



24 JULY 2014

NOTICE OF MEETING

You are advised of the following meeting:

TUESDAY 5 AUGUST 2014.

Planning and Environment Committee Meeting No. 7/14

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

5.00pm

English

If you do not understand this letter, please come to the Ryde Civic Centre, Devlin Street, Ryde, to discuss it with Council staff who will arrange an interpreter service. Or you may ring the Translating & Interpreting Service on 131 450 to ask an interpreter to contact Council for you. Council's phone number is 9952 8222. Council office hours are 8.30am to 4.30pm, Monday to Friday.

Arabic

إذا كنت لا تفهم محتويات هذه الرسالة، فالرجاء الاتصال بمركز مجلس بلدية رايد Ryde Civic Centre، وعنوانه: Ryde، Devlin Street، لمناقشتها مع العاملين في المجلس عن طريق مترجم، يستعين به العاملون لمساعدتك. أو يمكنك، بدلا من ذلك، أن تتصل بمكتب خدمات الترجمة TIS على الرقم 131 450 وأن تطلب من أحد المترجمين أن يتصل بالمجلس نيابة عنك. رقم تليفون المجلس هو 9952 8222، وساعات العمل هناك هي من الساعة 8.30 صباحا إلى 4.30 بعد الظهر من يوم الاثنين إلى يوم الجمعة.

Armenian

Եթէ այս նամակը չէք հասկնար, խնդրեմ եկէք՝ *Բայր Սիվիք Սենթրը, Տելվին փողոց, Բայր, խոսակցելու* Բաղաքապետարանի պաշտօնետաներուն հետ, որոնք թարգմանիչ մը կրնան կարգադրել: Կամ, կրնաք հեռաձայնել Թարգմանութեան Ապասարկութեան՝ 131 450, եւ խնդրել որ թարգմանիչ մը Բաղաքապետարանին հետ կապ հաստատէ ձեզի համար: Բաղաքապետարի հեռաձայնի թիւն է՝ 9952 8222: Բաղաքապետարանի գրասենեակի ժամերն են՝ կ.ա. ժամը 8.30 - կ.ե. ժամը 4.30, Երկուշաբթիէն Ուրբաթ:

Chinese

如果您看不懂這封信，請到位于 **Devlin Street, Ryde** 的禮特區市府禮堂 (**Ryde Civic Centre**) 與區政廳工作人員討論，他們將會給您安排傳譯員服務。或者您自己打電話給“翻譯及傳譯服務”，電話：**131 450**，請他們替您與區政廳聯係。區政廳的電話號碼是：**9952 8222**。區政廳工作時間是：週一至週五，上午 **8.30** 到下午 **4.30**。

Farsi

اگر این نامه را نمی فهمید لطفاً به مرکز شهرداری رايد در **Devlin Street** مراجعه کنید. کارمندان شهرداری ترتیب استفاده از يك مترجم را براي شما خواهند داد. یا میتوانید به سرویس ترجمه کتبی و شفاهی شماره **131 450** تلفن بزنیید و بخواهید که يك مترجم از جانب شما با شهرداری تماس بگیرد. شماره تلفن شهرداری **9952 8222** و ساعات کار از **8.30** صبح تا **4.30** بعد از ظهر می باشد.

Italian

Le persone che hanno difficoltà a capire la presente lettera, sono pregate di presentarsi al Ryde Civic Centre in Devlin Street, Ryde, e parlarne con gli impiegati municipali che provvederanno a richiedere l'intervento di un interprete. Oppure possono chiamare il Translating & Interpreting Service al 131 450 e chiedere ad uno dei loro interpreti di mettersi in contatto con il comune di Ryde. Il numero del comune è 9952 8222. Gli uffici comunali sono aperti dalle 8.30 alle 16.30, dal lunedì al venerdì.

Korean

이 편지를 이해할 수 없으시면 Ryde의 Devlin Street에 있는 Ryde Civic Centre로 오셔서 카운슬 직원과 상담하여 주십시오. 저희 직원이 통역 서비스를 연결해 드릴 것입니다. 아니면 131 450번으로 통번역 서비스(TIS)에 전화하셔서 통역사에게 대신 카운슬에 연락해 주도록 부탁하셔도 됩니다. 카운슬 전화 번호는 9952 8222번입니다. 카운슬의 업무 시간은 오전 8:30부터 오후 4:30, 월요일에서 금요일까지입니다.

Meeting Date: Tuesday 5 August 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 15 July 2014

Report prepared by: Meeting Support Coordinator
File No.: CLM/14/1/3/2 - BP14/895

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 6/14, held on Tuesday 15 July 2014, be confirmed.

ATTACHMENTS

- 1 Minutes - Planning and Environment Committee - 15 July 2014

ITEM 1 (continued)

ATTACHMENT 1

Planning and Environment Committee
MINUTES OF MEETING NO. 6/14

Meeting Date: Tuesday 15 July 2014

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

Time: 5.00pm

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

Apologies: Councillor Pickering.

Leave of Absence: Councillor Etmekdjian.

Absent: Councillor Salvestro-Martin.

In the absence of Councillor Etmekdjian, the Deputy Chairperson – Councillor Chung chaired the meeting.

Staff Present: Group Manager – Environment and Planning, Team Leader – Assessment, Senior Development Engineer, Team Leader – Building Compliance, Building Surveyor – Compliance, Business Support Coordinator – Environment and Planning and Meeting Support Coordinator.

DISCLOSURES OF INTEREST

There were no disclosures of interest.

1 CONFIRMATION OF MINUTES - Meeting held on 15 April 2014

RESOLUTION: (Moved by Councillors Laxale and Yedelian OAM)

That the Minutes of the Planning and Environment Committee 5/14, held on Tuesday, 15 April 2014, be confirmed.

Record of Voting:

For the Motion: Unanimous

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

ITEM 1 (continued)

ATTACHMENT 1

**2 133 BUFFALO ROAD AND 6 LAUREL PLACE, RYDE. LOTS 5- 6 DP 11807.
Local Development Application for construction of a multi dwelling
housing development containing 5 units plus strata subdivision.
LDA2013/0479.**

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

RESOLUTION: (Moved by Councillors Laxale and Yedelian OAM)

- (a) That Local Development Application No. 20132/479 at 133 Buffalo Road and 6 Laurel Place, Ryde being Lots 5 and 6 DP 11807 be approved subject to the **ATTACHED** conditions (Attachment 1).
- (b) That the persons who made submissions be advised of Council's decision.

Record of Voting:

For the Motion: Unanimous

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

**3 35 AEOLUS AVENUE, RYDE LOT 71 DP 12753 - BUILDING CERTIFICATE
APPLICATION BCT2014/19 FOR UNAUTHORISED BRICK RETAINING
WALL**

Note: [REDACTED] (objectors) and Mr John Turra (applicant) addressed the meeting in relation to this Item.

Note: Confidential Correspondence from [REDACTED] was tabled in relation to this Item and a copy is ON FILE.

Note: Photographs provided by Mr John Turra was tabled in relation to this Item and a copy is ON FILE.

RESOLUTION: (Moved by Councillors Yedelian OAM and Laxale)

- (a) That Building Certificate Application No. BCT2014/19 for the unauthorised brick retaining wall constructed adjacent to the northern boundary on the property known as at 35 Aeolus Avenue RYDE, being LOT 71 DP 12753, be approved;
- (b) That the persons who made submissions be advised of Council's decision.

Record of Voting:

For the Motion: Unanimous

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

ITEM 1 (continued)

ATTACHMENT 1

4 62 DARVALL ROAD, EASTWOOD - LOT 11 DP 6247. BUILDING CERTIFICATE APPLICATION BCT2014/18 FOR UNAUTHORISED TIMBER RETAINING WALL

Note: Mr Jeff Brown (objector), Mr Hock Chua (applicant) and Mr Javid Nasserri (applicant's engineer) addressed the meeting in relation to this Item.

Note: Documentation provided by Mr Jeff Brown was tabled in relation to this Item and a copy is ON FILE.

Note: Documentation provided by Mr Hock Chua was tabled in relation to this Item and a copy is ON FILE.

RESOLUTION: (Moved by Councillors Laxale and Yedelian OAM)

- (a) That Building Certificate Application No. BCT2014/18 for the unauthorised Timber Log Retaining Wall constructed adjacent to the northern boundary on the property known as at 62 Darvall Road Eastwood, being LOT 11 DP 6247, be deferred pending the unauthorised retaining wall which is considered to be structurally deficient in its present form being brought into conformity with the AS 1604.1.
- (b) That Notice and Orders be served under section 121B of the Environmental Planning and Assessment Act 1979 requiring the unauthorised timber retaining wall be brought into conformity with AS 1604.1.
- (c) That subject to (b) and compliance with any Order to bring the unauthorised timber retaining wall into conformity with the Australian Standards that a building certificate be issued.
- (d) That the persons who made submissions be advised of Council's decision.

Record of Voting:

For the Motion: Unanimous

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

The meeting closed at 5.40pm.

CONFIRMED THIS 5TH DAY OF AUGUST 2014.

Chairperson

**2 288 ROWE STREET, EASTWOOD - LOT 27 DP 4826 Development
Application for erection of a new dual occupancy (attached).
LDA2014/0171.**

Report prepared by: Creative Planning Solutions; Team Leader - Assessment

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

Report dated: 10/07/2014

File Number: grp/09/5/6/2 - BP14/867

1. Report Summary

Applicant: Mr Peng Seac Lou

Owner: Mr Peng Seac Lou and Mrs Hue Tieu Lou

Date lodged: 09 May 2014

This report considers a development application (DA) for a new attached dual occupancy at 288 Rowe Street, Eastwood.

The DA was notified to neighbours, and one (1) submission was received from the owners of No 290 Rowe Street, immediately to the west. The main issues of concern raised in the submission related to excavation (and possible impacts on the objector's property), extent of glazing on the western façade, streetscape impacts, privacy, overshadowing, boundary fencing and construction issues (ie potential damage to objector's property during construction, as well as construction noise and hours). These issues generally do not warrant refusal of the DA and can be addressed via conditions of consent.

The proposal has been assessed against the heads of consideration of Section 79C of the Environmental Planning and Assessment Act 1979, the Ryde LEP 2010, and Ryde DCP 2010. The proposed development has been assessed as complying with the mandatory requirements of the Ryde LEP 2010 and Draft Ryde LEP 2013 (subject to deferred commencement consent) and satisfactorily meets the development controls of Ryde DCP 2010. There are some minor areas of non-compliance in relation to floor space ratio (to be addressed via condition of consent), as well as deep soil area (minimum 35% pervious area and requirement for an 8m x 8m to be able to be provided within rear yard), topography and excavation, and landscaped area (minimum 40% within front yard area). As discussed in the body of the report, these matters are generally considered to be minor and do not warrant refusal of the DA or further amendments.

It is generally considered that although the proposal would result in an increase in dwelling density to the surrounding area and an increase in bulk and scale over that of the existing dwelling on site, the proposed dual occupancy is largely compliant with the objectives and controls of Ryde's DCP 2010 and as a result is generally consistent with modern dual occupancy developments throughout the City of Ryde.

It is the recommendation of this report that the development application be approved via a 'Deferred Commencement' condition which requires amended plans that ensure a maximum building size of 398.35m² to provide a compliant floor space ratio of 0.5:1, as the development in its current form proposes a floor space ratio of 0.509:1 which exceeds Council's mandatory floor space ratio development standard by some 7.2m².

ITEM 2 (continued)

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

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

SEPP 1 (or clause 4.6 RLEP 2010) objection required? None required (subject to "Deferred Commencement" consent).

Value of works: \$817,300

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. LDA2014/0171 at 288 Rowe Street, Eastwood being LOT 27 DP 4826 be approved subject to the **ATTACHED** Deferred Commencement conditions (Attachment 1).
- (b) That the persons who made submissions be advised of Council's decision.

ATTACHMENTS

- 1 Draft Conditions
- 2 Compliance Table
- 3 Map
- 4 A4 Plans
- 5 A3 Plans - subject to copyright provisions - **CIRCULATED UNDER SEPARATE COVER**

Report Prepared By:

**Ben Tesoriero Planning Consultant
Creative Planning Solutions**

**Chris Young
Team Leader - Assessment**

Report Approved By:

**Liz Coad
Manager Assessment**

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

ITEM 2 (continued)

2. Site (Refer to attached map overleaf)

- Address** : 288 Rowe Street, Eastwood
(Lot 27 in Deposited Plan 4826)
- Site Area** : 796.7m² (Deposited Plan)
Site frontage to Rowe Street of 15.24m
Eastern side boundary of 52.58m
Western side boundary of 52.58m
Rear boundary of 15.24m
- Topography and Vegetation** : The topography of the local area is relatively undulating, with the subject site having a 3m cross-fall that slopes away from Rowe Street. No existing significant vegetation has been identified on the site.
- Existing Buildings** : Two storey dwelling house, two attached single car basement garages.
- Planning Controls Zoning** : R2 – Low Density Residential under Ryde LEP 2010
R2 – Low Density Residential under draft Ryde LEP 2011
- Other** : Ryde DCP 2010

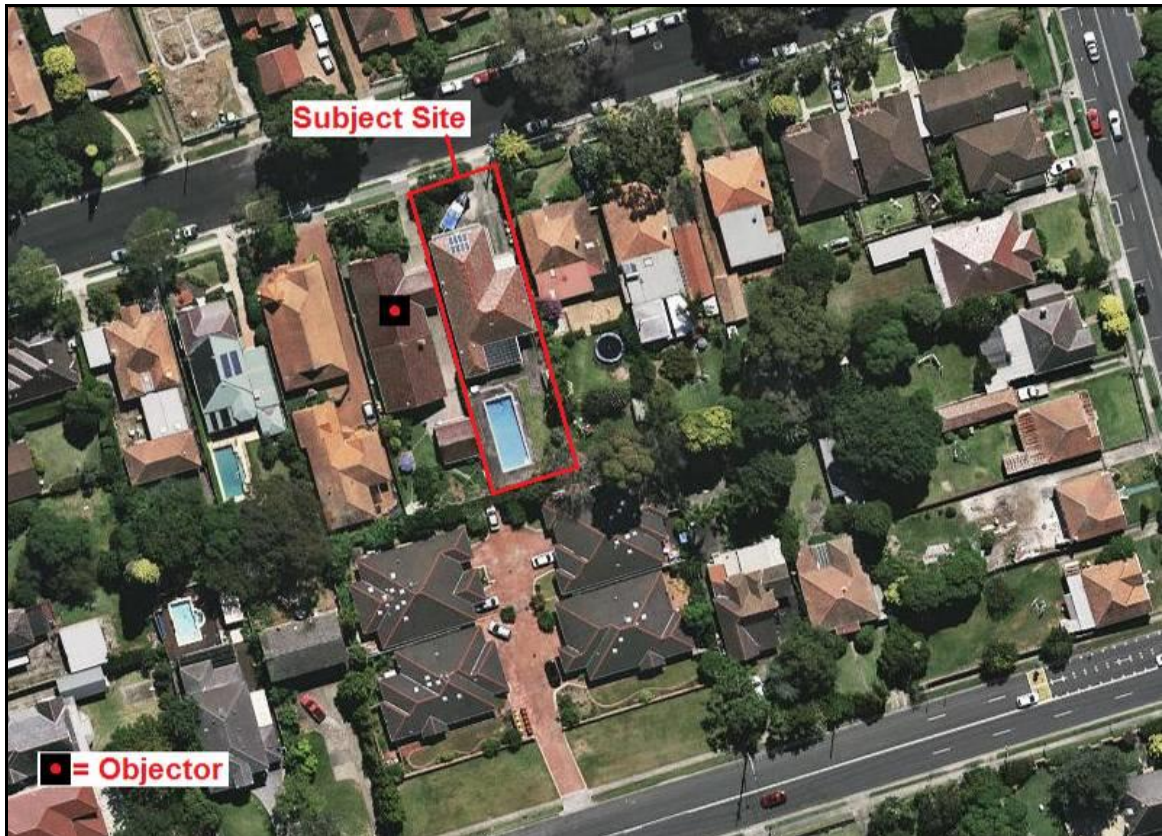


Figure 1 - Aerial Image of subject site, including an annotation of the neighbouring property objecting to the proposed development by way of submission to Council as part of the notification of the development application.

ITEM 2 (continued)



Figure 2 – View of subject site from the Rowe Street frontage. Noted in this photograph for discussion later in this report is the elevated nature of the existing development and significant hard paved areas within the front setback area.

3. Councillor Representations

Name of Councillor: Councillor Perram

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

Date: 29 May 2014

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

On behalf of applicant or objectors? Objector at No 290 Rowe Street

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

ITEM 2 (continued)

4. Political Donations or Gifts

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

5. Proposal

The development proposes the erection of a two-storey dual occupancy (attached) at the subject property. Each dwelling in the dual occupancy is to contain 4 bedrooms with various living rooms at the ground floor level and only bedrooms and bathrooms/ensuites (ie no living rooms) at 1st floor level. The front of the development contains a single garage for each unit (centrally located), and the rear yard for each unit is to be landscaped to the details provided with the DA. An existing swimming pool is to be retained (within the rear yard area).

