



**13 FEBRUARY 2014**

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**NOTICE OF MEETING**

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You are advised of the following meeting:

**TUESDAY 18 FEBRUARY 2014.**

**Planning and Environment Committee Meeting No. 2/14**

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

**Meeting Date:** Tuesday 18 February 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 4 February 2014.....	1
2	135A TENNYSON ROAD, TENNYSON POINT - LOT 2 DP208447 Development application for demolition and construction of a new part 2/part 3 storey dwelling, and in-ground swimming pool. LDA2013/0297.....	7
3	191 WATERLOO ROAD, MARSFIELD - LOT 1 DP574519, LOT 1 DP574518, LOT 1 DP575331. Development Application for Installation of Playing Field Lighting at Waterloo Park. LDA2013/0311.....	98

## **1 CONFIRMATION OF MINUTES - Meeting held on 4 February 2014**

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**Report prepared by:** Meeting Support Coordinator  
**File No.:** CLM/14/1/3/2 - BP14/144

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### **REPORT SUMMARY**

In accordance with Council's Code of Meeting Practice, a motion or discussion with respect to such minutes shall not be in order except with regard to their accuracy as a true record of the proceedings.

### **RECOMMENDATION:**

That the Minutes of the Planning and Environment Committee 1/14, held on Tuesday 4 February 2014, be confirmed.

### **ATTACHMENTS**

- 1 Minutes - Planning and Environment Committee - 4 February 2014

**ITEM 1 (continued)**

**ATTACHMENT 1**

**Planning and Environment Committee  
MINUTES OF MEETING NO. 1/14**

**Meeting Date:** Tuesday 4 February 2014

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

**Time:** 5.01pm

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

Note: Councillor Pickering arrived at the meeting at 5.05pm and was present for consideration of Items 2, 3 and 4 only.

**Apologies:** Councillor 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, Consultant Town Planner – Creative Planning Solutions, Assessment Officer – Town Planner, Assessment Officer, Senior Development Engineer, Team Leader – Strategic Planning, Heritage Officer, Business Support Coordinator – Environment and Planning and Section Manager – Governance.

**DISCLOSURES OF INTEREST**

There were no disclosures of interest.

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

Note: Councillor Pickering was not present for consideration or voting on this Item.

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

That the Minutes of the Planning and Environment Committee 18/13, held on Tuesday 3 December 2013, be confirmed.

**Record of Voting:**

For the Motion: Unanimous

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

**ITEM 1 (continued)**

**ATTACHMENT 1**

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

Note: Peter Coorey (objector), Richard Sheldrake (objector), Clive Furnass (objector), Con Tsintarakis (objector), Michael DePalo (objector also representing Katherine DePalo), Farah Georges (objector representing Budawi Issac), Alec Pappas (applicant's architect) and Matthew Benson (applicant's planner) addressed the Committee in relation to this Item.

Note: Councillor Pickering arrived at the meeting at 5.05pm during public participation on this Item.

Note: An email from Buddy Isaac dated 2 February 2014 and photographs were tabled in relation to this matter and copies are ON FILE.

Note: A heritage impact report from Council's Heritage Officer dated 22 January 2014 and the Statement of Heritage Impact Report from Rappoport Pty Ltd dated September 2013 were tabled in relation to this matter and copies are ON FILE.

Note: Correspondence from Con and Christine Tsintarakis dated 4 February 2014 was tabled in relation to this matter and a copy is ON FILE.

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

That LDA2013/0211 at 20 Amiens Street, Gladesville be deferred to allow the applicant to submit amended plans to address the third storey non-compliance with Council policy, with the plans to be re-notified to all objectors and adjoining owners and a further report be prepared for referral to the Planning and Environment Committee as soon as practicable.

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

- (a) That LDA2013/0211 at 20 Amiens Street, Gladesville being LOT A DP 27326 be approved subject to the **ATTACHED** conditions (**Attachment 1**):
- (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 three (3) votes For and one (1) vote Against. The Amendment then became the Motion.

**Record of Voting:**

For the Amendment: Councillors Etmekdjian, Laxale and Pickering

Against the Amendment: Councillor Chung

**ITEM 1 (continued)**

**ATTACHMENT 1**

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

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

**Record of Voting:**

For the Motion: Councillors Etmekdjian, Laxale and Pickering

Against the Motion: Councillor Chung

Note: This matter will be dealt with at the Council Meeting to be held on **11 FEBRUARY 2014** as dissenting votes were recorded.

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

Note: Peter Hall (applicant's architect) and John Boumerhe (applicant) addressed the Committee in relation to this Item.

Note: Correspondence from Peter Hall Architects Pty Ltd dated 4 February 2014, photographs and maps were tabled in relation to this matter and copies are ON FILE.

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

- (a) That Local Development Application No. 2013/222 at 78-80 Winbourne Street East, West Ryde being LOT 19 and 20 DP 28855 be deferred to enable the applicant to submit amended plans including reducing the number of villas and also to address recommended reasons for refusal identified in the assessment report, namely:
  - 1. The proposal does not comply with Council's DCP 2010 – Part 3.5 Multi Dwelling Housing (attached), in particular the controls regarding, Non-preferred location – Slope of site, Solar access, Landscaping – pervious area, Side and Rear setbacks, Visual and Acoustic Privacy, Streetscape – internal driveway width and garage dominance (unit 1) and internal setbacks.
  - 2. The proposal will have unacceptable impacts on adjoining properties in terms of visual privacy, and the proposed methods of addressing these impacts will cause unacceptable amenity impacts.

**ITEM 1 (continued)**

**ATTACHMENT 1**

3. The proposal as submitted is unsatisfactory in terms of solar access and overshadowing, in relation to impacts both on the courtyards of units 5 and 6 within the development, and also impacts on the adjoining development at No 76 Winbourne Street to the south. As a result, there will be poor levels of amenity to the occupants of both this development and the adjoining development.
  4. The proposal as submitted is unsatisfactory in terms of vehicle access and manoeuvring, particularly from the car spaces for units 3, 4 and 5.
  5. The proposal as submitted is unsatisfactory in terms of the design of the driveway, which causes adverse visual impacts associated with the extent of hard-paving near the front of the site.
  6. Objections received from adjoining owners.
- (b) That the amended plans be re-notified to all objectors and adjoining owners. If no further submissions are received, the application can be dealt with under delegation of the Group Manager - Environment and Planning. Alternatively, if submissions are received, a further report be referred to the Planning and Environment Committee as soon as practicable.

**Record of Voting:**

For the Motion: Unanimous

Note: This matter will be dealt with at the Council Meeting to be held on **11 FEBRUARY 2014** as substantive changes were made to the published recommendation.

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

Note: Peter Nash (objector on behalf of Ron and Beryl Nash) and James Sia (applicant) addressed the Committee in relation to this Item.

Note: Correspondence from Ron and Beryl Nash dated 2 February 2014 and photographs were tabled in relation to this matter and copies are ON FILE.

