8. Retaining wall and fencing details**

*Information relating to the provision of retaining walls, boundary walls and privacy treatment has not been provided*

Comment

The applicant provided amended plans and included some detail of proposed boundary fencing and retaining walls, however concerns are raised regarding privacy/overlooking impacts from courtyards, terraces and finished floor levels of some units into neighbouring properties, and will be discussed further in terms of “DCP Compliance” – see later in this report.

**ITEM 3 (continued)**

**9. Cross fall**

*The proposed units are provided in an elongated manner, working against the cross fall, without a break in floor levels, highlighting the inferior design and overdevelopment of the site*

Comment

The proposed design of the proposal results in the driveway and the finished floor and courtyard/terrace levels of the units being elevated above NGL and creating numerous issues of compliance with respect to the DCP and in particular privacy/overlooking issues into neighbouring properties.

These issues are discussed fully in terms of “DCP Compliance” – see later in this report.

**10. Side Setback**

*The DCP requires a side of 4.5m to be provided from John Street (secondary Street).*

Comment

The applicant submitted amended plans which reflected a revised setback from John Street of 4.5m.

**11. Non –preferred locations**

*The proposed site has a cross fall of 1:9.5 and exceeds the DCP maximum (1:14) permitted for multi dwelling developments.*

Comment

These issues are discussed fully in terms of “DCP Compliance” – see later in this report.

**12. Accessibility report**

*The DCP requires an accessibility report to be provided when 6 or more dwellings are proposed. No report has been supplied and if it was the proposal would not comply.*

**ITEM 3 (continued)**Comment

The applicant submitted an accessibility report upon Council's request and incorporated some of the specified changes, including the provision of an accessibility ramp to units 2 and 5 identified in the report, into the amended plans. However, the report specified other changes, including provision of an accessible car space (connected to the units 2 or 5), minimum width of openings (internal), accessible letter box landing, kitchen manoeuvring ability (units 2 and 5) laundry and accessible amenity details and floor coverings/fitout details, and it is likely further changes will be required to achieve compliance with the report. It is considered that any re-design to address the issues of concern raised throughout this report should incorporate these issues raised in the accessibility report.

**13. Design of roof**

*The roof associated with dwellings 2 and 5 appears like a 'ski slope' and detracts from the streetscape, particularly when the site is a corner allotment.*

Comment

The applicant submitted amended plans and reduced the slope of the roof to a maximum of 22.5 degrees. The design of the roof is not considered to be an element which is out of character with existing dwellings or more modern dwellings. The design of the roof is consistent with recent villa developments approved across the City.

**14. Zoning**

*The proposal is inconsistent with the objectives for multi-unit housing within a low density residential zoning*

Comment

These issues are discussed fully in terms of "DCP Compliance" – see later in this report.

**8. Clause 4.6 RLEP 2010 objection required?**

Yes. Unit 6 exceeds the maximum allowable height of 8m for multi dwelling housing (attached) under LEP 2010, with a proposed height of 8.2m. However, no objection has been submitted by the applicant.

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

R2 Low Density Residential. The proposed development is permissible with consent.

**Mandatory Requirements**

**Clause 4.3(2A)** specifies maximum heights of multi dwelling housing developments – 8m for dwellings with a frontage to the street (if adjoining lots contains dwellings that are less than 9.5m high); and 6.5m for dwellings that do not have frontage to the street.

This development proposes a height of 8m for unit 1 (which has frontage to the street), and a height of 8.2m for unit 6 which also has a frontage to the street, which therefore does not strictly comply with this clause of Ryde LEP 2010. The maximum height of the other units (2, 3, 4 and 5) without a frontage to the street range from 5.2m to 6.2m (approximately).

However, notwithstanding the above controls, the approach consistently undertaken since the adoption of the current LEP (Ryde LEP 2010) in relation to the height of the front unit in a multi-dwelling housing development is that the front unit may be approved up to 9.5m in height where the adjoining development on at least one side contains a two (2) storey dwelling house. In this instance, the adjoining development to the south (76 Winbourne) contains a two storey development (ie the front unit in a multi-dwelling development on that property) – and therefore it would be possible to consider the front unit in this development with a height of greater than 8m.

However the applicant would still be required to submit a clause 4.6 variation, as the control is contained in an “environmental planning instrument” (ie Ryde LEP 2010). This could be submitted in conjunction with any re-design undertaken to address the various other issues of concern as discussed throughout this report.

**Clause 4.5A** specifies (in sub-clause (1)) that a “multi dwelling housing (attached)” development shall not be erected on land in the R2 Low Density Residential zone, unless it has a site area of not less than 300m<sup>2</sup> for each 1, 2, and 3 bedroom dwelling and 365m<sup>2</sup> for each 4+ bedroom dwelling.



**ITEM 3 (continued)**

The subject site has a total area of 1874.6m<sup>2</sup>. The proposed 6 dwellings (1 x 4 bedroom, 5 x 3 bedroom) would require 1865m<sup>2</sup> of site area, and as such, this development complies with sub-clause (1).

Clause 4.5A also specifies (in sub-clause (2)) that “each dwelling will have its own contiguous private open space and separate access to that space from an unbuilt portion of the site”. All of the dwellings have their own contiguous private open space and separate access to that space, and therefore the development complies with sub-clause (2).

The development complies with clause 4.5A.

**(b) Relevant SEPPs**

N/A

**(c) Any draft LEPs**

A Section 65 Certificate enabling the formal exhibition of Draft Local Environmental Plan 2013 was issued by the Department of Planning and Infrastructure on 23 April 2012. The Draft Plan has been placed on public exhibition between 30 May 2012 and 13 July 2012. Under this Draft LEP, the zoning of the property is R2 Low Density Residential. The proposed development is permissible with consent within this zoning under the Draft LEP, and it is considered that the proposal is not contrary to the objectives of the Draft LEP or those of the proposed zoning.

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

**(d) The provisions of any Development Control Plan applying to the Land****City of Ryde Development Control Plan 2010**Part 3.5 – Multi Dwelling Housing (attached)

An assessment of the proposal in terms of the requirements of this Part of DCP 2010 appears in the DCP Compliance Table held at **Attachment 1**. The areas of non-compliance with DCP 2010 are discussed as follows:

**ITEM 3 (continued)****Notes from Table (see Attachment 1):**1. Linear Separation:

The development does not comply with the Linear Separation requirements in DCP 2010 (Part 3.5.2.4). This control requires a separation distance of:

- a) twice the frontage of an existing urban housing, villa, dual occupancy (attached) or multi dwelling housing (attached) development, **or**
- b) twice the frontage of the subject site

It is proposed to construct multi-dwelling housing, comprising 1 x 4 bedroom (two storey dwelling) and 5 x 3 bedroom (single storey). Directly adjacent to the subject site at no. 76 Winbourne Street is an existing multi-dwelling development (as shown in the air photo earlier in the report), and therefore the development does not comply.

As noted previously, although the linear separation controls still remain part of Council's current DCP controls, Council has resolved to delete these controls and replace with an allotment width control when Draft LEP 2013 is gazetted. This Draft LEP is currently awaiting gazettal with the Department of Planning and its gazettal is therefore certain and imminent. Accordingly, no planning objections are raised to this proposal despite the non-compliance with the DCP, given Council's previous resolution to delete the linear separation controls.

2. Non-preferred location – Slope of the land:

The development does not comply with the maximum slope and cross fall. A site which has a down slope of greater than 1:6 and/or a cross fall of more than 1:14 is not acceptable.

The subject site has a slope of 1:9 to Winbourne Street and a cross fall of between 1:8 to 1:10. As a result, the proposal has finished floor levels and courtyards/terraces which are elevated by up to 1000mm (1m) above natural ground level close to property boundaries, which results in adverse privacy and overlooking impacts onto surrounding neighbouring properties. The level of amenity for future occupants of the proposed dwellings would also be compromised and susceptible to overlooking and little acoustic privacy. It is considered the design of the dwellings and driveway do not adequately respond to the contours of the land and Council Officers cannot support the proposal.

3. Site Coverage – Pervious Area:

The control requires a minimum pervious area of 35% of the site area, which equates to 656sqm at this site.

### **ITEM 3 (continued)**

According to the landscape plan submitted, 619sqm or 33% of the site is considered to be pervious, resulting in a shortfall of 37sqm.

The shortfall is not acceptable considering the total area of the site is 1874sqm and the extent of the hard surfaces within the front setback, of which the driveway and manoeuvring area substantially contributes to. It is therefore considered that any re-design of this proposal should increase the amount of pervious area to ensure compliance with this requirement.

#### **4. Side and Rear Setbacks:**

DCP 2010 prescribes side setbacks of 4.5m to the wall of the building, which can be reduced to 3m for up to 50% of the wall of any villa unit.

The proposal does not comply with the DCP requirements as summarised below.

#### **Eastern (rear) setback**

##### Villa 3:

The eastern wall of unit 3 has a 3m setback for more than 50% of the wall length (4.5m for 40% and 3m for 60%).

##### Villa 4:

The eastern wall of unit 4 has a 3m setback for more than 50% of the wall length (4.5m for 39% and 3m for 61%).

#### **Southern (side) setback:**

##### Villa 4:

The southern wall of unit 4 has a 3m setback for more than 50% of the wall length (4.5m for 33% and 3m for 67%).

##### Villa 5:

The southern wall of unit 5 has a 4.5m setback, which complies with the DCP.

##### Villa 6:

The southern wall of unit 6 has a 4.5m setback, which complies with the DCP.

These numerical non-compliances are considered minor, however when considered in conjunction with the other issues discussed throughout this report for example the aural and visual privacy impacts due to the sloping nature of the site, it is considered that any re-design of the proposal to address the issues of concern previously raised should also include revision of the side/rear boundary setbacks.

**ITEM 3 (continued)****5. Altering the Levels of the Site:**

DCP 2010 (Part 3.5.3.2) contains controls regarding alteration to the levels of the site. In particular:

- Control b. states that the levels of the site should not be altered by more than 300mm. This relates to all areas of the site not covered by the building floor envelope eg driveways, courtyards, setback areas, landscaped areas; and
- Control d. states that private open space is required to be generally at natural ground level.

The slope and cross fall of the site, design of the driveway, provision of up to six dwellings and design of the overall development – has resulted in the following alterations to the levels of the site in terms of private open space:

- Unit 1 – courtyard (and terrace within courtyard) between 1000-1500mm below the existing natural ground level.
- Unit 2 – finished courtyard level proposed to be between 500mm and 700mm below natural ground level (terrace off the living area also 800mm below natural ground level).
- Unit 3 – finished courtyard level proposed to be at natural ground level (however terrace off the living area to be approx 1000mm above natural ground level and is only 1.6m from the boundary).
- Unit 4 – finished courtyard level proposed to be at natural ground level (however terrace off the family area to be approx 350mm above natural ground level and is only 1.1m from the boundary).
- Unit 5 - finished courtyard level proposed to be between 100-150mm above natural ground level (terrace off the family area to be approx 600 – 800mm above natural ground level).
- Unit 6- finished courtyard level proposed to be at natural ground level (terrace off the living area to be approx 350 - 400mm above natural ground level).

The main concerns with the finished courtyard levels and elevated terraces (as above) relate to units 3, 4, 5 and 6.

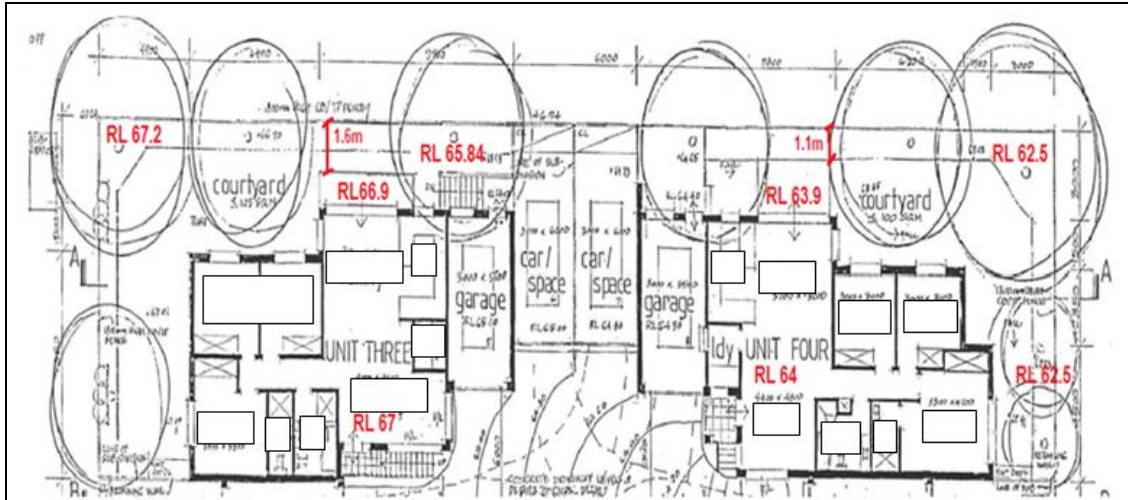
**Unit 3 and 4:**

Courtyards and terraces associated with units 3 and 4 are located along the (rear) eastern boundary, adjoining No 13 and 15 Lambert Avenue and the southern (side) boundary adjoining 76 Winbourne Street.