6. Submissions

The original proposal was notified to adjoining property owners in accordance with the Ryde Development Control Plan 2010 (Ryde DCP 2010) – Part 2.1, Notification of Development Applications for a period from 13 to 29 May 2014.

In response, one (1) submission was received from the owners of the neighbouring property to the west of the subject site as shown on the aerial photograph at **Figure 1** earlier in this report.

The key planning issues raised in the submissions regarding the proposed development are summarised and discussed as follows.

- A. Excavation of the Proposed Rear Outdoor Southern Area** – *concerns were raised regarding the extent of the proposed excavation, specifically its impacts on the adjoining properties concrete driveway and dwelling. A dilapidation report has been requested.*

Comment: The proposed development's non-compliance with the provisions of the Ryde Development Control Plan 2010 in relation to excavation of the rear southern courtyard area has been identified in the attached Compliance Checklist (Attachment 2) and is assessed in detail within Section 8 of this report (DCP Compliance Assessment) below.

It is noted that the following standard conditions have been imposed to address any potential issues relating to excavation impacts on the adjoining property at 290 Rowe Street, Eastwood:

(Condition 4)

Support for neighbouring buildings. *If the development involves excavation that extends below the base of the footings of a building on*

ITEM 2 (continued)

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.*

(Condition 39)

Pre-commencement dilapidation report. *The submission of a pre-commencement dilapidation report providing an accurate record of the existing condition of adjoining public and private properties namely 286 and 290 Rowe Street, Eastwood, and public infrastructure (including roads, gutters, footpaths, etc). A copy of the report must be provided to Council, any other owners of public infrastructure and the owners of the affected adjoining private properties, prior to the commencement of construction.*

(Condition 60)

Post-construction dilapidation report. *The submission of a post-construction dilapidation report which clearly details the final condition of all property, infrastructure, natural and man-made features that were recorded in the pre-commencement dilapidation report. A copy of the report must be provided to Council, any other owners of public infrastructure and the owners of the affected adjoining and private properties, prior to the issue of the **Occupation Certificate**.*

- B. Glazing on the Western Façade** – *concerns are raised about the privacy impacts of the windows along the Western elevation of the proposed development.*

Comment: The windows are considered to be offset an appropriate distance (approx. 5.2m – see **Figure 4** below) from the neighbouring windows and private open space areas at 290 Rowe Street. Combined with the screening effect of the side boundary fence, no unacceptable privacy impacts are considered to be raised with the proposed window locations.

As **Figure 3** details below, the existing side fencing between the subject site and No. 290 Rowe Street, Eastwood was observed at the site visit to be approximately 1.5m in height. The landscape plans for the proposed development indicate that the side boundary fencing is to be replaced by new fencing that is to have a height of 1.8m. As such, the increased height of the side boundary fence, coupled with the proposed 5.2m separation distance between windows (which presents an increase of 600mm from current side setback), is considered to deliver a satisfactory outcome in terms of visual privacy impacts between the proposed ground floor window and the opposing window at No.290 Rowe Street, Eastwood.

ITEM 2 (continued)

This is because the view angles from the within the opposing dwellings will be restricted by virtue of the boundary fence and the 5.2m separation distance.

The opposing kitchen window to the dwelling at 290 Rowe Street is considered to be of a size and dimension, and also have a sill height that would restrict opportunities for overlooking. This is demonstrated in **Figure 5** below.

Accordingly, it is considered that privacy impacts from the western elevation windows have been ameliorated in the design of the proposal.



Figure 3 – Photograph of the side boundary fence which separates the subject site and No.290 Rowe Street. The picture showcases the 1.5m stepped boundary fence and the window which the submission raises visual privacy concerns about. As noted, the proposed development is to be set back a further 600mm than that of the existing dwelling which will take the overall separation between dwellings to 5.2m. Additionally, the 1.5m Colorbond side boundary fence is to be replaced with a 1.8m high timber fence which will further assist in reducing overlooking from the ground floor opposing windows.

ITEM 2 (continued)

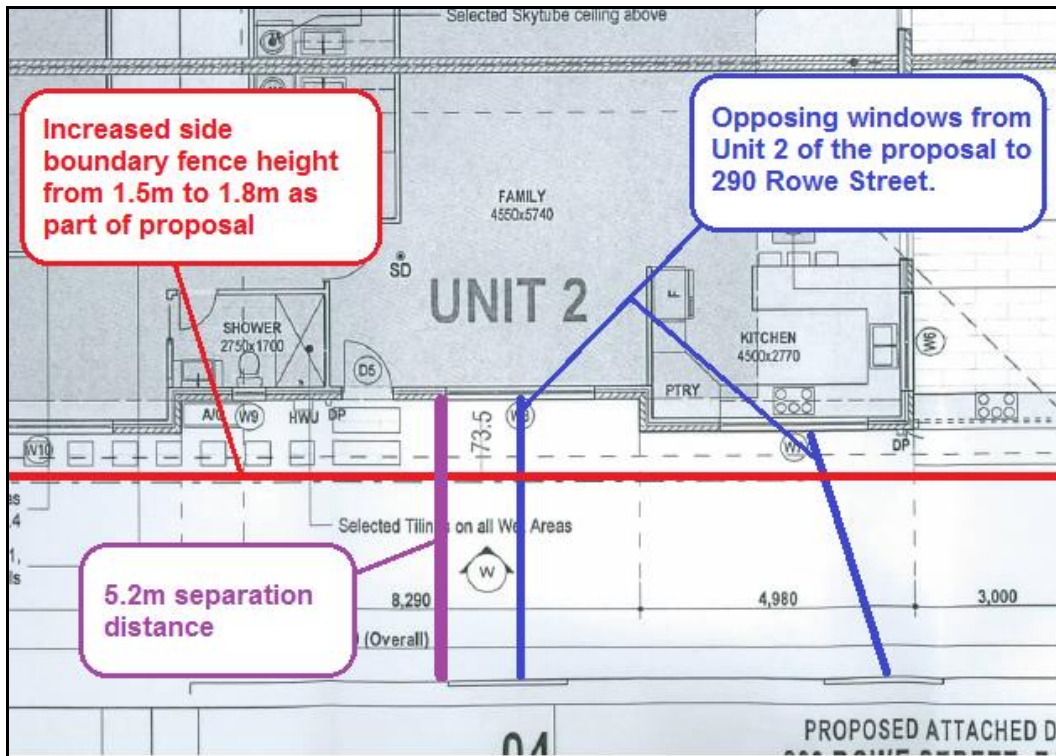


Figure 4 – Diagram showing the 5.2m separation distance between the adjoining windows, location of the side boundary fence to be increased in height from approx. 1.5m to 1.8m. Reference is also made to Figure 5 below for the opposing kitchen window which includes a sill height so as not to result in overlooking.

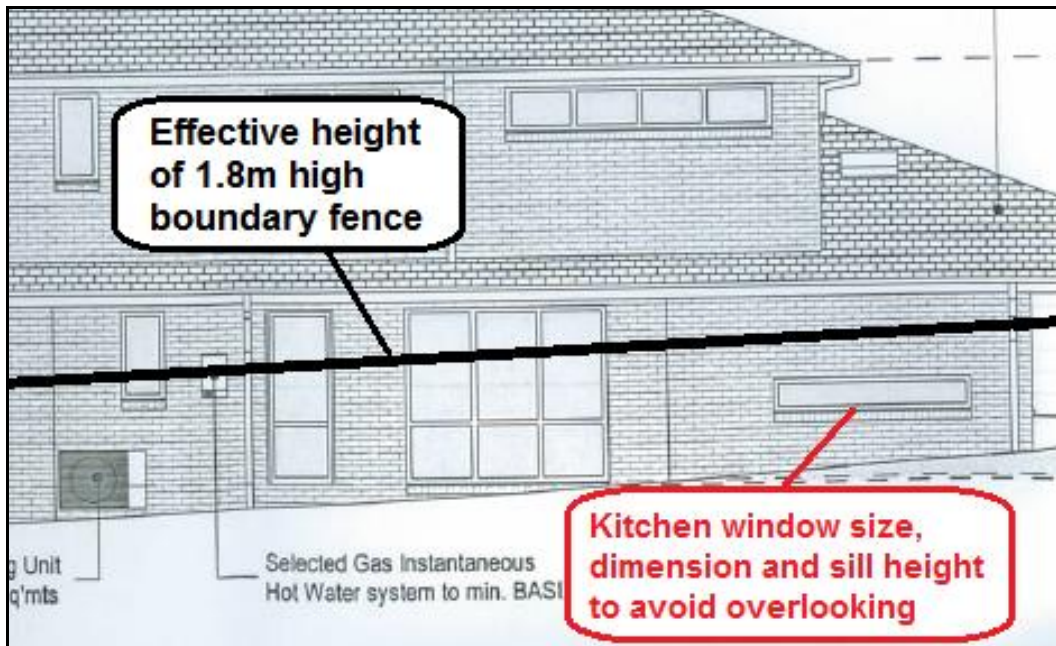


Figure 5 – Diagram showing the effective height of the boundary fence in terms of its ability to reduce overlooking impacts, along with the window size, dimension and sill height of the kitchen window which would also reduce opportunity for overlooking to the adjoining dwelling at 290 Rowe Street.

ITEM 2 (continued)

- C. Northern Elevation of the Building** – *concerns are raised regarding the raised northern elevation in regards to the privacy impacts and the design not being in keeping with the current aesthetic of the streetscape.*

Comment: The non-compliances with Ryde DCP 2010 in relation to the level of fill in the northern section of the proposed dwelling, including the porch, sitting room and garage areas of both Unit 1 and Unit 2 have been identified in the attached Compliance Checklist (Attachment 2) and are assessed in detail below in Section 9 (DCP Compliance Assessment).

The raised northern elevation of the development proposes two small porch areas measuring 4.3m² each, for Units 1 and Unit 2 (see **Figure 6** below). These porches are considered not to be large enough for utilisation by the occupants as anything more than an entry/egress path to gain access to and from the dwellings. In addition the sitting room windows proposed to be located in the raised northern area of the development have been placed so as to minimise overlooking, whilst maximising solar access to the dwellings.

The window on the western elevation (identified as W10 on the submitted architectural plans) will overlook the existing driveway at No.290 Rowe Street whilst the window on the eastern elevation (identified as W1 on the submitted architectural plans) will overlook a small service window at No.286 Rowe Street only. Furthermore the windows are located in a position where the level of fill to achieve the floor level is below the Ryde DCP 2010 control. As such no privacy impacts upon adjoining properties have been identified as a result of the proposed raised northern elevation.

The proposed design of the northern elevation is deemed to be in keeping with the desired aesthetic of the streetscape, the desired future character of Rowe Street, and the Ryde local government area as a whole, as can be seen in the attached Compliance Checklist (Attachment 2) . Whilst no single architectural style is considered predominant within Rowe Street, the raised front porch is a commonly occurring design element for dwelling houses in Rowe Street, as can be seen in **Figures 7 to Figure 10**.

Accordingly, neighbouring objections on the grounds of the northern elevation's fill, privacy impacts, and uncharacteristic nature within the streetscape are not supported.

ITEM 2 (continued)

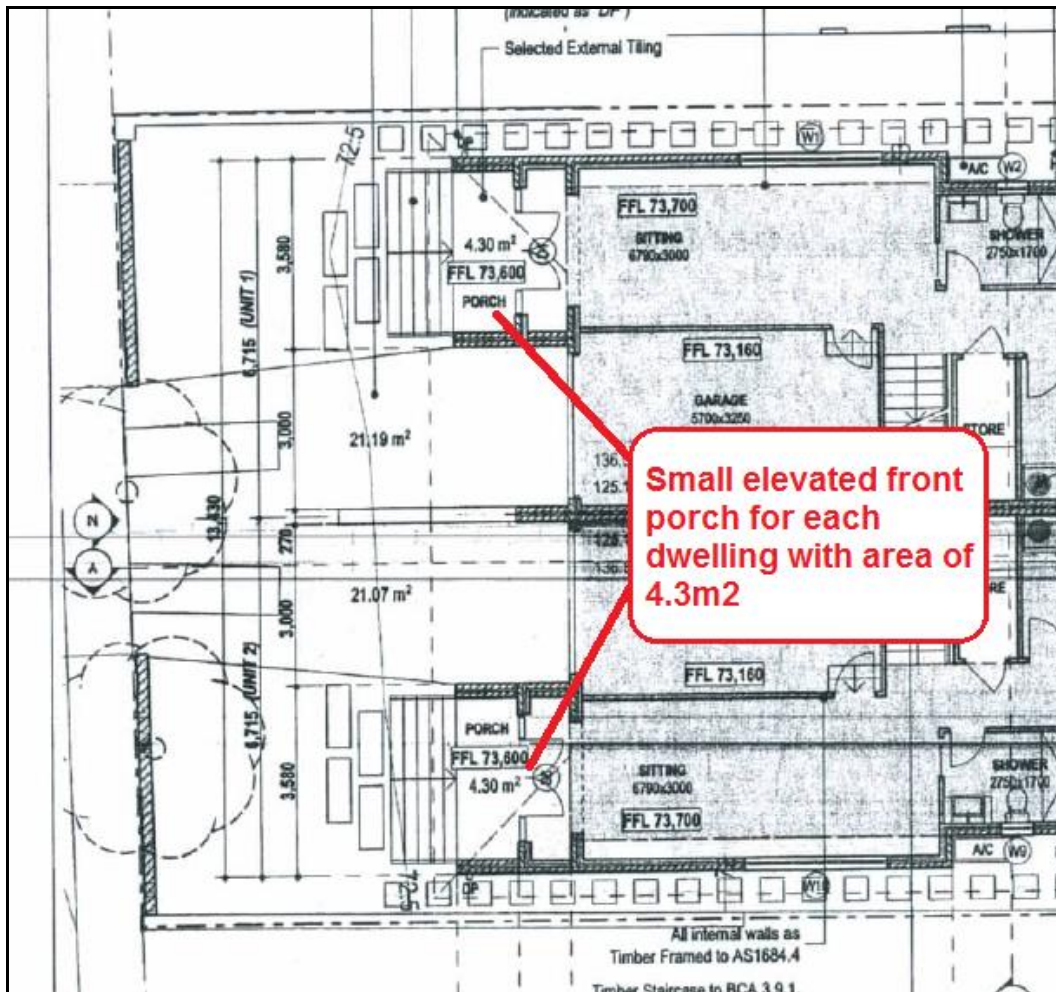


Figure 6 – Shown in this diagram are the small elevated front porches for each dwelling that have an area of only 4.3m². Adjacent to the front porches are the sitting rooms for each dwelling which also partially exceed the maximum level of fill under the Ryde DCP 2010.



Figure 7 – Raised front porch at 294 Rowe Street consistent with that of the proposed development.



Figure 8 – Raised front porch at 286 Rowe Street consistent with that of the proposed development.

ITEM 2 (continued)



Figure 9 – Raised front porch at 292A Rowe Street consistent with that of the proposed development.



Figure 10 – Raised front porch of existing development on subject site 288 Rowe Street.

- D. Existing Fence Line and Boundary** – *concerns were raised regarding the side boundary fencing as the objector claims there are details provided on plans. The objector believes the replacement of the existing fence should be in keeping with or similar to a lap and cap timber fence at the cost of the developer.*

Comment: The Landscape Plan prepared by Stylish Garden dated 15 May 2014 and submitted as part of the proposed development application details hard and soft landscaping treatments to be included as part of the proposed development. These landscape plans indicate that new timber fencing to a height of 1800mm is proposed along the side and back boundaries of the subject site. Where the new timber fencing is proposed on top of the retaining walls it is to have a height of 1800mm from ground level.

Accordingly, it is considered that the objecting neighbour has incorrectly assumed that no new fencing will be proposed. As a new timber fence is proposed it is considered that the neighbouring objector's comments in relation to boundary fencing are invalid.

- E. Side Access** – *concerns are raised regarding the reasoning behind the side access to the property and the privacy impacts of the side access path.*

Comment: Section 2.12 of Part 3.3 of the Ryde DCP 2010 lists controls for landscaping, specifically stating:

“A pathway is to be provided along one side of the dwelling so as to provide pedestrian access from the front garden to the rear yard. This access is not to be blocked by such things as landscaping features, rainwater tanks, hot water heaters and retaining walls. The pathway does not need to be provided on allotments which have rear lane access or are a corner allotment”.

ITEM 2 (continued)

The proposed pathway access provided along the western boundary of the subject site and the dwelling at No.290 Rowe Street, Eastwood fulfils the requirements of the aforementioned controls contained within the Ryde DCP 2010 for access from the front garden to the rear yard. In regards to the privacy impacts of the side access path, these are deemed to be minor as the pathway is between 905mm and 1505mm in width and is proposed to be used as a walkway and service area only. The access path is not somewhere which will not be used for entertainment purposes due to the restrictive dimensions of this space. Such access ways along the sides of dwelling houses are considered to be a standard feature of suburban dwelling house development and as such are appropriate for the proposed development.