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

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

**ITEM 1 (continued)**

**ATTACHMENT 1**

**Record of Voting:**

For the Motion: Unanimous

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

The meeting closed at 6.48pm.

CONFIRMED THIS 18TH DAY OF FEBRUARY 2014.

Chairperson

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**2 135A TENNYSON ROAD, TENNYSON POINT - LOT 2 DP208447**  
**Development application for demolition and construction of a new part 2 / part 3 storey dwelling, and in-ground swimming pool. LDA2013/0297.**

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

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

**Report dated:** 3/02/2014

**File Number:** GRP/09/5/6/2 - BP14/138

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## 1. Report Summary

**Applicant:** Jaumana Jabbour

**Owner:** Jaumana Jabbour

**Date lodged:** 15 August 2013 (amended plans received 14 November 2013)

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

This development application has been notified to neighbours and one (1) submission was received from a neighbouring property which generally opposed to the proposed development on the following key grounds:

- View loss;
- Three-storey dwelling house;
- Setbacks;
- Loss of solar access;
- Loss of privacy;
- Compliance with Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005;

The development as originally submitted had a number of areas of non-compliance with Council's DCP (Ryde DCP 2010), in particular floor space ratio, and the amount of site cut (ie topography and excavation requirements). Amended plans were requested to address these issues, which were received on 14 November 2013. These amended plans have substantially addressed the issues of concern previously raised with the original plans.

There are some remaining areas of non-compliance with Council's DCP 2010 – namely height (wall plate height and number of storeys), topography and excavation, deep soil areas, visual privacy, minimum setback from front allotment on a battle-axe lot and landscaped area, however these are acceptable in the context of the development as discussed in the body of the report. The issues of concern raised in the neighbour's submission do not warrant refusal or further amendments as also discussed in the body of the report.

On this basis, the subject development application is recommended for approval.

## **ITEM 2 (continued)**

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

**Public Submissions:** One (1) objection received.

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

**Value of works:** \$810,900

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

### **RECOMMENDATION:**

- (a) That LDA2013/0297 at 135a Tennyson Road, Tennyson Point being Lot 2 DP208447 be approved subject to the **ATTACHED** conditions (Attachment 1):
- (b) That the persons who made submissions be advised of Council's decision.

### **ATTACHMENTS**

- 1 Draft conditions
- 2 Compliance table - Ryde DCP 2010
- 3 Compliance table - Sydney Regional Environmental Plan 2005 (Sydney Harbour Catchment), including DCP adopted under this REP
- 4 View assessment
- 5 Map.
- 6 A4 plans
- 7 A3 plans - subject to copyright provisions - **CIRCULATED UNDER SEPARATE COVER**

Report Prepared By:

**Ben Tesoriero Planning Consultant  
Creative Planning Solutions**

**Chris Young  
Team Leader - Assessment**

Report Approved By:

**Liz Coad  
Manager Assessment**

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

## ITEM 2 (continued)

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

<b>Address</b>	: 135a Tennyson Road, Tennyson Point (Lot 2 in DP 208447)
<b>Site Area</b>	: 847.31m <sup>2</sup> (Deposited Plan) Site Frontage (Tennyson Road): 3.05m (survey) Site frontage to 135 Tennyson Road: 17m Northern side boundary: 30.94m (survey) Southern Boundary: 78.44m includes access handle (survey) Western foreshore curved boundary: 27.63m (estimate)
<b>Topography and Vegetation</b>	: The topography of the subject site displays a fall in the land of approximately 14m from the front boundary to Tennyson Road to the rear of the property where it abuts the foreshore of Morrison Bay. When not considering the handle of this battle-axe shaped allotment, the site displays a fall in the land of approximately 8m over a distance of approximately 35m giving an average gradient of around 1:4.4. Existing vegetation on the subject site consists primarily of Cocos Palms which under the Ryde DCP 2010 are identified as being exempt from the need to obtain approval for their removal. There are no street trees that would be impacted upon within the nature strip in front of the property.
<b>Existing Buildings</b>	: A two-storey brick dwelling house with a tiled roof is currently located on the subject site, along with an in-ground swimming pool, brick boatshed. The property is bound at the sides by a brick retaining wall type fence and is generally open to the rear boundary adjoining the Morrison Bay waterfront.
<b>Planning Controls</b>	: R2 – Low Density Residential under Ryde LEP 2010 R2 – Low Density Residential under draft Ryde LEP 2013
<b>Zoning</b>	
<b>Other</b>	: Ryde DCP 2010, Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005, State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

**ITEM 2 (continued)**



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

**3. Councillor Representations**

Name of Councillor: Councillor Petch

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

Date: 22 November 2013

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

On behalf of applicant or objectors? Unknown

Any other persons (e.g. consultants) involved in or part of the representation: No

## **ITEM 2 (continued)**

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

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

### **5. Proposal**

The following outlines the scope of works proposed as part of the development application activity at 135a Tennyson Road, Tennyson Point:

#### **Demolition**

Development consent is sought for the demolition of the existing two-storey brick dwelling house on the subject site and other associated structures and existing in-ground swimming pool, except for the existing boatshed which is to be retained.

#### **Construction**

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

Specifically, the ground floor of the proposed dwelling is to include a master bedroom with walk-in robe and en-suite bathroom, family room, second bedroom also with walk-in robe and en-suite bathroom, third bedroom, bathroom, front entry, lift, staircase leading to basement floor level, separate staircase leading to upper level, and double garage.

External to the dwelling house on the ground floor is a balcony adjacent to the family room, and front porch area.

The basement floor of the dwelling house includes a family room, kitchen with walk-in pantry, lounge room, dining room laundry, powder room, equipment and plant room, lift, and staircase leading to the upper levels of the dwelling house.

External to the dwelling house on the basement floor level is an alfresco decking area adjacent to the lounge room.

The first floor level of the dwelling house includes two bedrooms each with a walk-in robe and en-suite bathroom, a sitting room, lift and staircase to the ground floor level of the dwelling house.

External to the dwelling house on the first floor level is a balcony area adjacent to the sitting room and bedrooms.

The rear yard of the dwelling house is to incorporate a new in-ground swimming pool along with a revised hard and soft landscaping scheme.

## ITEM 2 (continued)

The front yard of the subject site is to include a paved vehicular access and manoeuvring area between the subject dwelling house and the boundary between the subject site and property located at 135 Tennyson Road.



Isometric projection/perspective view of the proposed development from Morrison Bay.