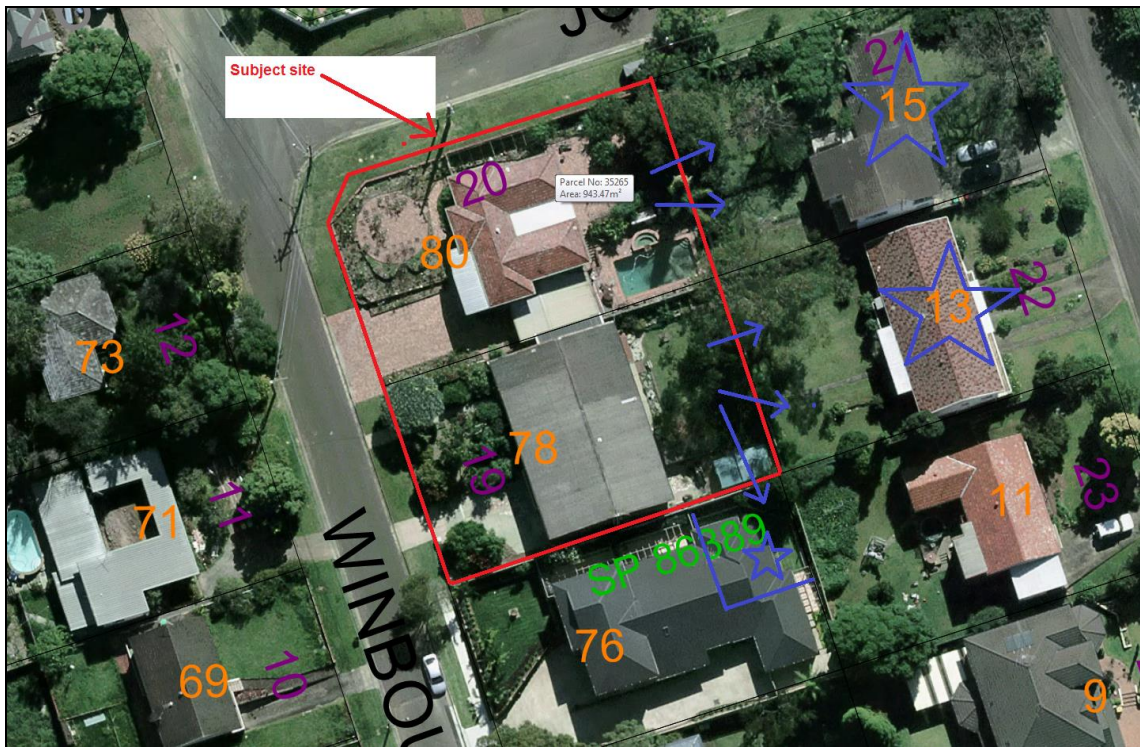


**ITEM 3 (continued)**

An extract of the DA site plan, showing the site levels in the courtyards and terraces for these units, appears below:



Concern is raised that due to the natural cross fall of the site, the courtyards (despite not being filled) and terrace levels of units 3 and 4 would permit overlooking into the neighbouring properties, which in this case, consists of 3 properties (No 13 and 15 Lambert Avenue and the rear unit within 76 Winbourne Street). The aerial photo below shows the affected properties marked with a blue star and the arrows indicating the direction of overlooking.



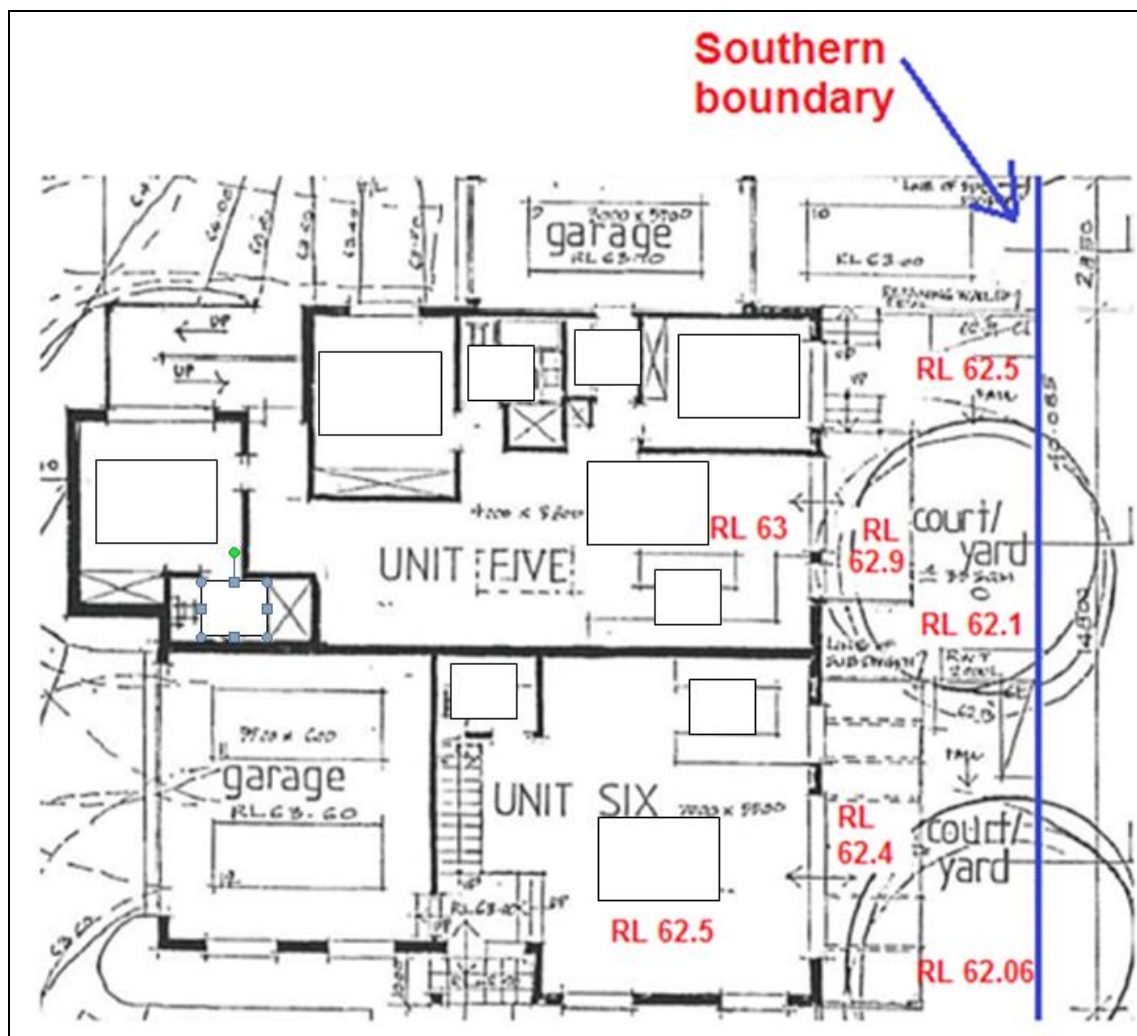
**ITEM 3 (continued)**

The elevated terrace of unit 3 is within 1.7m of the boundary and up 1.15m above NGL and will overlook 15 Lambert Street. The elevated terrace of unit 4 is within 1.1m of the rear boundary and up to 350mm above natural ground level (NGL) and will overlook 13 Lambert Street. However, when looking south from the terrace (of unit 4) towards the southern side boundary, overlooking of the courtyard unit within 76 Winbourne Street (of unit 3 in that development) will occur. The height of natural ground level at the side boundary is 1400mm lower than the terrace of unit 4.

**Units 5 and 6:**

Courtyards and terraces associated with units 5 and 6 are located along the southern side boundary, adjoining 76 Winbourne Street.

An extract of the DA site plan, showing the site levels in the courtyards and terraces for these units, appears below:





**ITEM 3 (continued)**

Concern is raised that the terrace levels of units 5 and 6 would permit overlooking into the courtyards of the neighbouring units within 76 Winbourne Street. The aerial photo below shows the affected units marked with a blue arrow.



The elevated terrace of unit 5 is within 2.7m of the boundary and up to 800mm above natural ground level and will overlook the courtyard of the neighbouring unit. The elevated terrace of unit 6 is within 2.5m of the boundary and up to 400mm above natural ground level and will overlook the courtyard of the neighbouring unit.

The applicant has proposed lattice screening on top of the fence as methods of addressing privacy concerns.

Concerns are raised regarding this method as a possible solution to this problem.

**ITEM 3 (continued)**

In terms of privacy screens as a solution, in this situation the screens would need to be between (approximately) 300mm and 1100mm high along the rear boundary and up 1400mm along a portion of the southern side boundary to achieve a reasonable level of privacy for the neighbours having regard to the finished floor levels of the villas as discussed below. This would result in a total finished height of a fence (with screen on top) of 2.1m to 2.9m (rear boundary) and 1.8m to 3.2m (southern side boundary) measured on the neighbour's side, which is considered excessive for a residential situation and would adversely impact on the amenity and outlook within the adjoining properties.

Overall, the proposal is considered unacceptable in terms of alterations to site levels, having regard to the resulting issues of privacy/overlooking upon the properties to the east and south.

**6. Visual and Acoustic Privacy:**

In addition to the comments in No 5 above regarding courtyard levels, DCP 2010 (Part 3.5.3.10) also contains controls relating to visual and acoustic privacy. There are also concerns regarding impacts in terms of visual and acoustic privacy from the finished floor levels of the villas – which are also elevated above natural ground level.

The height of the finished floor level of the villas is summarised as follows, and shown in the elevations below:

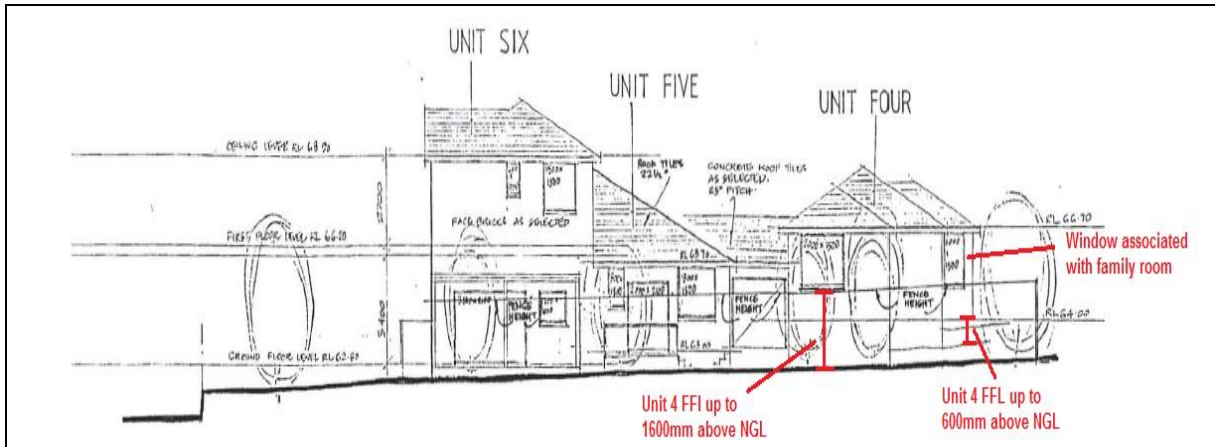
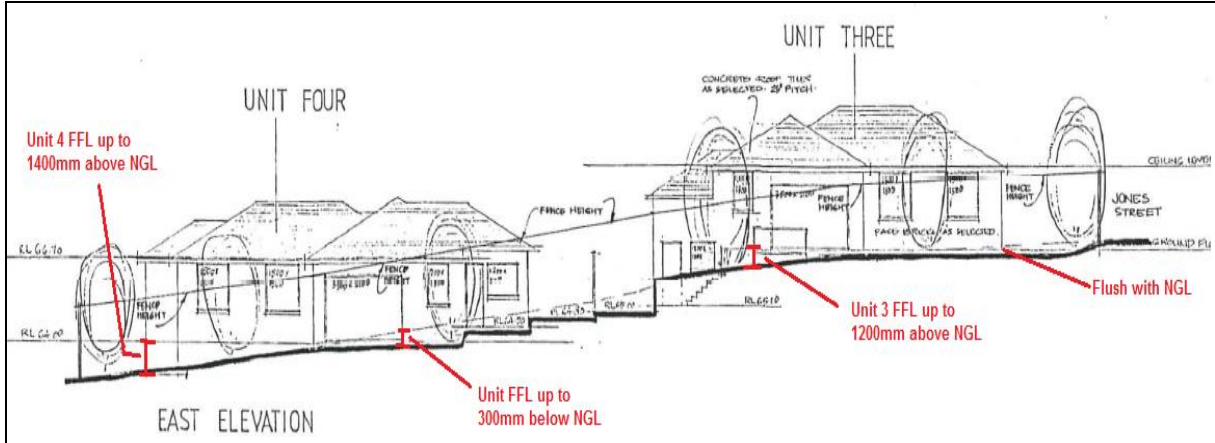
- Unit 1: FFL 400mm to 600mm below natural ground level (NGL)
- Unit 2: FFL 200mm to 600mm below natural ground level (NGL)
- Unit 3: FFL at NGL and up to 1200mm above natural ground level (NGL)
- Unit 4: FFL 300mm below NGL (ie cut) up to 1600mm above natural ground level (NGL)
- Unit 5: FFL up to 900mm above natural ground level (NGL)
- Unit 6: FFL up to 400mm above natural ground level (NGL)

The proposed FFL of unit 1 and 2 do not raise any privacy concerns as the villas are located along John Street. However, concerns are raised regarding privacy impacts from the internal living areas of units 3-6 which are to be elevated above natural ground level as shown in the following elevations of the proposal.