Accordingly, neighbouring objections on the grounds of the side access are not supported.

F. Overshadowing – *concerns are raised regarding the overshadowing as a result of the proposed development.*

Comment: As demonstrated in the shadow diagrams submitted as part of the development application (refer to **Figure 11** to **Figure 13** below), the proposed development is shown to have some minor overshadowing impacts on the neighbouring dwelling at No.290 Rowe Street, Eastwood between 9am and 3pm during the winter solstice.

As outlined in **Figure 11** to **Figure 13** below, the shadow diagrams indicate that No.290 Rowe Street, Eastwood will be subject to some minor overshadowing to two (2) eastern facing windows at 9am on the 21st June. However, no overshadowing will occur after 12pm.

The Ryde DCP 2010 prescribes that a minimum of 3 hours solar access to a portion of neighbouring north-facing living room windows is achieved between 9am and 3pm at the winter solstice. Given the shadow diagrams indicate that adjoining windows will be free from shadows before 12pm, the dwelling at No.290 Rowe Street will achieve the minimum three (3) hours solar access at the winter solstice as prescribed in the Ryde DCP 2010.

Accordingly, neighbouring objections on the grounds of excessive overshadowing are not supported by virtue of the proposal being compliant with the minimum provisions of the Ryde DCP 2010.

ITEM 2 (continued)

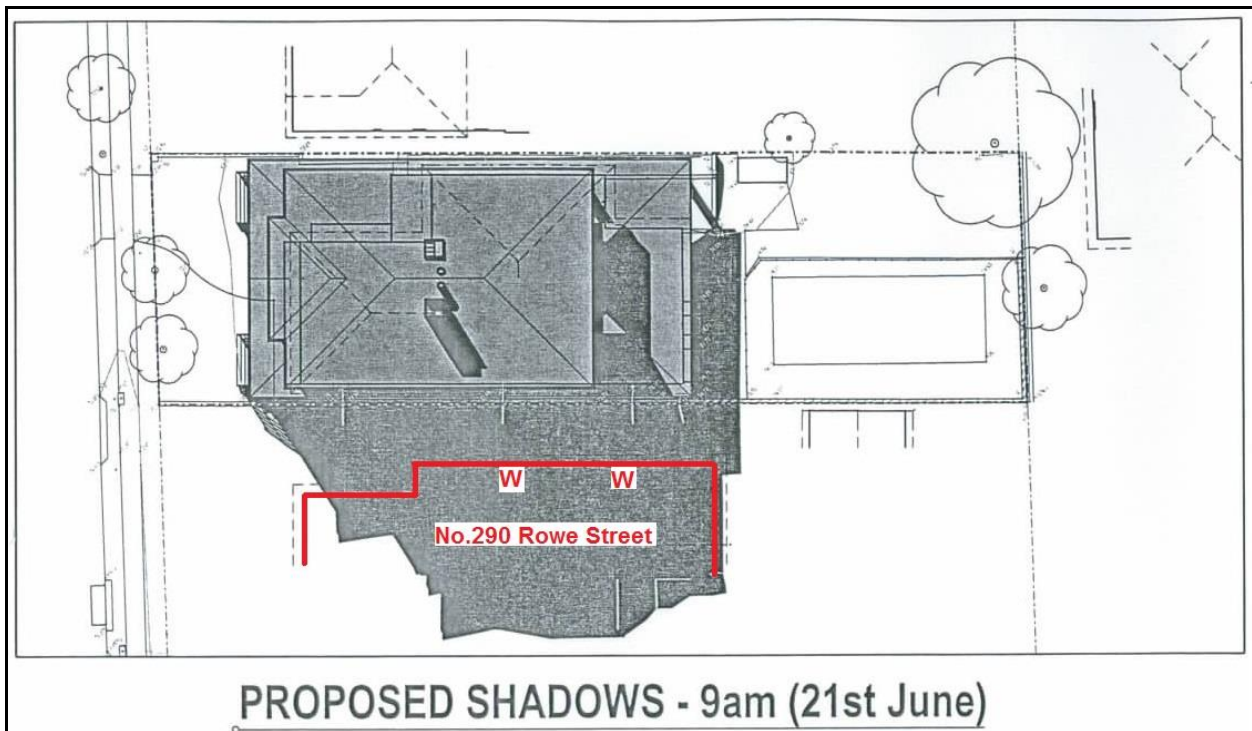


Figure 11 – Plan demonstrating proposed level of overshadowing at 9am on June 21. As can be seen the eastern facing side windows are overshadowed at 9am on June 21 (winter solstice).

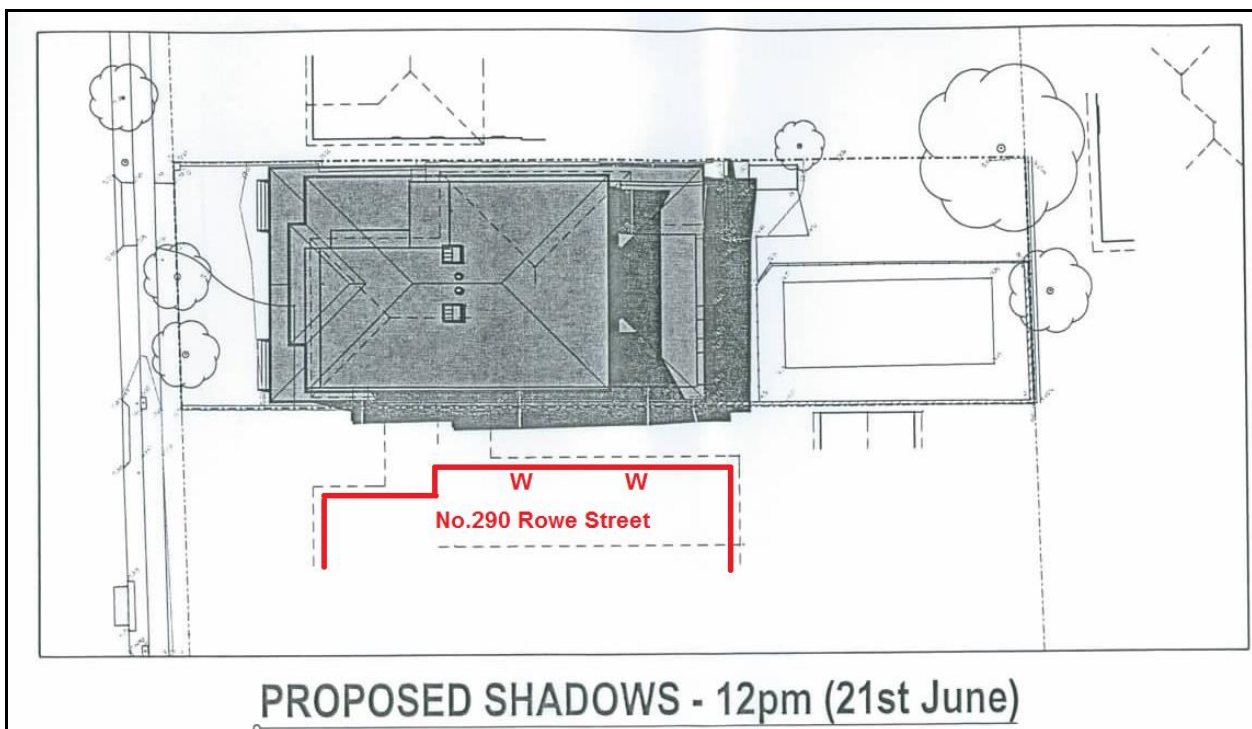


Figure 12 – Plan demonstrating proposed level of overshadowing at 12pm on June 21. As can be seen the eastern facing side windows are free from overshadowing at 12pm on June 21 (winter solstice).

ITEM 2 (continued)

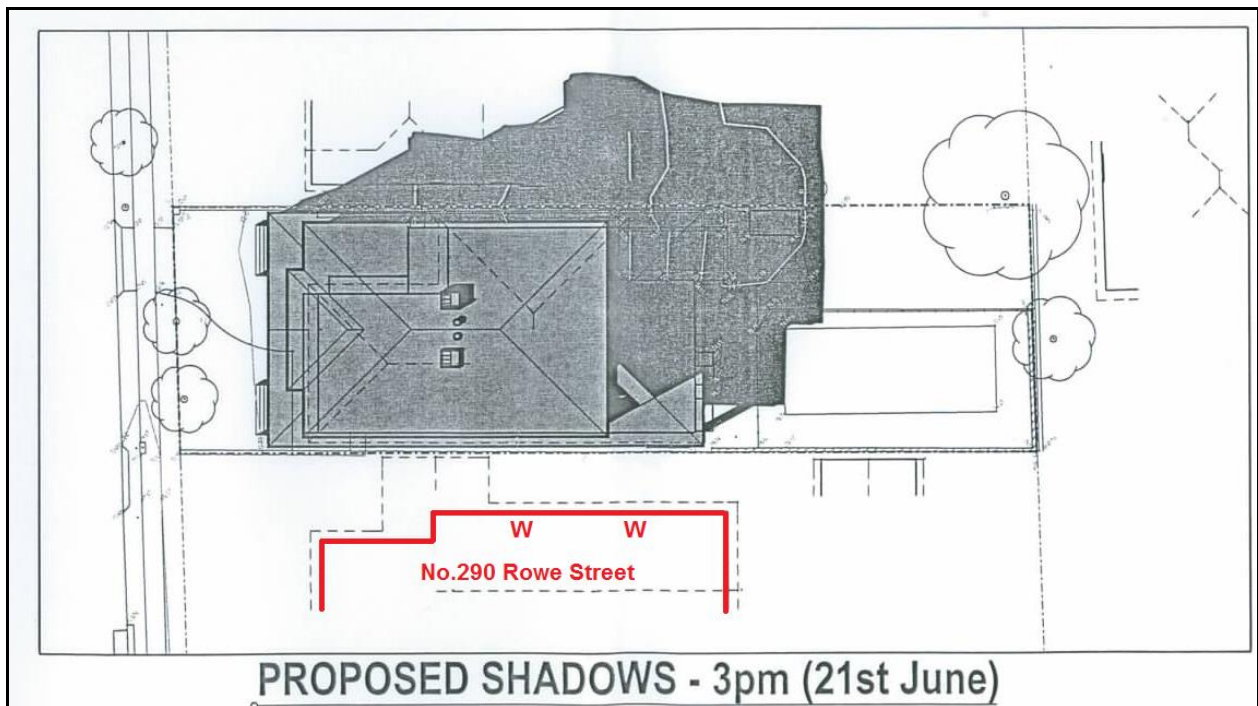


Figure 13 – Plan demonstrating proposed level of overshadowing at 3pm on June 21. As can be seen the eastern facing side windows are free from overshadowing at 3pm on June 21 (winter solstice).

- G. Damage to Property by Demolishers and Construction Workers** – *concerns are raised regarding the minimisation and control of dust and debris entering the neighbouring property during demolition.*

Comment: The subject development application is for the construction of the proposed dual occupancy only and does not cover demolition of the existing dwelling on site. Demolition of the existing dwelling and associated structures would therefore be subject to a separate development approval process.

Accordingly, neighbouring objections to the subject development application on the grounds of demolition waste cannot be supported as demolition is not the subject of this proposal.

- H. Noise Control and Guidelines for Working Days and Hours** – *concerns are raised regarding builders being held to Council’s noise control and guidelines for working days and hours to minimise disruption.*

Comment: Although these issues of concern are commonly raised by residents living nearby construction sites, they are limited in nature and relate only to the construction phase of the development, and so they are not (by themselves) considered to be sufficient grounds for refusal. If Council decides to approve this development application, conditions of consent can be included for matters such as construction hours and construction noise to ensure that these impacts are

ITEM 2 (continued)

minimised, and the principal certifying authority (PCA) has the responsibility of ensuring that these are complied with during construction.

In this regard, it is noted that the following standard conditions have been imposed to address issues relating to construction impacts:

(Condition 5)

Hours of work. *Building activities (including demolition) may only be carried out between 7.00am and 7.00pm Monday to Friday (other than public holidays) and between 8.00am and 4.00pm on Saturday. No building activities are to be carried out at any time on a Sunday or a public holiday.*

(Condition 43)

Construction noise. *The L_{10} noise level measured for a period of not less than 15 minutes while demolition and construction work is in progress must not exceed the background noise level by more than 20 dB(A) at the nearest affected residential premises.*

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

None required. It is noted that the minor non-compliance with the floor space ratio of the proposed development is to be dealt with via a “Deferred Commencement” consent condition. For further details, see Section 8 below.

8. Policy Implications

Relevant Provisions of Environmental Planning Instruments etc:

(a) Ryde Local Environmental Plan 2010

Zoning

Under the Ryde LEP 2010 the zoning of the subject site is R2 Low Density Residential. The proposed development, being construction of a new attached ‘dual occupancy’ is permissible with consent under this zoning.

Principal Development Standards

A full assessment of the proposal against the relevant principal development standards contained within the Ryde Local Environmental Plan 2010 (Ryde LEP 2010) is illustrated in the Compliance Check table attached (Attachment 2). The following outlines the relevant development standards applying to the proposed development, along with a comment as to how the proposal performs against these development standards:

ITEM 2 (continued)Clause 4.3 – Height of buildings

Sub-clause (2) of this clause states that “the height of a building on any land is not to exceed the maximum height for the land shown for the land on the height of buildings map”. In this case, the maximum height is 9.5m. The maximum height of the proposed new dwelling is 8.8m, which is 700mm less than the prescribed maximum and therefore complies with provisions of the Ryde LEP 2010.

Clause 4.4 - Floor Space Ratio

Clause 4.4 of the Ryde LEP 2010 prescribes development standards for the maximum floor space ratio on land shown on the ‘Floor Space Ratio Map’ included within the Ryde LEP 2010. The maximum prescribed floor space ratio identified for the subject site on the Floor Space Ratio Map is 0.5:1.

When utilising the appropriate definition for ‘gross floor area’ as prescribed by the Dictionary within the Ryde LEP 2010, the total gross floor area of the building has been calculated to be 405.84m² – refer to the attached Compliance Checklist for a more detailed calculation of the gross floor area of the building.

The site area of the allotment has been identified as 796.7m² pursuant to Deposited Plan 4826.

Accordingly, given the above, the floor space ratio of the proposed development has been calculated as 0.509:1, thus exceeding the maximum floor space ratio for the subject site by 1.8% or 7.2m².

However, this is considered to be minor and is to be dealt with under the following deferred commencement condition to address the non-compliance.

(Part 1, condition 1)

Plan amendments. *The submission of amended plans for Council’s approval which provide the following plan amendments:*

- *The gross floor area (as defined in the Ryde LEP 2010) of the attached dual occupancy is to be limited to a maximum of 398.35m² to provide a maximum floor space ratio of 0.5:1 that complies with the development standard contained in Clause 4.4 of the Ryde LEP 2010.*

This “Deferred Commencement” condition for the reduction in gross floor area/floor space ratio of the proposed development is considered feasible as it could be undertaken with only some minor adjustments to the building envelope – i.e. the gross floor area of the building needs to be reduced by only 7.2m² or 1.8%.

ITEM 2 (continued)**(b) Relevant State Environmental Planning Policies (SEPPs)**State and Sydney Regional Environmental Planning PoliciesSEPP BASIX:

A compliant BASIX Certificate has been submitted with the DA.

(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. 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 – at the time of writing this report – 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**Ryde Development Control Plan (DCP) 2010**Part 3.3 Dwelling Houses and Dual Occupancy Attached

The proposal has been assessed using the development controls contained in Ryde DCP 2010 and a full assessment is detailed in the Compliance Check table (Attachment 2). The following is a detailed assessment of the non-compliances of the subject development application against the key components of the Ryde DCP 2010 applicable to the development.

Non-Compliances:*Floor Space Ratio*

Section 2.6 of Part 3.3 of the Ryde DCP 2010 prescribes the maximum floor space ratio within low density areas. As outlined above, clause 4.4 of the Ryde LEP 2010 prescribes development standards for the maximum floor space ratio on land shown on the 'Floor Space Ratio Map' included within the Ryde LEP 2010. The maximum prescribed floor space ratio identified for the subject site on the Floor Space Ratio Map is 0.5:1. As demonstrated within the attached Compliance Checklist table (Attachment 2), the proposal will result in a dual occupancy development which has a floor space ratio of 0.509:1, thus exceeding the maximum floor space ratio for the subject site by 1.8% of 7.2m².

ITEM 2 (continued)

In order to achieve compliance with Council's Ryde LEP 2010 and Ryde DCP 2010, the size (gross floor area) of the attached dual occupancy will need to be reduced to a maximum of 398.35m², via the following "Deferred Commencement" condition of consent.