Front/east elevation facing No 135 Tennyson Road (note – site is a battle-axe allotment)

## ITEM 2 (continued)

### 6. Background

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

- Development application LDA2013/0297 lodged with Council on 15 August 2013;
- Notification of the subject development application in accordance with Part 2.1 of the Ryde DCP 2010 took place from 28 August 2013 to 12 September 2013. One (1) submission objecting to the proposed development was received from adjoining land owners;
- A letter was sent to applicant on 13 September 2013 outlining the following issues which required additional information:
  - Compliance issues with proposed development exceeding maximum prescribed floor space ratio under the Ryde LEP 2010 / Ryde DCP 2010 approximately 10%;
  - Compliance issues with proposed development not complying with the topography and excavation controls contained with the Ryde DCP 2010;
  - Compliance issues with the proposed swimming pool fencing not complying with the Ryde DCP 2010;
  - Geotechnical issues raised by Council's consultant structural engineer requiring the applicant to have a geotechnical report prepared and submitted to Council for assessment;
  - Drainage issues raised by Council's development engineers requiring the applicant to submit revised drainage plans to Council for assessment.
- A meeting was held between the applicant and their representatives, and Council officers (Team Leader Assessment and Consultant Town Planner) at the Ryde Planning & Business Centre on 19 September 2013 to discuss the request for additional information/amended plans. On 3 October, the applicant emailed amended plans to address floor space ratio non-compliance, which was then re-assessed.
- On 21 October, the applicants were contacted to advise that their amended plans still did not comply with Council's DCP 2010 and required further amendment. In particular, included on the plans were areas which the applicant contended could be excluded from floor space calculations as they were located in a basement. However, such areas did not comply with the definition of "basement" (under Ryde LEP 2010) and so they counted as floor space. Further amended plans were required to address this issue.
- A further meeting was held at the Ryde Planning & Business Centre on 11 November 2013 to assist the applicant to comply with Council's previous additional information request.

## ITEM 2 (continued)

- On 14 November 2013, additional information was submitted to Council from the applicant which includes a revised set of plans in response to Council's issues raised, along with a written response to town planning issues raised by the applicant's consultant planner, and a Geotechnical Report prepared by the applicant's geotechnical consultant, revised drainage plans, as well as documentation and plans outlining the potential view loss that may be expected as a result of the proposed development on the adjoining land at 135 Tennyson Road. These plans did not substantially change the external appearance of the dwelling from the original plans, and so neighbour re-notification of the amended plans was not required.

The amended plans/additional information were referred back to Council's Development Engineers and Consultant Structural Engineer for re-assessment.

- On 22 November 2013, the DA was called up to the Planning & Environment Committee as noted in Councillor Representations above.
- On 12 December 2013, advice was received from Council's Consultant Structural Engineer which in summary stated that the amended geotechnical report was unsatisfactory and did not meet Council's requirements for sites affected by slope instability. A further geotechnical report was required, and the applicant was advised of this via email on 13 December 2013.
- On 13 January 2014, the applicant provided a revised geotechnical report from SMEC Testing Services Pty Ltd (dated January 2014), and this was referred back to Council's Consultant Structural Engineer the same day.
- Council's Consultant Structural Engineer advised on 24 January 2014 that the revised geotechnical report above satisfies Council's requirements.

## 7. Submissions

The subject development application as originally lodged with Council, being LDA2013/0297 was notified in accordance with Part 2.1 of the Ryde Development Control 2010 from 28 August 2013 to 12 September 2013. In response, one (1) submission objecting to the proposed development was received.

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

- A. *View loss.*** *Concerns have been raised from the adjoining property at 135 Tennyson Road that the proposed development will result in unacceptable view loss.*

### Assessment Officer's Comment

The Land and Environment Court has established "planning principles" in relation to impacts on views from neighbouring properties. In *Tenacity Consulting P/L v Warringah Council* (2004) NSWLEC 140 Roseth SC, states

## ITEM 2 (continued)

that “the notion of view sharing is involved when a property enjoys existing views and a proposed development would share that view by taking some of it away for its own enjoyment”.

In deciding whether or not view sharing is reasonable, Commissioner Roseth set out a 4 step assessment in regards to ‘*reasonable sharing of view*’. Appended to this Report is a comprehensive view impact assessment undertaken as part of the planning assessment for this development application which follows Commissioner Roseth’s 4 steps assessment followed in relation to view loss (see **Attachment 4**).

The conclusion of this assessment is:

1. Quality whole water and land views have still been afforded to 135 Tennyson Road that include north-western views across No.135A as well as diagonal cross views across the neighbouring allotments towards the west and north. Accordingly, the Ryde DCP 2010 control in relation to view sharing, in that the location of development is to provide for view sharing, is considered to generally be met.
2. Views lost from the ground floor and first floor as a result of the proposed development are direct cross views and side views. The expectation to retain cross views and side views is unrealistic and Council’s Ryde DCP 2010 states that the equitable sharing of views is desired, but existing dwellings will not always be able to retain existing views across neighbouring allotments. Furthermore, views from the ground floor are considered to be obscured by vegetation close to the foreshore. On balance, the view loss is considered to be acceptable considering the proposed development complies with all relevant planning controls governing bulk, scale and siting of the development.
3. The location and arrangement of dwellings on the battle-axe allotment means that any dwelling on the site that is developed to its potential under the provisions of Ryde City Council’s planning controls (as the current proposal is aiming to do) would have an impact on views afforded from 135 Tennyson Road.
4. The proposed design has allowed for view sharing through providing a reduced dwelling height throughout the section building that has the possibility of obstructing views and including an upper level that is well setback from the waterfront so as to reduce the loss of views.
5. The building location, although being located closer to the rear boundary of 135 Tennyson Road than the Ryde DCP 2010 would typically require, has allowed for increased views to the waterfront from 135 Tennyson Road without significantly compromising the privacy and amenity of either dwelling, therefore contributing significantly to the view sharing principles contained within the Ryde DCP 2010.

## ITEM 2 (continued)

6. The design of the dwelling is considered to be consistent with the desired future character of the low density residential zone and that of the emerging waterfront character of the Ryde and Tennyson Point area.
7. It is important to consider that a development application at the neighbouring allotment of 137 Tennyson Road was recently granted approval which included a maximum dwelling height of RL14.38. The proposed dwelling has a maximum dwelling height of RL13.4, therefore resulting in a dwelling 980mm lower in height than that of the neighbouring allotment which is demonstrated in the following drawing.

Given the above, the view impact on 135 Tennyson Road is considered acceptable and the view sharing reasonable. In this regard the objector's comments are not supported.