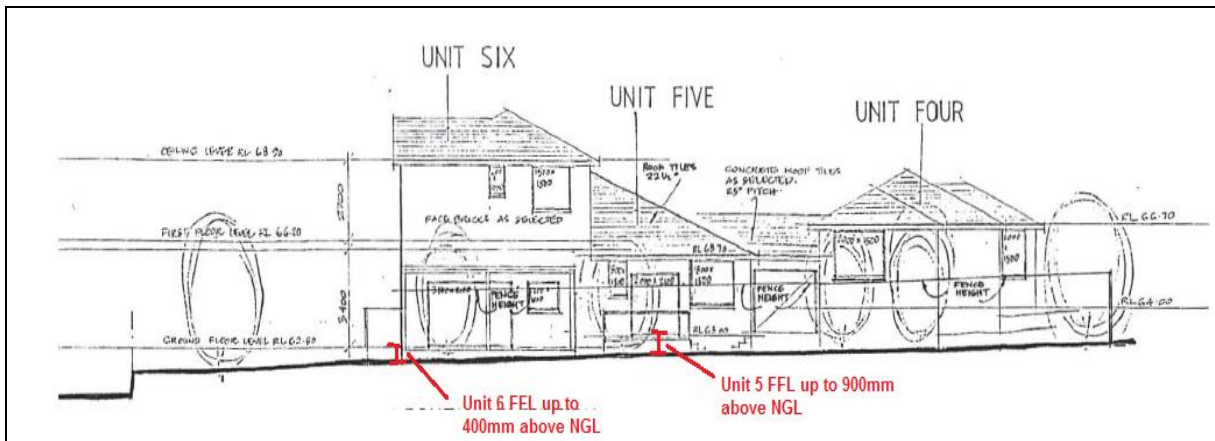
ITEM 3 (continued)

Unit 3 and 4:



South Elevation

Unit 5 and 6:



South Elevation

### ITEM 3 (continued)

It is considered that such finished floor levels would allow unreasonable overlooking into the neighbouring properties. DCP 2010 (Part 3.5.3.10, control b. and c.) states:

- b. *Direct views between living area windows of adjacent dwellings should be screened or obscured where:*
  - i. *Ground and first floor windows are within an area described by taking a 9m radius from any part of the window of the adjacent dwelling. This is the privacy sensitive zone.*
- c. *Direct views from living room windows of dwellings into the principal area of private open space of other dwellings should be screened or obscured within a privacy sensitive zone of a 12m radius.*

Although such privacy concerns could be addressed via provision of privacy screens (eg on top of the fence), this is not considered to be an acceptable solution for the reasons explained in No 5 above – that is, a total finished height of a fence (with screen on top) of 2.1m to 2.9m (rear boundary) and 1.8m to 3.2m (southern side boundary). It is considered that such a height is not typical of a residential situation and would adversely affect the amenity of the neighbouring properties, particularly the dwellings along the southern side boundary whose rear yard areas are relatively small and in very close proximity to the subject development (see air photo above).

#### 7. Overshadowing and Access to Sunlight:

Some of the habitable rooms associated with the proposed dwellings within the development will not receive adequate sunlight and some of the courtyards will not receive the minimum 2 hours sunlight to at least 50% of the courtyard area.

The objectives are as follows:

- *To ensure buildings are sited and designed to maximise access to daylight to habitable rooms;*
- *To ensure daylight to habitable rooms in adjacent dwellings is not significantly reduced; and*
- *To maximise winter sunlight to courtyards within the development and the open space areas of neighbouring dwellings.*

The development proposes greater than 2 hours sunlight to the northerly orientated courtyards and POS of units 1- 4, however units 5 and 6 are oriented south and will receive less than 2 hours sunlight to 50% of their private open space.

**ITEM 3 (continued)**

This is not considered acceptable despite the orientation, and will detrimentally impact upon the amenity provided to the future occupants of the dwellings. It is recommended that any re-design of the proposal include consideration of increasing the solar access to the courtyards of units 5 and 6.

**8. Internal setbacks**

The DCP requires that a minimum of 9m of spatial separation is provided between facing dwellings habitable room windows

The following non-compliances are noted with the proposal:

- Bedroom 2 of unit 2 overlooks the living room of unit 3 incorporating 4m of spatial separation
- Bedroom 2 of unit 5 overlooks the living room of unit 4 incorporating 2.5m of spatial separation

The applicant has provided highlight windows to ameliorate the overlooking and amenity issues.

The courtyards of Units 1 to 2 and 5 to 6 are separated by a dividing fence only. Further, unit 2 and 5 comprise elevated terraces up to 500mm higher than there adjoining unit and will impact upon the acoustic amenity and privacy of the neighbouring unit. While the provision of a 500mm lattice screen on top of the dividing fence (1.8m + 500mm + total 2.3m fence height) may reduce overlooking, it would create additional shading and further reduced amenity to the future occupier of the unit.

A better design and re-orientation of the dwellings is considered to be a more desirable and a better planning outcome.

**9. Dwelling Mix**

DCP 2010 contains a requirement (Part 3.5.2.8) that in developments containing 4 or more dwellings, not more than 75% of dwellings should have the same number of bedrooms. This 6-unit development contains 5 x 3 bedroom (ie 83%) and 1 x 4 bedroom (ie 17%) dwellings which therefore does not comply with this requirement.

The object of this requirement is to ensure that developments contain a mix of dwelling sizes to meet the needs of different household groups. Although the development does not meet the DCP requirement, the design of the development responds to local market forces, of which the applicant advises there is a stronger demand for 3 and 4 bedroom units. The provision of multi-dwelling housing (generally) assists in the provision of a diverse housing stock across the City so no planning objections are raised to this minor variation to the DCP controls.

**ITEM 3 (continued)**Part 7.2 – Waste Minimisation and Management

A Waste Management Plan has been submitted with the DA. If Council decides to approve this DA, a condition of consent can be imposed to ensure compliance with this Waste Management Plan.

Part 8.2 – Stormwater Management

Council's Senior Development Engineer has advised that the proposal is satisfactory in terms of this Part of DCP 2010, as noted in the Referrals section of this report.

Part 9.4 – Fencing

If Council decides to approve this DA, a condition of consent can be imposed to ensure compliance with this Part of the DCP (requiring side/rear boundary fencing to be in accordance with DCP requirements).

**Section 94 Contributions Plan 2007**

Council's current Section 94 Contributions Plan (as amended on 16 March 2011) requires a contribution for the provision of various additional services required as a result of new developments. In the case of villa developments, the contribution is calculated based on the number of additional dwellings, and in particular the number 3 bedroom and 3+ bedroom dwellings there are in the development proposal.

A condition of consent requiring the payment of a Section 94 contribution can be imposed if Council decides to approve this development.

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

Impacts in terms of the Built Environment have been discussed throughout this report. There are issues of concern in terms of the built environment in terms of privacy impacts on neighbouring properties. It is considered that the proposal should be re-designed to address the issues of concern discussed throughout this report. The proposal in its current state is unsatisfactory and is recommended for refusal.

**(b) Natural Environment**

Impacts in terms of the natural environment have also been discussed throughout this report, it is generally considered that such impacts have been adequately addressed in terms of overland flow and slope instability. Conditions of consent could be imposed on any approval to address these and other issues (eg sediment control etc).



**ITEM 3 (continued)****11. Suitability of the site for the development**

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

Slope Instability: The site's affectation by slope instability has been addressed via referral of the application to Council's Consultant Structural Engineer – see Referrals below.

Urban Bush land – non-conservation: No significant trees are located on site.

**12. The Public Interest**

Approval of this application is not considered to be in the public interest, for the reasons enunciated throughout this report.

**13. Consultation – Internal and External**Internal Referrals**Development Engineer**

Council's Senior Development Engineer has reviewed the revised architectural plans and stormwater details and does not have any significant concern such to warrant refusal/ further revision. However, additional conditions would be required to could address some of the drainage issue which have been overlooked. With respect to vehicle access and accommodation, the vehicle manoeuvring area fronting units 2 to 5 is minimal and whilst it is feasible, the design is not conducive for safe and efficient vehicle manoeuvring.

In particular, the Senior Development Engineer has raised the following issues of concern:

- Vehicles exiting car spaces 3,4 & 9,10 (Units 3 & 5) vehicles larger than the B85 (refer to AS 2890.1) would be required to the reverse some 15 metres to the opposite side of the access aisle to exit in a forward manner.
- Vehicles exiting car spaces 5 & 8 (Units 3 & 4) would be required to reverse at full lock to realign with the exit, some 165 degrees. It would also require slight compromise on the minimum clearances. Less abled, inexperienced drivers or those with a larger vehicle may be required to perform a 4 point turn to exit.
- Vehicles exiting car spaces 6 & 7 (Units 3 & 4) have similar issues as above but to a lesser degree. Drivers exiting the spaces would likely reverse into the spaces reserved for Units 2 & 5.

**ITEM 3 (continued)**

It is considered that these issues should be included in the review of the proposal to address the issues of concern as discussed throughout this report.

**Landscape Architect**

Council's Consultant Landscape Architect has advised that the landscaping plan submitted with the DA is generally acceptable and meets the landscaping requirements of Council's DCP. They have also advised that the proposed tree removal is generally acceptable, although one existing ornamental tree (*Dracaena draco*) within the front setback to Winbourne Street has "high amenity value" and may need further investigation to see if can be transplanted. Other matters such as provision of shade tolerant trees in the courtyards of units 5 and 6, and also provision of greater boundary setbacks from the proposed trees specified in the landscaping plan, could be addressed via conditions of consent.

External Referrals**Consultant Structural Engineer**

Has advised that the applicant's Geotechnical Engineering report (by Asset Geotechnical Consultants) fulfils Council's normal requirements for sites potentially at risk of slope instability. The report advises that risks of instability are assessed as being low.

It is advised that if Council decides to approve this application, conditions should be imposed requiring that all works be carried out strictly in accordance with the recommendations as contained in the Asset Geotechnical Engineering report.

**14. Critical Dates**

None relevant.

**15. Financial Impact**

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

**16. Other Options**

The design as currently presented is considered unsatisfactory and is recommended for refusal. It is considered that any re-design should address the issues of concern as discussed throughout this report, in particular privacy and overlooking, additional landscaping near the driveway, side/rear setbacks, solar access for the courtyards of units 5 and 6, vehicle manoeuvring (and reduction in extent of driveways), and the matters raised in the Accessibility Report submitted with the DA.

**ITEM 3 (continued)**

Council has the option of approving the application subject to conditions, however this is not recommended due to the issues of concern as discussed throughout this report.

**17. Conclusion**

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

An assessment of the proposal in terms of the controls contained in DCP 2010 has identified several areas of non-compliance namely linear separation, altering the levels of the site, visual and acoustic privacy, solar access, pervious area, landscaping, internal setbacks. The proposal is considered unacceptable in terms of these controls, particularly for the privacy impacts which will result on the adjoining properties (to the south and east).

The proposal has been notified and advertised in accordance with DCP 2010 and 6 submissions have been received. Several valid issues of concern have been raised in the submissions including privacy impacts on neighbouring properties.

On balance, the proposal in its current form is considered unacceptable and refusal is recommended.

ITEM 3 (continued)

ATTACHMENT 1

## Assessment of a Multi Dwelling Housing (attached) Development

### PART 2.0 – Site Analysis, Location Number and Type of Dwelling

DCP 2010	Proposed	Compliance
<b>2.1 Site Analysis</b>		
<ul style="list-style-type: none"> <li>○ Must have a SA</li> <li>○ SA should relate dwgs to surrounds + minimise amenity impacts</li> </ul>	The site analysis does not provide satisfactory information in accordance with DCP 2010 to determine the impact upon neighbouring properties	No
<b>2.2 Minimum allotment size</b>		
Area: (not <600m <sup>2</sup> )	1874.6sqm	Yes
Primary Frontage: (not <20m)	42.37m (Winbourne Street)	Yes
Not hatchet shaped	No	Yes
<b>2.3 Non-Preferred Locations</b>		
Is the proposed development within a non-preferred location?	Yes – Cross fall of between 1:8 to 1:10 and a slope of 1:9	No
<b>2.4 Linear Separation</b>		
Is there any approved Villa, Duplex or Urban Housing development within double the frontage (or proposed frontage)?	Yes. Villas exist at no 76 Winbourne Street which is directly adjacent to the proposed development.	No
<b>2.5 Retention of Existing Dwellings</b>		
Retention of existing dwg as part of a MDH will not be approved	To be demolished	Yes
Exception may occur if heritage significant bldg or contributing item. Does it comply with Clause 2.5.1?	Not heritage significance	Yes
<b>2.6 Density</b>		
As per clause 4.5A RLEP2010 – which state: (a) Site Area: ○ 300m <sup>2</sup> per 1,2,3br dwg ○ 365m <sup>2</sup> per 4+br dwg	5 x 3 bed dwellings (5 x 300m <sup>2</sup> )  1 x 4 bed dwelling (1 x 365m <sup>2</sup> )  Total: 1865sqm required	Yes. 1874sqm site area is provided.
(b) Each dwg has its own POS and sep access to that space from unbuilt portion of site	Complies. Dwelling 1 and 6 access provided via side gate, while dwelling 2, 3, 4,5 provides access through garage	Yes
<b>2.7 Number of Dwellings</b>		
Not more than 12 Dwellings	6 dwellings proposed	Yes



**ITEM 3 (continued)**

**ATTACHMENT 1**

<b>DCP 2010</b>	<b>Proposed</b>	<b>Compliance</b>
<b>2.8 Type of Dwellings</b>		
If 4 or more dwellings on site, <75% with same number of bedrooms (rounded down) eg. 6d= 4x3B + 2x2B	5 x 3 bedroom  1 x 4 bedroom	No

**PART 3.0 Site Planning**

<b>DCP 2010</b>	<b>Proposed</b>	<b>Compliance</b>
<b>3.1 Slope of Site</b>		
At least one dwelling must present to the street	Complies – Unit 1 and 6 present to Winbourne Street	Yes
Slope must be <1:6 either up or down from street frontage	<p>Site slopes down from rear boundary to street (fall to street).</p> <p><u>Along N boundary:</u> RL @ front = RL63.53 RL @ rear = RL67.2 Fall = 3.67m. Linear distance = 40m <b>Slope = 1 in 11</b></p> <p><u>Along S boundary:</u> RL @ front = RL60.82 RL @ rear = RL62.57 Fall = 1.75m. Linear distance = 40m <b>Slope = 1 in 21</b></p> <p><b>However,</b> from the NE (rear) corner: RL67.2 to the south west (front) corner: RL60.82 Fall: 6.38m Linear distance = 60m <b>Slope = 1 in 9</b></p>	Yes
Cross-fall <1:14	<p><u>Along front boundary:</u> RL @ N side = RL66.46 RL @ S side = RL60.82 Fall = 5.64m Linear distance = 46.9m <b>X-fall = 1 in 8</b></p>	No.