(Part 1, condition 1)

Plan amendments. *The submission of amended plans for Council's approval which provide the following plan amendments:*

- *The gross floor area (as defined in the Ryde LEP 2010) of the attached dual occupancy is to be limited to a maximum of 398.35m² to provide a maximum floor space ratio of 0.5:1 that complies with the development standard contained in Clause 4.4 of the Ryde LEP 2010.*

This "Deferred Commencement" condition for the reduction in gross floor area/floor space ratio of the proposed development is considered feasible as it could be undertaken with only some minor adjustments to the building envelope – i.e. the gross floor area of the building needs to be reduced by only 7.2m².

Deep Soil Areas

Section 2.5.1 of Part 3.3 of the Ryde DCP 2010 prescribes development controls for deep soil areas. Specifically, that:

- a. *Sites are to have a deep soil area that is at least 35% of the area of the allotment*
- b. *The deep soil area must include:*
 - i. *an area with minimum dimensions of 8 metres by 8 metres in the back yard, and*
 - ii. *a front garden area which is to be completely permeable with the exception of the driveway, pedestrian path & garden walls.*
- c. *Allotments with dual occupancies need only have one 8 metre x 8 metre deep soil area for the allotment. The area does not need to be shared equally with each allotment.*

A review of the submitted plans indicates that the proposed development has a deep soil area of 28.56% (227.56m²) and does not have a deep soil area with minimum dimensions of 8m by 8m in the back yard. As such, the proposal does not meet the numerical controls outlined in Section 2.5.1(a) and (b)(i) above.

Although the proposed development does not achieve the minimum deep soil areas as required by Section 2.5.1, this non-compliance can be supported for the following reasons:

- Deep soil has been incorporated across the site where possible with the inclusion of soft landscaping to minimise the visual impact of the hard paved area.

ITEM 2 (continued)

- The non-compliance is considered to be relatively minor, falling short of the required area of deep soil by 51m². This is considered minor in the context of the site as the proposed development increases the amount of deep soil area on site over that of the current arrangements for the existing dwelling house and associated structures which include large amounts of hard paved area.
- In addition to the deep soil areas provided on site, there is additional landscaped areas on site over that of the current arrangements, which provide planted ground cover and reduced hard paved areas, such as the rear courtyard areas of Units 1 and Unit 2 and the side access paths.
- Adequate deep soil area is provided on site to ensure the planting of appropriate species of trees, plants and hedges per the Landscaping controls within the Ryde DCP 2010.
- The proposal includes the retention of an existing in ground swimming pool in the back yard. As a result, the minimum dimension of the proposed deep soil area is 7.4m (rather than 8m) as can be seen in **Figure 14** below.
- The non-compliance in regards to the 8x8m deep soil area is minor, falling only 0.6m short of complying with the control. Despite not meeting the minimum dimensions, the deep soil area provided at the rear is significantly more than the control requires providing approximately 134m².

As covered by Section 79C(3A)(b) of the Environmental Planning and Assessment Act 1979 (the Act), 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.

In this regard an assessment of the proposed development against the objectives of the deep soil areas controls contained within the Ryde DCP 2010 is provided below, followed by the assessing officer's comment as to how the proposed development performs against each of these objectives:

- *To ensure that land retains its ability to absorb rain water so as to reduce stormwater runoff and to increase the moisture level of the soil for the use of trees and other vegetation.*

Assessing Officer's Comment: It is considered that sufficient area has been provided for rain water absorption to increase the moisture level for trees and vegetation on site, particularly as there has been an overall reduction in the amount of impervious surfaces as part of the proposed development over that of the existing arrangements.

ITEM 2 (continued)

- *To ensure that each building allotment has a minimum deep soil area*

Assessing Officer's Comment: The building allotment does not meet the minimum 35% deep soil area across the site, however it is noted that the shortfall of 51m², presents a favourable outcome compared to the existing arrangements which include large amounts of impervious surface. Furthermore there is considered to be sufficient deep soil for the healthy growth of vegetation as well as absorption of rainwater.

- *To retain and enhance vegetation corridors*

Assessing Officer's Comment: The proposed level of soft landscaping is considered to sufficiently retain and enhance the vegetation corridors along Rowe Street over and above that of the existing arrangements on the site.

- *To provide space for mature tree growth and other vegetation*

Assessing Officer's Comment: The proposed deep soil zones are considered to allow for sufficient space for mature tree growth and viable conditions for other vegetation. Additionally, in compliance with the Ryde DCP 2010 the proposed landscaping scheme includes the planting of new large trees in with spreading canopy which will increase the overall vegetation cover of the site.

- *To generally retain existing mature trees and vegetation*

Assessing Officer's Comment: No existing mature trees or vegetation exist on site and as such the proposed landscape scheme presents a more favourable landscape outcome for the subject site over that of the existing arrangements. This is because the planting of new large scale trees and more suitable vegetation is now proposed in compliance with the Ryde DCP 2010.

- *To enable movement of fauna along vegetation corridors*

Assessing Officer's Comment: Based on the proposed landscaping, particularly to the rear of the site, it is considered the proposed development will enable movement of fauna along vegetation corridors throughout Rowe Street.

Given the above, the proposed non-compliances with deep soil area controls contained within the Ryde DCP 2010 are considered 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 deep soil area controls contained within the Ryde DCP 2010.

ITEM 2 (continued)

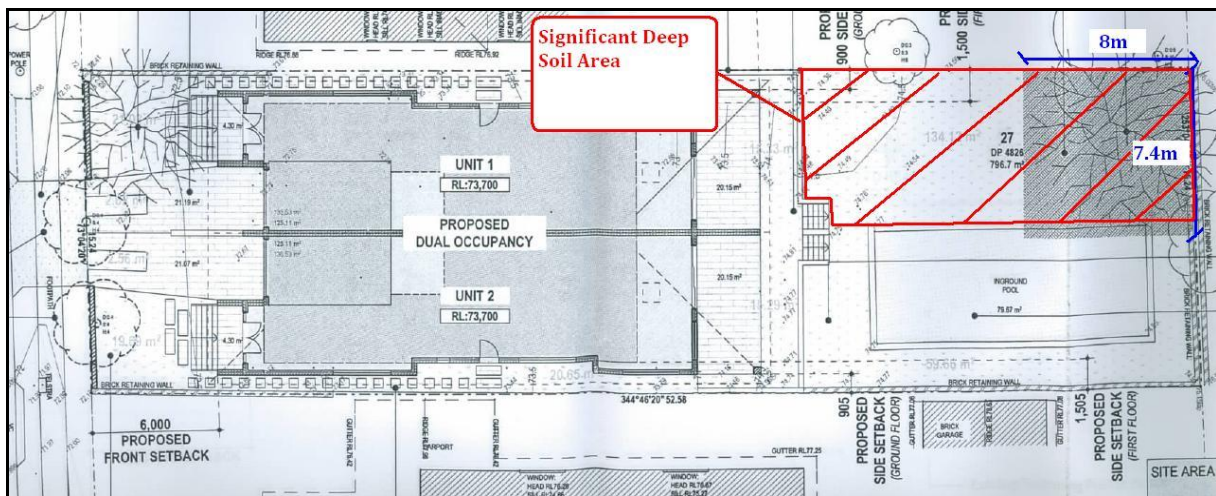


Figure 14 – Plan of proposed development and landscaping on subject site. Diagram shows the significant amount of deep soil area provided in the rear yard, despite not meeting the minimum 8m x 8m dimension outlined in the Ryde DCP 2010.

Topography and Excavation

Section 2.5.2 of Part 3.3 of the Ryde DCP 2010 prescribes development controls relating to topography and excavation. Specifically, the Ryde DCP 2010 stipulates the following:

- b. *The area under the dwelling footprint may be excavated or filled so long as:

 - i. *the topography of the site requires cut and/or fill in order to reasonably accommodate a dwelling;*
 - ii. *the depth of excavation is limited to 1.2 metres maximum; and*
 - iii. *the maximum height of fill is 900mm.**

- c. *Areas outside the dwelling footprint may be excavated and/or filled so long as:

 - i. *the maximum height of retaining walls is no greater than 900mm; and*
 - ii. *the depth of excavation is not more than 900mm; and*
 - iii. *the height of fill is not more than 500mm; and*
 - iv. *the excavated and filled areas do not have an adverse impact on the streetscape; and*
 - v. *the filled areas do not have an adverse impact on the privacy of neighbours; and*
 - vi. *the area between the adjacent side wall of the house and the side boundary is not filled; and*
 - vii. *the filled areas are not adjacent to side or rear boundaries.**

- d. *Fill is not allowed in areas of overland flow. Refer to Part 8.2 Stormwater Management under this DCP.*

- e. *Generally the existing topography is to be retained. The areas of excavation and fill are to be minimised.*

ITEM 2 (continued)

An assessment of the cut and fill arrangements for the proposed development have revealed that the proposed level of fill within the building footprint is 1120mm, the proposed level of cut outside the building footprint is 1210mm and the proposed level of fill outside the building footprint is 1120mm.

Although exceeding the maximum levels of cut and fill on site, these non-compliances with the numerical controls can be supported for the following reasons:

- As indicated in **Figure 15**, the maximum fill within and outside of the building footprint is exceeded along the front of the building where the entrance porches are, as well a portion of the front sitting rooms of both units. The extra height of fill in these areas will not result in a loss of privacy for neighbours as the porches are small in size with an area of 4.3m² and are oriented towards the street with walls on the sides. Moreover, the front sitting rooms are not considered to be the main living areas of the house and are not expected to be highly trafficked, beyond people entering and leaving the units.
- The subject site is identified as being flood affected. The raised floor level at the front of the proposed units meets Council's Flood data requirements and the submitted Flood Impact Assessment Report whereby any habitable floor level on the subject site must be higher than the 1 in 100 year flood level plus a 500mm freeboard. The raised floor level of the proposed development at RL73.70 AHD has been designed to comply with this requirement. It is therefore considered inevitable that a site with such flooding constraints will be generally required to exceed the maximum fill height. Furthermore the proposed fill levels are not considered excessive given the proposed design's balanced approach to cut and fill and the significantly higher floor level of existing development on the site – see **Figure 2** and **Figure 10**.
- The existing property on the site has an entrance portico and front balcony that are effectively elevated to the second floor of the dwelling, which is approximately 3m above natural ground level (refer **Figure 16** below). As the proposed dwelling's entrance porches are only 1.12m above natural ground level, the proposal is considered to improve the visual privacy impacts on neighbouring properties over that of the existing built form arrangements on the site.
- The maximum cut outside the building footprint is exceeded in the rear area of the site where the development proposes 'sunken' type courtyards. These 'sunken' courtyards are considered to improve the visual privacy for neighbouring properties compared to the current arrangements on site by virtue of their lower finished level.
- The non-compliance with the excavation controls only occurs in the rear courtyard area which extends approximately 1.75m into the back yard. A retaining wall and steps then lead into the open lawn area and pool in the rear yard which is proposed at natural ground level. This stepped, or terraced approach is considered to be appropriate given the falling topography of the site.

ITEM 2 (continued)

- A balance of both cut and fill techniques have been implemented across the site to allow for a more uniformed built form presentation to the street. This also helps for the building to closer align with Council's numerical topography and excavation controls.
- Natural ground levels are considered to be reasonably maintained where possible across the site.
- When viewed from the streetscape the dual occupancy will appear as being consistent with the surrounding development along Rowe Street, presenting with an elevated front porch area as can be seen in **Figure 7** to **Figure 10** earlier in this report..

As covered by Section 79C(3A)(b) of the Environmental Planning and Assessment Act 1979 (the Act), 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.

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 as to how the proposed development performs against each of these objectives:

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

Assessing Officer's Comment: Due to pre-existing urban development on the subject and surrounding sites, natural ground levels have been significantly modified.

In this regard, the proposed development has utilised a range of both cut and fill techniques across the site in an attempt to return to a ground level similar to the natural ground level, and where possible retain natural ground levels and existing landform, while at the same time establishing a suitable building platform for the proposed development that ensures a relatively level area of private open space both at the front and rear of the site.

Furthermore, where new development proposes to make use of a sloping site, it is considered inherently difficult to comply with Council's prescribed topography and excavation controls, and as such a merit based approach to these arrangements is considered necessary.

ITEM 2 (continued)

- *To create consistency along streetscapes.*

Assessing Officer's Comment: The proposed development is not considered to create any significant inconsistencies along Rowe Street and has been informed by the surrounding streetscape character (see **Figure 7 to Figure 10**). With the proposed development providing a compliant building height and setbacks, it is considered this reduces the visual dominance on the streetscape and is consistent with the approach taken by other developments on Rowe Street and the surrounding streets in this area of Eastwood.

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

Assessing Officer's Comment: A balance of cut and fill techniques have been adopted on the subject site, however inevitably, when developing on sites with a steady slope, increased levels of fill and also cut is a common occurrence. It is noted however that the increased levels of fill have not negatively affected the neighbouring properties in terms of security, overshadowing or visual privacy, and as such are considered appropriate.

Additionally, in areas subject to flooding, there is an overarching Ryde DCP 2010 requirement to raise floor levels above the 1 in 100 year flood level, plus a 500mm freeboard. As such, there is an inherent fill requirement on the subject site due to this flood impact.

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

Assessing Officer's Comment: The proposed levels of fill are not considered to result in any unreasonable loss of privacy or security for neighbours. The proposed height of the entrance porches at the front of the building will result in a reduction in height compared to the existing entrance porch and front balcony.

Compliant setbacks, appropriate window design and siting combined with significant levels of vegetative screening are considered to provide an adequate buffer between the buildings. The increased excavation in the rear courtyard will also improve the privacy for the neighbouring properties as overlooking will not be possible from this "sunken" position.

Given the above, the proposed non-compliances with the topography and excavation controls contained within the Ryde DCP 2010 are considered 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 topography and excavation controls contained within the Ryde DCP 2010.

ITEM 2 (continued)

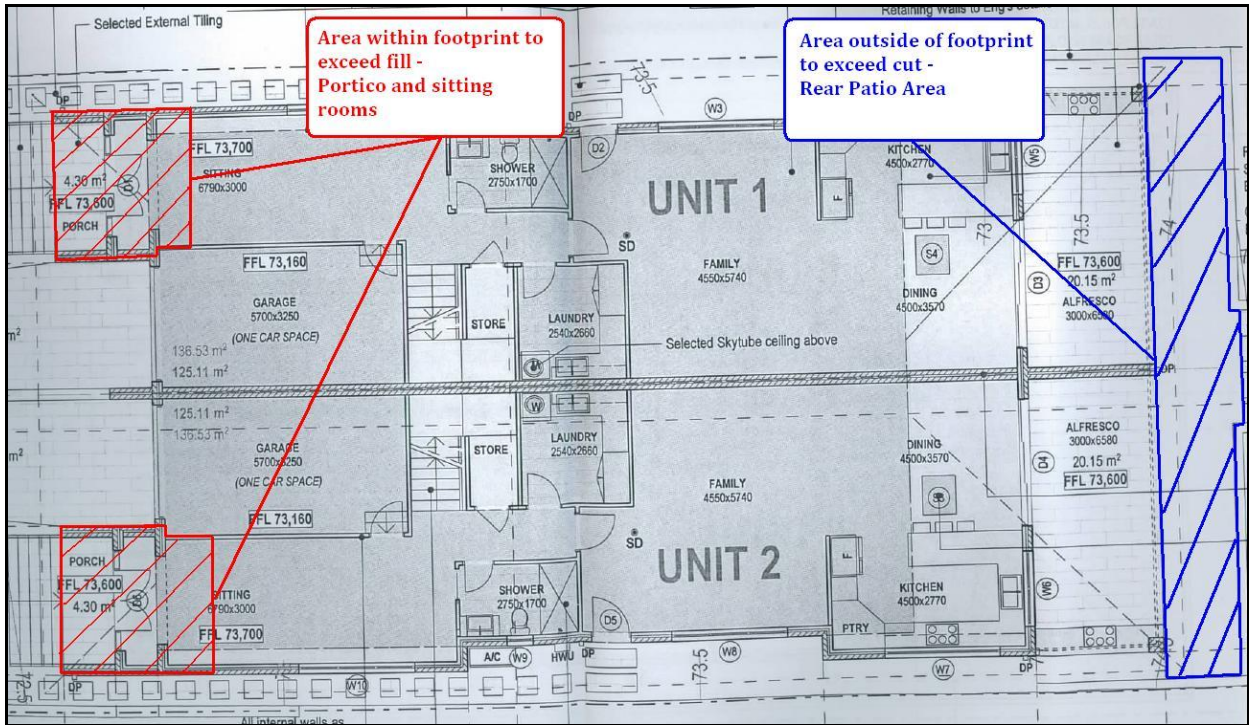


Figure 15 – This diagram shows the proposed areas of cut and fill exceedence on the subject site. Noted is how these levels of exceedence are confined to only small areas of the overall building footprint toward the front and rear portions only.



Figure 16 – Photograph of the existing dwelling on the subject site. Indicated is the elevated front porch and balcony on site along with the modified natural topography.