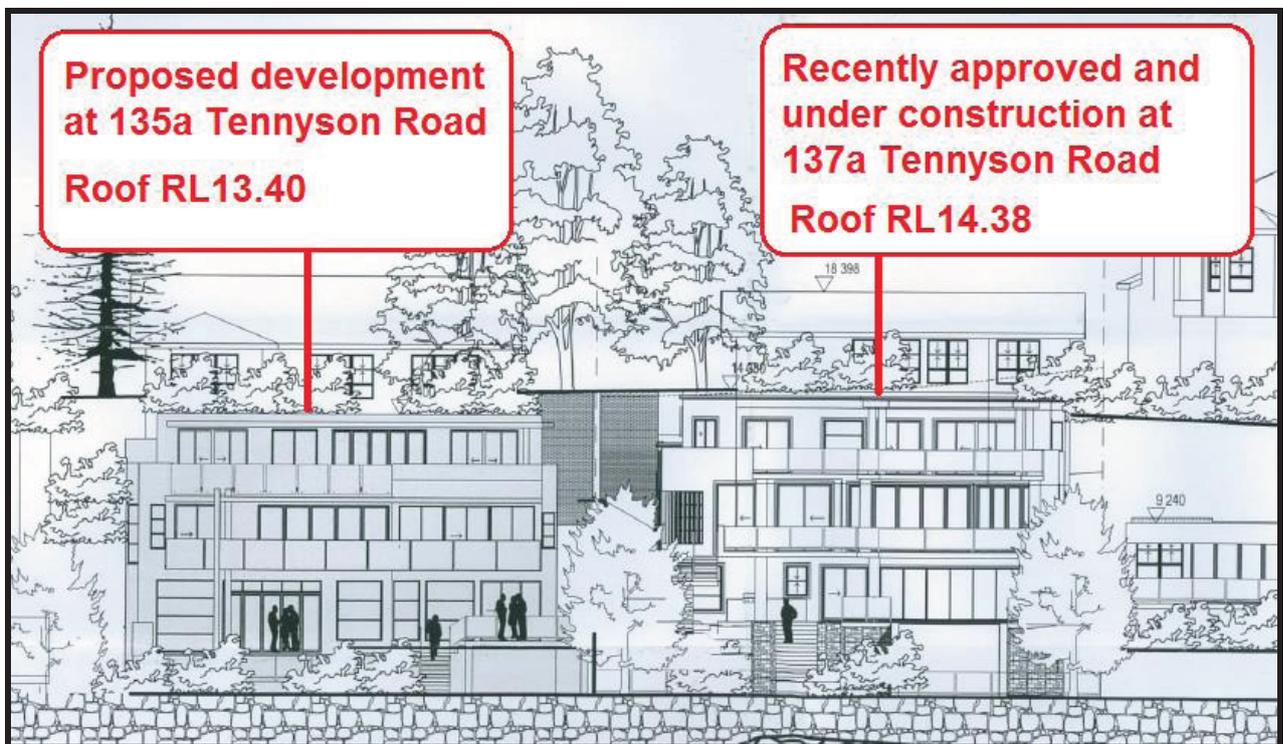


Diagram comparing recently approved and currently under construction three-storey dwelling house at 137a Tennyson Road and the proposed three-storey dwelling house at 135a Tennyson Road.

- B. *Three storey component of the proposed development.*** Concerns are raised over the three storey component of the proposed development and its compliance with Council's building height limits.

### Assessment Officer's Comment

As detailed in **Section 9** of this report, the three-storey component of the proposed dwelling house is considered acceptable on the following basis:

## ITEM 2 (continued)

- The proposed dwelling house is considered to be consistent with the emerging character of modern dwelling house development closer to the waterfront areas of Tennyson Point, as well as Gladesville and Putney. The presentation of neighbouring waterfront allotments to Morrisons Bay demonstrate an area characterised by three-storey development that has either been constructed, is under construction, or recently approved by Council.
- The proposed dwelling complies with the maximum 9.5m height limit prescribed under the mandatory provisions of the Ryde LEP 2010, and the planning controls of the Ryde DCP 2010;
- When viewed from the surrounding streets the development will be significantly screened by virtue of it being located on a relatively deep battle-axe allotment that slopes steeply away from the street.
- Impacts upon privacy as a result of the number of storeys have been mitigated through appropriate building location on the site and architectural design measures to ensure the privacy and amenity of the neighbouring allotments is not affected.

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

- C. *Setbacks.*** *Concerns have been raised over the proposed dwelling being on battle-axe (hatchet shaped) allotment and not being adequately set back from the rear boundary of the front allotment.*

### Assessment Officer's Comment

As outlined in **Section 9** of this report, the assessment of the subject development application identified a non-compliance with the proposed development's setback from rear boundary of the front allotment within the battle-axe subdivision.

The Ryde DCP 2010 prescribes that this setback is to be 8m, however the proposed development ranges between a 5.1m and 9m setback.

Although acknowledged as not complying with the setback control contained within the Ryde DCP2010, the proposed setback of the dwelling can be supported for the following reasons:

- The proposed setback encroachment only occurs for a small component of the overall dwelling on the ground floor of the proposed development, therefore this encroachment is not replicated across the other levels of the building;

## ITEM 2 (continued)

- Existing development on the subject site is setback between 7-8m from the rear boundary of the front allotment, and as such does not comply with current provisions;
- The average setback for the proposed development is greater than 8m;
- Due to the level difference between the subject site and the adjoining battle-axe allotment at 135 Tennyson Road, and also the excavation levels proposed, the main bulk of the proposed development will largely be screened from adjoining property at 135 Tennyson Road;
- By locating the proposed development slightly closer to the rear boundary of 135 Tennyson Road, it is considered that better view sharing opportunities are afforded to 135 Tennyson Road by virtue of this dwelling house being able to look over the top of the proposed dwelling house and view more of Morrisons Bay. Refer to the View Impact Assessment included (see **Attachment 4**) for further information on this point.
- The proposed development is also considered to meet the objectives of the rear setback under Ryde DCP 2010. To demonstrate this, an assessment of the proposed development against the objectives of the rear setback controls contained within the Ryde DCP 2010 is provided below

Accordingly, the objections to the proposed development on the basis of setback are not supported in this instance.

**D. *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005.***  
*Concerns are raised over the compliance of the proposed development with Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005;*

Assessment Officer's Comment: A full assessment of the proposed development's performance against the provisions of the Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 is contained in **Attachment 2** this report.

As outlined within the assessment, the proposed development performs satisfactorily with the provisions of this environmental planning instrument, and as such the objector's comments in relation to the proposed development's compliance with the Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 are not supported.