ITEM 3 (continued)

ATTACHMENT 1

DCP 2010	Proposed	Compliance
	<p>Along rear boundary: RL @ N side = RL67.2 RL @ S side = RL62.57 Fall = 4.63m. Linear distance = 46.94m <b>X-fall = 1 in 10</b></p> <p>Approximately 1:10</p>	
<b>3.2 Altering the Levels of the Site</b>		
No imported Fill	Fill likely to be re-used on-site both cut and fill proposed. Condition for any imported fill to be clean etc.	Yes
<300mm Cut or Fill outside building envelope.	<ul style="list-style-type: none"> <li>• Unit 1 – courtyard (and terrace within courtyard) between 1000-1500mm below the existing natural ground level (NGL).</li> <li>• Unit 2 – finished courtyard level proposed to be between 500mm and 700mm below NGL (terrace off the living area also 800mm below NGL).</li> <li>• Unit 3 – finished courtyard level proposed to at NGL which falls from RL 67 to RL 65.88 (terrace off the living area to be approx 1000mm above NGL).</li> <li>• Unit 4 – finished courtyard level proposed to be at natural ground level which falls from RL 64.65 to RL 62.37 (terrace off the family area to be approx 350mm above NGL).</li> <li>• Unit 5 - finished courtyard level proposed to be between 100-150mm above natural ground level (terrace off the family area to be up to 600 –800mm above NGL).</li> <li>• Unit 6- finished courtyard level proposed to be at natural ground level which falls from RL 62.13 to RL 62.06 (terrace off the living area to be up to 350 - 400mm above NGL).</li> </ul>	No.

**ITEM 3 (continued)**

**ATTACHMENT 1**

<b>DCP 2010</b>	<b>Proposed</b>	<b>Compliance</b>
	Further, the proposed driveway and vehicle manoeuvring area proposes up to 1400mm of cut, particularly towards the rear of the driveway.	No.
No basement garages, minimal steps, minimal retaining walls	Numerous retaining walls will be required in excess of 1m in height, however this detail has not been adequately provided.	No.
POS generally at NGL.	Cut of up to 1.3m was required to provide private open space at the finished ground level of units 1 and 2, while fill was required for the terraces within courtyards of unit 3, 4, 5 and 6	No.
<b>3.3 Storey and Height</b>		
<b>3.3.1 Storeys</b>		
A MDH must be within single storey bldg. OR	N/A	
Dwg with frontage to street can be 2 storeys provided: <ul style="list-style-type: none"> <li>o 2 st dwg not attached to any other 2 st dwg</li> <li>o 2 st dwg is suitable re streetscape</li> </ul>	N/A	
<b>CORNER ALLOTMENTS</b>		
Only 1 dwg can be 2 storeys, the dwg on street with shortest frontage.	2 x two storey dwellings are proposed fronting Winbourne Street.	Yes
Corner lots containing a 2 st dwg must be sensitively designed re topography, dwg size and height.	The site comprises a secondary frontage being John Street. The additional 2 storey dwelling is considered to be adequately modulated in plan and elevation and be of a bulk and scale which satisfactorily addresses John Street.	Yes
<b>3.3.2 Height</b>		
As per Clause 4.3(2a) – which state the <b>maximum</b> height is:	Unit 2: 5.8m Unit 3: 6.2m Unit 4: 5.2m Unit 5: 5.7m	Yes
(a) for dwgs in bldg with no frontage to street – 6.5m		
(b) for dwgs with a frontage to street, if adj lots have dwgs that are <9.5m high – 8m	Unit 1: 8m Unit 6: 8.2m	Yes No

**ITEM 3 (continued)**

**ATTACHMENT 1**

DCP 2010	Proposed	Compliance
<b>3.4 Site Coverage</b>		
Site coverage < 40%	36.5% or 683sqm	Yes
Pervious area > 35%	683sqm or 36% according to the site plan submitted, however the original Landscape plan indicates 619sqm or 33%, resulting in a shortfall of 37sqm. Considering no amended landscape plan has been submitted (despite being requested and the applicant indicating an amended version would be submitted, Council should rely on the original landscape plan)	No.
<b>3.5 Setbacks</b>		
<b>3.5.1 Front Setbacks</b>		
<u>Front Setbacks:</u> Similar to adjoining buildings - same as adjoining if <2m - Average if >2m	A minimum of between 10 - 11m is provided which is consistent with the prevailing setback within Winbourne Street and the existing development at no 76 Winbourne Street	Yes
Setback of 1m less than the above std for not more than 50% of the front elevation for interest in the streetscape	Complies dwelling 1 and 6 which front Winbourne Street are provided with a modulated front setback including:  Unit 1: 11 – 12.2m  Unit 6: 11 – 12.1m	Yes
Council may vary this requirement if streetscape is likely to change: >7.5m for 50% of frontage, >6.5m for 50% of frontage.	See above	Yes
<b>3.5.2 Hatchet Shaped Allotment</b>		
For hatchet allotment – bldgs must be sited so that vehicles can enter/leave site in a fwd direction.	N/A	
<b>3.5.3 Second Street Frontage</b>		
Min 4.5m	Villa 1: 5.9m setback is provided from John Street	Yes



**ITEM 3 (continued)**

**ATTACHMENT 1**

<b>DCP 2010</b>	<b>Proposed</b>	<b>Compliance</b>
	Villa 2: 4.5m setback is provided from John Street	Yes
	Villa 3: 4.5m setback is provided from John Street	Yes
<b>3.5.4 Side and Rear Setbacks</b>		
Min 4.5m unless vehicular access is included in this area, then min 6m. Allow variation between 3-6m for less than 50% for visual interest	<u>Eastern rear setback:</u> Villa 3: 4.5m for 40% and 3m for 60% Villa 4: 4.5m for 39% and 3m for 61%  <u>Southern side setback:</u> Villa 4: 4.5m for 33% and 3m for 67% Villa 5: 4.5m Villa 6: 4.5m	No No  No Yes Yes
Must provide appropriate solar access.	Suitable solar access is provided to the northerly orientated private open space of units 1- 4, however units 5 and 6 are oriented south and will receive less than 2 hours sunlight between 9am and 3pm, mid - winter.	No
Ensure existing substantial trees not within proposed courtyard areas	Complies	Yes
<b>3.5.5 Internal Setbacks</b>		
Habitable room windows don't overlook	Yes.  Bedroom 2 of unit 2 overlooks the living room of unit 3 incorporating 4m of spatial separation  Bedroom 2 of unit 5 overlooks the living room of unit 4 incorporating 2.5m of spatial separation	No
9m separation between facing dwellings habitable room windows?	See above	No
<b>3.6 Private Outdoor Space</b>		
Min 30m <sup>2</sup> for 2B Min 35m <sup>2</sup> for 3+B	Units 1 – 5 comprise 3 bedrooms Unit 6 comprises 4 bedrooms	Yes

**ITEM 3 (continued)**

**ATTACHMENT 1**

<b>DCP 2010</b>	<b>Proposed</b>	<b>Compliance</b>
	Unit 1: 48.5sqm Unit 2: 36sqm Unit 3: 105sqm Unit 4: 100sqm Unit 5: 35sqm Unit 6: 38sqm	
Min dimension 4m and generally at NGL	All 6 units include minimum dimensions of 4m, however elevated terraces are proposed to connect the primary living areas to the natural ground level (NGL). This is considered to result in adverse privacy and overlooking impacts and as such is not considered to satisfy the objectives of the control.	No
Solar access: 50% for ≥2hrs	Suitable solar access is provided to the northerly orientated private open space of units 1- 4, however units 5 and 6 are oriented south and will receive less than 2 hours sunlight to 50% of their private open space.	No
Do not contain ex'g big trees	Complies	Yes
Access to courtyard other than through dwg?	Dwelling 1 and 6 access provided via side gate, while dwelling 2, 3, 4,5 provides access through garage	Yes
Securely enclosed (not roofed) + visible from liv rms	Complies	Yes
Not within front setback	Complies	Yes
≥1.2m landscape strip between courtyard and adjoining property	Car spaces separating the courtyards of units 2 to 3 and 4 to 5 are considered satisfactory. However, units 1 to 2 and 5 to 6 are separated by a dividing fence only. Further, unit 2 and 5 comprise elevated terraces up to 500mm higher than there adjoining unit and will impact upon the acoustic amenity and privacy of the neighbouring unit. While the provision of a 500mm lattice screen on top of the dividing fence (1.8m + 500mm + total 2.3m fence height) may reduce overlooking it would	No

**ITEM 3 (continued)**

**ATTACHMENT 1**

<b>DCP 2010</b>	<b>Proposed</b>	<b>Compliance</b>
	create additional shading and further reduced amenity to the future occupier of the unit on the lower side.	
<b>3.7 Landscaping</b>		
Extent of landscaping, existing trees retained in common areas?	Existing trees maintained where possible.	Yes
Privacy Planting ≥1.2m landscaped strip 1m strip between driveway and wall of dwgs 3<h<4m mature plants? 5<h<6m small trees?	A landscaping strip of varying width is provided along parts of internal driveway, however is less than 1m. Compliance with the control would further compromise the access driveway and manoeuvring area within the dwelling.	No
Lawn areas edged or kerbed?	Not detailed. Can be conditioned.	Condition
Nature Strips: Street trees retained and protected?	No street trees are required to be removed.	Yes
<b>3.8 Car Parking, Manoeuvrability and Driveway Crossings</b>		
<b>Car Parking</b>		
Number of Parking Spaces 1 space per 1 or 2 B dwelling 2 spaces per 3+B dwelling 1 visitor space per 4 dwgs (at least 1 space per dwg must be lockable garage)  Total No of spaces req'd: 14 12 resident spaces 2 visitor spaces.	Two (2) car spaces are provided for each of the 6 units within the proposed garages and open hardstand spaces in a stacked arrangement as well as 2 visitor spaces	Yes
For hatchet shaped blocks, 1 extra visitor space per 4 dwellings	N/A	
Garage location: - Not between dwelling and street frontage	Garages associated with dwellings 1 and 6 are located within the building envelope and setback 1m from the front building line and are considered to comply with this control.	Yes

**ITEM 3 (continued)**

**ATTACHMENT 1**

<b>DCP 2010</b>	<b>Proposed</b>	<b>Compliance</b>
- No tandem parking in front of garage	No parking space is provided in front of the garage	Yes
- Conveniently located for occupants	Complies	Yes
- Located so they separate dwellings.	Car spaces separating the courtyards of units 2 to 3 and 4 to 5 is provided. However, units 1 to 2 and 5 to 6 are separated by a dividing fence only.	No
Manoeuvrability: Enter and leave garage/parking area with single 3pt turn, in a forward direction (unless safe to reverse - corner allotment only).	Manoeuvring within the site to enter and exit in a forward direction is possible however more than 3 vehicle movements is required to enter/exit garages/car spaces associated with units 2, 3, 4, 5 as advised by Councils development engineer	No
Driveways Suitably paved, extent minimised, to avoid excessive amounts of hard paving.	The combination of driveway to landscaping is considered satisfactory (within the Winbourne Street setback), subject to detailed landscaping, however this has not been provided. Within the site the landscaping is limited due to the design of the driveway, slope, cross fall of the site and design of the development (discussed earlier)	No
Driveway Crossings Width: 10 spaces, min 4m >10 spaces, max 6m Driveways <30% of frontage	14 spaces required and a max width of 5m is provided  5m wide at front boundary, widens out to access unit 1	Yes  Yes
<b>3.9 Overshadowing and Access to Sunlight</b>		
Habitable room windows face courtyard or other outdoor space open to the sky, no closer than 1.5m to facing wall.	All habitable rooms of each unit are not opposing a wall and face out door space	Yes
Sunlight to at least 50% of each courtyard, and principal ground level open space >2hrs between 9am and 3pm on June 21 <b>or</b>	Greater than 2 hours sunlight is provided to the northerly orientated courtyards and private open space of units 1- 4, however units 5 and 6 are oriented south	No

**ITEM 3 (continued)**

**ATTACHMENT 1**

<b>DCP 2010</b>	<b>Proposed</b>	<b>Compliance</b>
	and will receive less than 2 hours sunlight to 50% of their private open space.	
Where existing overshadowing by buildings and fences is greater than this on adjoining properties, sunlight must not be further reduced by more than 20%	Overshadowing of an existing multi dwelling development to the south will occur, however the shadow cast is very similar to the one cast by the existing dwelling within 80 Winbourne, therefore it is deemed acceptable.	Yes
Shadow diagrams must indicate extent of shadowing within development and adjoining properties.	Shadow plans provided, however they do not demonstrate the extent of shadowing within the development.	No
<b>3.10 Visual and Acoustic Privacy</b>		
Min 9m separation between facing habitable room windows	Bedroom 2 of unit 2 overlooks the living room of unit 3, incorporating 4m of spatial separation  Bedroom 2 of unit 5 overlooks the living room of unit 4, incorporating 2.5m of spatial separation	No
No direct views between living area windows or adjacent dwellings (otherwise screening or obscuring necessary)	Unit 1: Primary living areas are located on the ground floor and orientated to the north, opposing John Street. The first floor comprises bedrooms only and will not impact upon privacy.  Unit 2: (single storey) Primary living areas are orientated to the north, opposing John Street.  Unit 3: Overlooking from the family room and elevated terrace of neighbouring properties will occur.  Unit 4: Overlooking from the family room and elevated terrace of neighbouring properties will occur.  Unit 5: Overlooking from the family room and elevated terrace of neighbouring properties will occur.	Yes  Yes  No  No  No