ITEM 2 (continued)Landscaping

Section 2.12 of Part 3.3 of the Ryde DCP 2010 prescribes development controls for landscaping. Specifically it states that:

- e. *Provide a landscaped front garden. Hard paved areas are to be minimised, and at a maximum, are to be no more than 40% of the front garden areas.*

As assessment of the submitted architectural and landscape plans of the front garden, indicates that the portion of the front garden to be hard paved is calculated at 50.50% (49.86m²) of the total front garden area. The proposed front garden therefore exceeds the maximum of 40% hard paved area prescribed in the Ryde DCP 2010.

Although proposing an area of hard paving that is above the maximum allowable, this non-compliance can be supported for the following reasons:

- The proposed hard paved area in the front setback allows for the creation of two new driveways to access the dual occupancy development from Rowe Street.
- Due to the narrow site frontage of the subject site it is considered difficult to provide a double driveway access and also comply with the maximum 40% hard paved requirement.
- The proposal will reduce the amount of hard paving in the front yard from the current arrangement on site.
- Hard paved areas are considered to have been minimised and soft landscaping has been provided where possible in the front yard.
- Where possible the front yard has incorporated areas of deep soil planting that softens the visual impact of development on the site.

For further discussion on how the proposed landscaping meets the requirements required on site, please refer the comments in the 'Deep Soil Areas' section of this report.

It is considered that the proposed front yard meets the objectives of Section 2.12 of Part 3.3 of the Ryde DCP 2010 as it enhances the appearance and amenity of the development, is in character with the locality and streetscape. Therefore the above non-compliance can be supported in this instance.

Non-Compliances Resolved via Conditions:Front Fencing

Section 2.15 of Part 3.3 of the Ryde DCP 2010 prescribes development controls for front, and return fences and walls. In particular it is stated that:

- i. *In areas of overland flow, fencing shall be of open construction so that it does not impede the flow of water.*

ITEM 2 (continued)

The Statement of Environmental Effects submitted with the development application, specifies on page 5 that “a new front fence of 0.9 metres height is proposed.” Additionally, the architectural plans submitted with the development application indicate a solid 900mm masonry fence to the front boundary.

As the subject site is identified as a site constrained by overland flow, particularly in the front portion of the property, the proposed front boundary fence of solid masonry fence fails to meet the aforementioned control.

Accordingly, it is recommended that the following condition be imposed to ensure fencing meets the controls set out within Section 2.15 of Part 3.3 of the Ryde DCP 2010:

(Condition 28)

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.*

Retaining Walls

Section 2.5.2 of Part 3.3 of the Ryde DCP 2010 prescribes development controls for topography and excavation.

The plans submitted with the development application indicate that new retaining walls are proposed along the side boundaries at the rear of the proposed dwelling, as well as between the rear ‘sunken’ courtyard and back yard area, however little details of these new retaining walls have been provided.

An assessment of the excavation and fill requirements on site have revealed that the proposed retaining walls will have a height of less than 900mm, and be in the order of 800mm. Given this retaining wall height would comply with Section 2.5.2 of Part 3.3 of the Ryde DCP 2010 no additional information was considered necessary from the applicant.

However, it is recommended that the following standard condition be imposed to ensure that the retaining walls meet the controls set out within Section 2.5.2 of Part 3.3 of the Ryde DCP 2010:

(Condition 29)

Retaining walls. *Retaining walls on site are 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.*

ITEM 2 (continued)

Swimming Pools

Section 2.11 of Part 3.3 of the Ryde DCP 2010 prescribes development controls for swimming pools.

The plans submitted with the development application indicate that the existing swimming pool on site is to be retained and upgraded, including the provision of a new pool fence. However no further details of the proposed upgrade works have been provided.

Accordingly, it is recommended that the following standard conditions be imposed to ensure the swimming pool meets the controls set out within Section 2.11 of Part 3.3 of the Ryde DCP 2010 and the appropriate legislation:

Swimming Pools

(Condition 11)

Pool filter – noise. *The pool 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.*

(Condition 12)

Depth markers. *Water depth markers are to be displayed at a prominent position within and at each end of the swimming pool.*

(Condition 13)

Wastewater discharge. *The pool shall be connected to the Sydney Water sewer for discharge of wastewater.*

(Condition 14)

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.*

(Condition 30)

Pool fencing. *The pool fence is to be erected in accordance with the approved plans and conform to 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**.*

ITEM 2 (continued)

Section 94 of the Environmental Planning and Assessment Act 1979

Council' Section 94 Development Contributions Plan - 2007

Council's current Section 94 Development Contributions Plan 2007 (2010 Amendment - adopted 16 March 2011) requires a contribution for the provision of various additional services required as a result of increased development.

The contribution that are payable with respect to the increase housing density on the subject site (*being for residential development outside the Macquarie Park Area*) are as follows:

A – Contribution Type	B – Contribution Amount
Community & Cultural Facilities	\$4,220.77
Open Space & Recreation Facilities	\$10,390.66
Civic & Urban Improvements	\$3,533.95
Roads & Traffic Management Facilities	\$481.96
Cycleways	\$301.11
Stormwater Management Facilities	\$956.74
Plan Administration	\$81.19
The total contribution is	\$19,966.38

A condition for the payment of a Section 94 Contribution of \$19,966.38 has been included in the draft conditions of consent (Attachment 1). See condition 19.

Note: The above calculation has been reviewed by two Assessment Officers. A detailed copy of rates and calculation spreadsheet has been placed on the relevant development application file.

It should be noted that the above Section 94 figures were calculated using the most recently updated (March 2014 quarter) CPI figures from the Australian Bureau of Statistics (ABS). Updated figures for the June 2014 quarter are expected to be issued from the ABS around 27 July 2014, however the timeframes for preparing this report prevents these figures from being used in this report. A memo containing an updated Section 94 condition will be distributed at the Planning & Environment Committee meeting on 5 August 2014 when this DA will be considered.

10. Likely impacts of the Development

(a) Built Environment

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

ITEM 2 (continued)

The resultant impacts of the proposed dual occupancy on the built environment are considered to result in a development that is consistent with the desired future character of the low density residential areas, and consistent with the nature of development in the Eastwood and wider Ryde local government area.

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

(b) Natural Environment

Given the nature of the proposed development being for the construction of a new dual occupancy that replaces an existing two storey dwelling on site, and the development includes only minimal vegetation removal with compensatory planting, it is considered there will be no significant impact upon the natural environment as a result of the proposal.

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 an overland flow path. The overland flow path traverses a small portion of the front of the subject site which is contained within the proposed front setback area of the proposal. Refer to comments from Council's Senior Development Engineer (see Referrals below).

12. The Public Interest

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

The development substantially complies with Council's current development controls, and includes a built form that is in keeping with the existing and desired future character of the low density residential area.

13. Consultation – Internal and External

Internal Referrals

Senior Development Engineer:

Stormwater Management

The proposed drainage system incorporates an onsite detention are rainwater storage generally complying with the BASIX requirements and Council's policy for onsite detention.

The following matters are noted:

- *there is a minor discrepancy between the calculated impervious area with that proposed (potentially 60m²). The difference is equivalent to the pool*

ITEM 2 (continued)

- area though this is accounted for in the calculation. This is not considered significant to warrant amendment to the drainage plan given the design has overcompensated the OSD design in terms of storage and runoff from the pool area does not discharge directly to the system, it is collected from surface pits downstream. Under this arrangement some natural infiltration is expected.*
- *The design accommodates two above ground basins at the front of the site. The design has neglected to account for the adjoining driveway however this can simply be addressed with a bunded wall/ kerb having a top level equivalent to the top of the front boundary wall (72.60m.).*
 - *The estimated flood level fronting the site for the 1% AEP is in the order of 72.18m. Whilst there is potential for backflow into the above ground basins at the front of the property, there is no warrant to amend the plan given lack of threat to property damage and public safety.*

Standard conditions regarding the submission of detailed plans, construction and certification of the system are advised.

Public Domain

The proposed development will require the removal of the existing driveway crossover and construction of a new driveway. These works can be addressed by a condition of consent.

Vehicle Access and Parking

The proposed garage spaces have internal dimensions and driveway grades complying with AS 2890. Given the front fence height of 900mm, a splay on either side of the driveway is not required.

Flooding and Overland Flow

The level of flood affectation is minimal and contained to the site frontage, as identified in Councils flood data for the Eastwood and Terrys Creek catchment. The consultant's assessment of the flood conditions with respect to the planning considerations is satisfactory and meets Councils requirements.

Given the minor level of affectation, it is accepted that the standard conditions in regards to flood protection (restrictive covenant, structural certification) are not applicable in this case.

Recommendation

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

ITEM 2 (continued)External Referrals

None.

14. Critical Dates

There are no critical dates or deadlines to be met.

15. Financial Impact

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

16. Other Options

None relevant.

17. Conclusion

The proposed development has been assessed using the heads of consideration listed in Section 79 of the Environmental Planning & Assessment Act 1979 and is generally considered to be satisfactory for approval.

There is one (1) key non-compliance with Council's LEP 2010 relating to a minor exceedence in floor space ratio which is to be dealt with under a 'Deferred Commencement' consent condition to ensure the development is compliant with the maximum floor space ratio prescribed for the subject site. There are other areas of non-compliance with the Ryde DCP 2010 namely deep soil area (minimum 35% pervious area and requirement for an 8m x 8m to be able to be provided within rear yard), topography and excavation, and landscaped area (minimum 40% within front yard area), however these were either considered to be justifiable given the circumstances of the subject site and the development proposed, or alternatively addressed via imposition of consent conditions.

The DA was notified to neighbours, and one (1) submission was received from the owners of No 290 Rowe Street, immediately to the west. The main issues of concern raised in the submission related to excavation (and possible impacts on the objector's property), extent of glazing on the western façade, streetscape impacts, privacy, overshadowing, boundary fencing and construction issues (ie potential damage to objector's property during construction, as well as construction noise and hours). These issues generally do not warrant refusal of the DA and can be addressed via conditions of consent.

The proposed development is considered to be consistent with the desired future character of the low density residential areas, and consistent with the nature of modern development in the Eastwood and wider Ryde local government area.

ITEM 2 (continued)

On the above basis, LDA2014/0171 at 288 Rowe Street, Eastwood is recommended for approval subject to conditions, including that relating to a reduced building size (gross floor area) to a maximum of 398.35m² via deferred commencement consent.

ITEM 2 (continued)

ATTACHMENT 1

**DRAFT CONDITIONS OF CONSENT
288 ROWE STREET, EASTWOOD
LDA2014/171**

DEFERRED COMMENCEMENT

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

1. **Plan amendments.** The submission of amended plans for Council’s approval which provide the following plan amendments:
 - The gross floor area (as defined in the Ryde LEP 2010) of the attached dual occupancy is to be limited to a maximum of 398.35m² to provide a maximum floor space ratio of 0.5:1 that complies with the development standard contained in Clause 4.4 of the Ryde LEP 2010.

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

GENERAL

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

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

Document Description	Date	Plan No/Reference
Site Plan / Floor Plans	TBA	<i>TBA upon submission of amended plans as referenced in Part 1 of this Deferred Commencement Consent</i>
Elevations	TBA	
Sections	TBA	
Landscape Plan	TBA	
Stormwater Plans	TBA	

The Development must be carried out in accordance with the amended plans approved under Part 1 Deferred Commencement

2. **Building Code of Australia.** All building works approved by this consent must be carried out in accordance with the requirements of the Building Code of Australia.
3. **BASIX.** Compliance with all commitments listed in BASIX Certificate numbered 543455M, dated 07 May 2014.

ITEM 2 (continued)

ATTACHMENT 1

4. **Support for neighbouring buildings.** If the development involves excavation that extends below the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
- (a) Protect and support the adjoining premises from possible damage from the excavation, and
 - (b) Where necessary, underpin the adjoining premises to prevent any such damage, in accordance with relevant Australian Standards.

Protection of Adjoining and Public Land

5. **Hours of work.** Building activities (including demolition) may only be carried out between 7.00am and 7.00pm Monday to Friday (other than public holidays) and between 8.00am and 4.00pm on Saturday. No building activities are to be carried out at any time on a Sunday or a public holiday.
6. **Hoardings.**
- (a) A hoarding or fence must be erected between the work site and any adjoining public place.
 - (b) Any hoarding, fence or awning erected pursuant this consent is to be removed when the work has been completed.
7. **Development to be within site boundaries.** The development must be constructed wholly within the boundaries of the premises. No portion of the proposed structure shall encroach onto the adjoining properties. Gates must be installed so they do not open onto any footpath.
8. **Public space.** The public way must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances, without prior approval from Council.

Works on Public Road

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

ITEM 2 (continued)**ATTACHMENT 1****Swimming Pools/Spas**

11. **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.
12. **Depth markers.** Water depth markers are to be displayed at a prominent position within and at each end of the swimming pool.
13. **Wastewater discharge.** The spa/pool shall be connected to the Sydney Water sewer for discharge of wastewater.
14. **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

15. **Design and Construction Standards.** All engineering plans and work shall be carried out in accordance with the requirements specified within Council's publication *Environmental Standards Development Criteria* and relevant Development Control Plans except otherwise as amended by conditions of this consent.
16. **Service Alterations.** All mains, services, poles, etc., which require alteration shall be altered at the applicant's expense.
17. **Restoration.** Public areas must be maintained in a safe condition at all times. Restoration of disturbed road and footway areas for the purpose of connection to public utilities will be carried out by Council following submission of a permit application and payment of appropriate fees. Repairs of damage to any public stormwater drainage facility will be carried out by Council following receipt of payment. Restoration of any disused gutter crossings will be carried out by Council following receipt of the relevant payment.
18. **Road Opening Permit.** The applicant shall apply for a road-opening permit where a new pipeline is proposed to be constructed within or across the footpath. Additional road opening permits and fees may be necessary where there are connections to public utility services (e.g. telephone, electricity, sewer, water or gas) required within the road reserve. No works shall be carried out on the footpath without this permit being paid and a copy kept on the site.

ITEM 2 (continued)

ATTACHMENT 1

PRIOR TO CONSTRUCTION CERTIFICATE

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

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

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

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

19. **Section 94.** A monetary contribution for the services in Column A and for the amount in Column B shall be made to Council prior to the issue of any **Construction Certificate**:

A – Contribution Type	B – Contribution Amount
Community & Cultural Facilities	\$4,220.77
Open Space & Recreation Facilities	\$10,390.66
Civic & Urban Improvements	\$3,533.95
Roads & Traffic Management Facilities	\$481.96
Cycleways	\$301.11
Stormwater Management Facilities	\$956.74
Plan Administration	\$81.19
The total contribution is	\$19,966.38

These are contributions under the provisions of Section 94 of the Environmental Planning and Assessment Act, 1979 as specified in Section 94 Development Contributions Plan 2007 (2010 Amendment) adopted by City of Ryde on 16 March 2011.

The above amounts are current at the date of this consent, and are subject to **quarterly** adjustment for inflation on the basis of the contribution rates that are applicable at time of payment. Such adjustment for inflation is by reference to the Consumer Price Index published by the Australian Bureau of Statistics (Catalogue No 5206.0) – and may result in contribution amounts that differ from those shown above.

ITEM 2 (continued)**ATTACHMENT 1**

A copy of the Section 94 Development Contributions Plan may be inspected at the Ryde Planning and Business Centre, 1 Pope Street Ryde (corner Pope and Devlin Streets, within Top Ryde City Shopping Centre) or on Council's website <http://www.ryde.nsw.gov.au>.

20. **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**.
21. **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**.
22. **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)
23. **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
24. **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**.
25. **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**.
26. **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.

ITEM 2 (continued)

ATTACHMENT 1

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

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

Or telephone 13 20 92.

27. **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**.
28. **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**.
29. **Retaining walls.** Retaining walls on site are 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**.
30. **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**.

Engineering Conditions

31. **Boundary Levels.** The levels of the street alignment shall be obtained from Council. These levels shall be incorporated into the design of the internal driveway, carparking areas, landscaping and stormwater drainage plans and must be obtained prior to the issue of the construction certificate.
32. **Vehicle Footpath Crossing(s).** Concrete footpath crossings and associated gutter crossovers must be constructed fronting the approved vehicle access location(s). The crossing(s) must be constructed in plain reinforced concrete with location, design and construction shall conform to Council requirements and AS 2890.1 – 2004 (Offstreet Parking). 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.

ITEM 2 (continued)

ATTACHMENT 1

33. **Vehicle Access & Parking.** All internal driveways, vehicle turning areas, garages and vehicle parking space/ loading bay dimensions must be designed and constructed to comply with the relevant section of AS 2890 (Offstreet Parking standards).

These amendment(s) must be clearly marked on the plans submitted with the application for a Construction Certificate.

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

Stormwater runoff on the site shall be collected and piped by gravity flow to Councils kerb in Rowe Street generally in accordance with the plans by EZE Hydraulic Engineers (Refer to Job No. 11054 Dwgs D1 – D4 Rev A dated 1 May 2014).

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

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

PRIOR TO COMMENCEMENT OF CONSTRUCTION

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

35. **Site Sign**

- (a) A sign must be erected in a prominent position on site, prior to the commencement of construction:
 - (i) showing the name, address and telephone number of the Principal Certifying Authority for the work,

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ATTACHMENT 1

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

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

38. **Excavation adjacent to adjoining land**

- (a) If an excavation extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation must, at their own expense, protect and support the adjoining premises from possible damage from the excavation, and where necessary, underpin the adjoining premises to prevent any such damage.