## ITEM 2 (continued)

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

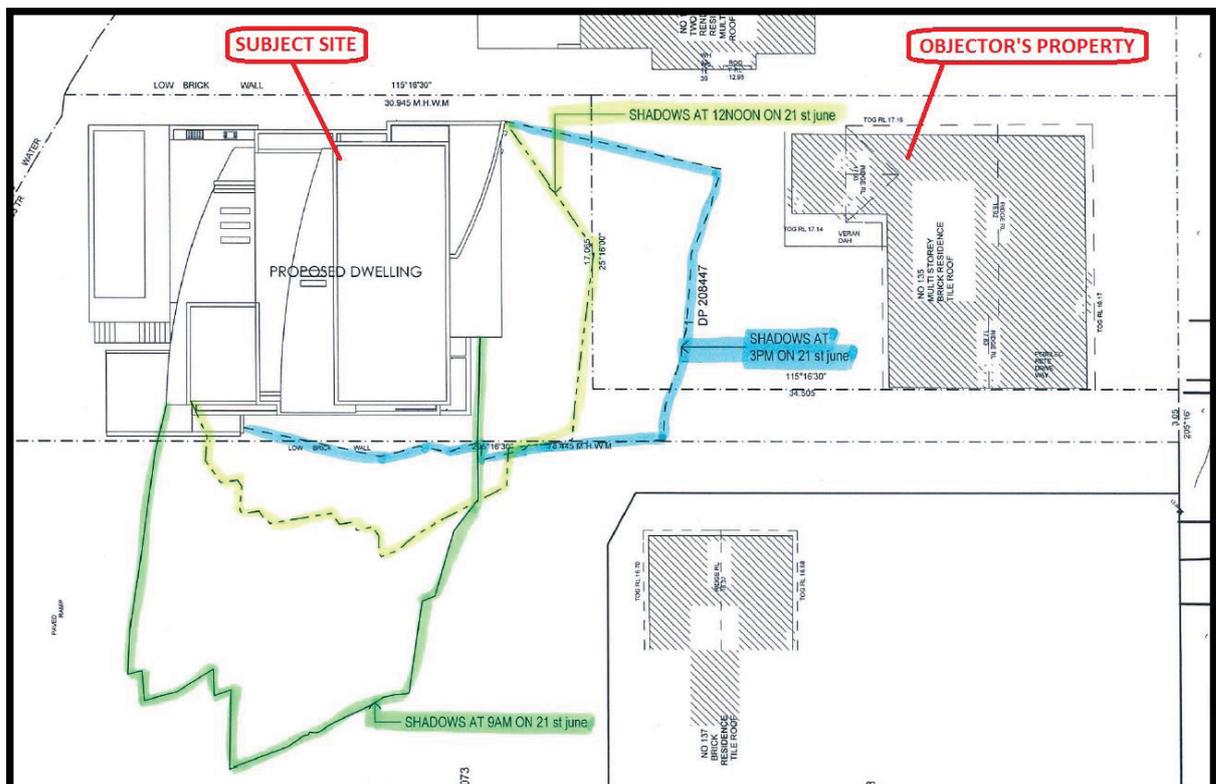
### Assessment Officer's Comment

The Ryde DCP 2010 provides controls to ensure that new development affords neighbouring properties with satisfactory levels of solar access by reducing overshadowing of dwelling houses and private open space areas.

In this regard, shadow diagrams have been submitted with the subject development application which demonstrates that due to the favourable orientation of the allotment, and compliant setbacks, building height and floor space ratio, the neighbouring property at 135 Tennyson Road will maintain greater than 3 hours solar access to all north facing living windows and all private open space areas. In particular, given the objector's position to the east of the subject site, any shadows from the proposed development would only begin to affect the objector's property after 12noon.

As this level of solar access to 135 Tennyson Road complies with the provisions of the Ryde DCP 2010, objection in relation to unacceptable loss of solar access as a result of the proposed development are considered to be unjustified.

The following are the shadow diagrams for this development.



## ITEM 2 (continued)

- F. *Loss of privacy.*** Concerns are raised from 135 Tennyson Road in relation to the perceived loss of privacy that will occur as a result of the proposed development.

### Assessment Officer's Comment

A review of the plans submitted with the proposed development reveal the following in relation to windows facing the adjoining property at 135 Tennyson Road:

#### *Ground floor*

On the ground floor of the dwelling, windows to the front porch, bathroom and Bedroom 3 are orientated to the rear boundary of the front allotment at 135 Tennyson Road. However it is noted that the ground floor level of the proposed development is RL7.4, while the rear yard of the adjoining dwelling at 135 Tennyson Road ranges between 8-12m AHD. Accordingly as the proposed development is significantly lower than the adjoining private open space area and dwelling house at 135 Tennyson Road, opportunities for overlooking and subsequent loss of privacy are considered to be minimised, particularly when also considering the effect of the boundary fence and subsequent limited viewing angles that would result.

#### *Upper level*

On the upper level of the proposed development, windows to en-suite bathrooms and walk-in robes are proposed. Privacy is however considered to be maintained due to the following:

- The above-mentioned windows of the proposed dwelling house at 135a Tennyson Road will be have a minimum separation distance of approximately 21m to that of the dwelling house at 135 Tennyson Road;
- The subject windows are not to the main living room areas of the proposed dwelling house, and as such will minimise opportunities for overlooking;
- The upper level of the proposed dwelling house is setback from the front façade effectively reducing the viewing angle from the window in the upper level sitting room and thus limiting opportunities for overlooking of neighbouring property;
- The window in the upper level sitting room has a void directly in front of it meaning a person cannot stand any closer than 1m from the window, again reducing the viewing angle and helping to limit overlooking of neighbouring property

Given the above, the proposed development is not considered to result in unacceptable levels of overlooking of the adjoining property at 135 Tennyson Road. As such, objections to the proposed development on the basis of privacy impacts are not supported.

## ITEM 2 (continued)

### 8. Clause 4.6 Ryde LEP 2010 objection required?

None required.

### 9. Policy Implications

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

##### (a) Ryde Local Environmental Plan 2010

###### Zoning

Under the Ryde LEP 2010 the zoning of the subject site is R2 Low Density Residential. The proposed development is permissible with Council's development consent.

###### Mandatory Requirements

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

###### Clause 4.3 – Height of buildings

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

Specifically, this clause states that the height of a building on any land is not to exceed the maximum height shown for the land on the 'Height of Buildings Map'.

The 'Height of Building Map' indicates a maximum building height of 9.5m is permitted on the subject site.

The proposal has a maximum building height of 9.46m, therefore complying with the maximum height of buildings under the mandatory provisions of the Ryde LEP 2010.

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

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

## ITEM 2 (continued)

### Clause 4.4 – Floor space ratio

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

Specifically, this clause states that the maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the 'Floor Space Ratio Map', which is 0.5:1 for this property.

The proposal has a maximum floor space ratio of 0.498:1, therefore complying with the maximum floor space ratio limit under the mandatory provisions of the Ryde LEP 2010.

### Clause 6.3(2) - Foreshore Building Line

Applies to this site which is a foreshore property. According to the foreshore building line maps applicable to this property, the dwelling is entirely behind the foreshore building line.

Sub-clause (2)(b) of this clause states that development consent must not be granted for swimming pools on land in the foreshore area except for swimming pools (at or below ground level(existing)). In this regard, the plans involve reconstruction of the existing swimming pool to a location slightly further back from the water than the existing pool, but still within the foreshore building line. The DA plans show that the coping level of the pool will only be 60mm (6cm) above the existing ground level which is considered minor and acceptable to comply with the requirement of Ryde LEP 2010 that swimming pools within the foreshore building line shall be at or below ground level (existing).

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

### State and Sydney Regional Environmental Planning Policies

*State Environmental Planning Policy (Building and Sustainability Index: BASIX) 2004:* A compliant BASIX Certificate has been submitted with this application.

*State Environmental Planning Policy No. 55: Remediation of Land.* The provisions of SEPP 55 require Council to consider the potential for a site to be contaminated. The subject site has a history of residential use and as such, it is unlikely to contain any contamination and further investigation is not warranted in this case.

*Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 (SREP):* The provision of this SREP has been taken into consideration in the relevant compliance table included in the Appendix of this report. As outlined within this assessment, the proposed development is considered to perform satisfactorily when having regard to the SREP.