**ITEM 3 (continued)**

**ATTACHMENT 1**

<b>DCP 2010</b>	<b>Proposed</b>	<b>Compliance</b>
	Unit 6: Overlooking from the family room and elevated terrace of neighbouring properties will occur.	No
Direct views from living areas to private open space of other dwellings should be screened or obscured within privacy sensitive zone of 12m radius.	See discussion above.	No
No balconies.  Elevated landings (or similar associated with stairs into courtyard) max 1m wide	Elevated landings/terraces associated with units 2, 3, 4,5 6 are greater than 1m in width and result in overlooking of neighbouring properties and dwellings within the proposed development	No
Living and sleeping areas protected from high levels of external noise?	All habitable rooms are configured to mitigate noise generated from use of the internal driveway and street noise.	Yes
Noise levels of air con pool pumps etc must not exceed background noise level by more than 5dB(A)	N/A	
<b>3.11 Accessibility</b>		
<b>3.11.1 Pedestrian Access</b>		
Pedestrian access provided, separate to vehicle access where possible.	Separate pedestrian access is provided to each of the six (6) dwellings	Yes
<b>3.11.2 Access for People with Disabilities – Devts of 6 or more dwellings</b>		
6 or more dwelling developments have min 35% of dwellings provide access to all indoor areas and outdoor living areas for people with disabilities (street, car parking and common areas accessed in one continuous path of travel)	6 units are proposed and two have proposed accessible entrances to the dwelling. An accessibility report was provided with the application which specified additional measures will need to be incorporated at the construction certificate stage in order for the development to comply.	Yes
Dwgs designed as per AS4299 must be able to access street, car pkg and common areas using continuous path of travel.	See above	Yes

**ITEM 3 (continued)**

**ATTACHMENT 1**

<b>DCP 2010</b>	<b>Proposed</b>	<b>Compliance</b>
<b>3.11.3 Access Audits</b>		
For above such developments, an access audit must be submitted	See above	Yes

**PART 4.0 Building Form**

<b>DCP 2010</b>	<b>Proposed</b>	<b>Compliance</b>
<b>4.1 Appearance</b>		
Complement streetscape Includes pitched roof, eaves, vertically oriented windows, verandahs, rendered and face brick	It is considered the design of the proposed dwellings are reflective of both traditional and contemporary designs through the incorporation of brick render, combined with the traditional pitched roof of hipped into gable design, results in modern dwellings which are commensurate with recently constructed dwellings within West Ryde.	Yes
At least 1 dwg must face street	Unit 1 and 6 front Winbourne Street	Yes
<b>4.2 Ceiling Height</b>		
Floor to Ceiling min 2.7m	2.7m is provided to the ground floor and first floor of all dwellings except for the garage associated with unit 1 which comprises a floor to ceiling height of 3.8m	Yes
<b>4.3 Roofscape and Roof Materials</b>		
Pitch 22-30° (35° where 2 <sup>nd</sup> floor is within roof)	22.5 – 25 degrees is provided to all six dwellings	Yes
Min 300mm eaves overhang for roofs & verandas	It appears that a minimum 300mm overhang is provided too all six dwellings.	Yes
Gables to street frontage?	Gables provided	Yes
Variation to roof line? Roof materials consistent with traditional ones in the street?	Proposed tiled roofs are consistent with the other dwellings in the street.	Yes
<b>4.4 Building materials for Walls</b>		
In keeping with the traditional materials for the locality. Detailing to break up large areas of wall adding interest and individuality	Adequate modulation is provided in plan and elevation, reducing the bulk of the dwellings.	Yes

**ITEM 3 (continued)**

**ATTACHMENT 1**

<b>DCP 2010</b>	<b>Proposed</b>	<b>Compliance</b>
Proportion of windows and other openings consistent with character of locality. (windows generally 2:1 and 3:1 vertical proportion)	Number of windows and size of openings are consistent with that of the prevailing streetscape.	Yes
<b>4.5 Fences</b>		
<b>4.5.1 Front fence</b>		
Max ht 1m, and 70% visually permeable	No front proposed	Yes
Materials compliment dwelling eg wooden pickets, masonry with infill panels, wrought iron or similar etc	N/A	
<b>4.5.2 Other Boundary Fences which Face a Street</b>		
Similar materials to main front fence	A modulated 1.8m masonry fence with indents of not less than 600mm x 300mm to allow for landscaping is proposed along John Street (secondary frontage)	Yes
Solid fence must have indents for soft landscaping	See above.	
<b>4.5.3 Other boundary fences</b>		
Min ht 1.8m	Side and rear boundary fencing is proposed including lattice screening on top of the timber fence with a minimum height of 2.3m (according to the information provided)	No
Lapped and capped timber	Yes	Yes
<b>4.6 Clotheslines and drying area</b>		
External clotheslines (not visible from adjoining properties or public areas)	External clothes line of all dwellings is located within courtyard and/or adjacent to open hardstand car space.	Yes
Each dwelling must have its own laundry	Complies	Yes
<b>4.7 Lighting</b>		
Front yard lighting and lighting for the front of dwellings is to be provided	To be conditioned if application were to be approved.	Yes
Location of external lighting must not have adverse affect on	To be conditioned if application were to be approved.	Yes

**ITEM 3 (continued)**

**ATTACHMENT 1**

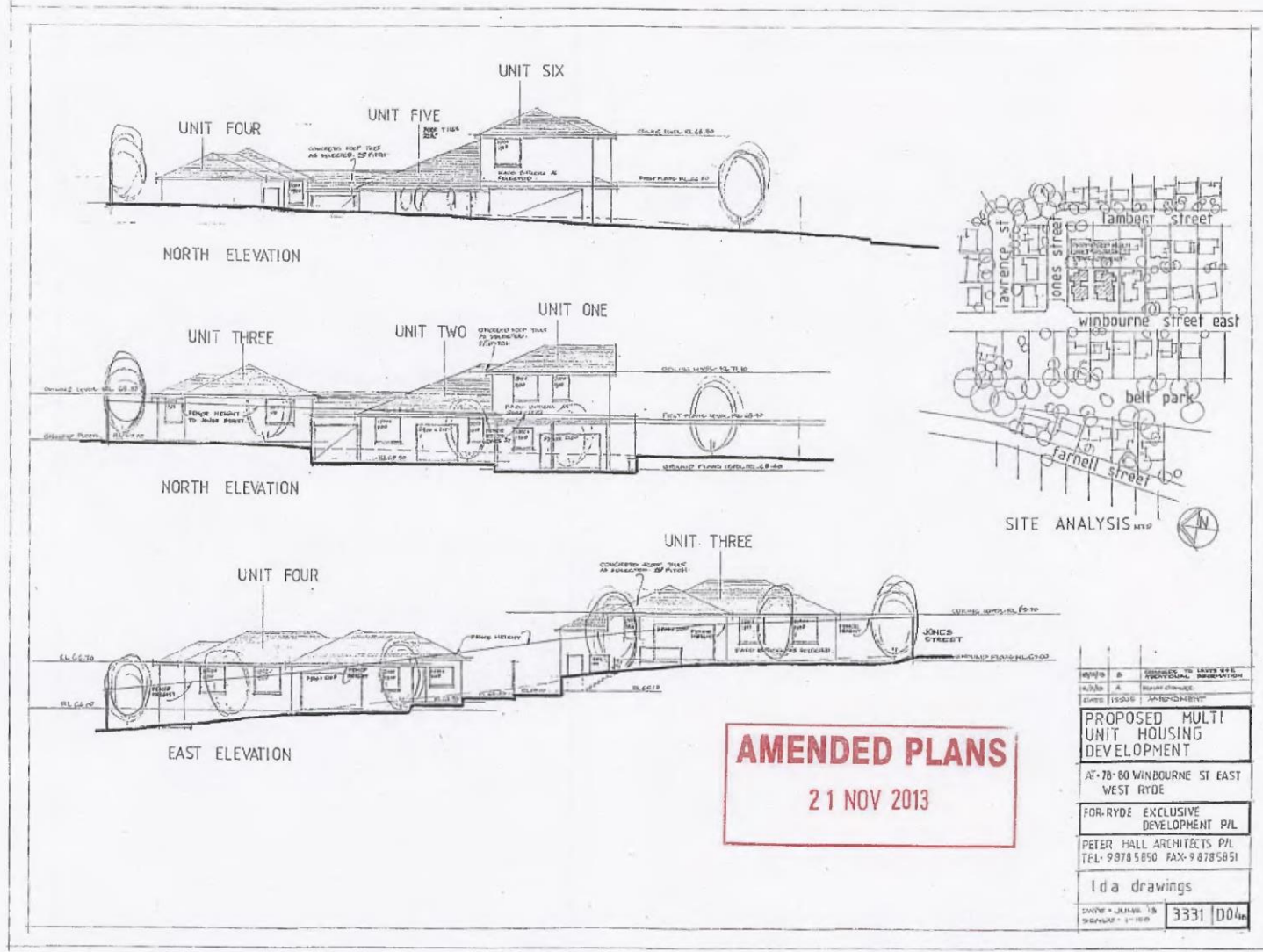
<b>DCP 2010</b>	<b>Proposed</b>	<b>Compliance</b>
adjoining properties.		
<b>4.8 Garbage bin enclosures</b>		
For developments up to 5 dwellings on sites that are not steeply sloping and which have a wide road frontage: <ul style="list-style-type: none"> <li>- Each dwelling must be provided with a storage area for Council's standard rubbish and recycling bins.</li> <li>- Storage area should be behind the dwelling, not visible from public spaces, common areas and habitable room windows</li> </ul>	N/A	Yes
For developments of 6 or more dwellings or where sites are steeply sloping or have a narrow street frontage: <ul style="list-style-type: none"> <li>- A central garbage bin enclosure shall be provided</li> <li>- Behind the building line and suitably screened by landscaping. A plan indicating the design and location of the garbage bin enclosure must be submitted with the DA.</li> </ul>	Each dwelling is equipped with a bin storage area.	Yes

**PART 5.0 – Engineering**

<b>DCP 2010</b>	<b>Proposed</b>	<b>Compliance</b>
<b>Drainage</b>		
Refer to Part 8.2 Storm water Management DCP 2010	Councils development engineer advises that proposed system is generally acceptable in that it incorporates onsite detention designed in accordance with Councils DCP requirements subject to conditions, however the onsite manoeuvring is still a cause for concern.	Yes

ITEM 3 (continued)

ATTACHMENT 2



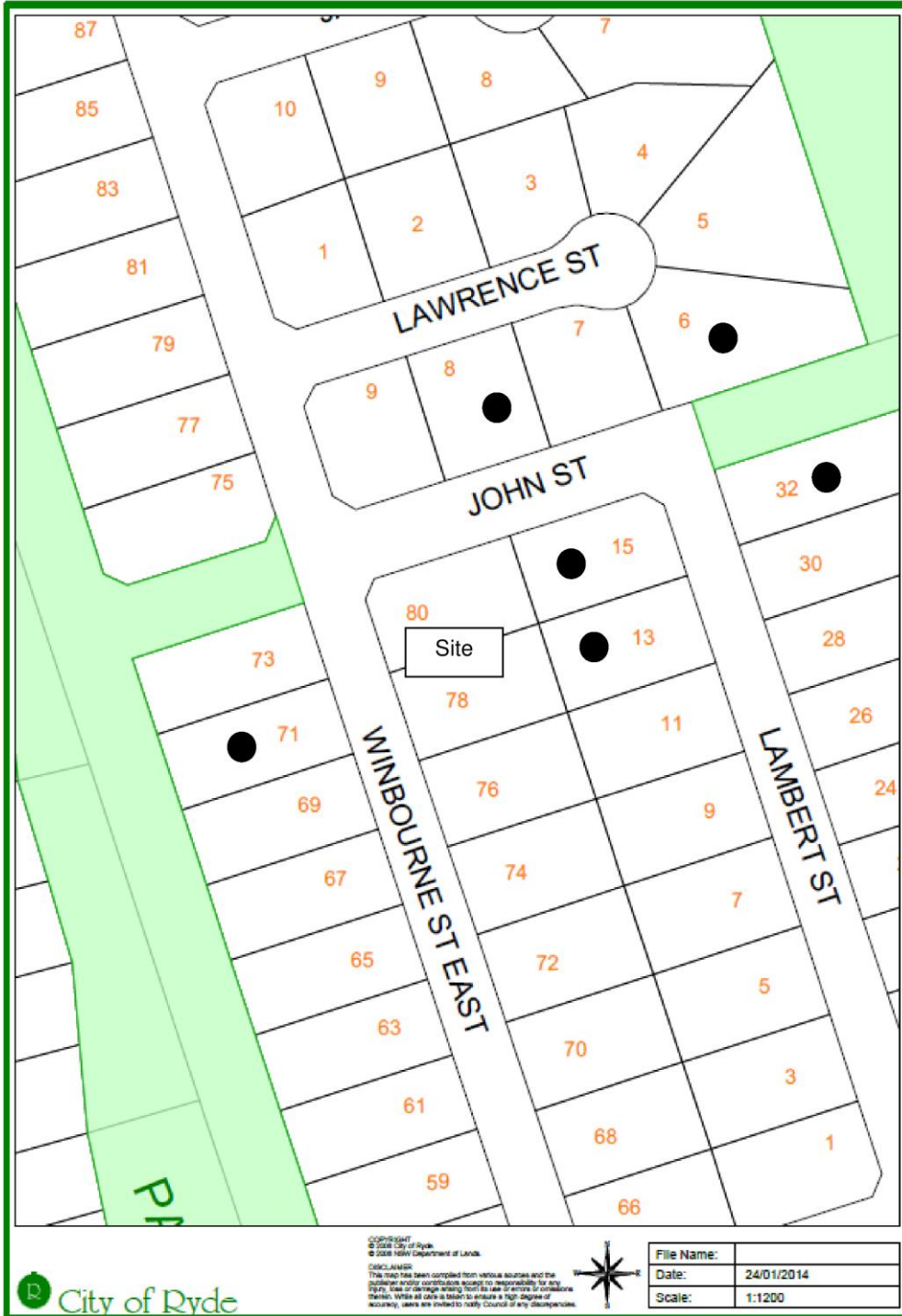




ITEM 3 (continued)

ATTACHMENT 3

 Indicates submissions received.