ITEM 2 (continued)

ATTACHMENT 1

- (b) The applicant must give at least seven (7) days notice to the adjoining owner(s) prior to excavating.
 - (c) An owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this condition, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.
39. **Pre-commencement dilapidation report.** The submission of a pre-commencement dilapidation report providing an accurate record of the existing condition of adjoining public and private properties namely 290 Rowe Street, and public infrastructure (including roads, gutters, footpaths, etc). A copy of the report must be provided to Council, any other owners of public infrastructure and the owners of the affected adjoining private properties, prior to the commencement of construction.
40. **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.

Engineering Conditions

41. **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. Any doors/gates on the boundary must be installed so they do not open onto any footpath.

DURING CONSTRUCTION

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

42. **Critical stage inspections.** The person having the benefit of this consent is required to notify the Principal Certifying Authority during construction to ensure that the critical stage inspections are undertaken, as required under clause 162A(4) of the *Environmental Planning and Assessment Regulation 2000*.
43. **Construction noise.** The L_{10} noise level measured for a period of not less than 15 minutes while demolition and construction work is in progress must not exceed the background noise level by more than 20 dB(A) at the nearest affected residential premises.

ITEM 2 (continued)

ATTACHMENT 1

44. **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.
45. **Sediment/dust control.** No sediment, dust, soil or similar material shall leave the site during construction work.
46. **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.
47. **Construction materials.** All materials associated with construction must be retained within the site.
48. **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.
49. **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.
50. **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 2 (continued)

ATTACHMENT 1

51. **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.
52. **Tree protection – during construction.** Trees that are shown on the approved plans as being retained must be protected against damage during construction.
53. **Drop-edge beams.** Perimeters of slabs are not to be visible and are to have face brickwork from the natural ground level.

Engineering Conditions

54. **Erosion and Sediment Control.** The applicant shall install erosion and sediment control measures at the commencement of works on the site. Suitable erosion control management procedures in accordance with the manual “Managing Urban Stormwater: Soils and Construction” by the NSW Department – Office of Environment and Heritage, must be practiced at all times throughout the construction.
55. **Stormwater Management - Construction.** The stormwater drainage system on the site must be constructed in accordance with the Construction Certificate version of the Stormwater Management Plan by EZE Hydraulic Engineers (Refer to Job No. 11054 Dwgs D1 – D4 Rev A dated 1 May 2014) submitted in compliance to the condition labelled “Stormwater Management.”.

PRIOR TO OCCUPATION CERTIFICATE

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

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

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

56. **BASIX.** The submission of documentary evidence of compliance with all commitments listed in BASIX Certificate numbered 543455M, dated 07 May 2014.

ITEM 2 (continued)**ATTACHMENT 1**

57. **Landscaping.** All landscaping works approved by condition 1 are to be completed prior to the issue of the final **Occupation Certificate**.
58. **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**.
59. **Sydney Water – Section 73.** A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation. Application must be made through an authorised Water Servicing Co-ordinator. Please refer to the Building Developing and Plumbing section of the web site www.sydneywater.com.au then refer to “Water Servicing Coordinator” under “Developing Your Land” or telephone 13 20 92 for assistance.

Following application a “Notice of Requirements” will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Co-ordinator, since building of water/sewer infrastructure can be time consuming and may impact on other services and building, driveway or landscape design.

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

60. **Post-construction dilapidation report.** The submission of a post-construction dilapidation report which clearly details the final condition of all property, infrastructure, natural and man-made features that were recorded in the pre-commencement dilapidation report. A copy of the report must be provided to Council, any other owners of public infrastructure and the owners of the affected adjoining and private properties, prior to the issue of the **Occupation Certificate**.
61. **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

62. **Stormwater Management - Work-as-Executed Plan.** A Work-as-Executed plan (WAE) of the as constructed Stormwater Management System must be submitted with the application for an Occupation Certificate. The WAE must be prepared and certified (signed and dated) by a Registered Surveyor and is to clearly show the constructed stormwater drainage system (including any onsite detention, pump/ sump, charged/ siphonic and onsite disposal/ absorption system) and finished surface levels which convey stormwater runoff.

ITEM 2 (continued)**ATTACHMENT 1**

63. **Stormwater Management – Positive Covenant(s).** A Positive Covenant must be created on the property title(s) pursuant to Section 88 E of the Conveyancing Act (1919), providing for the ongoing maintenance of the onsite detention components incorporated in the approved Stormwater Management system. This is to ensure that the drainage system will be maintained and operate as approved throughout the life of the development, by the owner of the site(s). The terms of the 88 E instrument are to be in accordance with the Council's draft terms for these systems as specified in City of Ryde DCP 2010 - Part 8.4 (Title Encumbrances) - Section 7, and to the satisfaction of Council, and are to be registered on the title prior to the release of the Occupation Certificate for that title.
64. **Redundant Footpath Crossing.** The existing footpath crossing(s) and associated gutter crossover(s) which are not accessing approved vehicle access points must be removed and restore kerb and gutter, verge and footway to match existing adjoining sections. All new levels and materials must be flush and consistent with adjoining sections and all costs are to be borne by the applicant. The works must be completed to Council's satisfaction, prior to the issue of the Final Occupation certificate.
65. **Compliance Certificates – Engineering.** To ensure that all engineering facets of the development have been designed and constructed to the appropriate standards, Compliance Certificates must be obtained for the following items and are to be submitted to the Accredited Certifier prior to the release of any Occupation Certificate. All certification must be issued by a qualified and practising civil engineer having experience in the area respective of the certification unless stated otherwise.
- a) Confirming that all components of the parking areas contained inside the site comply with the relevant components of AS 2890 and the City of Ryde DCP 2010, Part 9.3 "Car Parking".
 - b) Confirming that the sites Stormwater Management system (including any ancillary components such as onsite detention) servicing the development complies with the City of Ryde DCP 2010, Part 8.2, "Stormwater Management" and has been constructed to function in accordance with all conditions of this consent relating to the discharge of stormwater from the site.
 - c) Confirming that erosion and sediment control measures were implemented during the course of construction and were in accordance with the manual "*Managing Urban Stormwater: Soils and Construction*" by the NSW Department – Office of Environment and Heritage and the City of Ryde DCP 2010, Part 8.1 "Construction Activities".
 - d) Compliance certificate from Council confirming that all external works in the public road reserve have been completed to Council's satisfaction.

ITEM 2 (continued)**ATTACHMENT 1**

66. **On-Site Stormwater Detention System - Marker Plate.** To ensure the constructed On-site detention will not be modified, a marker plate is to be fixed to each on-site detention system constructed on the site. The plate construction, wordings and installation shall be in accordance with City of Ryde, Development Control Plan 2010: - Part 8.2; Stormwater Management. The plate may be purchased from Council's Customer Service Centre at Ryde Civic Centre (Devlin Street, Ryde).

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

LDA No:	LDA 2014/0171
Date Plans Rec'd	9 May 2014
Address:	288 Rowe Street, Eastwood
Proposal:	New Dual Occupancy (Attached)
Constraints Identified:	Overland flow

COMPLIANCE CHECK

RYDE LEP 2010	PROPOSAL	COMPLIANCE
4.3(2) Height • 9.5m overall	8.800m	Yes
4.4(2) & 4.4A(1) FSR • 0.5:1	0.509:1	No – to be dealt with under Deferred Commencement Condition

DCP 2010	PROPOSED	COMPLIANCE
Part 3.3 – Dwelling Houses and Dual Occupancy (attached)		
Desired Future Character		
Development is to be consistent with the desired future character of the low density residential areas.	The proposed development is consistent with the desired future character of the low density residential area as detailed further in this table.	Yes
Dwelling Houses		
- To have a landscaped setting this includes significant deep soil areas at front and rear.	Proposal includes landscaped setting including significant deep soil areas at the front and rear.	Yes
- Maximum 2 storeys.	Proposal is for a two storey dual-occupancy.	Yes
- Dwellings to address street	Proposal presents to Rowe Street.	Yes

ITEM 2 (continued)
ATTACHMENT 2

DCP 2010	PROPOSED	COMPLIANCE
<ul style="list-style-type: none"> - Garage/carports not visually prominent features. 	Proposed single car garages are located in the middle of the site, separating the two units. The garages are setback behind the front porches and are not considered to be visually prominent.	Yes
Dual Occupancy – Linear Separation		
<ul style="list-style-type: none"> - Any urban housing, multi dwelling (attached), villa homes, duplex, dual occupancy (attached) within double the main frontage of the subject site or existing villa/dual occupancy site? 	Double the main frontage of the subject site is 30.48m. Within this distance from the subject site is a detached dual occupancy located approximately 15m to the west, known as 292 Rowe Street. The Linear Separation requirements do not apply to detached dual occupancy developments. Apart from this development, no other dual occupancy (attached) or multi dwelling housing developments exist or are approved within 2x frontage of this site.	Yes
Public Domain Amenity		
<ul style="list-style-type: none"> • Streetscape - Front doors and windows are to face the street. Side entries to be clearly apparent. - Single storey entrance porticos. - Articulated street facades. - Corner buildings to address both frontages 	Proposed front doors and windows face Rowe Street. Proposal includes a single storey entrance portico for each unit. Articulated street facade proposed Not on corner	Yes Yes Yes N/A
<ul style="list-style-type: none"> • Public Views and Vistas - A view corridor is to be provided along at least one side allotment boundary where 	No water views available from Rowe Street across the subject site	Yes

ITEM 2 (continued)
ATTACHMENT 2

DCP 2010	PROPOSED	COMPLIANCE
<p>there is an existing or potential view to the water from the street. Landscaping is not to restrict views.</p> <ul style="list-style-type: none"> - Garages/carports and outbuildings are not to be located within view corridor if they obstruct view. - Fence 70% open where height is >900mm 	<p>N/A see above</p> <p>N/A see above</p>	<p>N/A</p> <p>N/A</p>
<ul style="list-style-type: none"> • Pedestrian & Vehicle Safety - Car parking located to accommodate sightlines to footpath & road. - Fencing that blocks sight line is to be splayed. 	<p>Proposed car parking is located within integrated garages that allow satisfactory sightlines to be provided. Additionally, the garage is at a higher level to the footpath and road providing clearer sight lines.</p> <p>Proposed new solid masonry front fencing of 900mm height, is not considered to block sight lines as the proposed garage and driveway are located at a level above the footpath and roadway.</p>	<p>Yes</p> <p>Yes</p>
Site Configuration		
<ul style="list-style-type: none"> • Deep Soil Areas - 35% of site area min. - Min 8x8m deep soil area in backyard. - Front yard to have deep soil area (only hard paved area to be driveway, pedestrian path and garden walls). - Dual occupancy developments only need 1 of 8 x 8m area 	<p>28.56% (227.56m²) deep soil area.</p> <p>8 x 8m deep soil area has not been provided. There is however a large deep soil area in excess of 100sqm provided that will still be able to support a new tree with a mature height over 15m.</p> <p>Proposed front yard area includes deep soil area.</p> <p>8 x 8m deep soil area has not been provided. There is</p>	<p>No - Justifiable</p> <p>No - Justifiable</p> <p>Yes</p> <p>No – Justifiable</p>

ITEM 2 (continued)
ATTACHMENT 2

DCP 2010	PROPOSED	COMPLIANCE
(doesn't have to be shared equally).	however a large deep soil area in excess of 100sqm provided that will still be able to support a new tree with a mature height over 15m.	
<ul style="list-style-type: none"> • Topography & Excavation Within building footprint: <ul style="list-style-type: none"> - Max cut: 1.2m - Max fill: 900mm Outside building footprint: <ul style="list-style-type: none"> - Max cut: 900mm - Max fill: 500mm 	<p>Max cut: Approximately 900mm in the rear south-western corner of the building (where the alfresco area of unit 2 is to be located)</p> <p>Max fill: Approximately 1120mm in the front north-western corner of the building (where the entrance of unit 2 is to be located).</p> <p>Max cut: Approximately 1210mm in the rear patio area adjacent to the stairs that lead up into the rear lawn area and pool.</p> <p>Max fill: Approximately 1120mm on the north-western corner of the porch for Unit 2.</p>	<p style="text-align: center;">Yes</p> <p style="text-align: center;">No – Justifiable</p> <p style="text-align: center;">No – Justifiable</p> <p style="text-align: center;">No – Justifiable</p>
- No fill between side of building and boundary or close to rear boundary	No fill occurs between side of building and boundary or close to rear boundary.	Yes
- No fill in overland flow path	<p>No fill proposed in the overland flow path that occurs in the proposed front yard area.</p> <p>A Flood Impact Assessment report, prepared by EZE Hydraulic Engineers, dated 2 May 2014, has been submitted with the application. It supports the proposed development's approval from a flood impact</p>	Yes

ITEM 2 (continued)

ATTACHMENT 2

DCP 2010	PROPOSED	COMPLIANCE
- Max ht retaining wall 900mm	assessment perspective. Plans indicate retaining walls along the side boundaries at the rear of the dwelling as well as between the rear patio and back yard lawn area. However, the plans do not indicate details to determine the heights of these retaining walls. As such, it is recommended that a standard condition be imposed to ensure compliance with Ryde DCP2010.	To be conditioned
Floor Space Ratio		
- Ground floor - First floor - Total (Gross Floor Area) - Less 36m ² (double) or 18m ² (single) allowance for parking FSR (max 0.5:1) Note: Excludes wall thicknesses, lifts/stairs; basement storage/vehicle access/garbage area; terraces/balconies with walls <1.4m; void areas.	251.16m ² 190.68m ² 441.84m ² 405.84m ² 0.509:1 Based on a site area of 796.70m ² as per DP4826 Exceeds maximum floor area by 7.2m ² , as can be seen in the attached images.	No – to be dealt with under Deferred Commencement Condition
Height		
- 2 storeys maximum (storey) incl basement elevated greater than 1.2m above EGL).	Proposal is for a two storey dual occupancy.	Yes
- 1 storey maximum above attached garage incl semi-basement or at-grade garages.	Proposal includes 1 storey above the attached garages.	Yes
Wall plate (Ceiling Height) - 7.5m max above FGL or - 8m max to top of parapet. NB: <i>TOW = Top of Wall</i> <i>EGL = Existing Ground Level</i> <i>FGL = Finished Ground Level</i>	TOW RL: 76.1 FGL below (lowest point): RL:72.58 TOW Height (max)= 3.52m	Yes

ITEM 2 (continued)
ATTACHMENT 2

DCP 2010	PROPOSED	COMPLIANCE
- 9.5m Overall Height <i>NB: EGL – Existing ground Level</i>	Max point of dwelling RL:81.8 EGL below ridge (lowest point) RL: 73.0 (approximately) Overall Height (max)= 8.8m	Yes
- Habitable rooms to have 2.4m floor to ceiling height (min).	Proposed habitable rooms have minimum ceiling height of 2.7m	Yes
Setbacks		
<ul style="list-style-type: none"> • Side <ul style="list-style-type: none"> ○ Single storey dwelling <ul style="list-style-type: none"> - 900mm to wall, includes balconies etc. ○ Two storey dwelling <ul style="list-style-type: none"> - 1500mm to wall, includes balconies etc. ○ Side setback to secondary frontage (cnr allotments): 2m to façade and garage/carports 	<ul style="list-style-type: none"> The single storey component of the dwelling has a minimum setback of 900mm. Second storey has a minimum side setback of 1500mm. Not on a corner 	<ul style="list-style-type: none"> Yes Yes N/A
<ul style="list-style-type: none"> • Front <ul style="list-style-type: none"> - 6m to façade (generally) - 2m to secondary street frontage - Garage setback 1m from the dwelling facade - Wall above is to align with outside face of garage below. - Front setback free of ancillary elements e.g. RWT,A/C 	<ul style="list-style-type: none"> 6m minimum front setback to facade. Not on corner Proposed garages are setback approximately 2.2m behind the front facade. The wall above aligns with the outside face of the garages Proposed front setback area is free of ancillary elements as the proposed RWT's are located under the driveway. 	<ul style="list-style-type: none"> Yes N/A Yes Yes Yes
<ul style="list-style-type: none"> • Rear <ul style="list-style-type: none"> - 8m to rear of dwelling OR 25% of the length of the site, whichever is greater. Note: 	20.460m minimum rear setback proposed.	Yes