## ITEM 2 (continued)

### (c) Any draft LEPs

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

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

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

#### Ryde Development Control Plan (DCP) 2010.

The proposal has been assessed using the development controls contained in the Ryde DCP 2010. The DCP Compliance Table for this development proposal is **Attachment 2** to this report.

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

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

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

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

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

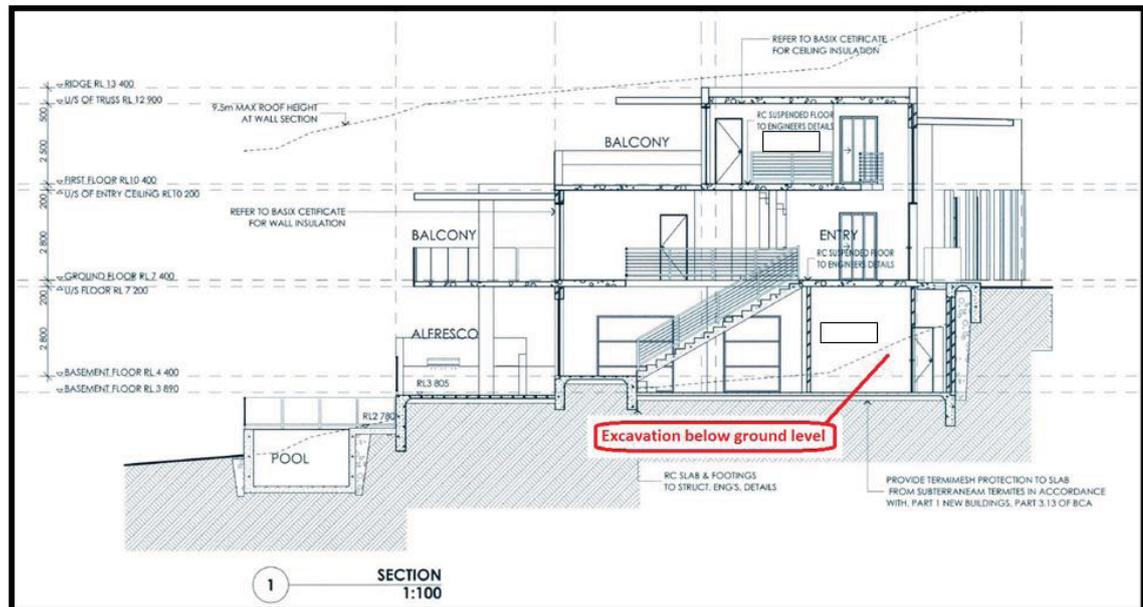
Additionally, there is to be no fill between the side of the building and the boundary.

## ITEM 2 (continued)

An assessment of the cut and fill arrangements for the proposed development have revealed the following:

- Within the building footprint the maximum level of cut is 2.08m ;
- Outside the building footprint the maximum cut is 2.77m and the maximum amount of fill is 730mm.

As a result retaining walls up to 2.97m high are proposed, which do not comply with the 900mm maximum retaining wall height under the Ryde DCP 2010. The following is a diagram (section) showing the location of the proposed excavation as identified above.



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

- The existing ground level on the subject site is already highly modified compared to that which would have been natural ground levels. This has been brought about via the existing large two-storey dwelling house which has been constructed on the subject site.
- The subject site has a fall of approximately 8m from the point where the access handle meets the allotment down to the waterfront, and as such this effectively makes it difficult to secure feasible level building platforms and usable private open space areas, without significant excavation taking place on the site;
- Compliant side setbacks have been implemented across the development site to minimise the impacts of privacy/overlooking;
- A geotechnical report has been submitted to Council which supports the proposed levels of excavation on the site. This information has been provided to Council's consultant structural engineers for concurrence.

## ITEM 2 (continued)

- The steep topography of the subject site and surrounding area makes it difficult to adhere to the maximum cut and fill levels; as such a merit based assessment focusing on the objectives of the controls is considered the most appropriate way of assessing the impacts of this non-compliance;
- The levels of excavation proposed are considered to be consistent with that required on waterfront properties in the surrounding area, including that of recently approved development on neighbouring property – see photo of adjoining development under construction below.



**Development under construction at 137 Tennyson Road, showing level of excavation proposed at that property.**

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

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

### Assessing Officer's Comment

Retaining natural ground levels is not an option for the subject site as there is evidence the natural ground levels have already been highly modified. This has been undertaken via significant excavation utilized to create a level building platform for the existing dwelling house, swimming pool, boat shed, garage and private open space area on the subject site.

## ITEM 2 (continued)

The proposed development will maintain an excavated and terraced approach to development on the site, albeit in a modified manner in order to consolidate the dwelling house and garage on site into a single larger dwelling house.

- *To create consistency along streetscapes.*

### Assessing Officer's Comment

The subject site is located on a relatively deep battle-axe allotment which largely makes the proposed development indiscernible from the Tennyson Road streetscape. The steeply sloping gradient from Tennyson Road down the proposed dwelling is also considered to reduce the visibility of the proposed dwelling, as shown in the following photo.



Streetscape view of the access handle for the subject site to the right of frame, and also to the neighbouring property at 137 Tennyson Road to the left of frame.

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

### Assessing Officer's Comment

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

## ITEM 2 (continued)

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

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

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

### Assessing Officer's Comment

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

- Side setback of 1.5m across all levels of the building, which is consistent with the minimum prescribed under the provisions of the Ryde DCP 2010;
- Rear setback of 11m at the shortest point which is greater than the minimum prescribed under the provisions of the Ryde DCP 2010;
- Proposed building height which complies with the minimum 9.5m height limited prescribed under the Ryde LEP 2010 and Ryde DCP 2010;
- Minimisation of windows on side elevations, and where such windows are proposed they are of a size, dimension, and location to ensure overlooking of adjoining property is restricted;
- No side balconies or terraces proposed as part of the proposed development;
- Existing vegetation surrounding the subject site is largely proposed to be retained and augmented by new landscape planting which also has the effect of maintaining privacy by reducing overlooking.