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**4 94 ADELAIDE STREET, MEADOWBANK. LOT 5 DP 9072. Local Development Application for a new 1.5m high front fence and retaining walls. LDA2013/0391.**

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**Report prepared by:** Assessment Officer

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

**Report dated:** 17/01/2014

**File Number:** grp/09/5/6/2 - BP14/50

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### 1. Report Summary

**Applicant:** C K Sia.

**Owner:** C K & C S W Sia.

**Date lodged:** 15 October 2013 (amended plans received 20 November 2013).

This report considers a development application (DA) for a new 1.5m high front fence and retaining walls to the side and rear yard at 94 Adelaide Street, Meadowbank.

The original DA was notified to neighbours with one (1) submission received from the neighbouring property immediately south (No. 96 Adelaide Street) raising issues regarding the front and return fences being 1.8m high and not compatible with the streetscape, the existing return fence between the two properties being only 4 years old does not need replacing, proposed fill and retaining wall adjacent to the existing southern boundary fence and concerns regarding the public safety and visibility of pedestrians.

Amended plans were received to address the concerns of the neighbour which reduced the overall height of the front fence to a maximum of 1.5m high. The front fence has a solid rendered brick base with a maximum of 514mm, with horizontal 50% open slats above, and the piers are 350mm x 350mm. Both return fences and the retaining wall proposed in the rear yard adjacent to the southern side boundary have been deleted. Small retaining walls are proposed on the northern boundary to retain the existing excavation undertaken for the new dwelling and in the rear yard to terrace the sloping private open space. No fill is proposed adjacent to any boundaries. The amended plans were re-notified with one (1) submission being received from 96 Adelaide Street raising similar issues to their original submission.

The proposal has been assessed against the controls contained in Council's DCP 2010 and found to be compliant with all the numerical controls. Sight lines, pedestrian visibility are compliant with Australian Standards. In particular, the driveway on the neighbour's properties at both No. 92 and 96 Adelaide Street are on the opposite side to the subject site so the proposed fence should have minimal impact in terms of sight lines for the neighbouring properties. The proposed front fence is considered compatible with the dwelling and the varied streetscape in the locality as there are numerous examples of similar front fences in the immediate locality.

**ITEM 4 (continued)**

It is therefore recommended that the DA be approved subject to conditions of consent.

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

Public Submissions: One submission received for the original plans  
One submission received for the amended plans.

Clause 4.6 RLEP 2010) objection not required.

Value of works. \$30,800

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

**RECOMMENDATION:**

- (a) That Local Development Application No. LDA2013/0391 at 94 Adelaide Street, Meadowbank being LOT 5 DP 9072 be approved subject to conditions of consent contained in **ATTACHMENT 1**.
- (b) That the persons who made submissions be advised of Council's decision.

**ATTACHMENTS**

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

Report Prepared By:

**Jane Tompsett**  
**Assessment Officer**

Report Approved By:

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

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



**ITEM 4 (continued)**

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

**Address** : 94 Adelaide St Meadowbank

**Site Area** : 650.29m<sup>2</sup>  
Frontage 15.24 metres  
Depth 42.67 metres

**Topography and Vegetation** : There is no significant vegetation on the site. The site has a cross fall from the rear north eastern corner of approximately 1m to the front south western corner of the lot. There is no significant vegetation on the site.

**Existing Buildings** : A new two storey dwelling and attached garage exists on the site

**Planning Controls Zoning** :

- R2 – Low Density Residential under Ryde LEP 2010
- R2 – Low Density Residential under draft Ryde LEP 2011

**Other** : Ryde DCP 2010



Figure 1 – Locality Plan



**ITEM 4 (continued)**

**3. Councillor Representations**

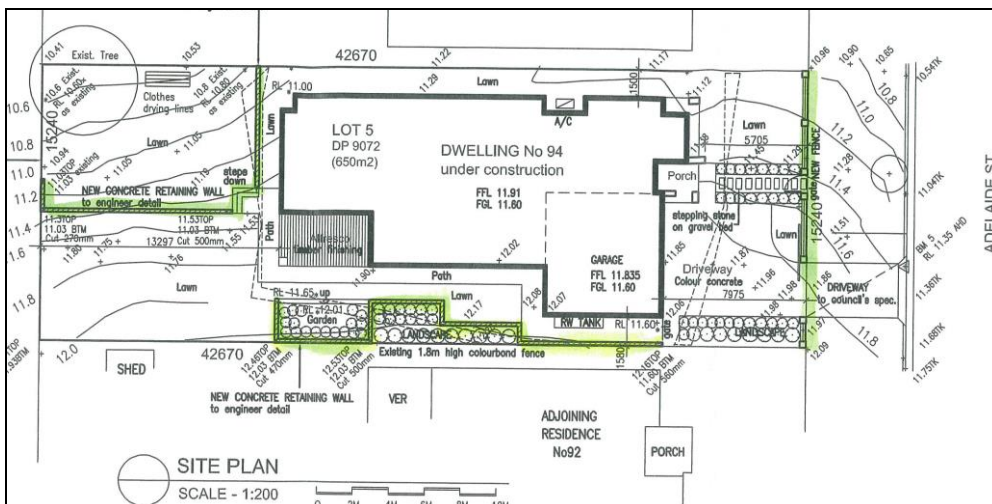
Name of Councillor	Councillor Pendleton
Nature of the representation	Call-up to Planning & Environment Committee
Date	4 November 2013
Form of the representation	Email to Councillor Help Desk
On behalf of applicant or objectors?	Objectors at No. 96 Adelaide Street
Any other person (e.g. consultants) involved in or part of the representation:	No

**4. Political Donations or Gifts**

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

**5. Proposal**

A new 1.5m high front fence and retaining walls to the side and rear of the dwelling.



**Figure 2 – Site Plan**



**ITEM 4 (continued)**

- Following the re-notification of the amended plans a further submission was received from No. 96 Adelaide Street. The issues of concern being streetscape compatibility, fence height, and restriction of the outlook from 96 Adelaide Street front patio across the neighbouring front yard.

**7. Submissions**

The proposal was notified in accordance with Development Control Plan 2010 - Part 2.1, Notification of Development Applications. Notification of the proposal was from 18 October 2013 till 4 November 2013 for the original plans and amended plans were notified from 27 November 2013 till 5 December 2013.

Original Plans

One (1) submission was received for the original plans from the neighbour at No. 96 Adelaide Street. The issues raised in the submissions being:

**1. Streetscape**

*“All fencing must be compatible with the streetscape of the locality. This will be the only house with a 1.8m high front and return fence.”*

Officer’s Comment

Council’s DCP 2010 Part 3.3 Dwelling Houses and Dual Occupancy (attached) Part 2.4.1 Streetscape states:

*The design of front gardens is to complement and enhance streetscape character by:*

- reflecting the character and height of fences and walls along the street, or the absence of front fences,*

In terms of streetscape character, the properties in this locality have a wide range of front fencing styles – from no front fence to front fences which range from approximately 500mm to 1.8m high.

The proposal will therefore be consistent with the existing streetscape character. In terms of DCP compliance, Ryde DCP 2010 allows solid fences up to 1m high, which can be increased to 1.8m if openings are provided to make the fence at least 50% transparent.

**ITEM 4 (continued)**

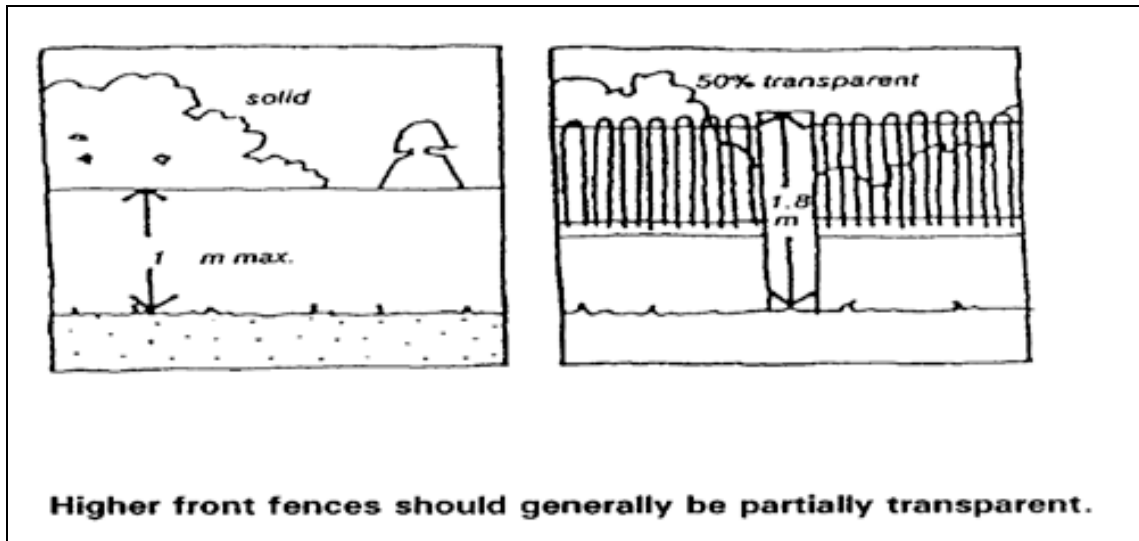


Figure 4 - Council's DCP 2010 Part 9.4 Fencing 50% transparent

The proposal fully complies with this requirement. The following aerial photo and street photos indicate the type of front fencing provided in the immediate locality:



Figure 5 -

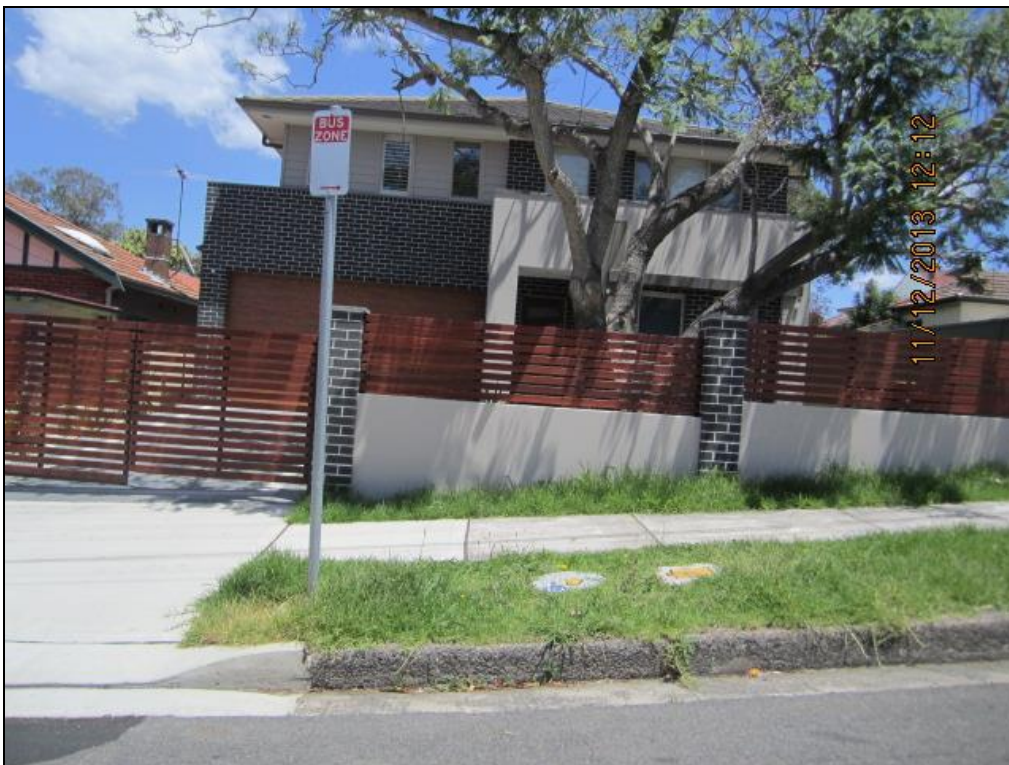
-  <1.5m high front fence compatible material to dwelling
-  1.5m to 1.8m high front fence compatible material to dwelling
-  No front fence



**ITEM 4 (continued)**



**Figure 6 –No. 3 James Street on the left and No. 1 James Street on the right both have very different front fences in style and height however they both match the dwellings respectively.**



**Figure 7 – No. 1 Adelaide Street is a new house with a front fence 1.8m high and is in a similar style to the new dwelling at 94 Adelaide Street.**



## **ITEM 4 (continued)**

The applicant has reduced the height of the front fence to 1.5m, and deleted the return fences and retaining wall adjacent to the southern side boundary as re-notified on 27 November 2013.

Currently in the locality there is a variety of styles and heights for front fences. The character and the height of front fences, has changed over the years as has the materials and design of dwellings. In this instance the proposed 1.5m high front fence fits into the varied character of the streetscape and is considered satisfactory.

### **2. Pedestrian Safety**

There are concerns for pedestrian safety and visibility when reversing out the driveway of the objector's property at No. 96 Adelaide Street.

#### Officer's Comment

The driveway of the objector's property is at least 10m to the south of the proposed 1.5m high front fence, which is a sufficient distance to ensure adequate sight distance when entering /leaving their property. Furthermore, Council's Senior Development Engineer has considered the proposal and confirmed that the location of the driveway is relative to the proposed fence and the fact that the top part will be 50% open (via provision of slats) will ensure adequate sight lines.