ITEM 2 (continued)
ATTACHMENT 2

DCP 2010	PROPOSED	COMPLIANCE
13.145m is 25% of site length.		
<ul style="list-style-type: none"> Sites wider than they are long - 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). - Rear setback 4m min (in addition to 8m side setback) 	Site is not wider than it is long	N/A
Battle-axe (hatchet shaped) <ul style="list-style-type: none"> - Setback min 8m from front allotment. A single storey garage or outbuilding may be located within this setback. 	Subject site is not battle-axe.	N/A
Outbuildings		
	No outbuildings proposed	N/A
Car Parking & Access		
<ul style="list-style-type: none"> General - Dual Occupancy (attached): 1 space max per dwelling. - Where possible access off secondary street frontages or laneways is preferable. - Max 6m wide or 50% of frontage, whichever is less. Note: Proposed frontage is 15.24m wide, 50% is 7.62m. 6m is less. - Behind building façade. 	Proposal includes a single space for each unit. No secondary street frontages or laneways access available to the subject site. Combined width of two proposed single garages is 5.4m. Proposed garages are setback 2.2m behind the building facade	Yes N/A Yes Yes
<ul style="list-style-type: none"> Garages - Garages setback 1m from façade. - Total width of garage doors visible from public space must not exceed 5.7m and be setback not more than 300mm behind the outside face of the building element immediately 	Proposed garages are setback 2.2m behind the building facade Combined width of two proposed single doors is 5.4m. The doors are not proposed to be setback from the wall above.	Yes Yes

ITEM 2 (continued)
ATTACHMENT 2

DCP 2010	PROPOSED	COMPLIANCE
above. - Garage windows are to be at least 900mm away from boundary. - Free standing garages are to have a max GFA of 36m ² . - Solid doors required - Materials in keeping or complementary to dwelling.	No garage windows proposed Proposed garages are not freestanding Solid doors proposed Materials: consistent with new dwelling.	N/A N/A Yes Yes
• Carports - Sides 1/3 open (definition in BCA) - Design and materials compatible with dwelling.	No carport proposed No carport proposed	N/A N/A
• Parking Space Sizes (AS) - Single garage: 3m w(min) - Internal length: 5.4m (min)	3.250m 5.700m	Yes Yes
• Driveways - Extent of driveways minimised	The extent of the proposed driveway has been minimised.	Yes
• Semi-basement Car Parking	No semi-basement car parking proposed	N/A
Swimming Pools & Spas		
- Must comply with all relevant Acts, Regulations and Australian Standards. - Must at all times be surrounded by a child resistant barrier and located to separate pool from any residential building and/or outbuildings (excl cabanas) and from adjoining land. - No openable windows, door or other openings in a wall that	Proposal includes the retention of an existing swimming pool in the rear yard. It appears that no major upgrade changes are proposed for the pool or area beyond new fencing and planting of grass around pool. However, it is recommended that standard conditions of consent be imposed to ensure compliance with Ryde DCP 2010. Plans indicate that the existing pool will have a new aluminium railing pool fence of 1200mm height constructed around it. No openable windows, doors or other openings proposed	To be conditioned Yes Yes

ITEM 2 (continued)
ATTACHMENT 2

DCP 2010	PROPOSED	COMPLIANCE
forms part of barrier – Spa to have lockable lid if not fenced or covered – Pools not to be in front setback	in barrier. No spa proposed. Existing pool proposed to be retained in rear yard.	N/A Yes
Pool coping height – 500mm maximum above existing ground level <i>(only if no impact on privacy)</i>	No proposed change to existing pool coping height.	N/A
• Pool Setback – 900mm min from outside edge of pool coping, deck or surrounds to allow sufficient space for amenity screen planting	Existing inground pool to be retained is setback approximately 2.2m from the site boundary.	Yes
– Screen planting required for pools located within 1500mm, min bed width of 900mm for the length of the pool. Min ht 2m, min spacing 1m. – Pool setback 3m+ from tree >5m height on subject or adjacent property. – Pool filter located away from neighbouring dwellings, and in an acoustic enclosure.	As above As above No details provided of location of proposed pool filter. It is recommended that a standard condition of consent be imposed to ensure compliance with Ryde DCP 2010.	N/A N/A To be conditioned.
Landscaping		
• Trees & Landscaping – Major trees retained where practicable. – If bushland adjoining use native indigenous species for 10m from boundary	No major trees exist on the subject site. Subject site not bushland adjoining.	N/A N/A
– Physical connection to be provided between dwelling and outdoor spaces where the ground floor is elevated above NGL e.g. stairs, terraces.	Proposed building is connected to the outdoor spaces through stairs at the entrance, alfresco areas at the rear and a terrace along the eastern and western	Yes

ITEM 2 (continued)
ATTACHMENT 2

DCP 2010	PROPOSED	COMPLIANCE
<ul style="list-style-type: none"> - Obstruction-free pathway on one side of dwelling (excl cnr allotments or rear lane access). 	sides. An obstruction free-pathway is proposed on either side of the building allowing both units private access to the rear.	Yes
<ul style="list-style-type: none"> - Front yard to have at least 1 tree with mature ht of 10m min and a spreading canopy. 	11m mature height tree proposed to be planted in the front north-east corner of the front yard.	N/A
<ul style="list-style-type: none"> - Backyard to have at least 1 tree with mature ht of 15m min and a spreading canopy. 	20m mature height tree proposed to be planted in the rear south-east corner of the back yard.	Yes
<ul style="list-style-type: none"> - Hedging or screen planting on boundary mature plants reaching no more than 2.7m. 	Hedging proposed along the western half of the front boundary. Mature height not specified in the plans. As such, it is recommended that a standard condition of consent be imposed to ensure compliance with Ryde DCP2010.	To be conditioned
<ul style="list-style-type: none"> - OSD generally not to be located in front setback unless under driveway. 	Rainwater tanks located beneath driveway but not OSD tanks.	Yes
<ul style="list-style-type: none"> - Landscaped front garden, with max 40% hard paving. 	50.50% (49.86m ²) hard paved within front yard area.	No
<ul style="list-style-type: none"> • Landscaping for lots with Urban Bushland or Overland Flow constraints - Where lot is adjoining bushland protect, retain and use only native indigenous vegetation for distance of 10m from building adjoining bushland. - No fill allowed in overland flow areas. 	No adjoining bushland Subject site has been identified as being affected by overland flow. The overland flow path is confined within the front few metres of the site within the proposed front setback. Submitted plans do not	N/A Yes

ITEM 2 (continued)

ATTACHMENT 2

DCP 2010	PROPOSED	COMPLIANCE
<ul style="list-style-type: none"> - Fences in Overland Flow areas must be of open construction so it doesn't impede the flow of water. 	<p>indicate any fill in this area. Plans indicate proposed new solid masonry front fencing in the overland flow area in the front setback. As such, it is recommended that a condition of consent be imposed that ensures compliance with Ryde DCP 2010.</p> <p>A Flood Impact Assessment report, dated 2 May 2014, has been submitted with the application. It concluded that the proposed development can be approved from a flood impact assessment perspective.</p>	<p>To be conditioned</p>
Dwelling Amenity		
<ul style="list-style-type: none"> • Daylight and Sunlight Access - Living areas to face north where orientation makes this possible. - Increase side setback for side living areas (4m preferred) where north is the side boundary. <u>Subject Dwelling:</u> - Subject dwelling north facing windows are to receive at least 3 hrs of sunlight to a portion of their surface between 9am and 3pm on June 21. 	<p>Proposed living areas of the two dwellings are located at the rear oriented to the south and to the east (unit 1) and the west (unit 2). Skylights are proposed for both units to provide additional sunlight to these areas. Given the orientation of the site, it is considered that these areas will receive sufficient sunlight.</p> <p>North is the front boundary.</p> <p>According to the submitted shadow diagrams north facing windows of the subject dwelling will receive at least 3hrs of sunlight between 9am and 3pm on</p>	<p>Yes</p> <p>N/A</p> <p>Yes</p>

ITEM 2 (continued)

ATTACHMENT 2

DCP 2010	PROPOSED	COMPLIANCE
<ul style="list-style-type: none"> - Private Open space of subject dwelling is to receive at least 2 hours sunlight between 9am and 3pm on June 21. <p><u>Neighbouring properties are to receive:</u></p> <ul style="list-style-type: none"> - 2 hours sunlight to at least 50% of adjoining principal ground level open space between 9am and 3pm on June 21. - At least 3 hours sunlight to a portion of the surface of north facing adjoining living area windows between 9am and 3pm on June 21. 	<p>June 21. The submitted shadow diagrams indicate that the rear private open space of the subject dwelling is to receive at least 2 hours sunlight between 9am and 3pm on June 21.</p> <p>The submitted shadow diagrams indicate that the POS of the adjoining properties at No.286 and No.290 Rowe Street, will receive in excess of the minimum 3 hours sunlight to at least 50% of their ground level open space between 9am and 3pm on June 21.</p> <p>The submitted shadow diagrams indicate that north facing windows of the adjoining properties will receive in excess of 3 hours sunlight to a portion of their surface between 9am and 3pm on June 21.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>
<ul style="list-style-type: none"> • Visual Privacy - Orientate windows of living areas, balconies and outdoor living areas to the front and rear of dwelling. 	<p>The living areas of the two units are generally oriented towards the rear of the dwelling, however windows are proposed facing the eastern and western side boundaries. This is unlikely to cause any privacy concerns as the windows are located on the ground floor and are setback sufficiently from the side boundaries. Moreover, the living areas will be at a lower height to the living areas of the</p>	<p>Yes</p>

ITEM 2 (continued)

ATTACHMENT 2

DCP 2010	PROPOSED	COMPLIANCE
<ul style="list-style-type: none"> - Windows of living, dining, family etc. placed so there are no close or direct views to adjoining dwelling or open space. 	<p>existing dwelling on the site. As such, the new arrangement provides an improvement to visual privacy.</p> <p>As described above, the windows of the living area are generally oriented towards the rear of the site and will not provide any direct views to adjoining dwellings and there POS. Also, the rear of the proposal will be slightly excavated below natural ground level, allowing the proposed 1.8m boundary fencing greater screening of the adjoining properties.</p>	<p style="text-align: center;">Yes</p>
<ul style="list-style-type: none"> - Side windows offset from adjoining windows by sufficient distance. 	<p>Proposed side windows are generally offset from adjoining windows. Although the proposed window to the Unit 2's family room on the western elevation – W8 – faces the window opposite at No.290 Rowe Street these two windows will be separated by 5.2m. These windows are therefore considered to “be offset by distances sufficient to avoid visual connection between windows of the subject dwelling and those on the neighbouring dwelling”, as typically the DCP requires the separation between adjacent dwellings be a minimum of 1.8m (900mm setback on each site from the boundary at ground floor). The proposal therefore represents a</p>	<p style="text-align: center;">Yes</p>

ITEM 2 (continued)

ATTACHMENT 2

DCP 2010	PROPOSED	COMPLIANCE
<ul style="list-style-type: none"> - Terraces, balconies etc. are not to overlook neighbouring dwellings/private open space. 	<p>setback distance just short of 3 times the minimum required side setback. Additionally the proposed side boundary fence with a height of 1.8m which is located in between the opposing windows is considered to further reduce any opportunity for overlooking and subsequent potential loss of privacy. As such the proposal is considered to comply with the subject DCP control. There are no proposed balconies on the first floor of the building. The rear terrace area will be excavated below natural ground level meaning that adjoining properties will be well screened by the fencing.</p>	<p>Yes</p>
<ul style="list-style-type: none"> • Acoustic Privacy - Layout of rooms in dual occupancies (attached) are to minimise noise impacts between dwellings e.g.: place adjoining living areas near each other and adjoining bedrooms near each other. 	<p>The proposed units floor plans are mirror images of one another and as such adjoining dwelling room uses will be the same, minimising noise impacts between dwellings.</p>	<p>Yes</p>
<ul style="list-style-type: none"> • View Sharing - The siting of development is to provide for view sharing. 	<p>Siting of the development does not affect view sharing.</p>	<p>Yes</p>
<ul style="list-style-type: none"> • Cross Ventilation - Plan layout is to optimise access to prevailing breezes and to provide for cross ventilation. 	<p>Plan layout optimises cross ventilation.</p>	<p>Yes</p>
External Building Elements		
<ul style="list-style-type: none"> • Roof - Articulated. 	<p>Proposed roof is pitched and well articulated.</p>	<p>Yes</p>
<ul style="list-style-type: none"> - 450mm eaves overhang 	<p>600mm overhang</p>	<p>Yes</p>

ITEM 2 (continued)
ATTACHMENT 2

DCP 2010	PROPOSED	COMPLIANCE
minimum. - Not to be trafficable Terrace. - Skylights to be minimised and placed symmetrically. - Front roof plane is not to have both dormer windows and skylights. - Attic to be within roof space - Attics may be in garage if garage next to dwelling & not within front or rear setback	No proposed trafficable terrace on the roof. Proposal includes two skylights, located symmetrically on either side of the roof. The skylights are small and will not be easily visible from the streetscape. No dormer windows are proposed. The proposed skylights are located on the side roof planes. Proposed attic is within the roof space. No attic proposed in the garages.	Yes Yes Yes Yes
Fencing		
<ul style="list-style-type: none"> • Front/return: - To reflect design of dwelling. - To reflect character and height of neighbouring fences. - Max 900mm high for solid (picket can be 1m). - Max 1.8m high if 50% open (any solid base max 900mm). - Retaining walls on front building max 900mm. - No colourbond or paling - Max pier width 350mm. 	Proposed front fence reflects the design of the dwelling. Proposed front fence reflects character and height of neighbouring fences. 900mm high solid masonry fence As above As above As above As above	Yes Yes Yes N/A N/A N/A N/A
<ul style="list-style-type: none"> • Side/rear fencing: - 1.8m max o/a height. 	Submitted plans do not indicate type or style of fencing. As such, it is recommended that a standard condition of consent be imposed to ensure compliance with the Ryde DCP 2010.	To be conditioned

ITEM 2 (continued)
ATTACHMENT 2

DCP 2010	PROPOSED	COMPLIANCE
Special requirements for Battleaxe Lots		
<ul style="list-style-type: none"> ○ Must be setback from rear boundary of front allotment 8m min (in addition to having an 8m/25% rear setback). Single storey garage or carport may be within setback. 	Subject site is not a battleaxe allotment	N/A
<ul style="list-style-type: none"> ○ Must have hard paved area in front setback for turning, so vehicles can enter and exit in a forward direction. 	As above	N/A
<ul style="list-style-type: none"> ○ View corridor to water co-ordinated with that of front allotment or along access handle. 	As above	N/A
Part 7.1 – Energy Smart, Water Wise (only if BASIX not required)		
BASIX certificate submitted		
Part 7.2 – Waste Minimisation & Management		
Submission of a Waste Management Plan	Waste Management Plan submitted.	Yes
Part 8.2 – Stormwater Management		
• Stormwater		
- Drainage is to be piped in accordance with Part 8.2 – Stormwater Management.	Standard condition of consent to be imposed to ensure compliance with Ryde DCP 2010.	To be conditioned
Part 9.2 – Access for People with Disabilities		
Accessible path required from the street to the front door, where the level of land permits.	Level of land does not permit an accessible path to the front door.	N/A
Part 9.4 – Fencing		
• Front & Return Fences		
- Front and return fences that exceed 1m in height are to be 50% open.	Proposed fence is 900mm solid masonry.	Yes
Part 9.6 – Tree Preservation		
Where the removal of tree(s) is associated with the redevelopment of a site, or a neighbouring site, the applicant is required to demonstrate that an alternative design(s) is not feasible and retaining the tree(s)	Proposal includes the removal of two small trees (less than 5m in height) located along the front boundary of the site. These trees are proposed to be replaced with two more	Yes

ITEM 2 (continued)
ATTACHMENT 2

DCP 2010	PROPOSED	COMPLIANCE
<p>is not possible in order to provide adequate clearance between the tree(s) and the proposed building and the driveway.</p> <p>Note: A site analysis is to be undertaken to identify the site constraints and opportunities including trees located on the site and neighbouring sites. In planning for a development, consideration must be given to building/site design that retains healthy trees, as Council does not normally allow the removal of trees to allow a development to proceed. The site analysis must also describe the impact of the proposed development on neighbouring trees. This is particularly important where neighbouring trees are close to the property boundary. The main issues are potential damage to the roots of neighbouring trees (possibly leading to instability and/or health deterioration), and canopy spread/shade from neighbouring trees that must be taken into account during the landscape design of the new development.</p>	<p>significant trees, one located in the front yard and one located in the rear yard. As such, the proposal is considered to meet the objectives of tree preservation.</p>	

BASIX	PROPOSAL	COMPLIANCE
<p>All ticked "DA plans" commitments on the BASIX Certificate are to be shown on plans (list) BASIX Cert 543455M dated 07 May 2014</p>	<p>BASIX commitments on plans</p>	<p>Yes</p>
<ul style="list-style-type: none"> • RWT 5000L 	<p>Two underground 10,000L each RWT proposed in the front setback area underneath the driveway.</p>	<p>Yes</p>