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

## ITEM 2 (continued)

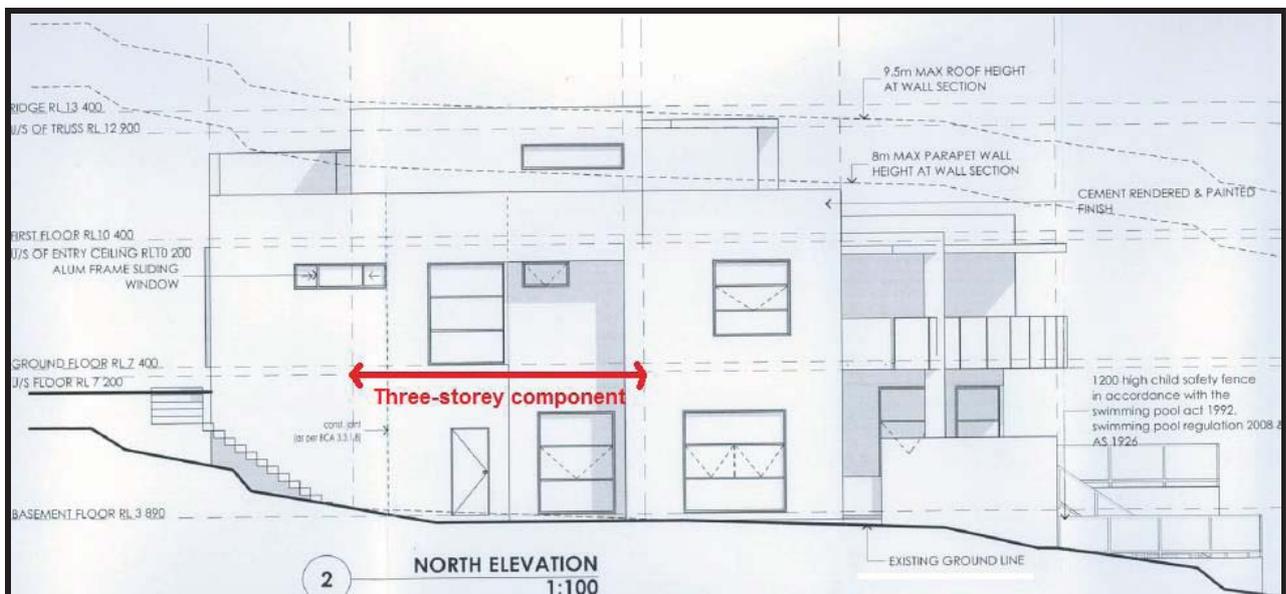
Given the above, the proposed non-compliance with the topography and excavation controls contained within the Ryde DCP 2010 are considered justifiable in this instance, particularly given the provisions of Section 79C(3A)(b) the Environmental Planning and Assessment Act 1979.

2. **Maximum number of storeys exceeded** – Section 2.7.1 of Part 3.3 of the Ryde Development Control Plan 2010 (Ryde DCP 2010) prescribes development controls for building height. Specifically, the building height controls state:

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

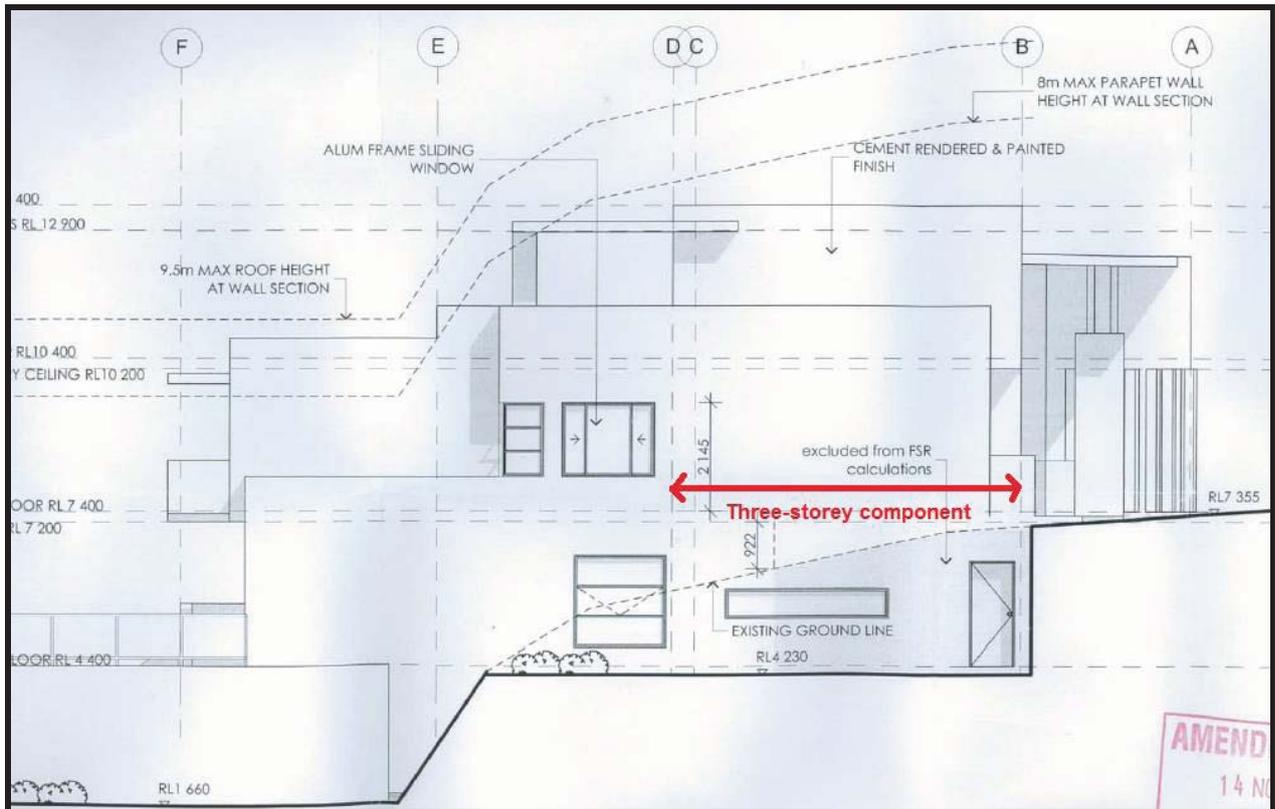
In addition, a number of other sections of the Ryde DCP 2010 also prescribe that dwelling houses within the R2 Low Density Residential area are to have a maximum 2 storey height limit. These include Section 2.1 and Section 2.10.

The proposed dwelling house will have a partial three (3) storey component where the upper level sitting room and bedrooms are proposed which therefore does not comply with the requirements of DCP 2010. The following drawings (north and south elevations) show the extent of the non-compliance.



North elevation showing the extent of the three-storey component.

## ITEM 2 (continued)



South elevation showing the extent of the three-storey component.

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

- As demonstrated in the front elevation of the proposed dwelling house earlier in this report, the dwelling primarily presents as a single storey dwelling house from the east, and due to it being located on a battle-axe allotment is largely indiscernible from the street or adjoining property at the front of the battle axe, being 135 Tennyson Road. As a result, the proposed development is not considered to negatively impact upon the streetscape or present as a visually dominant development.
- The proposed dwelling house is considered to be consistent with the emerging character of modern dwelling house development on the waterfront areas of Tennyson Point, Gladesville and Putney. The dwelling houses in the surrounding area are characterised by three-storey development that has either been constructed, is under construction, or recently approved by Council. Many examples are identified including the following dwelling houses within the immediate vicinity of the site - 137 Tennyson Road, 133 Tennyson Road, 131 Tennyson Road, 129 Tennyson Road, 127 Tennyson Road, 148 Tennyson Road, and 154 Tennyson Road etc.