### **3. Retaining wall**

*"The retaining wall to be built on my side boundary. I am concerned that it may become a reservoir for water seepage onto my property."*

#### Officer's Comment:

The applicant has deleted the proposed retaining wall as shown in the amended plans re-notified 27 November 2013.

### **4. Return Fence**

*"I would like to know why this new 1.8m high return fence can be built, and why my existing four year old lap and cap fence needs to be removed."*

#### Officer's Comment

The applicant has deleted both return fences in the amended plans.

**ITEM 4 (continued)**Amended Plans:

One (1) submission was received for the amended plans from the neighbour at No. 96 Adelaide Street. The issues raised in the submission were similar to those raised in their original submission. The additional issues in the submission regarding the amended plans are discussed as follows:

**1. Social Interaction**

*“The Control Plan states that front fences and walls can reduce opportunities for social interaction in the street and may prevent resident surveillance of the street and homes for security. The erection of the new 1.5 metre high front fence will impact upon my ability to socially interact with my neighbours.*

*At 89 years of age I enjoy sitting out on my front patio and I look forward to being able to interact with my neighbours located in the surrounding properties and even looking up and down the street from a bench on my patio. However, the erection of the new 1.5 metre high front fence will impact upon my ability to enjoy this simple pleasure. With my reduced mobility and that of my husband I do not welcome the prospect of any form of further isolation from the community.”*

Officer’s Comment

As discussed previously, the proposed front fence will be consistent in terms of streetscape character with other front fencing on nearby properties, and as it will be 50% open at the top, it will still allow visibility through (both for pedestrians/vehicle safety as well as allowing an open streetscape feel).

**8. Clause 4.6 RLEP 2010 objection is not required.****9. Policy Implications****Relevant Provisions of Environmental Planning Instruments etc:****(a) Ryde LEP 2010****Zoning**

R2 Low Density Residential. The proposal is permissible with consent.

**Mandatory Requirements**

There are no mandatory provisions under Ryde LEP 2010 apply to the development.

**ITEM 4 (continued)****(b) Relevant SEPPs**

None

**(c) Relevant REPs**

None

**(d) Any draft LEPs**

A Section 65 Certificate enabling the formal exhibition of Draft Local Environmental Plan 2011 was issued by the Department of Planning and Infrastructure on 23 April 2012. The Draft Plan has been placed on public exhibition between 30 May 2012 and 13 July 2012. Under this Draft LEP, the zoning of the property is R2 Low Density Residential. The proposed development is permissible with consent within this zoning under the Draft LEP, and it is considered that the proposal is not contrary to the objectives of the Draft LEP or those of the proposed zoning.

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

**(e) Any DCP (e.g. dwelling house, villa)**

The proposal has been assessed using the development controls contained in Ryde DCP 2010. The DCP compliance table for this development proposal is held at **Attachment 2**.

There are no non-compliances identified in the Compliance Table.

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

Issues regarding impacts on the built environment are discussed throughout this report (in particular the sections discussing submissions from neighbours and DCP compliance). In summary, the proposal is considered satisfactory for approval in terms of impacts on the built environment subject to the recommended conditions of consent.

**(b) Natural Environment**

The proposal for a new 1.5m high front fence and retaining walls will have minimal impact in terms of the natural environment. Matters regarding soil erosion/sediment control etc could be addressed via standard conditions on any consent if Council decides to approve the DA.

**ITEM 4 (continued)****11. Suitability of the site for the development**

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

Acid Sulphate Soil Class 5 – Buffer zone

The subject site is identified within class 5 of Acid Sulphate Soils and within 500m buffer zone of a higher class Acid Sulphate Soil environment. The development does not propose to excavate more than approximately 450mm for footings and it is considered that the proposal will have no potential environmental impacts such as lowering the water tables of the adjoining lands and is supported.

**12. The Public Interest**

There are non-compliances with Council's DCP 2010 Part 3.3 Dwelling Houses and Dual Occupancy (attached) and DCP 2010 Part 9.4 Fencing. There are no issues of pedestrian safety or neighbour visibility with the proposed development. It is considered that approval of this DA would be in the public interest subject to the recommended conditions of consent.

**13. Consultation – Internal and External**Internal Referrals

Senior Development Engineer, 10 January 2013: Council's Senior Development Engineer has raised no objection to the proposal. In particular, Council's Senior Development Engineer was requested to comment on concerns raised regarding sight distance and pedestrian / vehicle safety as raised by the neighbour, as discussed in the Submissions section above.

External Referrals

None required

**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 4 (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 considered to be satisfactory for approval.

The DA is recommended for approval subject to conditions.



**ITEM 4 (continued)**

**ATTACHMENT 1**

**DRAFT CONDITIONS OF CONSENT**

**GENERAL**

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

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

Document Description	Date	Plan No/Reference
Architectural Plans	20/11/2013	Dwg No. AR2835 Sheet 01, 02, 1A4

2. **Building Code of Australia.** All building works approved by this consent must be carried out in accordance with the requirements of the Building Code of Australia.
3. **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.
4. **Hours of work.** Building activities (including demolition) may only be carried out between 7.00am and 7.00pm Monday to Friday (other than public holidays) and between 8.00am and 4.00pm on Saturday. No building activities are to be carried out at any time on a Sunday or a public holiday.
5. **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.
6. **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.
7. **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.

**ITEM 4 (continued)**

**ATTACHMENT 1**

8. **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.
9. **Stormwater disposal.** Stormwater runoff from all impervious areas of the site is to be collected and piped to the existing or new underground stormwater drainage system in accordance with Council's DCP 2010, Part 8.2 "Stormwater Management".

**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.

10. **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**.
11. **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**.
12. **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**. (dwelling houses with no delivery of bricks or concrete or machine excavation)
13. **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

**ITEM 4 (continued)**

**ATTACHMENT 1**

14. **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**.
15. **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](http://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.

16. **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**.

**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.

**17. 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 4 (continued)**

**ATTACHMENT 1**

18. **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.
19. **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).

**20. 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.
21. **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 4 (continued)**

**ATTACHMENT 1**

**DURING CONSTRUCTION**

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

22. **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*.
23. **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.
24. **Sediment/dust control.** No sediment, dust, soil or similar material shall leave the site during construction work.
25. **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.
26. **Construction materials.** All materials associated with construction must be retained within the site.
27. **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.
28. **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.
29. **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".



**ITEM 4 (continued)**

**ATTACHMENT 1**

**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.

**End of consent**

ITEM 4 (continued)

ATTACHMENT 2

ATTACHMENT 2

## Compliance Check - Quality Certification

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

<b>LDA No:</b> LDA2013/0391	<b>Date Plans Rec'd:</b> 18 October 2013
<b>Address:</b> 94 Adelaide St Meadowbank	
<b>Proposal:</b> Erect a new front fence and return fence and retaining walls.	
<b>Constraints Identified:</b> Acid Sulphate 500 buffer	

### COMPLIANCE CHECK

DCP 2010	Proposed	Compliance
<b><i>Part 3.3 - Dwelling Houses and Dual Occupancy (attached)</i></b>		
<b>Desired Future Character</b>		
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.	Yes
<b>Alterations and Additions</b>		
- Design of finished building appears as integrated whole.	- Design of finished building appears as integrated whole.	Yes
- Development to improve amenity and liveability of dwelling and site.	Development to improve amenity and liveability of dwelling and site.	Yes
<b>Public Domain Amenity</b>		
<b>Pedestrian &amp; Vehicle Safety</b>		
- Car parking located to accommodate sightlines to footpath & road in accordance with relevant Australian Standard.	Existing unchanged	Yes
- Fencing that blocks sight lines is to be splayed.	- Fencing does not block sight lines is to be played.	Yes

**ITEM 4 (continued)**

**ATTACHMENT 2**

<b>DCP 2010</b>	<b>Proposed</b>	<b>Compliance</b>
<b>Site Configuration</b>		
<p><b>Deep Soil Areas</b></p> <ul style="list-style-type: none"> <li>- 35% of site area min.</li> <li>- Min 8x8m deep soil area in backyard.</li> <li>- Front yard to have deep soil area (only hard paved area to be driveway, pedestrian path and garden walls).</li> </ul>	Existing unchanged	Yes
<b>Topography &amp; Excavation</b>		
<p>Within building footprint:</p> <ul style="list-style-type: none"> <li>- Max cut: 1.2m</li> <li>- Max fill: 900mm</li> </ul> <p>Outside building footprint:</p> <ul style="list-style-type: none"> <li>- Max cut: 900mm</li> <li>- Max fill: 500mm</li> <li>- No fill between side of building and boundary or close to rear boundary</li> <li>- Max ht retaining wall 900mm</li> </ul>	<p>Within BF</p> <p>Max cut: Max fill:</p> <p>Outside BF</p> <p>Max cut:560mm Max fill: None</p> <ul style="list-style-type: none"> <li>- No fill between side of building and boundary or close to rear boundary</li> </ul> <p>560mm</p>	<p>N/A N/A</p> <p>Yes N/A Yes</p> <p>Yes</p>
<b>Floor Space Ratio</b>	<b>Existing unchanged</b>	
<b>Height</b>	<b>Existing unchanged</b>	
<b>Setbacks</b>	<b>Existing unchanged</b>	
<b>Car Parking &amp; Access</b>	<b>Existing unchanged</b>	
<b>Landscaping</b>	<b>Existing unchanged</b>	
<b>Dwelling Amenity</b>	<b>Existing unchanged</b>	
<b>External Building Elements</b>	<b>Existing unchanged</b>	
<b>Fencing</b>		
<p><b>Front/return:</b></p> <ul style="list-style-type: none"> <li>- To reflect design of dwelling.</li> <li>- To reflect character &amp; height of neighbouring</li> </ul>	<p><u>Front fence</u> Description:</p> <p>Face brick rendered to match dwelling</p> <p>Reflects the character &amp; height of neighbouring</p>	<p>Yes</p> <p>Yes</p>

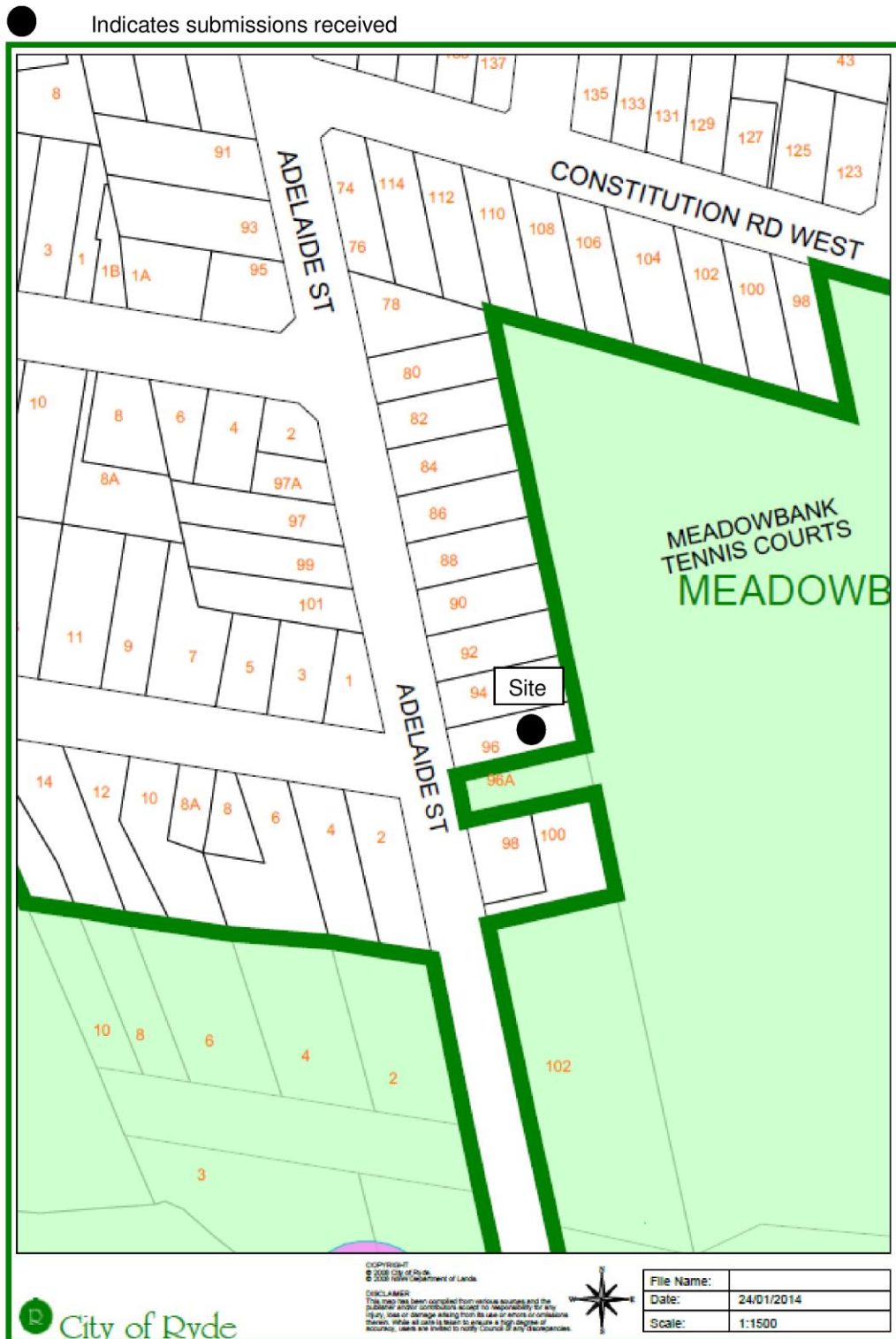
**ITEM 4 (continued)**

**ATTACHMENT 2**

<b>DCP 2010</b>	<b>Proposed</b>	<b>Compliance</b>
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.	fences. Maximum 514mm solid  1.5m and 50% open <u>Return fence</u> Description: N/A	Yes  Yes  N/A  N/A  N/A
<b>Side/rear fencing:</b> - 1.8m max o/a height.	Height:  Materials proposed:	N/A
<b>Part 7.2- Waste Minimisation &amp; Management</b>		
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.	Yes
<b>Part 8.2 - Stormwater Management</b>		
<b>Stormwater</b>		
Drainage is to be piped in accordance with Part 8.2 - Stormwater Management.		N/A
<b>Part 9.4 – Fencing</b>		
<b>Front &amp; return fences</b>		
Front and return fences that exceed 1m in height are to be 50% open	Front fence is 1.5m high and 50% open	Yes