ITEM 2 (continued)
ATTACHMENT 2

BASIX	PROPOSAL	COMPLIANCE
<ul style="list-style-type: none"> Swimming Pool <ol style="list-style-type: none"> <28kL outdoors 	Existing swimming pool proposed to be retained with no changes proposed. Existing swimming pool to be retained is outdoors, however no changes are proposed.	N/A N/A
<ul style="list-style-type: none"> Thermal Comfort Commitments: <ul style="list-style-type: none"> - Construction - TCC – Glazing. 	To comply To comply	N/A N/A
<ul style="list-style-type: none"> HWS Gas Instantaneous 5 star. 	To comply	N/A
<ul style="list-style-type: none"> Natural Lighting <ul style="list-style-type: none"> - kitchen - bathrooms () 	Yes Yes	Yes Yes
Water Target 40	Water: 40	Yes
Energy Target 40	Energy: 40	Yes
Correct description of property/proposal on 1 st page of Certificate.	Correct details shown	Yes

DEMOLITION	PROPOSAL	COMPLIANCE
<ul style="list-style-type: none"> Plan showing all structures to be removed. 	No structures to be removed as part of this development application	N/A
<ul style="list-style-type: none"> Demolition Work Plan 	As above	N/A
<ul style="list-style-type: none"> Waste Management Plan 	Plan submitted	Yes

Summary of Issues/Non compliances:

Non-compliances – Deferred Commencement

- Floor Space Ratio >0.5:1

Non-compliances – Justified

- Deep Soil Areas
 - <35% of Site Area provided for deep soil
 - No 8 x 8m deep soil area
- Topography and excavation
 - Max fill within building footprint exceeded
 - Max cut outside building footprint exceeded
 - Max fill outside building footprint exceeded
- Landscaping
 - Hard Paving in front yard >40%

ITEM 2 (continued)

ATTACHMENT 2

Non-compliances – Resolved via conditions

- Front Fencing – solid material in overland flow area
- Retaining walls – no details submitted
- Swimming pool – no details submitted

Non-compliances – Not justified

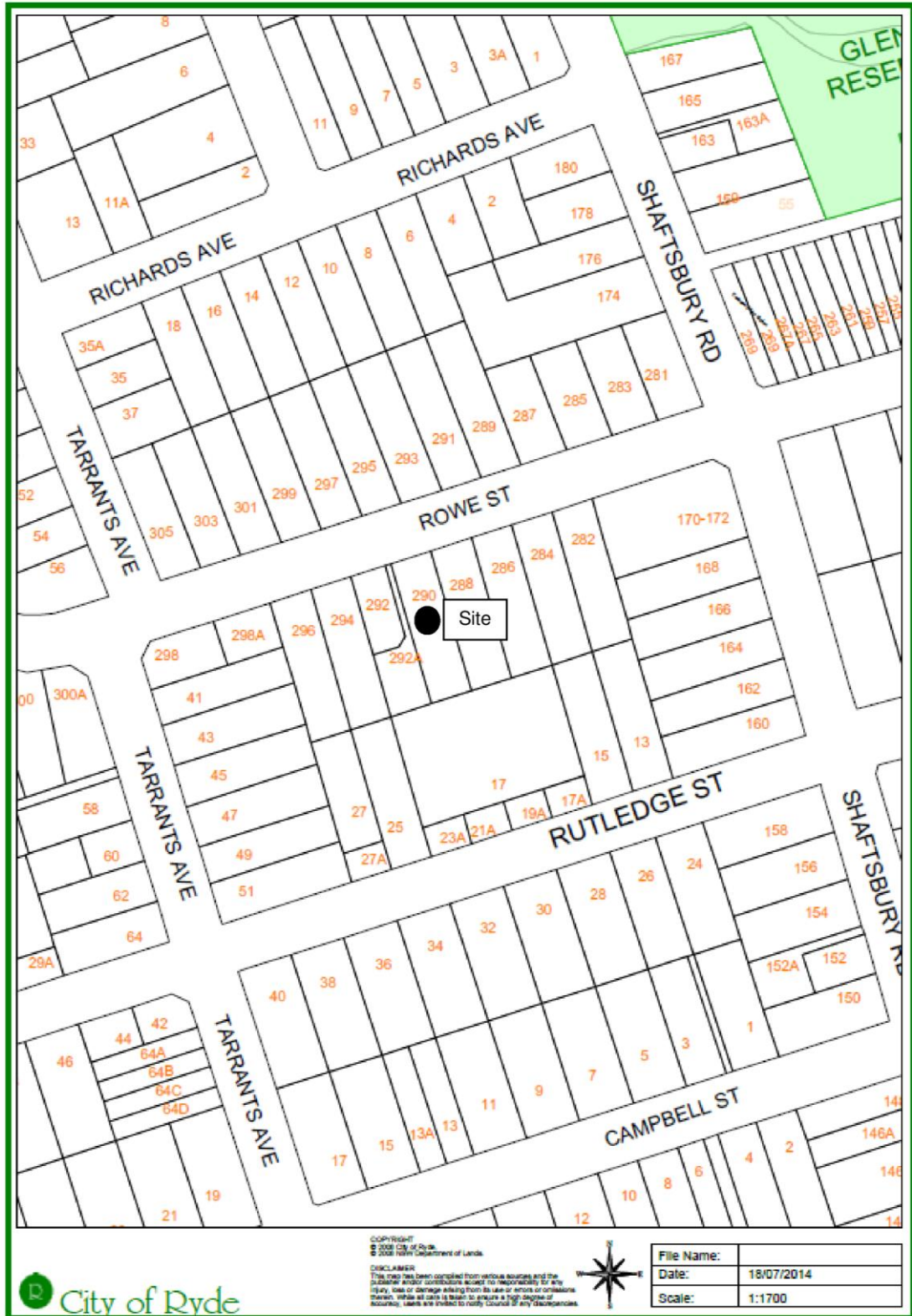
None

Certification

ITEM 2 (continued)

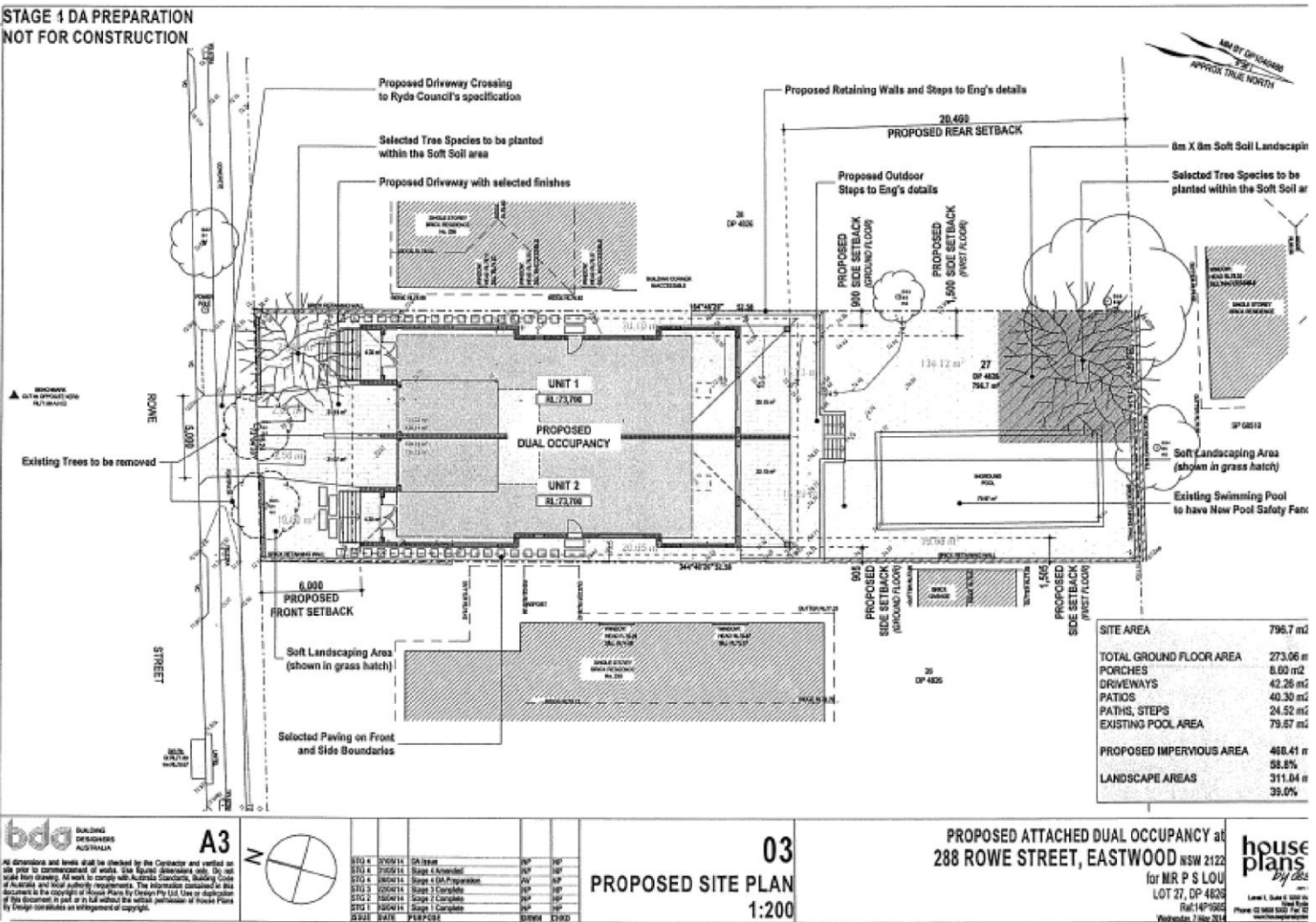
ATTACHMENT 3

 Indicates submission received



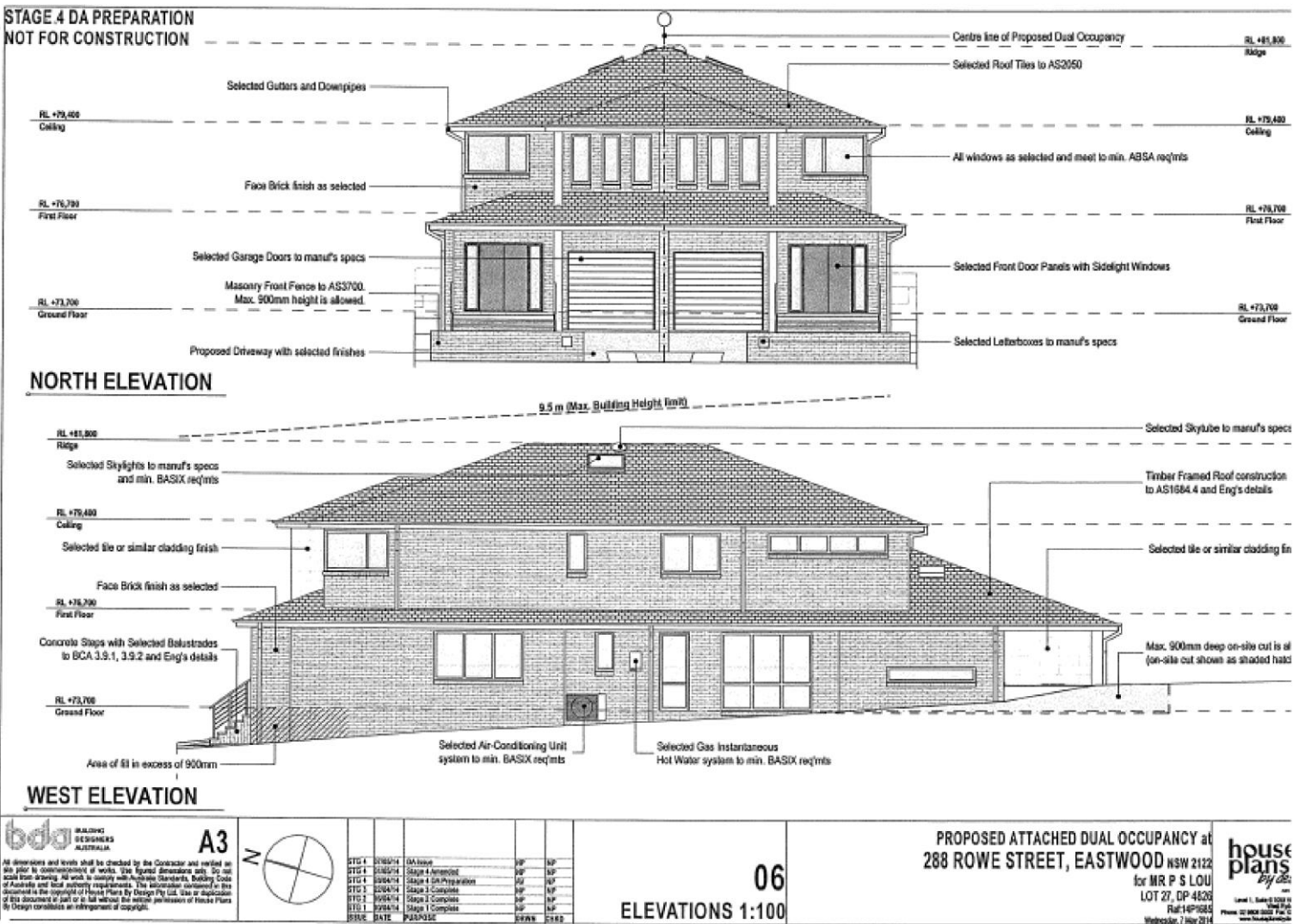
ITEM 2 (continued)

ATTACHMENT 4



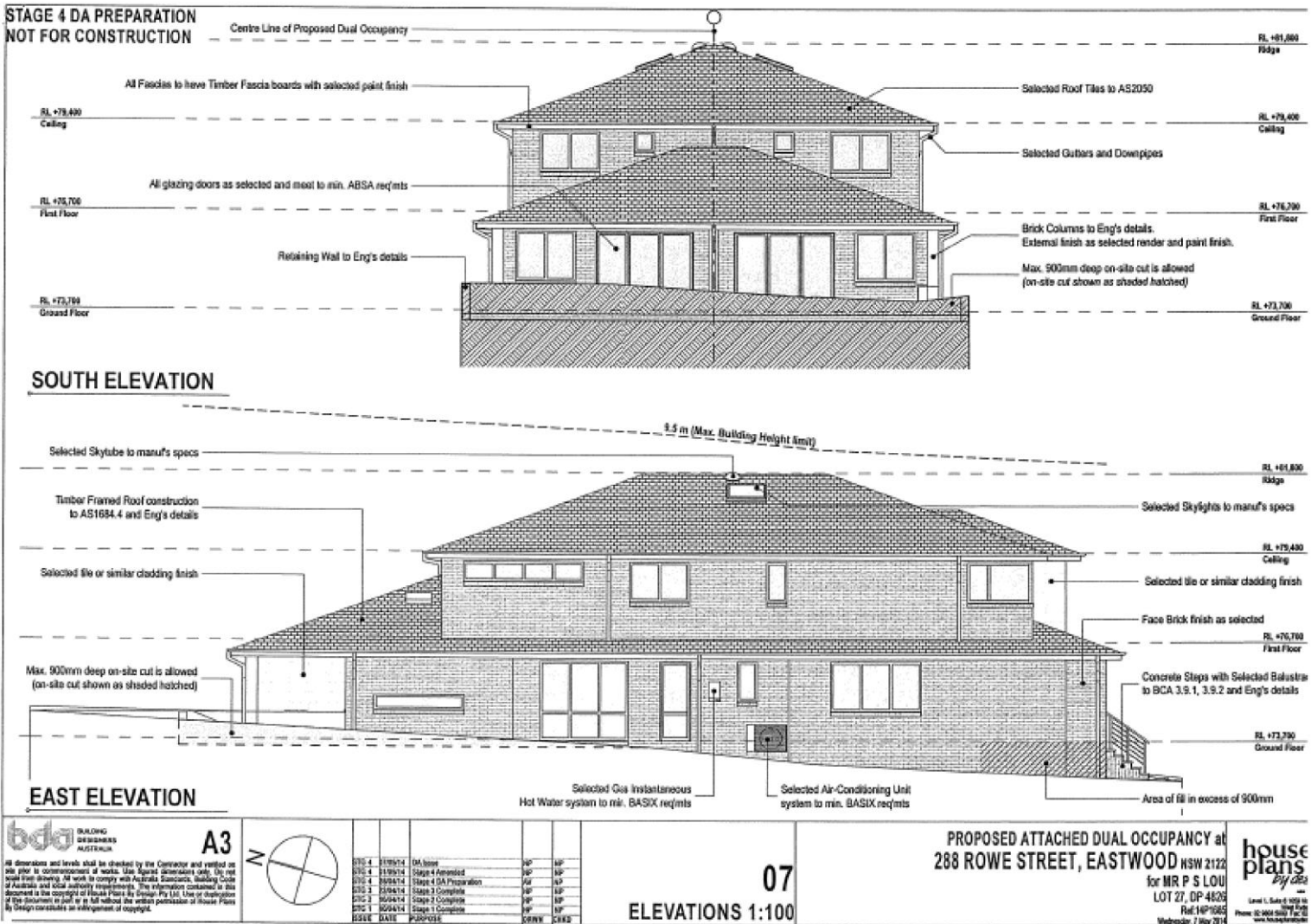
ITEM 2 (continued)

ATTACHMENT 4



ITEM 2 (continued)

ATTACHMENT 4



ITEM 2 (continued)

ATTACHMENT 4

