

10 APRIL 2014

---

**NOTICE OF MEETING**

---

You are advised of the following meeting:

**TUESDAY 15 APRIL 2014.**

**Planning and Environment Committee Meeting No. 5/14**

**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 հաստատուէ ձեր համար: Բաղաքապետարանի 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 15 April 2014  
**Location:** Committee Room 2, Level 5, Civic Centre, 1 Devlin Street, Ryde  
**Time:** 5.00pm

**NOTICE OF BUSINESS**

<b>Item</b>	<b>Page</b>
1 CONFIRMATION OF MINUTES - Meeting held on 18 March 2014 .....	1
2 9 ERIC STREET, EASTWOOD. LOT 1 DP 511632. Local Development Application for demolition and erection of new dual occupancy (attached). LDA2013/0434. ....	6

## **1 CONFIRMATION OF MINUTES - Meeting held on 18 March 2014**

---

**Report prepared by:** Meeting Support Coordinator  
**File No.:** CLM/14/1/3/2 - BP14/147

---

### **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 4/14, held on Tuesday 18 March 2014, be confirmed.

### **ATTACHMENTS**

- 1 Minutes - Planning and Environment Committee - 18 March 2014

**ITEM 1 (continued)**

**ATTACHMENT 1**

Planning and Environment Committee  
**MINUTES OF MEETING NO. 4/14**

**Meeting Date:** Tuesday 18 March 2014

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

**Time:** 5.00pm

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

**Absent:** Councillor Salvestro-Martin.

**Staff Present:** Group Manager – Environment and Planning, Service Unit Manager – Assessment, Acting Service Unit Manager – Environmental Health and Building, Team Leader – Assessment, Team Leader - Strategic Planning, Senior Development Engineer, Assessment Officer – Town Planner, Planning Consultant – Creative Planning Solutions, Business Support Coordinator – Environment and Planning, Section Manager – Governance and Meeting Support Coordinator.

**DISCLOSURES OF INTEREST**

There were no disclosures of interest.

**1 CONFIRMATION OF MINUTES - Meeting held on 4 March 2014**

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

That the Minutes of the Planning and Environment Committee 3/14, held on Tuesday 4 March 2014, be confirmed.

**Record of Voting:**

For the Motion: Unanimous

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

**2 8 CALLAGHAN STREET, RYDE. LOT 2 DP 35626. Local Development Application for alterations and additions to existing multi unit residential building and change of use to 5 bedroom boarding house. LDA2013/0392.**

Note: Stephan John (objector), Marise Cleary (objector) and Van Nguyen (applicant) addressed the Committee in relation to this Item.

Note: A series of photographs were circulated by Stephan John in relation to this Item and a copy is ON FILE.

**ITEM 1 (continued)****ATTACHMENT 1**

Note: A series of photographs were circulated by Marise Cleary in relation to this Item and a copy is ON FILE.

Note: A document was circulated by Van Nguyen in relation to this Item and a copy is ON FILE.

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

(a) That Local Development Application No. 2013/392 at 8 Callaghan Street, Ryde being LOT 2 DP 35626 be refused for the following reasons:

1. The proposal will result in increased adverse amenity impacts upon neighbouring properties.
2. The proposal does not comply with Council's DCP 2010 – Part 3.6 Boarding Houses in particular the controls regarding Visual and Acoustic Privacy and Internal Building Design – location and design of communal spaces
3. The Boarding House is inconsistent with the desired future character of the local area. In particular, the proposal involves maintaining and extending an older-style building, and it is undesirable and inconsistent with the desired future character of the area to allow a development that would prolong the life of this existing building and its intensification by approval of an additional self-contained unit.
4. The proposal has a poor internal design (in particular the communal living room cannot be accessed internally from the existing or proposed self-contained units) which will result in a poor level of amenity for the occupants of the development.
5. The Plan of Management is unsatisfactory and does not comply with the DCP nor address the existing amenity impacts which the existing multiple occupancy building exhibits.
6. A valid BASIX certificate has not been provided.
7. In the circumstances of the case, approval of the development is not in the public interest.

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

**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**

**3 20 AMIENS STREET, GLADESVILLE - LOT A DP27326. Development Application for Demolition and Construction of a New Part 2 / Part 3 Storey Dwelling, Pool, Front Fence and Landscaping. LDA2013/0211.**

Note: Carol Sheldrake (objector), Brian Kerle (objector), Jennifer Hill (on behalf of Katherine and Micheal De Palo - objectors), Micheal De Palo (on behalf of Mr and Mrs Tsintarakis - objectors), Clive Furnass (objector) and Graham Perry (owner) addressed the Committee in relation to this Item.

Note: A document was circulated by Carol Sheldrake in relation to this Item and a copy is ON FILE.

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

- (a) That LDA2013/0211 at 20 Amiens Street, Gladesville being LOT A DP27326 be approved subject to the **ATTACHED** (Attachment 1) conditions.
- (b) That the persons who made submissions be advised of Council's decision.

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

- (a) That LDA2013/0211 at 20 Amiens Street, Gladesville being LOT A DP27326 be deferred to allow further consultation and mediation with the applicant and objectors and a further report be prepared for referral to the Planning and Environment Committee as soon as practicable.
- (b) That the persons who made submissions be advised of Council's decision.

On being put to the Meeting, the voting on the Amendment was two (2) votes For and three (3) votes Against. The Amendment was **LOST**. The Motion was then put and **CARRIED**.

**Record of Voting:**

For the Amendment: Councillors Chung and Yedelian OAM

Against the Amendment: Councillors Etmekdjian, Laxale and Pickering

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

- (a) That LDA2013/0211 at 20 Amiens Street, Gladesville being LOT A DP27326 be approved subject to the **ATTACHED** (Attachment 1) conditions.
- (b) That the persons who made submissions be advised of Council's decision.

**ITEM 1 (continued)**

**ATTACHMENT 1**

**Record of Voting:**

For the Motion: Councillors Etmekdjian, Laxale and Pickering

Against the Motion: Councillors Chung and Yedelian OAM

Note: This matter will be dealt with at the Council Meeting to be held on **25 MARCH 2014** as dissenting votes were recorded.

The meeting closed at 6.24pm.

CONFIRMED THIS 15TH DAY OF APRIL 2014.

Chairperson

---

**2 9 ERIC STREET, EASTWOOD. LOT 1 DP 511632. Local Development Application for demolition and erection of new dual occupancy (attached). LDA2013/0434.**

---

**Report prepared by:** Creative Planning Solutions; Team Leader - Assessment**Report approved by:** Manager Assessment; Group Manager - Environment & Planning**Report dated:** 31/03/2014**File Number:** grp/09/5/6/2 - BP14/437

---

**1. Report Summary****Applicant: E.B. Armstrong Planning Pty Ltd****Owner: Mr R G McSkimming.****Date lodged: 5 November 2013**

This report considers a development application (DA) for demolition of the existing dwelling and erection of a two storey attached dual occupancy.

The DA was notified to neighbours, and two (2) submissions (petition) were received signed by nine (9) adjoining residents (of a multi-dwelling housing development at No 6A Eric Street to the north). The issues of concern raised in these submissions related to construction issues (eg heavy vehicle deliveries, construction parking), as well as traffic impacts caused by construction vehicle parking.

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. There is one significant non-compliance regarding floor space ratio (FSR) which is to be dealt with under a 'Deferred Commencement' condition requiring the development to be compliant with the maximum 0.5:1 FSR – at present, the floor space of the development is some 331.12m<sup>2</sup>, which exceeds the maximum permitted under 0.5:1 by some 14.96m<sup>2</sup>. Additionally, there are more minor non-compliances with Ryde DCP 2010 regarding topography and excavation (amount of cut), building height (number of storeys), side setbacks, car parking (number of parking spaces provided) and dwelling amenity (solar access to living rooms and private open space). However these are considered to be justifiable given a merit based assessment or through conditions to be imposed.

It is generally considered that the proposal is acceptable when assessed using the objectives and controls of Ryde's DCP 2010 and is generally consistent with modern dual occupancy developments throughout the City of Ryde. It is therefore recommended that the DA be approved via a 'Deferred Commencement' consent which requires the submission of amended plans for a maximum building size of 316.16m<sup>2</sup> to ensure compliance with the maximum FSR of 0.5:1.

**Reason for Referral to Planning and Environment Committee:** Number of submissions received (petition).

**ITEM 2 (continued)**

**Public Submissions:** Two (2) submissions (petition) were received signed by nine (9) adjoining residents, objecting to the development.

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

**Value of works:** \$880,000

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

**RECOMMENDATION:**

- (a) That Local Development Application No. 2013/434 at 9 Eric Street, Eastwood being LOT 1 DP511632 be approved as a deferred commencement subject to the **ATTACHED** (Attachment 1) conditions.
- (b) That the persons who made submissions be advised of Council's decision.

**ATTACHMENTS**

- 1 Draft Conditions of Consent
- 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)**

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

**Address** : 9 Eric St Eastwood

**Site Area** : 632.32m<sup>2</sup> (DP511632)  
Frontage: 17.07m  
Depth: Western boundary of 37.06m  
Eastern boundary of 37.11m

**Topography and Vegetation** : The site has a gentle slope towards the rear and contains 2 trees (1 x 6m tall and 1 x 10m tall) to be retained and embellished by further landscaping.

**Existing Buildings** : Existing dwelling to be demolished.

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



## **ITEM 2 (continued)**

### **3. Councillor Representations**

Name of Councillor: Councillor Laxale

Nature of the representation: Submission/petition forwarded to Councillor Help Desk

Date: 3 December 2013

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

On behalf of applicant or objectors? Objectors

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

### **4. Political Donations or Gifts**

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

### **5. Proposal**

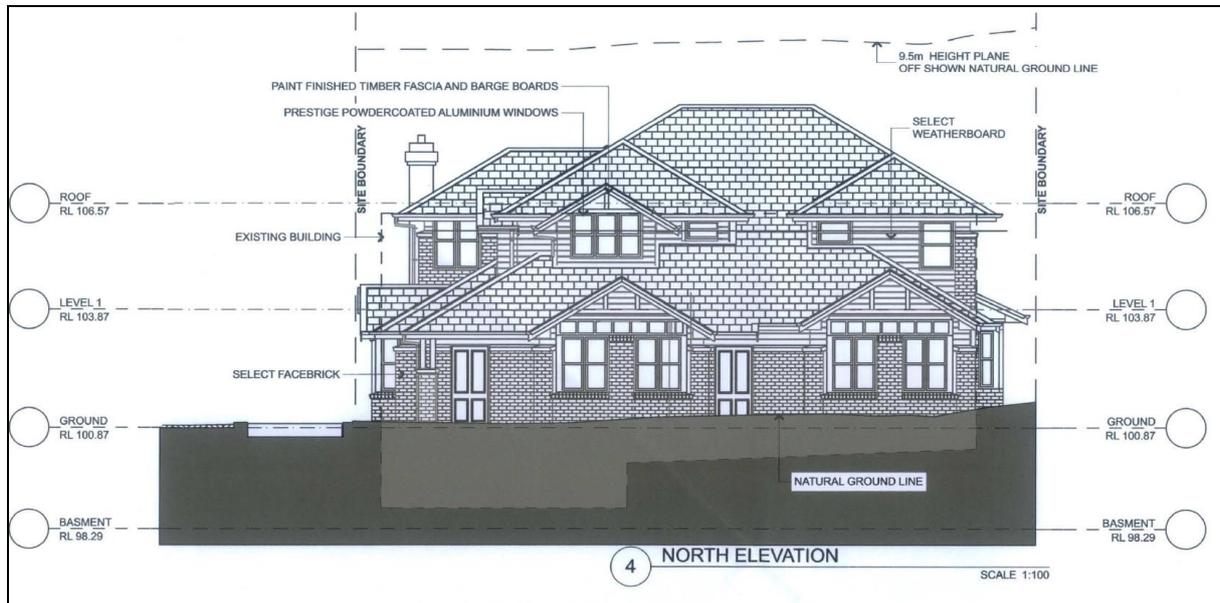
The development proposes demolition of the existing dwelling and erection of a new 2-storey attached dual occupancy (above a basement parking level). Externally, each dwelling has a rear outdoor terrace with stairs down to an outdoor area consisting of a turfed area with perimeter landscaping.

The front of the dwellings includes new pedestrian access paths to access each of the dwellings, covered entrance porticos, open turf, garden area and new front fences. The western side of the site (along the side of dwelling two) proposes a concrete pathway.

Vehicular entry is proposed to be from Eric Street along the existing driveway on the registered Right of Carriageway for Lot 2 DP511632.

The following is the front (north) elevation of the proposal, viewed from Eric Street.

**ITEM 2 (continued)**



**6. Submissions**

The proposal was notified to adjoining owners/occupiers in accordance with Development Control Plan 2010 - Part 2.1, Notification of Development Applications for a period from 14 to 29 November 2013.

In response, two (2) submissions (petition) were received, signed by nine (9) adjoining residents (of the multi-dwelling housing development immediately opposite the site). The issues raised in the submissions are summarised and discussed as follows:

- 1. Construction impacts.** *The objection raises concerns regarding construction impacts associated with the proposal, including the extended time period involved, the heavy equipment on site, delivery vehicles and builder's vehicle parking.*

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 DA, conditions of consent can be included for matters such as construction hours and sediment control to ensure that these impacts are minimised, and the principal certifying authority (PCA) has the responsibility of ensuring that these are complied with during construction.

**ITEM 2 (continued)**

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
- Condition 9 – Public space not to be obstructed by materials, vehicles, refuse, skips etc
- Condition 14 – Maintenance/restoration of disturbed road/footway areas
- Condition 16 – Neighbour notification of commencement of demolition
- Condition 49 – Site safety fencing
- Condition 56 – Site maintenance (sediment controls to be installed, building materials/equipment stored wholly within the work site, site to be clear of waste/debris at completion of works)

**2. *Traffic impacts.* The objection also raises concerns that construction/builder's vehicles will cause traffic congestion in Eric Street.**

Comment: As noted above, any such traffic impacts will be temporary in nature and limited to the construction phase of the development. Also, Eric Street carries relatively low volumes with sufficient on-street parking to ensure that any builder's vehicles would be able to be accommodated on the street with minimal adverse impacts on neighbouring properties.