ITEM 4 (continued)

ATTACHMENT 3

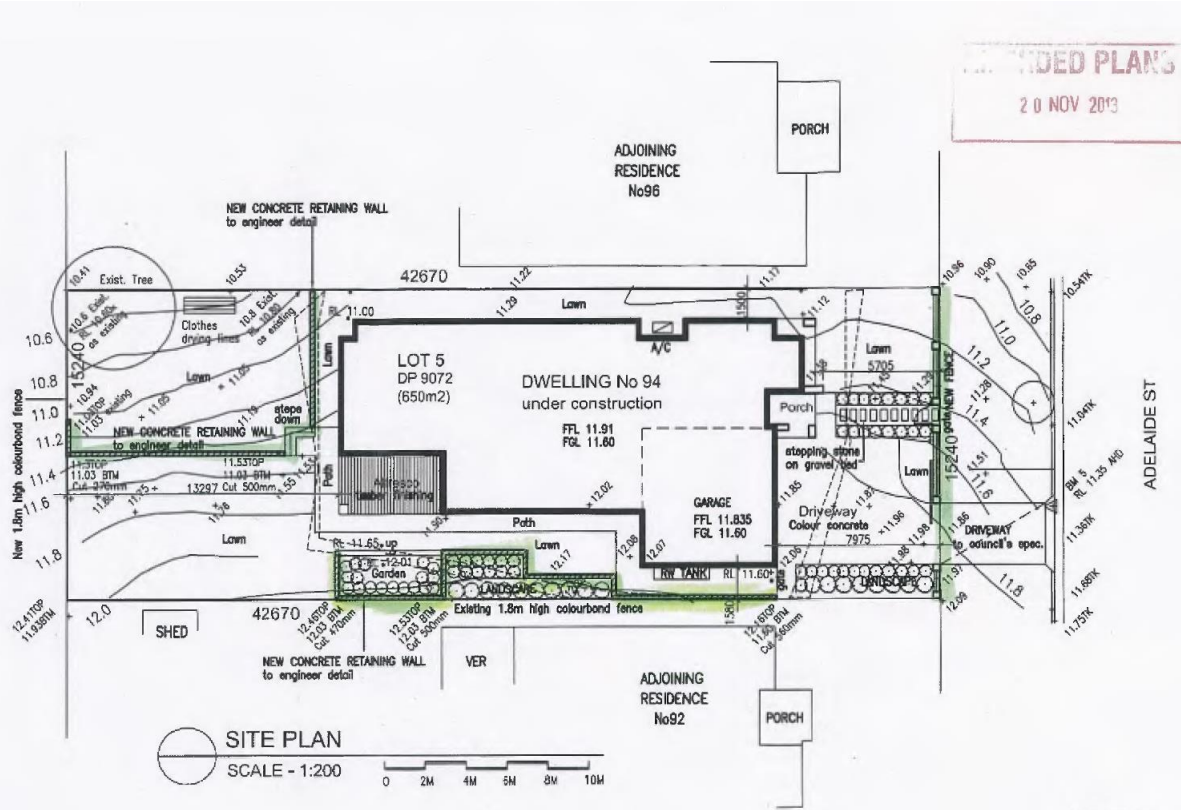




ITEM 4 (continued)

ATTACHMENT 4

SITE AREA = 650 m<sup>2</sup>  
TOTAL LANDSCAPE / LAWN AREA = 315.42 m<sup>2</sup> (48.53%)  
TOTAL IMPERVIOUS AREA = 334.58 m<sup>2</sup> (51.47%)



REVISED PLANS  
20 NOV 2013

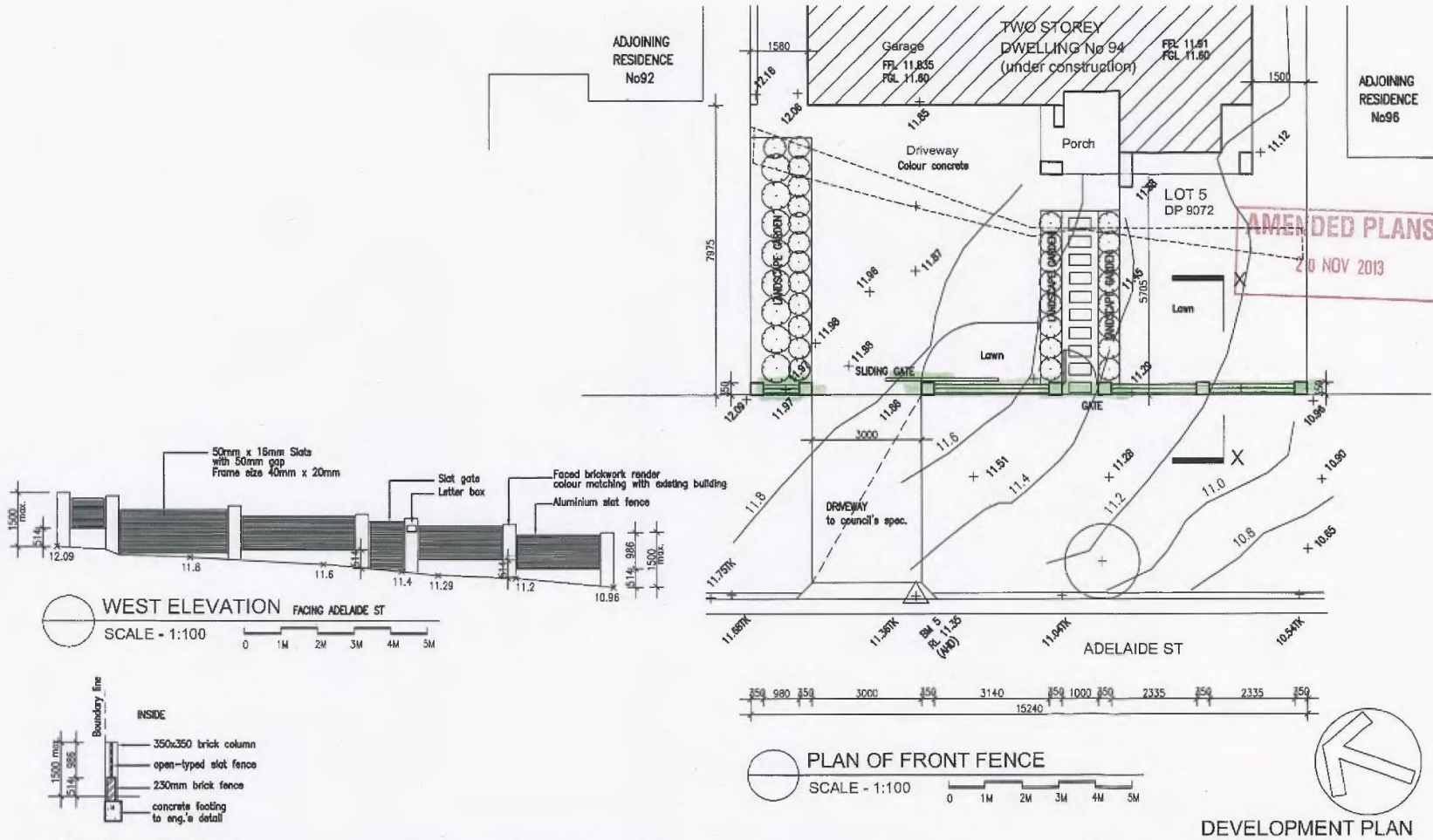


DEVELOPMENT PLAN

DATE	AMENDMENT	Project	Drawing Title	Issue
		PROPOSED FRONT FENCE AND RETAINING WALL	SITE PLAN	A1
		AT LOT 5, DP, 9072		01
		No94 ADELAIDE ST, MEADOWBANK 2114		
		DESIGNER - King M. Du Phone: 0410.683853 Email: kmdu@yahoo.com.au	Owner: Mr. CHH KIONG SIA & Mrs. CYNTHIA CHENG	Dwg No
			Drawn: N.Du, Owner	AR2835
			Checked: [blank], Date: 20/11/2013	
			Scale: 1:200 @A3	

ITEM 4 (continued)

ATTACHMENT 4

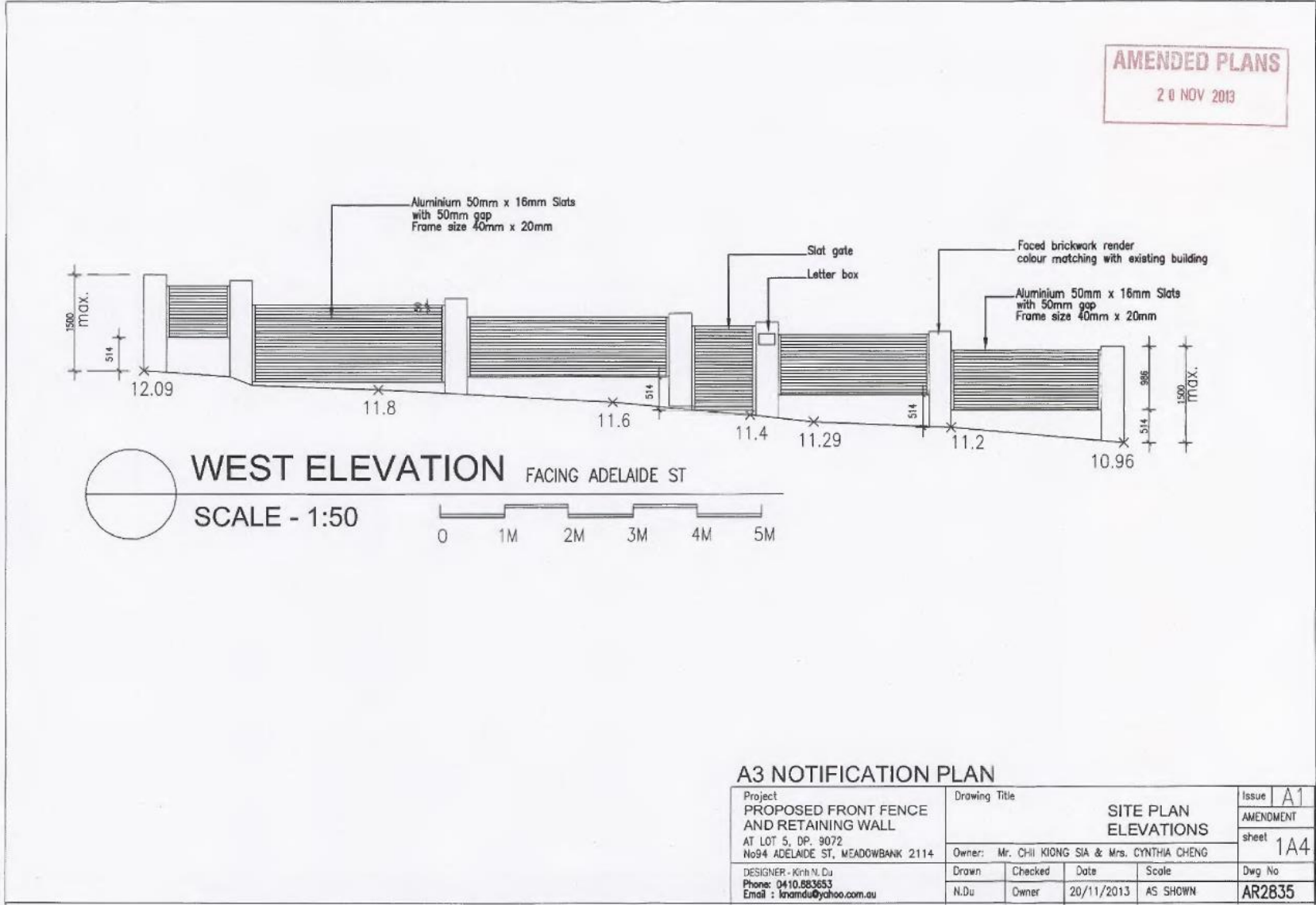


DEVELOPMENT PLAN

DATE	AMENDMENT	Project	Drawing title	Issue
		PROPOSED FRONT FENCE AND RETAINING WALL	FRONT FENCE	A1
		AT LOT 5, DP 8072	PLAN - ELEVATIONS - SECTION	AMENDMENT
		No94 ADELAIDE ST, MEADOWSBANK 2114	Owner: Mr. CHI KIONG SIA & Mrs. CYNTHIA CHENG	sheet
		DESIGNER: Kim H. Du	Drawn	02
		Phone: 0410.883553	Checked	
		Email: kimdu@yako.com.au	Date	
			Scale	
			15/11/2013	
			1:100 @A3	
				Dwg No
				AR2835

ITEM 4 (continued)

ATTACHMENT 4



A3 NOTIFICATION PLAN

Project PROPOSED FRONT FENCE AND RETAINING WALL AT LOT 5, DP. 9072 No94 ADELAIDE ST, MEADOWBANK 2114		Drawing Title  SITE PLAN ELEVATIONS			Issue AMENDMENT sheet 1A4
Owner: Mr. CHII KIONG SIA & Mrs. CYNTHIA CHENG		Drawn N.Du	Checked Owner	Date 20/11/2013	Scale AS SHOWN
DESIGNER - KINH N. DU Phone: 0410.883653 Email: knamdu@yahoo.com.au					Dwg No AR2B35