Council's Senior Development Engineer has reviewed the issues of concern raised in the submission regarding traffic impacts of construction/builder's vehicles and provided the following comments:

*Eric Street is noted to be a local road, aligned parallel with several roads linking Darvall Road and Brush Road. Given its location in the road network, it is not anticipated to be subject to any significant levels of through traffic throughout the day and so traffic volumes are likely to be low.*

*As it is readily accessible from either end, there is very low possibility for convoluted heavy vehicle manoeuvres in the street. The carriageway is also noted to be approximately 8.5m wide which allows for parking on either side and two lanes of traffic flow. Given the low parking demand in this street throughout the weekday, there is sufficient lengths of the roadway which would permit conflicting vehicle flows to easily overtake one another.*

*I did not think the DA warranted a particular condition for traffic management given the above conditions however to appease the objector concerns I suggest the following condition could be applied and would not be too onerous on the applicant:*

**ITEM 2 (continued)**

▪ **Traffic Management**

*Any traffic management procedures and systems must be in accordance with AS 1742.3 1985 and City of Ryde, Development Control Plan 2010: - Part 8.1; Construction Activities. This condition is to ensure public safety and minimise any impacts to the adjoining pedestrian and vehicular traffic systems.*

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

Assessment Officer's Comment: The recommended condition (above) has been included in the draft conditions (Attachment 1) – see condition 44.

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

Yes – refer to discussion in DCP Compliance section of this report 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.

**Mandatory Requirements**

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

Clause 4.3 – Height of buildings

Sub-clause (2) of this clause states that "the height of a building on any land is not to exceed the maximum height for the land shown for the land on the height of buildings map". In this case, the maximum height is 9.5m. The maximum height of the proposed new dwelling is 9.47m, which complies with Ryde LEP 2010.

**ITEM 2 (continued)**Clause 4.4 - Floor Space Ratio

This clause prescribes a maximum floor space ratio (FSR) of 0.5:1. The FSR for the proposed development has been calculated to be 0.52:1, which exceeds the maximum allowable under this clause by some 14.96m<sup>2</sup>, and does not comply. However this is considered to be minor and is to be dealt with under the following deferred commencement condition to address the non-compliance:

***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 reduced by a minimum 14.96m<sup>2</sup> (limited to a maximum floor space of 316.16m<sup>2</sup>) to ensure compliance with the maximum FSR of 0.5:1 prescribed in Ryde LEP 2010. The amended plans for Council's approval are to include a detailed method of calculation for the Gross Floor Area of the proposed development.*

**(b) Relevant SEPPs**State and Sydney Regional Environmental Planning PoliciesSEPP BASIX:

A compliant BASIX Certificate has been submitted with the DA. A standard condition has been included in the Draft Consent requiring compliance with this BASIX certificate.

**(c) Any draft LEPs**

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

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

**ITEM 2 (continued)****(e) The provisions of any development control plan applying to the land**Ryde DCP 2010:

A full assessment of the proposal under DCP 2010 is illustrated in the compliance table held at **Attachment 2**. The non-compliances identified in the table are assessed below.

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

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

In accordance with this new Section of the Environmental Planning and Assessment Act 1979, this development does have some areas of non-compliance with Ryde DCP 2010, however these non-compliances are justifiable as discussed in the following section of this report.

*Non-Compliances - Justifiable:*

1. **Topography and excavation.** Section 2.5.2 of Part 3.3 of the Ryde DCP 2010 prescribes development controls for topography and excavation. Specifically, the Ryde DCP 2010 stipulates that:
  - Areas under the dwelling footprint may be excavated and filled so long as the maximum depth of excavation is limited to 1.2 metres and the height of fill is 900mm;
  - Areas outside the dwelling footprint may be filled so long as the height of fill is not more than 500mm; and
  - The maximum height of retaining walls is no greater than 900mm.

An assessment of the fill arrangements for the proposed development per the submitted architectural plans and survey have revealed the following:

- Within the building footprint the maximum level of cut is 1.80m;
- Within the building footprint the maximum level of fill is 1.30m;
- Outside the building footprint the maximum level of fill is 1.22m; and
- Maximum retaining wall height is 2.3m.

**ITEM 2 (continued)**

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

- The cut exceedence within the building footprint is primarily concentrated in the north-east of the property – in the front of the proposed basement level. Whilst this cut is in excess of the control, the development has been designed in a way so as to reduce the amount of extra fill that would be required to level out the existing basement garage on site and to reduce the overall bulk and scale of the development.
- The fill exceedence within the building footprint is primarily concentrated in the rear of the property. Whilst this fill is in excess of the control, the dwelling has been designed so as to minimise the fill required on site.
- No privacy impacts to the neighbouring property are to occur as result of the proposed fill as the proposed side facing family room and kitchen windows are of a size and dimension that minimise any overlooking potential from these rooms.
- Careful placement of windows, appropriate glazing treatments, utilisation of hard and soft screening elements, along with compliant setbacks have been implemented across the development site to minimise the impacts of privacy/overlooking to neighbouring allotments;
- The finished floor level of the ground floor will be lower than that of the existing dwelling on site, reducing the privacy impacts of the development.
- The level of fill does not contribute toward any additional bulk and scale to the dwelling.
- The dwelling has a fully compliant overall building height and wall plate height.
- The retaining wall height exceedence occurs at the rear of the allotment and is necessary to allow the provision of the semi-basement garage and turning areas at the lower ground level.
- When viewed from the streetscape the proposed development's cut, fill and retaining wall arrangements will not be visible and the proposed dwelling will be consistent with the surrounding dwellings on Eric Street.

## ITEM 2 (continued)

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

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

Assessing Officer's Comment: Pre-existing urban development on the subject site and surrounding area have resulted in the natural ground levels of the site being significantly modified. The proposed development's design aims to reinstate, where possible the natural ground levels and landform. The overall design of the proposed development has been designed to adapt to the slight slope.

As such, the natural ground levels and existing landform is considered to be retained as a result of the proposed development.

- *To create consistency along streetscapes.*

Assessing Officer's Comment: As outlined above, the proposed cut occurs at the basement level, whilst the proposed fill and retaining wall on the site is located at the rear of the property and is not visible when the development is viewed from the streetscape. As such the proposed development is considered to be consistent along the streetscape and therefore in accordance with this objective.

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

Assessing Officer's Comment: As outlined above, the proposed dwelling design's cut and fill levels whilst in excess of the Ryde DCP 2010 controls have been designed in a way so as to reduce cut and fill requirements elsewhere on the site, in response to the pre-existing urban development on site and the natural ground level of the site.

As such, it is considered that appropriate measures have been undertaken to minimise the extent of excavation and fill.

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

Assessing Officer's Comment: Maintenance of reasonable privacy levels is maintained by the proposed development through a number of architectural design measures. These include:

- Proposed building height which complies with the minimum 9.5m height limit prescribed under the Ryde LEP 2010 and Ryde DCP 2010 (proposal is 9.47m);

**ITEM 2 (continued)**

- Minimisation of windows on side elevations, and where such windows are proposed they are of a size, dimension and height to ensure overlooking of adjoining property is restricted.

As such, the proposed level of fill is not considered to result in an unreasonable loss of privacy or security for neighbours.

Given the above, the proposed non-compliance with the topography and excavation controls contained within the Ryde DCP 2010 is 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 building height controls within the Ryde DCP 2010.

2. **Building Height.** Section 2.7.1 of Part 3.3 of the Ryde DCP 2010 prescribes development controls for building height. Specifically, the Ryde DCP 2010 stipulates that:

- A building must be a maximum of 2 storeys, with a maximum of 1 floor level of the building including car parking level located above a garage which is attached to a dwelling, whether a semi-basement garage or a garage at grade.

An assessment of the building height of the proposed development has revealed the following:

- The proposed dwelling house will have a partial three (3) storey component when applying the definition of a 'storey' to the proposed development as required by the Dictionary in Part 10 of the Ryde DCP 2010.
- The proposed development will have two (2) storeys above the garage.

*Note: Under the provisions of Part 2.7.1 of the Ryde DCP 2010, basement car parking is stated as being included as a storey for the purposes of calculating the control of there being only one storey permitted above a garage if it extends more than 1.2m above ground level.*

*The proposed basement car park extends between 870mm and 1.87m above ground level. This means that the proposed basement car park does constitute a 'storey' under Part 2.7.1 of the Ryde DCP 2010 for the purposes of calculating the control of there being only one storey permitted above a garage.*

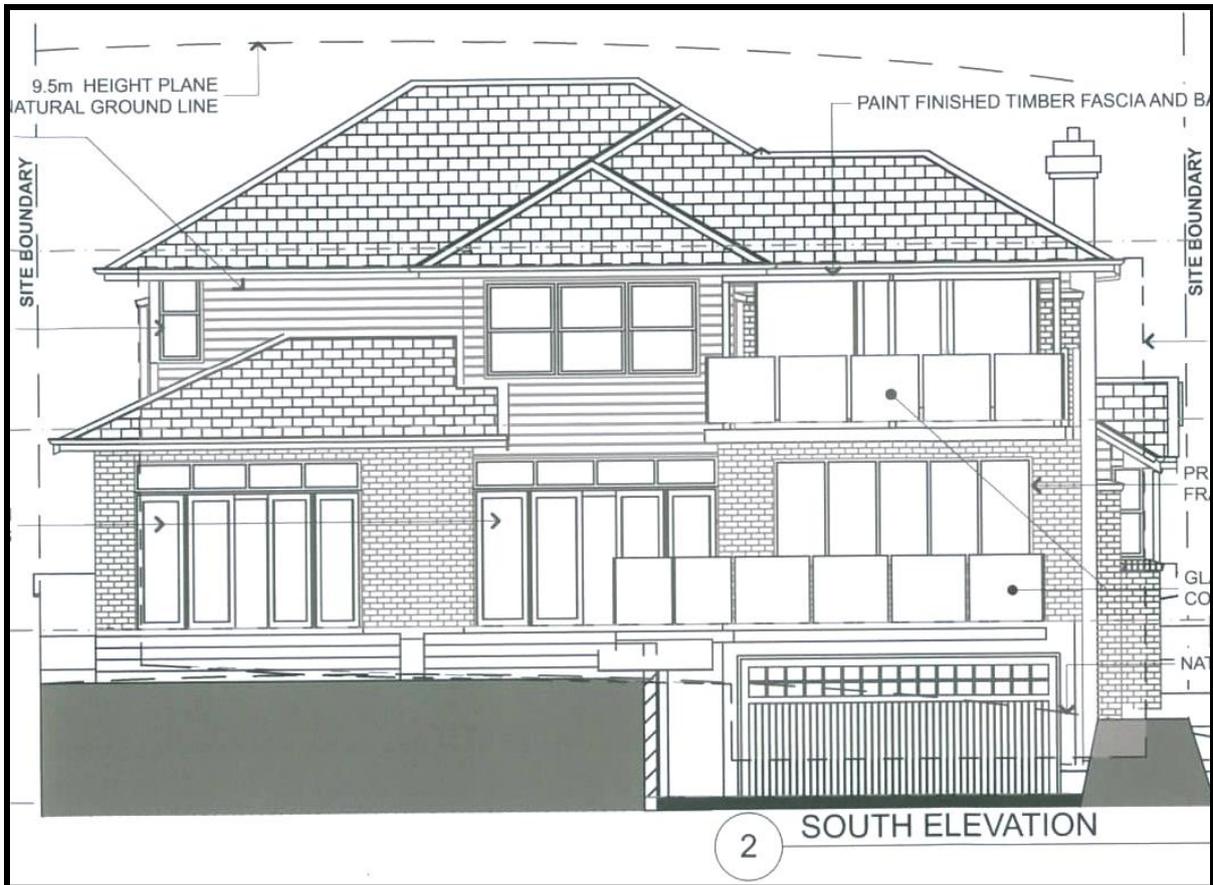
Given the above, it is considered that the proposed dwelling house does not comply with the two (2) storey maximum building height limit and maximum one (1) storey above a garage under the Ryde DCP 2010.

## ITEM 2 (continued)

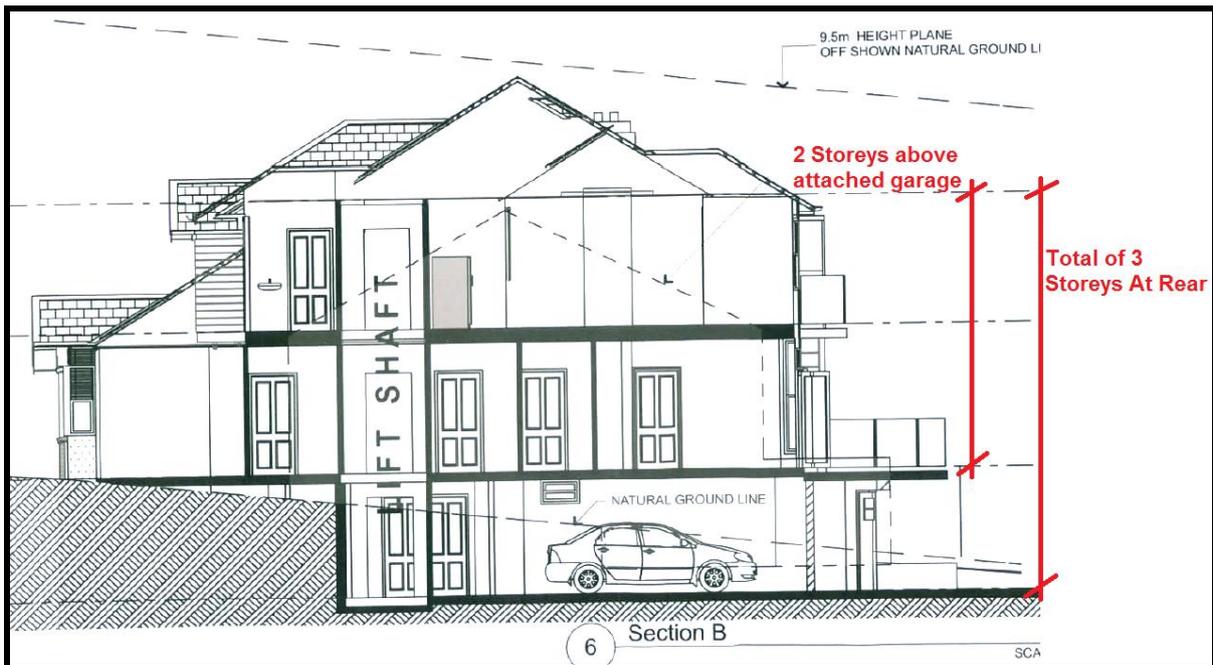
Although exceeding the maximum building height when expressed as the number of storeys within a building, this non-compliance can be supported for the following reasons:

- The section of the proposed development which appears as three (3) storeys is at the rear of the property, as can be seen in **Figure 1 & 2** below. When viewed from the streetscape the proposed development appears to be a two (2) storey attached dual occupancy as can be seen in **Figures 2 and 3**. As a result, the proposed development is not considered to negatively impact upon the streetscape or present as a visually dominant development.
- The proposed development's semi-basement level garage is located at the rear of the property and cannot be viewed from the streetscape or any adjoining public lands. As such the two storeys above the semi-basement level garage is not considered to add to the bulk and scale of the building as it presents to the street.
- The proposed dwelling complies with the maximum 9.5m height limit prescribed under the mandatory provisions of the Ryde LEP 2010, and the bulk of the planning controls contained within the Ryde DCP 2010;
- The proposed dwelling complies with the maximum 7.5m wall plate height limit prescribe within the Ryde DCP 2010;
- Impacts upon privacy as a result of the number of storeys have been mitigated through minimisation of side facing windows, appropriate glazing treatments, and minimal views being provided across side boundaries from the proposed balconies.

**ITEM 2 (continued)**



**Figure 1** – Image showing the Southern (rear) Elevation of 9 Eric Street, Eastwood. The elevation demonstrates how from the rear of the property the development is three storeys in height.



**Figure 2** – Section demonstrating three (3) storey component of dwelling at the rear with two (2) storeys located above the attached garage.

**ITEM 2 (continued)**

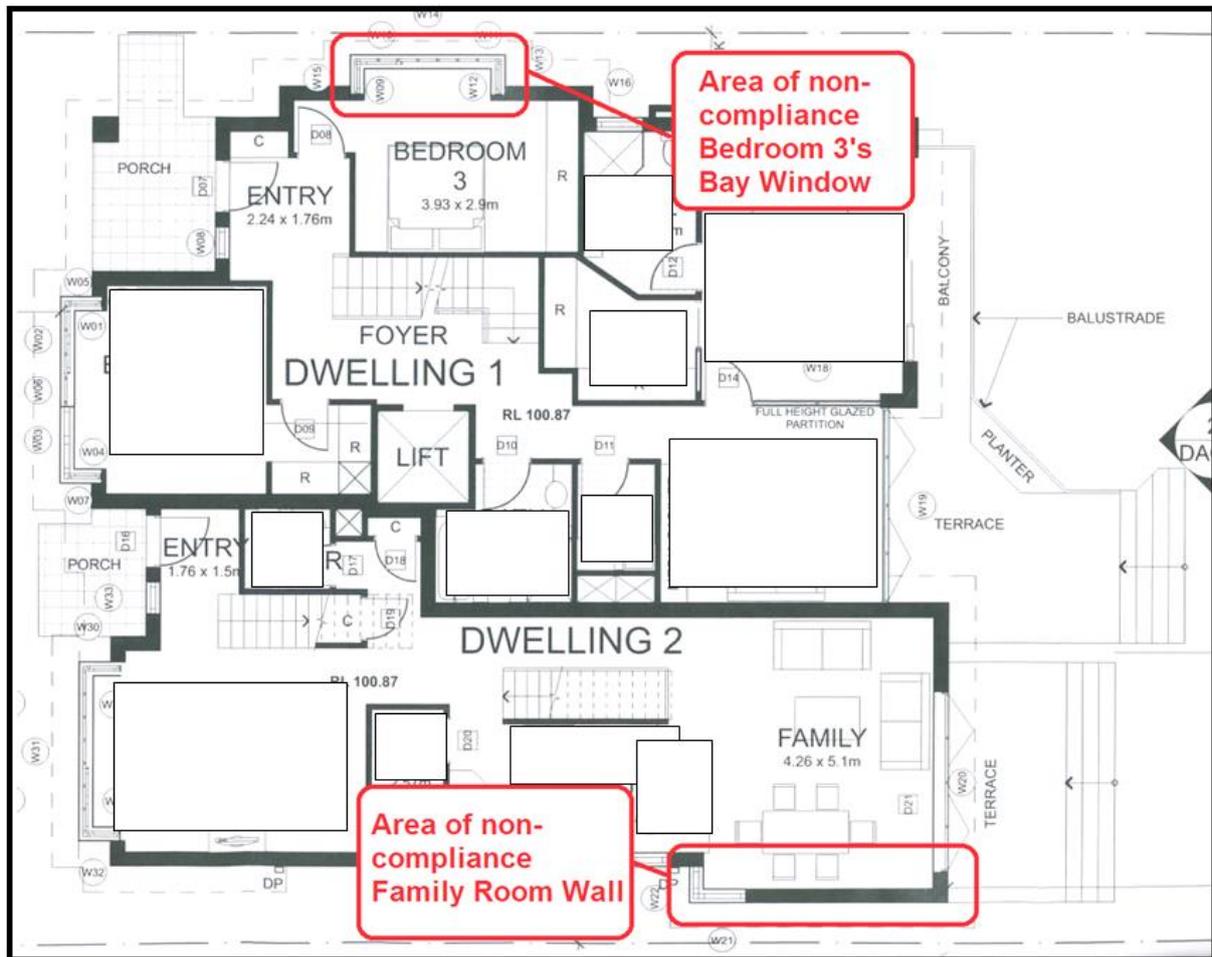


**Figure 3** – Image showing the Northern (front) Elevation of 9 Eric Street, Eastwood. The computer generated 3D model of the front elevation showcases how from the Eric Street frontage, the development presents as a two storey development.

3. **Side Setbacks.** Section 2.8.2 of Part 3.3 of the Ryde DCP 2010 prescribes development controls for side setbacks. Specifically, these controls state:
- The outside walls of a one storey dwelling are to be set back from the side boundaries not less than 900mm.
  - The outside walls of a two storey dwelling are to be set back from side boundaries not less than 1.5 metres.

An assessment of the proposed development has revealed that the side setback of the development along the eastern boundary varies between 400mm and 1.58m and the side setbacks of the development along the western boundary varies between 800mm and 1.519m, as can be seen in Figure 4 below. Therefore the proposed setbacks do not comply with the side setback controls prescribed by Section 2.8.1 of Part 3.3 of the Ryde DCP 2010.

**ITEM 2 (continued)**



**Figure 4** – Image showing the Ground Level floor plan of 9 Eric Street, Eastwood with highlighted areas along the Eastern and Western sides of the development demonstrating where the setbacks do not comply.

Although not complying with the side setback control, this non-compliance with Council’s numerical controls can be supported for the following reasons:

- The eastern side boundary setback non-compliance occurs only along a 2.9m stretch of the building. This non-compliance occurs in a Bedroom 3’s bay window area on the ground floor, which is considered to not result in any unnecessary or excessive privacy impacts.
- The eastern side boundary is adjacent to the registered Right of Carriageway for Lot 2 DP511632, as can be seen below in Figure 5. This Right of Carriageway is 3.048m wide and cannot be developed on by Lot 1 or Lot 2 without prior written consent. As such, when including the Right of Carriageway in the calculation of the eastern side setback it is increased to between 3.448m and 4.628m, which is in excess of the 1.5m minimum.

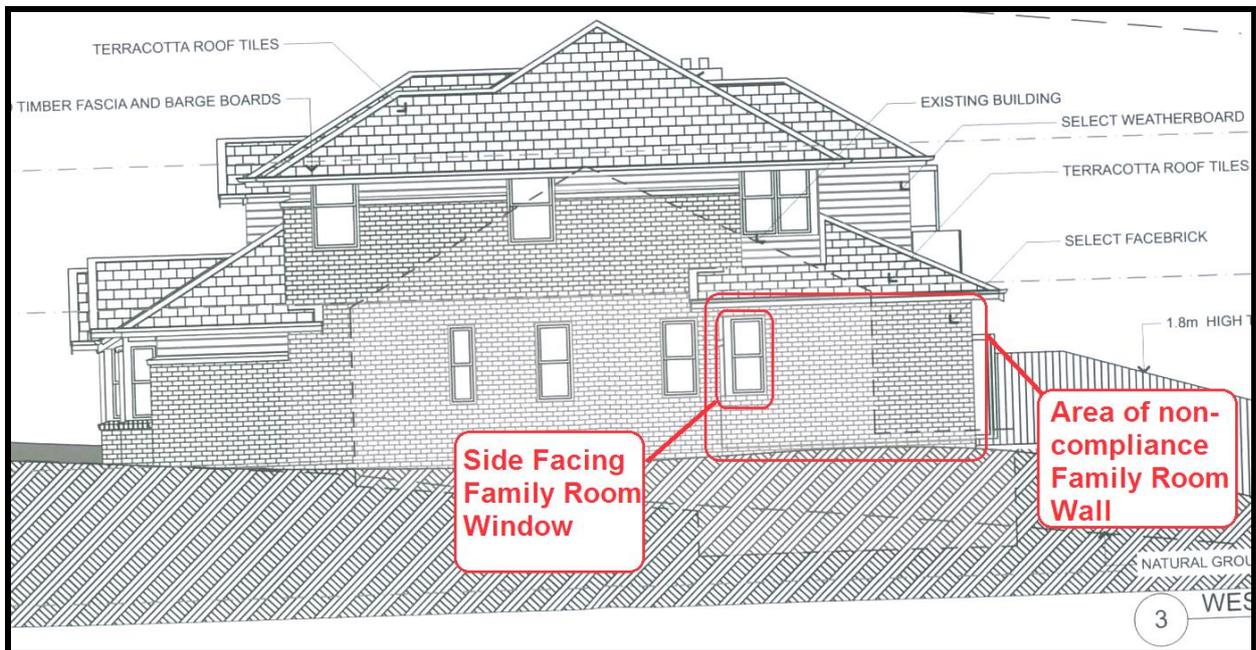
**ITEM 2 (continued)**

- The eastern side boundary setback non-compliance will have no adverse impact on the neighbouring properties privacy as a result of the further setback provided by the Right of Carriageway.
- The western side boundary setback non-compliance occurs along a 4.8m stretch of building. This non-compliance occurs in the family room of dwelling two and there is only one small side facing window in this section of wall, as can be seen in Figure 6 below. This window is not considered to cause any unnecessary privacy impacts on the adjoining property due to its size, dimensions and location at the rear of the family room – an area which is unlikely to be heavily trafficked. The sole purpose of this window is to allow solar access to the family room.



**Figure 5** – Image showing the Eric Street and Brush Road, Eastwood subdivision pattern. The red box indicates the subject site and to the east can be seen the Right of Carriageway for Lot 2 DP511632 and to the west can be seen the Right of Carriageway for Lot 2 DP747810.

**ITEM 2 (continued)**



**Figure 6** – Image showing the Western Elevation of 9 Eric Street, Eastwood with highlighted areas demonstrating non-complying portion of the Family Room wall and the Family Room Window location.

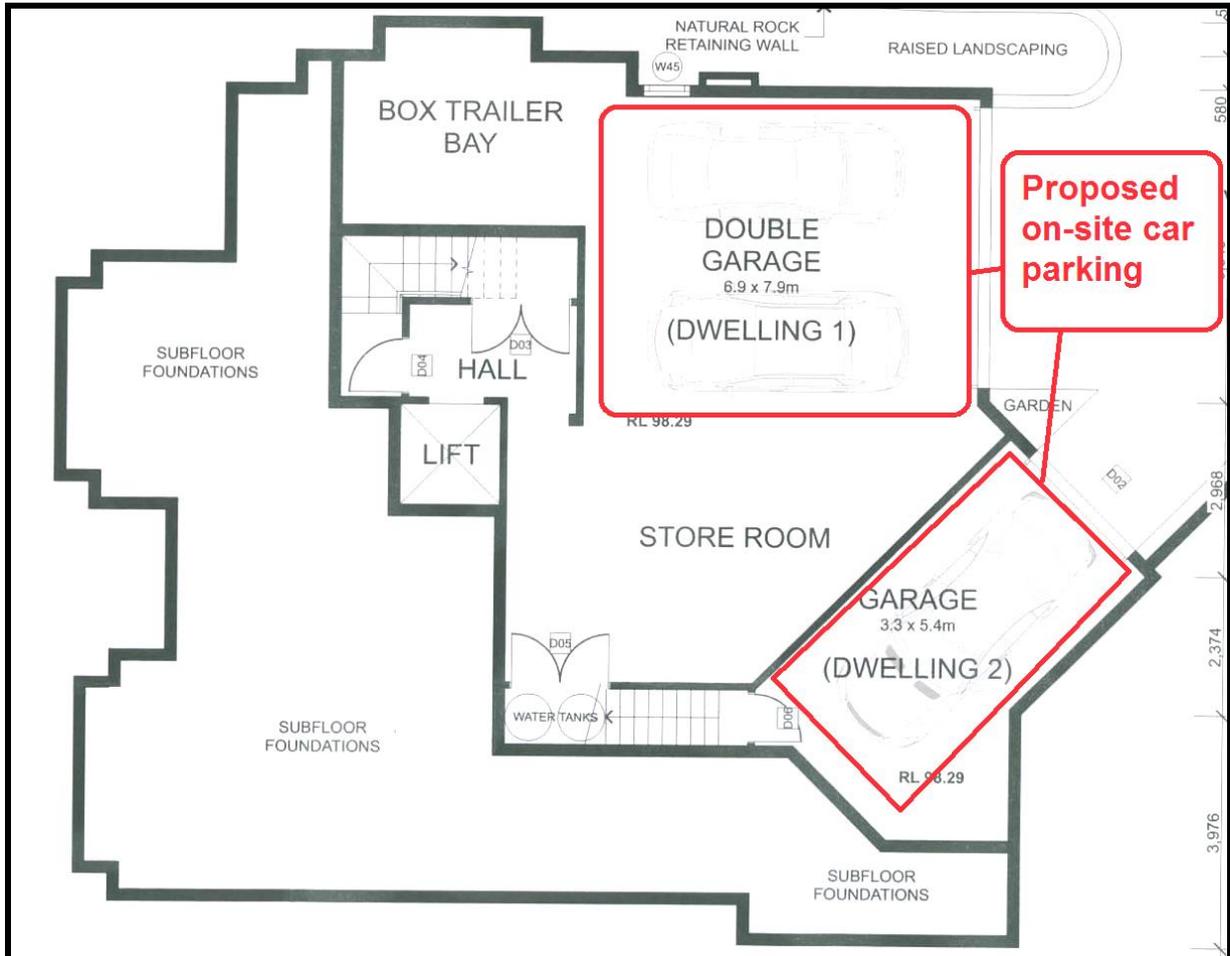
- The western side boundary of the subject site is adjacent to the registered Right of Carriageway for Lot 2 DP747810, as can be seen in Figure 5 above. This Right of Carriageway is approximately 3m wide and cannot be developed on by Lot 1 or Lot 2 of DP747810 without prior written consent. As such if including the Right of Carriageway in the calculation of the western side setback it is increased to between 3.8m and 4.519m.
  - In addition to the Right of Carriageway, 11 Eric Street’s dwelling house is setback approximately 3.2m from its boundary. Whilst part of the proposed Family room window may align with 11 Eric Street’s bay windows, there is believed to be no unacceptable privacy impacts due to the significant distance between the two and the minimal size of the proposed window.
4. **Car Parking.** Section 2.10.1 of Part 3.3 of the Ryde DCP 2010 prescribes development controls in relation to car parking. Specifically the Ryde DCP 2010 stipulates that:
- Attached Dual Occupancies must provide 1 space maximum for each dwelling.

An assessment of the submitted architectural plans indicate that three (3) car spaces are proposed for the attached dual occupancy, which is in excess of the controls as can be seen in **Figure 7**.

**ITEM 2 (continued)**

Although exceeding the maximum number of car parking spaces allowed per dual occupancy this non-compliance can be supported for the following reasons:

- The location of the garage and car parking at the rear of the site ensures that whilst in excess of the control there is no impact on the streetscape in terms of excessive visual bulk resulting from garages dominating the front façade .
- The attached dual occupancies proposed on site are suitable for larger households, who will be likely to require more than one vehicle.
- There are no privacy, amenity, noise or other impacts on the adjoining properties as a result of this non-compliance.



**Figure 7** – Image showing the basement level floor plan of 9 Eric Street, Eastwood. The floor plan indicates the proposed location of the three (3) on-site car parking spaces.

**ITEM 2 (continued)**

5. **Dwelling Amenity.** Section 2.13 of Part 3.3 of the Ryde DCP 2010 prescribes development controls for dwelling amenity. Specifically, the Ryde DCP 2010 stipulates the following:

- Living areas are to be located predominantly to the north where the orientation of the allotment makes this possible.
- Private open space of the subject dwelling is to receive at least two hours sunlight between 9am and 3pm on June 21.

The submitted architectural plans and shadow diagrams indicate that the proposed development does not have living areas predominately located to the north of the site as can be seen in Figure 8 and 9 below. Nor does the entire of the subject site's private open space receive at least two hours of sunlight between 9am and 3pm on June 21 as can be seen in **Figure 10-12** below.

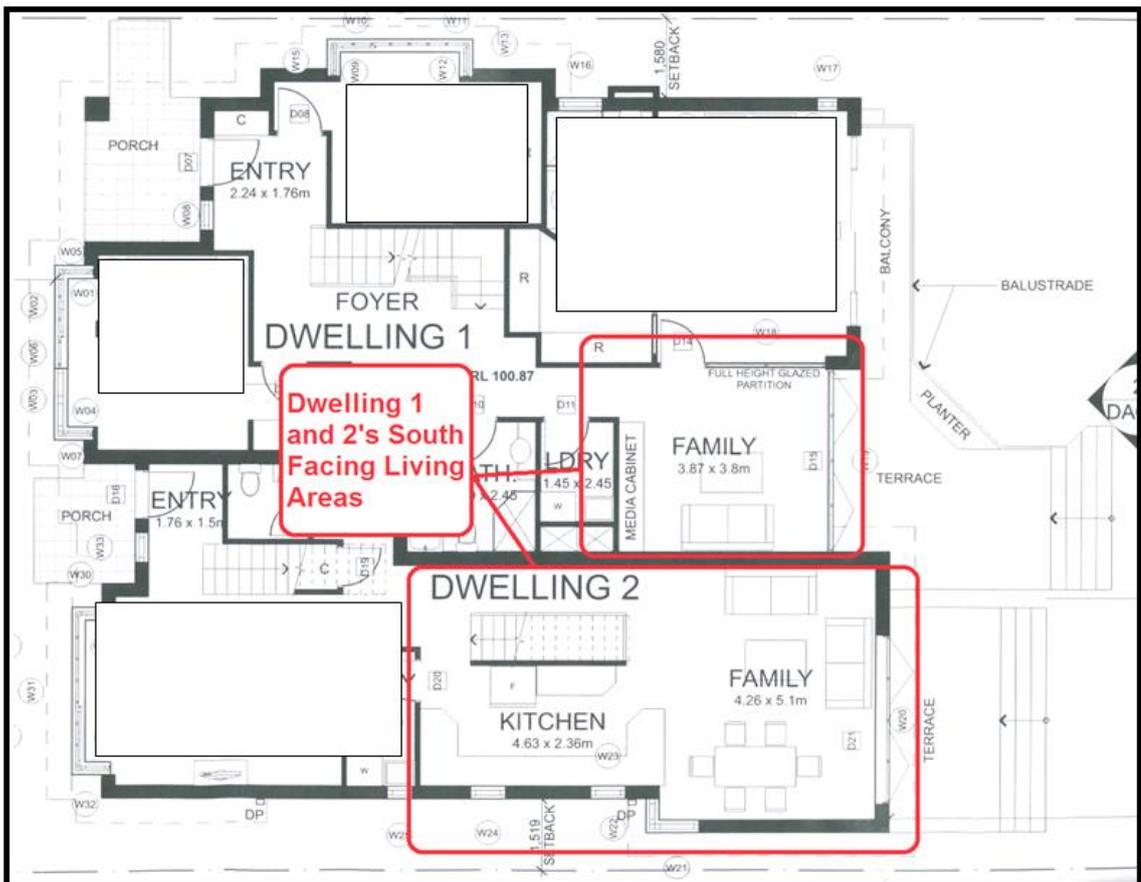
Although not complying with the above dwelling amenity controls, this non-compliance with Council's numerical controls can be supported for the following reasons:

- The orientation of the allotment is such that north of the site is the frontage to Eric Street. As a means to design living areas with increased levels of privacy and greater amenity the living areas have been orientated towards the rear of the site, overlooking the private open space.
- Windows to the rear living areas have been designed so as to best gain solar access from the north, such as dwelling one's lounge room window and dwelling two's family room window.
- The submitted shadow diagrams indicate that some areas of the sites private open space will receive the required level of sunlight, whilst others will not. This is a direct result of the allotments north-south orientation, which means the proposed development casts a significant shadow over its own rear private open space. It is considered that any two storey dwelling developed on the subject site would create a similar level of overshadowing and redesign would not alter this non-compliance.
- The proposed dwelling is generally compliant with the Ryde DCP 2010's building envelope controls and provides a reduced
- Due to sites topography the proposed dwelling is elevated above the private open spaces, therefore increasing the level of overshadowing.
- The submitted shadow diagrams represent the overshadowing at the worst case scenario being on the winter solstice, overshadowing will be minimised during all other times of the year.

**ITEM 2 (continued)**

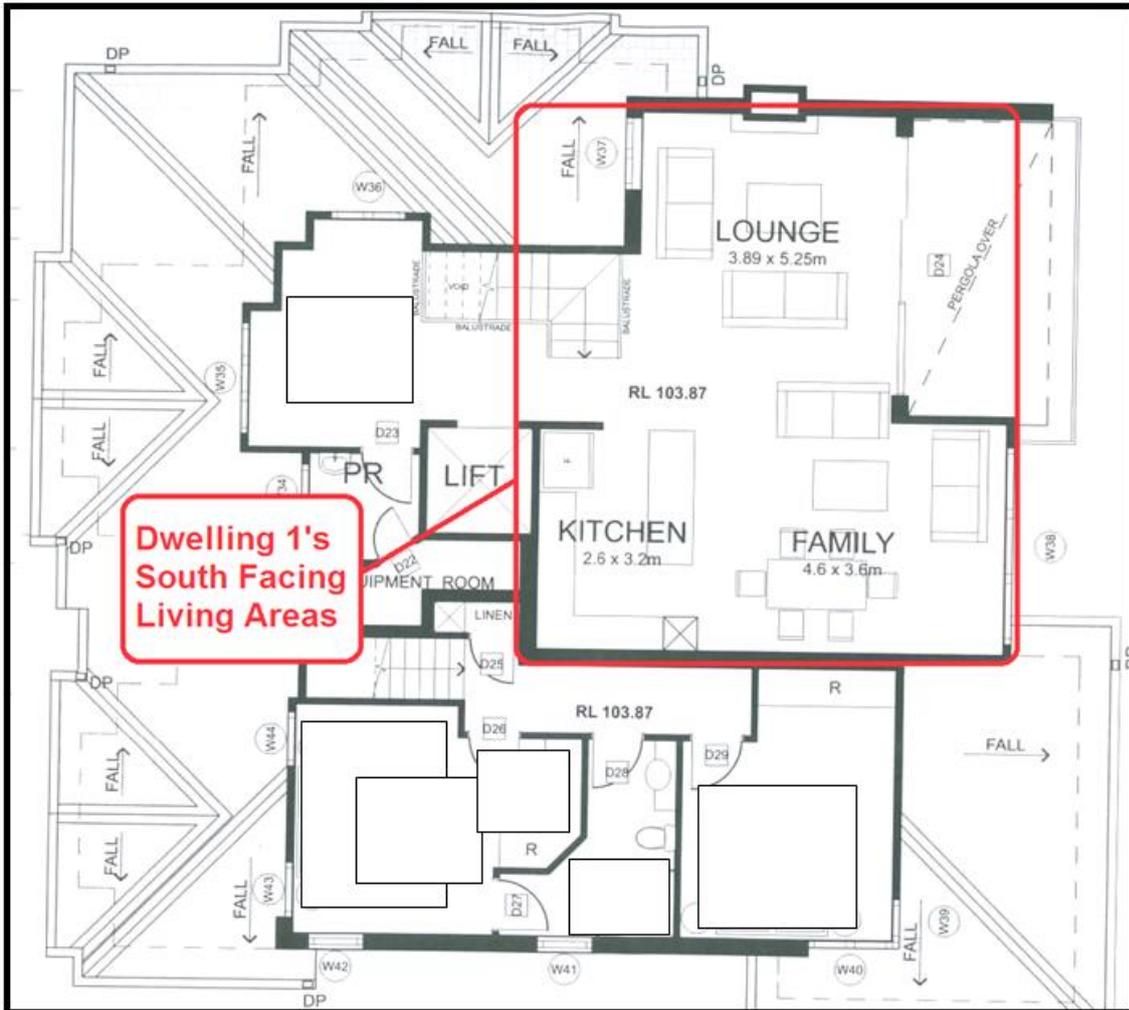
- The control contained within the Ryde DCP 2010 relating to sunlight to north facing living area windows states where this control must be adhered to 'where this can be reasonable maintained given the orientation topography of the subject site'. Given the orientation of the subject site and the fact the dwellings are part of an attached dual occupancy with a common wall it is considered this cannot be maintained in this instance.

Given the above it is considered that the proposed non-compliance with the dwelling amenity controls is justifiable in this instance.

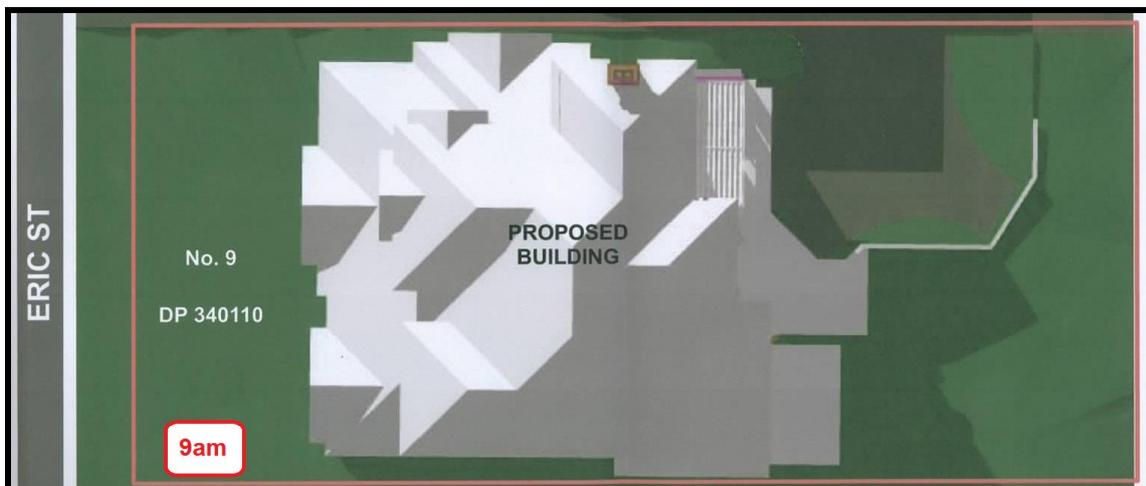


**Figure 8** – Image showing the ground level floor plan of 9 Eric Street, Eastwood. The floor plan indicates the south facing living areas of dwelling 1 and 2.

**ITEM 2 (continued)**

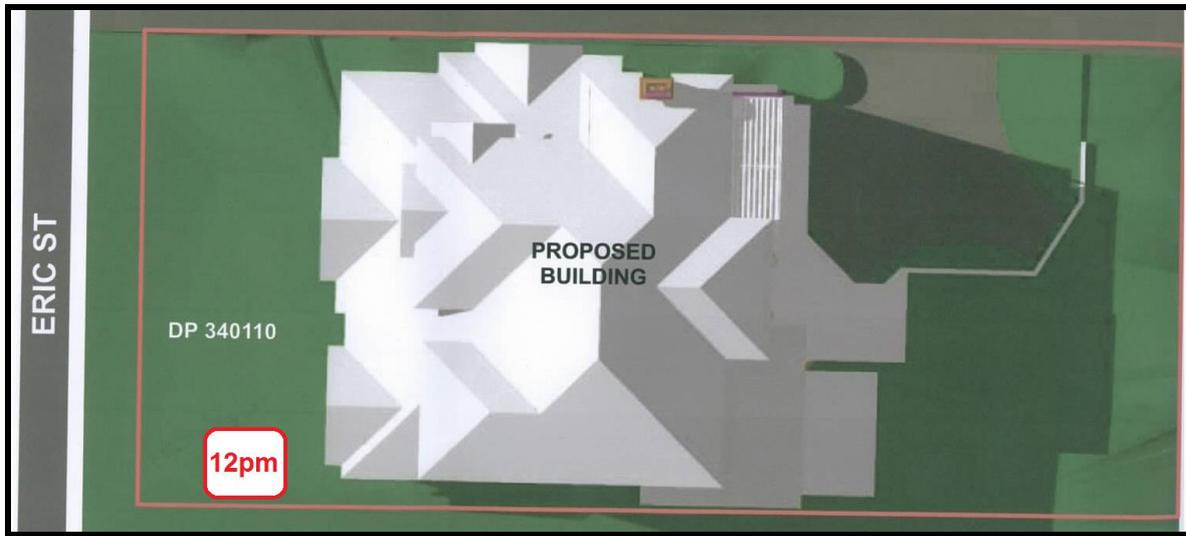


**Figure 9** – Image showing the first level floor plan of 9 Eric Street, Eastwood. The floor plan indicates the south facing living areas of dwelling 1.

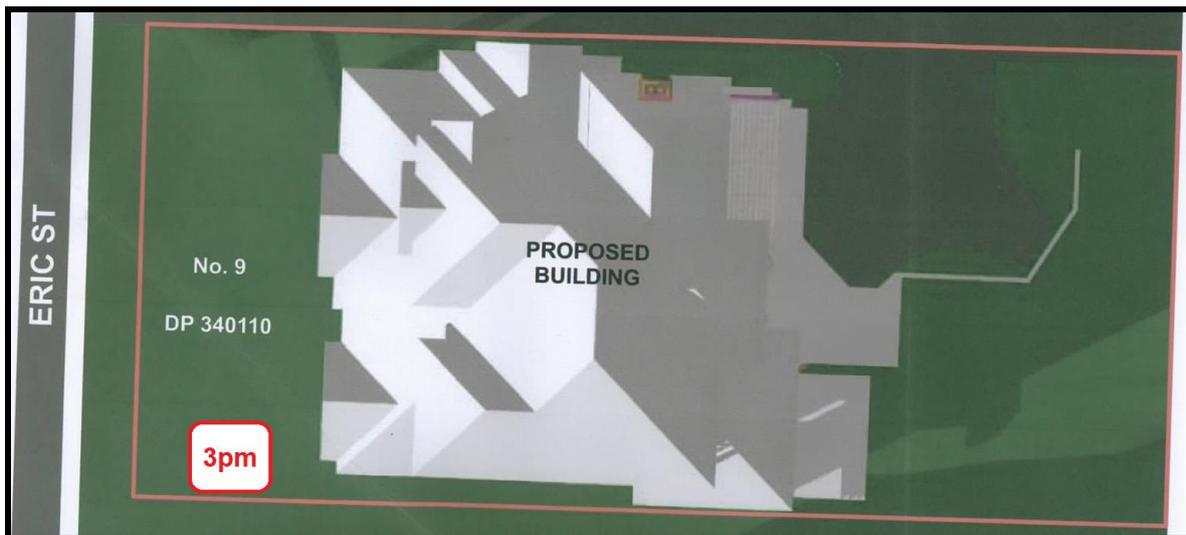


**Figure 10** – Image showing the shadow diagram of 9 Eric Street, Eastwood at 9am. The submitted shadow diagram indicates that there will be some shadow cast over the rear private open space of the development, by the development itself.

**ITEM 2 (continued)**



**Figure 11** – Image showing the shadow diagram of 9 Eric Street, Eastwood at 12pm. The submitted shadow diagram indicates that there will be significant shadow cast over the rear private open space of the development, by the development itself.



**Figure 12** – Image showing the shadow diagram of 9 Eric Street, Eastwood at 3pm. The submitted shadow diagram indicates that there will be extensive shadow cast over the rear private open space of the development, by the development itself.

*Issues Resolved via Conditions:*

1. **Floor Space Ratio.** Section 2.6 of Part 3.3 of the Ryde DCP 2010 prescribes development controls for Floor Space Ratio. Specifically, the Ryde DCP 2010 stipulates that:
  - The floor space ratio must not be greater than 0.5:1 as per Ryde LEP 2008 Floor Space Ratio Map.
  - A floor area of 36m<sup>2</sup> may be excluded from the gross floor area when this area accommodates 2 car parking spaces.

**ITEM 2 (continued)**

An assessment of the gross floor area and proposed floor space ratio for the development reveals that the proposed Gross Floor Area of the site is 367.12m<sup>2</sup> and reduced to 331.12m<sup>2</sup> when the 36m<sup>2</sup> allowance for car parking is deducted. This results in a proposed FSR of 0.52:1, which exceeds the maximum allowed under 0.5:1 by some 14.96m<sup>2</sup>.

It is noted that the applicant has requested a variation under Clause 4.6 of Ryde LEP 2010 'exceptions to development standards'. The justification for the non-compliance focuses on the unnecessary requirement for part of the 'Basement Storage Area' to be included in the overall gross floor area for the dwelling due to the definition of 'Basement' contained within the Ryde LEP 2010 and the Ryde DCP 2010. Given that part of the basement area is not classified as 'Basement' as per the definitions contained in Ryde LEP 2010 it must be included within the calculation of gross floor area therefore this application for variation to the standards is not supported.

Additionally, this non-compliance cannot be supported for the following reasons:

- The floor area of the basement garage area is considered to be excessively large and is considered to be capable of being reduced to a level which is compliant with the maximum FSR of 0.5:1.
- The bulk and scale of the building when viewed from the rear is increased by the non-compliance.
- Other non-compliances listed above, namely side setbacks, excess cut and fill and excess car parking could be reduced or resolved completely if the subject development were redesigned to adhere to the FSR controls.
- Whilst the non-compliance is minimal, there is no deemed benefit to the proposed dwellings occupants, neighbouring properties or the environment by allowing this non-compliance to be approved.
- Support of the FSR non-compliance is not in keeping with Council policy and sets an undesirable precedent for future development within the Ryde local government area.

In this regard an assessment of the proposed development against the objectives of the roofs 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:

**ITEM 2 (continued)**

- *To ensure bulk & scale are compatible with the desired future character of the low density residential areas & of dwelling houses.*

Assessing Officer's Comment: The proposed bulk and scale are not in keeping with the desired future character of the low density residential areas and of dwelling houses. Allowing the non-compliance would set a precedent for future urban development in Eric Street and the surrounding area of higher density residential dwellings.

- *To define the allowable development density for sites.*

Assessing Officer's Comment: The proposed non-compliance aims to redefine the allowable density for the site, from 0.5:1 to 0.52:1. As highlighted prior, doing so would set a precedent for future urban development – not only on the site but throughout Eric Street and the adjoining area – to be of higher density than that prescribed in the development standard.

Given the above, the proposed non-compliance with the FSR controls contained within the Ryde LEP 2010 and Ryde DCP 2010 is considered non-justifiable in this instance, particularly having regard to the provisions of Section 79C(3A)(b) the Environmental Planning and Assessment Act 1979.

As such the following deferred commencement condition has been included, requiring new plans be submitted which reduce the gross floor area of the proposed dual occupancy by a minimum of 14.96m<sup>2</sup>.

**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 reduced by a minimum 14.96m<sup>2</sup> (limited to a maximum floor space of 316.16m<sup>2</sup>) to ensure compliance with the maximum FSR of 0.5:1 prescribed in Ryde LEP 2010. The amended plans for Council's approval are to include a detailed method of calculation for the Gross Floor Area of the proposed development.*
2. **Fences.** Section 2.15.1 of Part 3.3 of the Ryde DCP 2010 prescribes development controls for front and return fences and walls.

The plans submitted with the development application indicate that fencing is proposed along the Eric Street frontage as well as the side and rear boundaries, however little or no details of these new fences have been provided.

**ITEM 2 (continued)**

Accordingly, it is recommended that the following standard condition be imposed to ensure the front, side and rear boundary fences meets the controls set out within Section 2.15.1 of Part 3.3 of the Ryde DCP 2010:

**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**.*

3. **Landscaping.** Section 2.12 of Part 3.3 of the Ryde DCP 2010 prescribes development controls for landscaping. Specifically, the Ryde DCP 2010 stipulates that:

- The front garden is to have at least 1 tree capable of a minimum mature height of 10 metres with a spreading canopy.

An assessment of the submitted landscape plan indicates that no tree is proposed in the front yard which will have a mature height of 10 metres with a spreading canopy. As such the following standard condition shall be imposed to ensure compliance with Section 2.12 of Part 3.3 of the Ryde DCP 2010:

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

Section 94 of the Environmental Planning and Assessment Act 1979

*Council's 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:

<b>A – Contribution Type</b>	<b>B – Contribution Amount</b>
Community & Cultural Facilities	\$1,736.60
Open Space & Recreation Facilities	\$4,275.15
Civic & Urban Improvements	\$1,454.18
Roads & Traffic Management Facilities	\$198.47
Cycleways	\$123.90
Stormwater Management Facilities	\$394.17
Plan Administration	\$33.40
<b>The total contribution is</b>	<b>\$8,215.88</b>

**ITEM 2 (continued)**

A condition for the payment of a Section 94 Contribution of \$8,215.88 has been included in the draft conditions of consent (Attachment 1).

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.

**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 in terms of DCP compliance, and in terms of the submissions received.

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 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 dwelling on site, and the development includes only minimal excavation and tree 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 there are no constraints affecting the subject property of concern regarding the proposed development.

**12. The Public Interest**

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

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

## **ITEM 2 (continued)**

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

#### Internal Referrals

**Development Engineer:** Council's Senior Development Engineer has raised no objection to the proposal subject to some 15 conditions of consent.

#### External Referrals

None required.

### **14. Critical Dates**

There are no critical dates or deadlines are required 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 79C of the Environmental Planning & Assessment Act 1979 and is generally considered to be satisfactory for approval (subject to a Deferred Commencement consent).

Although there are various areas of non-compliance as discussed in the body of the report, these are generally considered to be acceptable on merit.

The issues of concern raised in the submissions received are largely related to construction impacts, which are temporary in nature and can be addressed via conditions of consent.

**ITEM 2 (continued)**

**ATTACHMENT 1**

**DRAFT CONDITIONS OF CONSENT  
9 ERIC STREET, EASTWOOD  
LDA2013/434**

**DEFERRED COMMENCEMENT**

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

1. **Plan amendments.** The submission of amended plans for 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 reduced by a minimum 14.96m<sup>2</sup> (limited to a maximum floor space of 316.16m<sup>2</sup>) to ensure compliance with the maximum FSR of 0.5:1 prescribed in Ryde LEP 2010. The amended plans for Council’s approval are to include a detailed method of calculation for the Gross Floor Area of the proposed development.

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:

<b>Document Description</b>	<b>Date</b>	<b>Plan No/Reference</b>
Site Plan (and Site Survey/Area Calculations)	TBA	TBA (subject to Deferred Commencement requirements)
Floor Plans	TBA	TBA (subject to Deferred Commencement requirements)
Elevations and Sections	TBA	TBA (subject to Deferred Commencement requirements)
Landscaping (and Site Plan/Photos)	TBA	TBA (subject to Deferred Commencement requirements)

**ITEM 2 (continued)**

**ATTACHMENT 1**

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 Certificates numbered 509809S and 509974S, dated 17 October 2013.
4. **Support for neighbouring buildings.** If the development involves excavation that extends below the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
  - (a) Protect and support the adjoining premises from possible damage from the excavation, and
  - (b) Where necessary, underpin the adjoining premises to prevent any such damage, in accordance with relevant Australian Standards.

**Protection of Adjoining and Public Land**

5. **Hours of work.** Building activities (including demolition) may only be carried out between 7.00am and 7.00pm Monday to Friday (other than public holidays) and 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 or fence erected pursuant this consent is to be removed when the work has been completed.
7. **Illumination of public place.** Any public place affected by works must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.
8. **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.
9. **Public space.** The public way must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances, without prior approval from Council.

**ITEM 2 (continued)**

**ATTACHMENT 1**

**Works on Public Road**

10. **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.
11. **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.

Engineering Requirements

12. **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.
13. **Service Alterations.** All mains, services, poles, etc., which require alteration shall be altered at the applicant's expense.
14. **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.
15. **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.

**DEMOLITION CONDITIONS**

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

A Construction Certificate is not required for Demolition.

**ITEM 2 (continued)**

**ATTACHMENT 1**

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

**ITEM 2 (continued)**

**ATTACHMENT 1**

**Imported fill**

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

**PRIOR TO CONSTRUCTION CERTIFICATE**

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

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

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

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

28. **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:**

**ITEM 2 (continued)**
**ATTACHMENT 1**

<b>A – Contribution Type</b>	<b>B – Contribution Amount</b>
Community & Cultural Facilities	\$1,736.60
Open Space & Recreation Facilities	\$4,275.15
Civic & Urban Improvements	\$1,454.18
Roads & Traffic Management Facilities	\$198.47
Cycleways	\$123.90
Stormwater Management Facilities	\$394.17
Plan Administration	\$33.40
<b>The total contribution is</b>	<b>\$8,215.88</b>

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.

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>.

29. **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**.
30. **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**.
31. **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)

**ITEM 2 (continued)**

**ATTACHMENT 1**

32. **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
33. **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**.
34. **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**.
35. **Sydney Water – quick check.** The approved plans must be submitted to a Sydney Water Quick Check agent or Customer Centre, prior to the release of the **Construction Certificate**, to determine whether the development will affect any Sydney Water assets, sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. Plans will be appropriately stamped.
- Please refer to the website [www.sydneywater.com.au](http://www.sydneywater.com.au) for:
- Quick Check agents details - see Building, Developing and Plumbing then Quick Check; and
  - Guidelines for Building Over/Adjacent to Sydney Water assets - see Building, Development and Plumbing then Building and Renovating.
- Or telephone 13 20 92.
36. **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**.
37. **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**.
38. **Tree planting – front yard.** One (1) Australian native tree with a minimum size of 35litres to be planted in the front garden, to reach a height of 10m at maturity. Details are to be submitted to and approved by the Principal Certifying Authority prior to the issue of a **Construction Certificate**.

**ITEM 2 (continued)**

**ATTACHMENT 1**

Engineering Conditions

39. **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.
40. **Driveway Grades.** The driveway access and footpath crossing(s) shall be designed to fully comply with the relevant section of AS 2890.1.-2004 and Council's issued alignment levels. Engineering certification indicating compliance with this condition is to be submitted with the Construction Certificate application.
41. **Vehicle Footpath Crossings.** Concrete footpath crossings shall be constructed at all locations where vehicles cross the footpath, to protect it from damage resulting from the vehicle traffic. The crossing(s) are to be constructed in plain reinforced concrete with location, design and construction shall conform to Council requirements. Accordingly, prior to issue of Construction Certificate an application shall be made to Council's Public Works division for driveway crossing alignment levels. These issued levels are to be incorporated into the design of the driveway access and clearly delineate on plans submitted with the Construction Certificate application.
42. **Access & Parking.** All internal driveways, vehicle turning areas, garage opening widths and parking space dimensions shall comply with AS 2890.1-2004.
43. **Stormwater Management.** To ensure that stormwater runoff from the development is drained in an appropriate manner, without impact to neighbouring properties and downstream systems, a detailed plan and certification of the development's stormwater management system must be submitted with the application for a Construction Certificate.

Stormwater runoff on the site shall be collected and piped by gravity flow to the kerb in Eric Street generally in accordance with the plans by Harris Page and Associates Pty. Ltd. (Refer to Project No. 5678 Dwg SW-00 to SW-11 dated 25 October 2013) subject to the following variations;

- In lieu of providing onsite detention, the site must provide a total rainwater storage proposed rainwater tanks in the rear yard must be upsized to no less than 5m<sup>3</sup> each.
- Further to the above, a 2.5m<sup>3</sup> below ground rainwater tank must be located in the front yard just prior to discharge to the kerb.
- The point of discharge for all roof area on the northern side of the dwelling must be revised such to drain via charged/ siphonic system to Eric Street.
- The second point of discharge to Eric Street at the southern end of the site frontage is not permitted. Stormwater runoff from this part of the system is to be directed to the rainwater tank at the northern end of the site frontage.

**ITEM 2 (continued)**

**ATTACHMENT 1**

- The size of the absorption pits at the rear of the site are to be adjusted accordingly.

The detailed plans, documentation and certification of the system must be prepared by a chartered civil engineer with NPER registration with Engineers Australia and are to 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.

44. **Traffic Management.** Any traffic management procedures and systems must be in accordance with AS 1742.3 1985 and City of Ryde, Development Control Plan 2010: - Part 8.1; Construction Activities. This condition is to ensure public safety and minimise any impacts to the adjoining pedestrian and vehicular traffic systems.

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

**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.

45. **Site Sign**

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

**ITEM 2 (continued)**

**ATTACHMENT 1**

46. **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.
47. **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).

48. **Excavation adjacent to adjoining land**
- (a) If an excavation extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation must, at their own expense, protect and support the adjoining premises from possible damage from the excavation, and where necessary, underpin the adjoining premises to prevent any such damage.
  - (b) The applicant must give at least seven (7) days notice to the adjoining owner(s) prior to excavating.
  - (c) An owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this condition, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.
49. **Safety fencing.** The site must be fenced prior to the commencement of construction, and throughout demolition and/or excavation and must comply with WorkCover New South Wales requirements and be a minimum of 1.8m in height.

**ITEM 2 (continued)**

**ATTACHMENT 1**

**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.

50. **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*.
51. **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.
52. **Sediment/dust control.** No sediment, dust, soil or similar material shall leave the site during construction work.
53. **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.
54. **Construction materials.** All materials associated with construction must be retained within the site.
55. **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.
56. **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.

**ITEM 2 (continued)**

**ATTACHMENT 1**

- 57. **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”.
- 58. **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.
- 59. **Tree protection – during construction.** Trees that are shown on the approved plans as being retained must be protected against damage during construction.

Engineering Conditions

- 60. **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. Where construction works deviate from the plan, soil erosion and sediment control measures are to be implemented in accordance with the above referenced document.
- 61. **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 Harris Page and Associates Pty. Ltd. (Refer to Project No. 5678 Dwg SW-00 to SW-11 dated 25 October 2013) submitted in compliance to the condition labelled “Stormwater Management.”.

**PRIOR TO OCCUPATION CERTIFICATE**

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

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

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

**ITEM 2 (continued)****ATTACHMENT 1**

62. **BASIX.** The submission of documentary evidence of compliance with all commitments listed in BASIX Certificates numbered 509809S and 509974S, dated 17 October 2013.
63. **Landscaping.** All landscaping works approved by condition 1 are to be completed prior to the issue of the final **Occupation Certificate**.
64. **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**.
65. **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](http://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.

66. **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**

67. **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**

68. **Stormwater Management – Positive Covenant(s).** A Positive Covenant must be created on the property title pursuant to Section 88 E of the Conveyancing Act (1919), providing for the ongoing maintenance of the charged/ siphonic and onsite disposal/ absorption 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. 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 any Occupation Certificate.
69. **Restriction as to User, Site cover.** A restriction as to user under Section 88 of the Conveyancing Act 1919 shall be placed on the property title, to limit the extent of impervious paving and or roof areas on the site. The terms of the restriction shall be generally in accordance with Council's draft terms for restricting site cover and to the satisfaction of Council.
70. **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.
- Confirming that all works associated with the removal and construction of new driveway crossovers have been undertaken in accordance with the City of Ryde DCP 2010, Part 8.3 "Driveways".
  - 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".
  - 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.
  - Confirming that after completion of all construction work and landscaping, all areas adjacent the site, the site drainage system (including the on-site detention system), and the trunk drainage system immediately downstream of the subject site (next pit), have been cleaned of all sand, silt, old formwork, and other debris.

**ITEM 2 (continued)**

**ATTACHMENT 1**

- Confirming that the connection of the site drainage system to the trunk drainage system complies with Section 4.7 of *AS 3500.3 - 2003* (National Plumbing and Drainage Code) and the relevant sections of the City of Ryde DCP 2010, Part 8.2 “Stormwater Management” and associated annexure.
- Confirming that the footings adjacent to drainage easements are founded below the zone of influence of this infrastructure, in accordance the City of Ryde DCP 2010, Part 8.2 “Stormwater Management” and associated annexure.
- 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”.
- Certification from a suitably qualified structural or geotechnical engineer confirming that any temporary soil/ rock anchors installed into public roadway, have been de-stressed and are no longer a structural element.
- Compliance certificate from Council confirming that all external works in the public road reserve have been completed to Council’s satisfaction.

**End of consent**

**ITEM 2 (continued)**
**ATTACHMENT 2**
**Quality Certification**
**Assessment of a Dual Occupancy (attached), Single Dwelling House, Alterations & Additions to a Dwelling House and ancillary development**

<b>LDA No:</b>	<b>2013/0434</b>
<b>Date Plans Rec'd</b>	<b>5 November 2013</b>
<b>Address:</b>	<b>9 Eric Street, Eastwood</b>
<b>Proposal:</b>	Demolition, new attached dual occupancy
<b>Constraints Identified:</b>	<b>None identified</b>

**COMPLIANCE CHECK**

<b>RYDE LEP 2010</b>	<b>PROPOSAL</b>	<b>COMPLIANCE</b>
<b>4.3(2) Height</b> • 9.5m overall	9.47m	Yes
<b>4.4(2) &amp; 4.4A(1) FSR</b> • 0.5:1	0.52:1	No – To Be Dealt With Under Deferred Commencement

<b>DCP 2010</b>	<b>PROPOSED</b>	<b>COMPLIANCE</b>
<b>Part 3.3 – Dwelling Houses and Dual Occupancy (attached)</b>		
<b>Desired Future Character</b>		
Development is to be consistent with the desired future character of the low density residential areas.	The proposed development is considered to be consistent with the desired future character of the low density residential area as detailed further in this table.  It is noted for future reference throughout this table that the proposed development is for the construction of a dual occupancy.	Yes
<b>Dwelling Houses</b>		
– To have a landscaped setting which includes significant deep soil areas at front and rear.	Front and rear gardens proposed to both units of the dual occupancy including deep soil areas at the front and rear capable of supporting a variety of trees, shrubs, grasses and groundcovers.	Yes

**ITEM 2 (continued)**
**ATTACHMENT 2**

<b>DCP 2010</b>	<b>PROPOSED</b>	<b>COMPLIANCE</b>
<ul style="list-style-type: none"> <li>– Maximum 2 storeys.</li> <li>– Dwellings to address street</li> <li>– Garage/carports not visually prominent features.</li> </ul>	Two/three storeys proposed. Dwelling appears as two-storey from the street. Both units of the dual occupancy are considered to address Eric Street. Garages are located at the rear of the dwelling in a semi-basement arrangement. This control is therefore not considered to apply.	Yes  Yes  N/A
<b>Dual Occupancy – Linear Separation</b>		
<ul style="list-style-type: none"> <li>– 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?</li> </ul>	No existing or approvals within distance.	Yes
<b>Public Domain Amenity</b>		
<ul style="list-style-type: none"> <li>• <b>Streetscape</b> <ul style="list-style-type: none"> <li>– Front doors and windows are to face the street. Side entries to be clearly apparent.</li> <li>– Single storey entrance porticos.</li> <li>– Articulated street facades.</li> </ul> </li> </ul>	Front doors and windows of both units of the dual occupancy face Eric Street. Single storey entrance portico proposed to both units of the dual occupancy. The proposed dual occupancy is considered to have sufficiently articulated street facades so as to promote visual interest from the streetscape and break up the visual bulk of the dwelling.	Yes  Yes  Yes
<ul style="list-style-type: none"> <li>• <b>Public Views and Vistas</b> <ul style="list-style-type: none"> <li>– A view corridor is to be provided along at least one side allotment boundary where there is an existing or potential view to the water from the street. Landscaping is not to restrict views.</li> </ul> </li> </ul>	No water views identified.	N/A



**ITEM 2 (continued)**
**ATTACHMENT 2**

<b>DCP 2010</b>	<b>PROPOSED</b>	<b>COMPLIANCE</b>
<ul style="list-style-type: none"> <li>- No fill between side of building and boundary or close to rear boundary</li> <li>- No fill in overland flow path</li> <li>- Max ht retaining wall 900mm</li> </ul>	<p>Although exceeding the maximum levels of cut and fill on site, this is primarily the result of the semi-basement garage which has required alteration of levels. Despite this the dwelling is not considered to be of unreasonable bulk or scale and does not impact upon the privacy of the neighbouring allotments.</p> <p>No fill proposed between the side of the building and the boundary or close to the rear boundary</p> <p>Not in overland flow path</p> <p>Maximum retaining wall height 2.3m.</p> <p>Despite exceeding the maximum retaining wall height, this retaining wall occurs at the rear of the allotment and is required for the provision of the semi-basement garage and turning areas at the lower ground area.</p>	<p style="text-align: center;">Yes</p> <p style="text-align: center;">N/A No - Justifiable</p>
<b>Floor Space Ratio</b>		
<ul style="list-style-type: none"> <li>- Basement</li> <li>- Ground floor</li> <li>- First floor</li> <li>- Total (Gross Floor Area)</li> <li>- Less 36m<sup>2</sup> (double) or 18m<sup>2</sup> (single) allowance for parking</li> </ul> <p><b>FSR (max 0.5:1)</b></p> <p><b>Note: Excludes wall thicknesses, lifts/stairs; basement storage/vehicle access/garbage area; terraces/balconies with walls &lt;1.4m; void areas.</b></p>	<p style="text-align: center;">70.68m<sup>2</sup></p> <p style="text-align: center;">185.38m<sup>2</sup></p> <p style="text-align: center;">111.06m<sup>2</sup></p> <p style="text-align: center;">367.12m<sup>2</sup></p> <p style="text-align: center;">331.12m<sup>2</sup></p> <p style="text-align: center;"><b>0.52:1</b></p> <p style="text-align: center;">Site area of 632.32 as per DP 511632</p>	<p style="text-align: center;">No – To Be Dealt With Under Deferred Commencement</p>

**ITEM 2 (continued)**
**ATTACHMENT 2**

DCP 2010	PROPOSED	COMPLIANCE
<b>Height</b>		
– 2 storeys maximum (storey) incl basement elevated greater than 1.2m above EGL).  – 1 storey maximum above attached garage incl semi-basement or at-grade garages.  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> - 9.5m Overall Height  <i>NB: EGL – Existing ground Level</i>	2/3 storeys proposed as a result of the semi-basement garage located at the rear of the dwelling. It is noted that the dwelling appears as two storeys from the street. 2 storeys are proposed above the attached semi-basement garage.  Despite exceeding the number of storeys above the garage, as the garage is located at the rear of the dwelling and is not visible from the streetscape and does not contribute to the overall bulk and scale of the dwelling this non-compliance is considered to be justifiable in this instance.  TOW RL: 106.27 FGL below (lowest point): RL: 99.57 TOW Height (max)= 6.70m  Max point of dwelling RL:109.07 EGL below ridge (lowest point) RL: 99.60 Overall Height (max)= 9.47m	No - Justifiable  No - Justifiable  Yes  Yes
- Habitable rooms to have 2.4m floor to ceiling height (min).	2.7m min room height	Yes
<b>Setbacks</b>		
<ul style="list-style-type: none"> <li>• <b>Side</b> <ul style="list-style-type: none"> <li>○ <b>Two storey dwelling</b> <ul style="list-style-type: none"> <li>– 1500mm to wall, includes balconies etc.</li> </ul> </li> </ul> </li> </ul>	Minimum 1500mm to two storey elements. It is noted that a small portion of the eastern side setback is reduced to 500mm at	No - Justified

**ITEM 2 (continued)**

**ATTACHMENT 2**

DCP 2010	PROPOSED	COMPLIANCE
<ul style="list-style-type: none"> <li>• <b>Front</b></li> <li>– 6m to façade (generally)</li> <li>– 2m to secondary street frontage</li> <li>– Garage setback 1m from the dwelling facade</li> <li>– Wall above is to align with outside face of garage below.</li> <li>– Front setback free of ancillary elements e.g. RWT,A/C</li> <li>• <b>Rear</b></li> <li>– 8m to rear of dwelling <b>OR</b> 25% of the length of the site, whichever is greater. <b>Note: 9.275m is 25% of site length.</b></li> </ul>	<p>ground floor however this is the boundary to the common access way and represents no change to the setback of the existing building on site along this boundary. It is noted that a small portion of the western side setback is reduced to 800mm at ground level however this is the boundary to the adjoining properties common access way.</p> <p>6.164m front setback provided Not on corner</p> <p>Garage located to at the rear of dwelling therefore this control not considered to apply. As above.</p> <p>Front setback does not include any ancillary elements.</p> <p>14.46m rear setback provided</p>	<p>Yes</p> <p>N/A</p> <p>N/A</p> <p>N/A</p> <p>Yes</p> <p>Yes</p>
<b>Car Parking &amp; Access</b>		
<ul style="list-style-type: none"> <li>• <b>General</b></li> <li>– Dual Occupancy (attached): 1 space max per dwelling.</li> </ul>	<p>3 spaces proposed. 2 spaces provided for Unit 1 and 1 space provided for Unit 2. Due to the garage and car parking being located to the rear of the dwelling this is considered to be a suitable arrangement as there will be no impact to the streetscape in terms of excessive garage.</p>	<p>No - Justifiable</p>

**ITEM 2 (continued)**
**ATTACHMENT 2**

<b>DCP 2010</b>	<b>PROPOSED</b>	<b>COMPLIANCE</b>
<ul style="list-style-type: none"> <li>– Where possible access off secondary street frontages or laneways is preferable.</li> <li>– Max 6m wide or 50% of frontage, whichever is less.</li>   <li>– Behind building façade.</li>   <li>• <b>Garages</b> <ul style="list-style-type: none"> <li>– Garages setback 1m from façade.</li> <li>– Total width of garage doors visible from public space must not exceed 5.7m and be setback not more than 300mm behind the outside face of the building element immediately above.</li> <li>– Garage windows are to be at least 900mm away from boundary.</li> <li>– Solid doors required</li> <li>– Materials in keeping or complementary to dwelling.</li> </ul> </li> <li>• <b>Parking Space Sizes (AS)</b> <ul style="list-style-type: none"> <li>– Double garages: 5.4m w (min)</li> <li>– Single garage: 3m w(min)</li> <li>– Internal length: 5.4m (min)</li> </ul> </li> <li>• <b>Driveways</b> <ul style="list-style-type: none"> <li>- Extent of driveways minimised</li> </ul> </li> </ul>	<p>Access from: Eric Street</p> <p>External width: 7.1m As garage is located to the rear of the dwelling and not visible from the public domain this control is not considered to apply. Located at rear of dwelling, therefore not applicable.</p> <p>Located at rear of dwelling, therefore not applicable. Garage doors are not visible from any public spaces.</p> <p>Windows setback: 1500mm</p> <p>Solid proposed Materials: consistent with new dwelling.</p> <p style="text-align: center;">5.5m 3.2m 6.7m</p> <p>Driveway minimised</p>	<p>Yes</p> <p>N/A</p> <p>N/A</p> <p>N/A</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
<ul style="list-style-type: none"> <li>• <b>Semi-basement Car Parking</b> <ul style="list-style-type: none"> <li>– Ramps must start 2m from the boundary (not on public land).</li> <li>– Walls are not to extend beyond walls of dwelling above.</li> <li>– Only allowed where appropriate to site topography</li> </ul> </li> </ul>	<p>Garage located at rear of dwelling therefore ramps not required. Walls do not extend beyond walls of dwelling above.</p> <p>Site topography considered to be appropriate</p>	<p>N/A</p> <p>Yes</p> <p>Yes</p>

**ITEM 2 (continued)**
**ATTACHMENT 2**

DCP 2010	PROPOSED	COMPLIANCE
<b>Landscaping</b>		
<ul style="list-style-type: none"> <li>• <b>Trees &amp; Landscaping</b></li> <li>– Major trees retained where practicable.</li> <li>– If bushland adjoining use native indigenous species for 10m from boundary</li> <li>– Physical connection to be provided between dwelling and outdoor spaces where the ground floor is elevated above NGL e.g. stairs, terraces.</li> <li>– Obstruction-free pathway on one side of dwelling (excl cnr allotments or rear lane access).</li> <li>– Front yard to have at least 1 tree with mature ht of 10m min and a spreading canopy.</li> <li>– Backyard to have at least 1 tree with mature ht of 15m min and a spreading canopy.</li> <li>– Hedging or screen planting on boundary mature plants reaching no more than 2.7m.</li> <li>– OSD generally not to be located in front setback unless under driveway.</li> <li>– Landscaped front garden, with max 40% hard paving.</li> <li>• <b>Landscaping for lots with Urban Bushland or Overland Flow constraints</b></li> <li>– Where lot is adjoining bushland protect, retain and use only native indigenous vegetation for distance of 10m from building adjoining bushland.</li> </ul>	<p>CPS Landscape Architect has reviewed the submitted landscape plans and believes they are satisfactory.</p> <p>No major trees identified on site.</p> <p>Not bushland adjoining</p> <p>Connection provided to outdoor areas through the use of terraces and stairs.</p> <p>Obstruction free pathway provided along the side of Unit 2. Unit 1 has access to the common driveway along the boundary</p> <p>Front yard does not include 1 tree with mature height of 10m and spreading canopy. Condition to be inserted</p> <p>Rear yard includes suitable tree</p> <p>Boundary screen/hedging plants do not reach more than 2.7m in height.</p> <p>No OSD located within front setback</p> <p>Hard Paving: 13%</p> <p>Not bushland adjoining.</p>	<p>Yes</p> <p>N/A</p> <p>Yes</p> <p>Yes</p> <p>Yes – to be conditioned</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>N/A</p>

**ITEM 2 (continued)**

**ATTACHMENT 2**

<b>DCP 2010</b>	<b>PROPOSED</b>	<b>COMPLIANCE</b>
<ul style="list-style-type: none"> <li>- No fill allowed in overland flow areas.</li> </ul>	No overland flow	N/A
<ul style="list-style-type: none"> <li>- Fences in Overland Flow areas must be of open construction so it doesn't impede the flow of water.</li> </ul>	No overland flow	N/A
<b>Dwelling Amenity</b>		
<ul style="list-style-type: none"> <li>• <b>Daylight and Sunlight Access</b></li> <li>- Living areas to face north where orientation makes this possible.</li> <li>- Increase side setback for side living areas (4m preferred) where north is the side boundary.</li> </ul> <p><u>Subject Dwelling:</u></p> <ul style="list-style-type: none"> <li>- Subject dwelling north facing windows are to receive at least 3 hrs of sunlight to a portion of their surface between 9am and 3pm on June 21.</li> <li>- Private Open space of subject dwelling is to receive at least 2 hours sunlight between 9am and 3pm on June 21.</li> </ul>	<p>Living areas of unit 1 of the dual occupancy are generally orientated to the rear of the allotment which is south. The lounge room of unit 2 is orientated to the north. As north is towards the street it is considered the orientation of the living areas has been altered to create increased privacy.</p> <p>As north is towards the front of the dwelling and a 6m front setback has been provided, this control is considered to have been complied with.</p> <p>According to the shadow diagrams submitted, north facing windows of the subject dwelling will receive at least 3 hours of sunlight to a portion of their surface between 9am and 3pm on June 21.</p> <p>According to the shadow diagrams submitted some areas of the POS of the subject dwelling will receive the required level of sunlight while others will not. This is primarily a result of the orientation of the allotment which is orientated north-south and therefore the subject dwelling casts a</p>	<p>No - Justifiable</p> <p>Yes</p> <p>Yes</p> <p>No - Justifiable</p>

**ITEM 2 (continued)**

**ATTACHMENT 2**

DCP 2010	PROPOSED	COMPLIANCE
	<p>significant shadows across its own rear yard. Accordingly, it is considered that any two storey dwelling on the subject site would create a similar level of overshadowing and therefore this non-compliance is justifiable in this instance.</p>	
<p><u>Neighbouring properties are to receive:</u></p> <ul style="list-style-type: none"> <li>- 2 hours sunlight to at least 50% of adjoining principal ground level open space between 9am and 3pm on June 21.</li> <li>- At least 3 hours sunlight to a portion of the surface of north facing adjoining living area windows between 9am and 3pm on June 21.</li> </ul> <p>• <b>Visual Privacy</b></p> <ul style="list-style-type: none"> <li>- Orientate windows of living areas, balconies and outdoor living areas to the front and rear of dwelling.</li> <li>- Windows of living, dining, family etc. placed so there are no close or direct views to adjoining dwelling or open space.</li> </ul>	<p>According to the shadow diagrams submitted, the adjoining ground level open space will receive at least 2 hours sunlight to at least 50% of the area between 9am and 3pm on June 21.</p> <p>According to the shadow diagrams submitted, north facing adjoining living area windows will receive at least 3 hours sunlight to a portion of their surface between 9am and 3pm on June 21.</p> <p>Windows of living areas, balconies and outdoor living areas have generally been orientated to the front and rear of the dwelling.</p> <p>It is considered that windows of living, dining and family rooms etc. have been appropriately placed so as to reduce any close or direct views to adjoining dwellings or private open space. It is noted that significant separation exists between the subject site and adjoining dwellings as a result of the access driveways located along either side of the subject dwelling.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>

**ITEM 2 (continued)**

**ATTACHMENT 2**

DCP 2010	PROPOSED	COMPLIANCE
<ul style="list-style-type: none"> <li>- Side windows offset from adjoining windows.</li> </ul>	<p>Side windows have been appropriately offset from adjoining windows.</p>	<p>Yes</p>
<ul style="list-style-type: none"> <li>- Terraces, balconies etc. are not to overlook neighbouring dwellings/private open space.</li> </ul>	<p>Additionally it is noted the proposed side windows are of a size that reduce the availability for overlooking. Terraces and balconies are not considered to allow for any significant overlooking. It is noted that the rear balcony off the lounge of Unit 1 has potential overlooking and privacy impacts on the privacy of Unit 2's terrace and private open space, however the design limits sightlines into Unit 2's POS through the solid wall construction along most of the western edge of the balcony and the provision of a privacy screen is not considered to be necessary. In addition it is noted that the rear terrace of Unit 2 aligns with a side terrace at No.11 Eric Street, however as the side terrace of No.11 is significantly elevated above that of rear terrace of Unit 2 it is considered there is no change to the existing arrangements on site.</p>	<p>Yes</p>
<ul style="list-style-type: none"> <li>• <b>Acoustic Privacy</b></li> <li>- Layout of rooms in dual occupancies (attached) are to minimise noise impacts between dwellings e.g.: place adjoining living areas near each other and adjoining bedrooms near each other.</li> </ul>	<p>The proposed layout of the rooms of each dwelling is considered to allow for sufficient acoustic privacy due to the design placing similar rooms adjacent to each other. It is noted however that a family room on the first floor of Unit 1 of the dual occupancy adjoins a bedroom within Unit 2.</p>	<p>Yes</p>

**ITEM 2 (continued)**
**ATTACHMENT 2**

<b>DCP 2010</b>	<b>PROPOSED</b>	<b>COMPLIANCE</b>
<ul style="list-style-type: none"> <li>• <b>View Sharing</b></li> <li>– The siting of development is to provide for view sharing.</li> <li>• <b>Cross Ventilation</b></li> <li>– Plan layout is to optimise access to prevailing breezes and to provide for cross ventilation.</li> </ul>	<p>No views identified.</p> <p>The design of the dwelling is considered to optimise the access to prevailing breezes and provide for cross ventilation.</p>	<p>N/A</p> <p>Yes</p>
<b>External Building Elements</b>		
<ul style="list-style-type: none"> <li>• <b>Roof</b></li> <li>- Articulated.</li> <li>- 450mm eaves overhang minimum.</li> <li>- Not to be trafficable Terrace.</li> <li>- Skylights to be minimised and placed symmetrically.</li> <li>- Front roof plane is not to have both dormer windows and skylights.</li> </ul>	<p>Articulated roof proposed 450mm overhang provided</p> <p>None provided No skylights proposed</p> <p>None proposed</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
<b>Fencing</b>		
<ul style="list-style-type: none"> <li>• <b>Front/return:</b></li> <li>– To reflect design of dwelling.</li> <li>– To reflect character and height of neighbouring fences.</li> <li>– Max 900mm high for solid (picket can be 1m).</li> <li>– Max 1.8m high if 50% open (any solid base max 900mm).</li> <li>– Retaining walls on front building max 900mm.</li> <li>– No colourbond or paling</li> <li>– Max pier width 350mm.</li> <li>• <b>Side/rear fencing:</b></li> <li>– 1.8m max o/a height.</li> </ul>	<p>No details of front fencing submitted. Standard condition to be imposed to ensure that the front and return fences comply with the Ryde DCP 2010.</p> <p>As above.</p> <p>As above.</p> <p>As above.</p> <p>As above.</p> <p>As above.</p> <p>As above.</p> <p>Height: 1.8m Materials proposed: No details submitted</p>	<p>No – To Be Conditioned</p> <p>N/A</p> <p>N/A</p> <p>N/A</p> <p>N/A</p> <p>N/A</p> <p>N/A</p> <p>Yes</p>

**ITEM 2 (continued)**
**ATTACHMENT 2**

<b>DCP 2010</b>	<b>PROPOSED</b>	<b>COMPLIANCE</b>
<b>Part 7.2 – Waste Minimisation &amp; Management</b>		
Submission of a Waste Management Plan	The applicant has submitted a Waste Management	Yes
<b>Part 8.2 – Stormwater Management</b>		
<ul style="list-style-type: none"> <li>• <b>Stormwater</b></li> </ul>		
- Drainage is to be piped in accordance with Part 8.2 – Stormwater Management.	Drainage plans submitted and referred to Development Engineer for comment.	Yes
<b>Part 9.2 – Access for People with Disabilities</b>		
Accessible path required from the street to the front door, where the level of land permits.	Level of the land does not permit an accessible pathway	N/A
<b>Part 9.4 – Fencing</b>		
<ul style="list-style-type: none"> <li>• <b>Front &amp; Return Fences</b></li> </ul>		
- Front and return fences that exceed 1m in height are to be 50% open.	No details regarding front fence provided. Standard condition to be imposed to ensure that the front and return fences comply with the Ryde DCP 2010.	Yes – To Be Conditioned
<b>Part 9.6 – Tree Preservation</b>		
<p>Where the removal of tree(s) is associated with the redevelopment of a site, or a neighbouring site, the applicant is required to demonstrate that an alternative design(s) is not feasible and retaining the tree(s) is not possible in order to provide adequate clearance between the tree(s) and the proposed building and the driveway.</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</p>	No tree removal proposed as part of the subject development application.	Yes

**ITEM 2 (continued)**
**ATTACHMENT 2**

<b>DCP 2010</b>	<b>PROPOSED</b>	<b>COMPLIANCE</b>
<p>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>		

<b>BASIX</b>	<b>PROPOSAL</b>	<b>COMPLIANCE</b>
<p>All ticked "DA plans" commitments on the BASIX Certificate are to be shown on plans (list) <b>BASIX Cert 509809S &amp; 509974S dated 17 October 2013 ABSA Cert #</b></p>	BASIX Certificate submitted.	Yes
<ul style="list-style-type: none"> <li>• RWT 5000L</li> </ul>		Yes
<ul style="list-style-type: none"> <li>• Swimming Pool               <ol style="list-style-type: none"> <li>1. &lt;28kL</li> <li>2. outdoors</li> </ol> </li> </ul>	None proposed	N/A
<ul style="list-style-type: none"> <li>• Thermal Comfort Commitments:               <ul style="list-style-type: none"> <li>- Construction</li> <li>- TCC – Glazing.</li> </ul> </li> </ul>	To comply	Yes Yes
<ul style="list-style-type: none"> <li>• Solar Gas Boosted HWS 2/41-45 RECS+</li> </ul>	To comply	Yes
<ul style="list-style-type: none"> <li>• HWS Gas Instantaneous 5 star.</li> </ul>	To comply	Yes
<ul style="list-style-type: none"> <li>• Natural Lighting               <ul style="list-style-type: none"> <li>- kitchen</li> <li>- bathrooms ( )</li> </ul> </li> </ul>	To comply	Yes Yes
Water Target 40	Water: 40 & 40	Yes
Energy Target 40	Energy: 45 & 45	Yes
Correct description of property/proposal on 1 <sup>st</sup> page of Certificate.	Correct details shown	Yes

**ITEM 2 (continued)**

**ATTACHMENT 2**

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

*Non compliances – justifiable*

- Maximum levels of cut and fill exceeded within building footprint
- Maximum fill exceeded outside building footprint
- Maximum retaining wall height exceeded
- Part 3 storey dwelling
- 2 storeys proposed above garage
- Side setbacks less than minimum
- 3 car parking spaces provided within garages
- Living areas do not face north
- Subject site private open space does not receive required level of sunlight

*Non compliances – resolved via conditions / deferred commencement consent:*

- Dwelling floor space ratio exceeds 0.5:1.
- No details provided with regards to fencing details
- No large tree in front yard with minimum height of 10m at maturity.

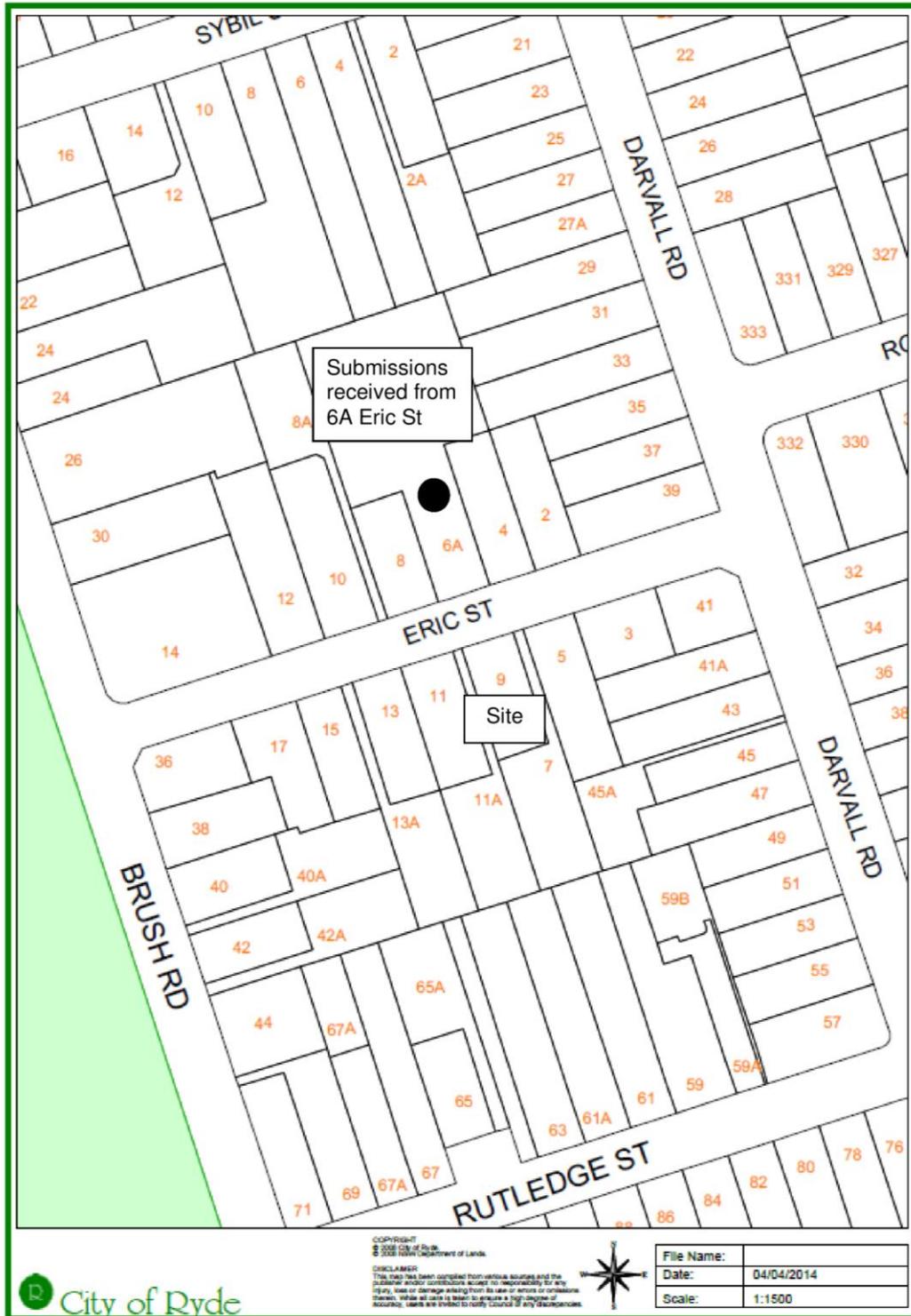
*Non compliances – not justifiable:*

- Nil

ITEM 2 (continued)

ATTACHMENT 3

● Indicates submissions received

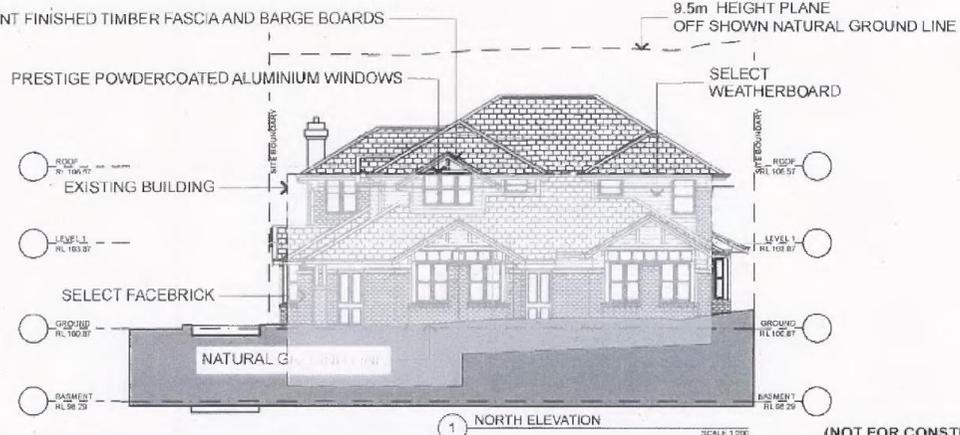
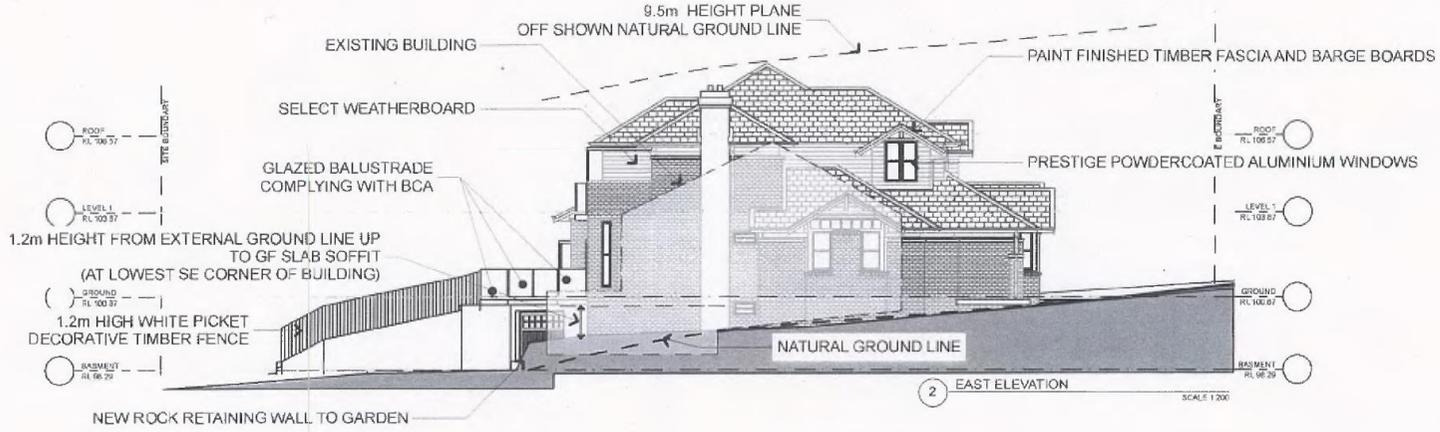


**ITEM 2 (continued)**

**ATTACHMENT 4**

	<b>FACE BRICK</b> AUSTRAL FACE BRICK COLOUR - BOWRAL BLUE
	<b>ROOF TILES</b> BORAL TERRACOTTA SHINGLE PROFILE COLOUR - ECLIPSE
	<b>WEATHERBOARDS</b> JAMES HARDIE SCYON CLADDING 180mm linear PROFILE COLOUR - SURFMIST
	<b>FASCIA/BARGE BOARD</b> PAINT FINISH COLOUR - COLORBOND MONUMENT
	<b>WINDOWS</b> POWDERCOAT COLOUR - DULUX 'WHITE SATIN'

**thrum**  
ARCHITECTS



Project: <b>EASTWOOD DUAL OCCUPANCY DEVELOPMENT</b> 9 ERIC STREET EASTWOOD 2122		Date: 1/11/13	Dwg No: <b>13017 N-002</b>	
Dwg Name: <b>NOTIFICATION - ELEVATIONS #1</b>		Drawn: FC	Scale: AS SHOWN	QA Checked: Rev:

Level 3, 80 Clarence Street, Sydney, NSW 2000 Telephone +61 2 9262 4455 Facsimile +61 2 9299 1524  
ABN 21 278 857 203 ACN 001 964 254

© Copyright Thrum Architects Pty Limited. All rights reserved. This drawing and drawings produced by CAD and the CAD process stored on disk are subject to copyright and no part of this work may be accessed, reproduced or used in any form or by any means - graphic, electronic, mechanical or printing, including photocopying or information storage and retrieval systems - without written permission of the producer. Architects - Thrum Architects Pty Limited ACN 001 964 254

1:30 10/11/13 13017 N-002 EASTWOOD DUAL OCCUPANCY DEVELOPMENT 9 ERIC STREET EASTWOOD NSW 2122

**ITEM 2 (continued)**

**ATTACHMENT 4**

	<b>FACE BRICK</b> AUSTRAL FACE BRICK COLOUR - BOWRAL BLUE
	<b>ROOF TILES</b> BORAL TERRACOTTA SHINGLE PROFILE COLOUR - ECLIPSE
	<b>WEATHERBOARDS</b> JAMES HARDIE SCYON CLADDING 180mm 'linea' PROFILE COLOUR - SURFMIST
	<b>FASCIA/BARGE BOARD</b> PAINT FINISH COLOUR - COLORBOND MONUMENT
	<b>WINDOWS</b> POWDERCOAT COLOUR - DULUX 'WHITE SATIN'

**thrum**  
ARCHITECTS

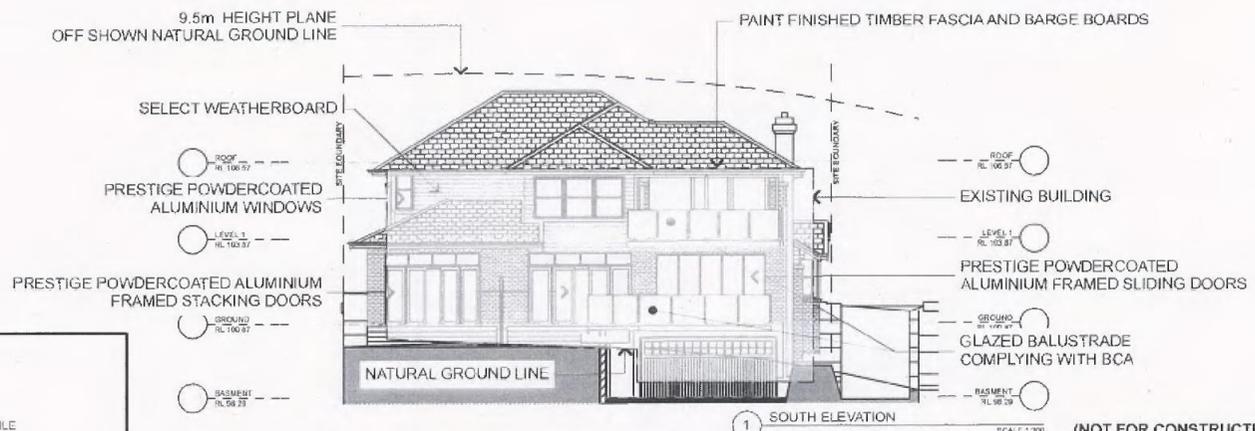
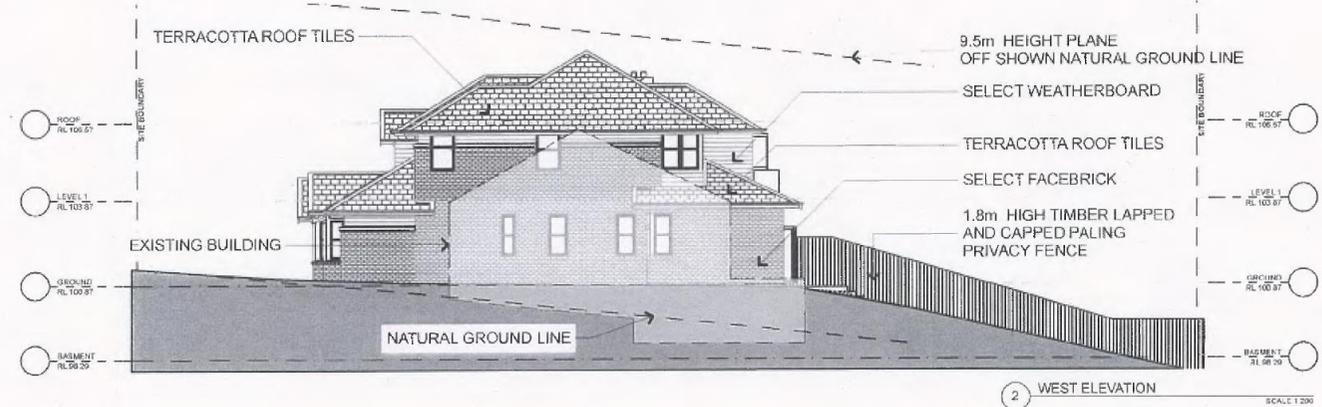


Project: EASTWOOD DUAL OCCUPANCY DEVELOPMENT 9 ERIC STREET EASTWOOD 2122		Date: 1/11/13	Dwg No: <b>13017 N-003</b>	
Dwg Name: <b>NOTIFICATION - ELEVATIONS #2</b>		Drawn: FC	Scale: AS SHOWN	QA Checked: Rev:

Level 3, 80 Clarence Street, Sydney, NSW 2000  
ABN 21 278 857 200 ACN 001 964 254

Telephone +61 2 9262 4455 Facsimile +61 2 9299 1524

© Copyright Thrum Architects Pty Limited - All rights reserved - This drawing and drawings produced by CAD and the CAD process stored on disk are subject to copyright and no part of this work may be accessed, reproduced or used in any form or by any means - graphic, electronic, mechanical or printing, including photocopying or information storage and retrieval systems - without written permission of the producer. Architects - Thrum Architects Pty Limited ACN 001 964 254



(NOT FOR CONSTRUCTION)

3/18/14  
 File: 11 November 2013  
 Name: C:\Users\18011\Documents\DWG\13017\13017.dwg

**ITEM 2 (continued)**

**ATTACHMENT 4**



3 21 JUNE @ 3PM  
 SHADOW DIAGRAM SCALE: NTS

2 21 JUNE @ 12PM  
 SHADOW DIAGRAM SCALE: NTS

1 21 JUNE @ 9AM  
 SHADOW DIAGRAM SCALE: NTS



Project:  
 EASTWOOD DUAL OCCUPANCY DEVELOPMENT  
 9 ERIC STREET EASTWOOD 2122

Date: 1/11/13  
 Dwg No: **13017 N-004**

Dwg Name:  
**NOTIFICATION - SHADOWS**

Drawn: FC  
 Scale: AS SHOWN  
 QA Checked:   
 Rev:   
 (NOT FOR CONSTRUCTION)

Level 3, 80 Clarence Street, Sydney, NSW 2000  
 ABN 21 278 857 200 ACN 001 564 254

Telephone +61 2 9262 4455 Facsimile +61 2 9298 1524

© Copyright Thrum Architects Pty Limited - All rights reserved - This drawing and drawings produced by CAD and the CAD process stored on disk are subject to copyright and no part of this work may be accessed, reproduced or used in any form or by any means - graphic, electronic, mechanical or printing including photocopying or information storage and retrieval systems - without written permission of the producer. Architects - Thrum Architects Pty Limited ACN 001 564 254