## ITEM 2 (continued)

- The proposed dwelling complies with the maximum 9.5m height limit prescribed under the mandatory provisions of the Ryde LEP 2010, and the planning controls of the Ryde DCP 2010;
- When viewed from the water of Parramatta River it is considered that the proposed development will blend in and be consistent with that of adjoining development fronting the eastern side of Morrisons Bay.
- The proposed development includes a three-storey component over only part of its overall floorplan as demonstrated in the north and south elevations provided above. As this three-storey component is centrally located within the building mass, the overall bulk and scale of the building is considered to be diminished by the stepped design approach to the upper levels of the building.
- Impacts upon privacy as a result of the number of storeys have been mitigated through appropriate building location on the site and architectural design measures to ensure the privacy and amenity of the neighbouring allotments is not affected.

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

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

Assessing Officer's Comment:

The proposed dwelling is a free standing dwelling on a single allotment. Furthermore the proposed development includes significant landscaping across the allotment including providing adequate areas of deep soil planting.

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

Assessing Officer's Comment:

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

## ITEM 2 (continued)

- *To be of a low scale.*

### Assessing Officer's Comment

As evidenced in **Section 5** of this report, the proposed dwelling largely has the appearance of a single storey dwelling house from the front, and will be largely indiscernible from the street given the site is located on a battle-axe and steeply falls away from Tennyson Road. The scale of the development is considered consistent with that required by the Ryde LEP 2010 and Ryde DCP 2010 by virtue of its compliance floor space ratio, overall building height, and proposed setbacks.

The scale of the proposed development is also considered consistent that of other modern dwelling house development in the surrounding area and along the Morrisons Bay waterfront.

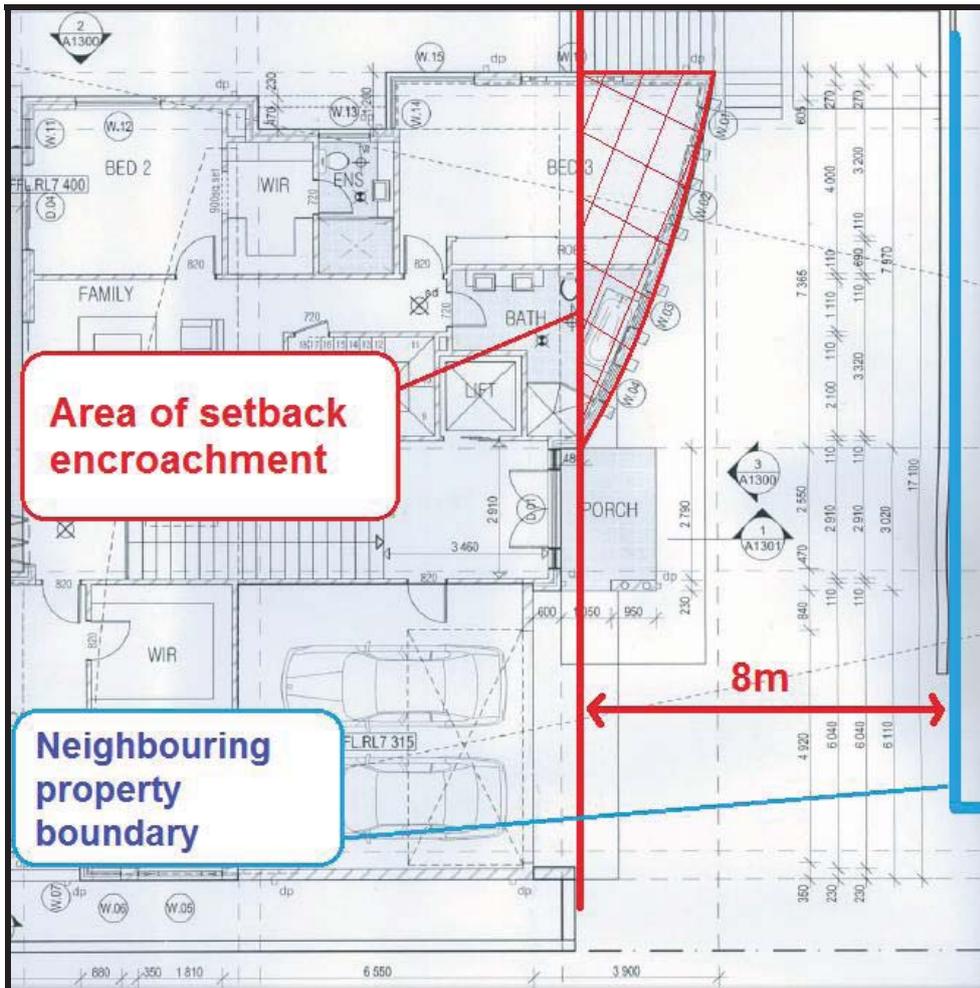
Given the above it is considered that the proposed number of storeys is justifiable in this instance, particularly having regard to the provisions of Section 79C(3A)(b) the Environmental Planning and Assessment Act 1979 and the ability of the proposed development to achieve the objectives of the building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

3. **Setbacks** - Section 2.8.3 of Part 3.3 of the Ryde DCP 2010 prescribes development controls for rear setbacks. Specifically, the controls state:

- Dwellings on battle-axe (hatchet shaped) allotments are to be setback from the rear boundary of the front allotment a minimum of 8 metres.

The setback of the proposed dwelling house to the rear boundary of the front allotment ranges between 5.1m and 9m and therefore does not comply with the DCP requirement, as shown in the following drawings (ground floor plan and air photo).

ITEM 2 (continued)



Ground floor plan showing encroachment on the 8m setback distance for battle-axe allotments. (Note this encroachment is not replicated on the upper level of the building)



Air photo showing location of boundary between the two allotments

## ITEM 2 (continued)

Although not complying with the setback controls contained within the Ryde DCP2010, the proposed setbacks of the dwelling can be supported for the following reasons:

- The proposed setback encroachment only occurs for a small component of the overall dwelling on the ground floor of the proposed development, and is not replicated across the other levels of the building;
- Existing development on the subject site is set back between 7-8m from the rear boundary of the front allotment, and as such does not comply with current provisions;
- The average setback for the proposed development is greater than 8m;
- Due to the level difference between the subject site and the adjoining battle-axe allotment at 135 Tennyson Road, and also the excavation levels proposed, the main bulk of the proposed development will largely be screened from adjoining property at 135 Tennyson Road;
- By locating the proposed development slightly closer to the rear boundary of 135 Tennyson Road, it is considered that better view sharing opportunities are afforded to 135 Tennyson Road by virtue of this dwelling house being able to look over the top of the proposed dwelling house and view more of Morrisons Bay. Refer to the View Impact Assessment included within **Attachment 4** to this report for further information on this point.

**4. *Windows of bedrooms may allow for overlooking*** – Section 2.13.2 of Part 3.3 of the Ryde Development Control Plan 2010 (Ryde DCP 2010) prescribes development controls for visual privacy. Specifically, the visual privacy controls state:

- Living room and kitchen windows, terraces and balconies are not to allow a direct view into neighbouring dwellings or neighbouring private open space.

The proposal has bedroom windows on the ground and first floor (Bedroom 2 & 5) orientated towards the private open space of No.133 Tennyson Road and allow for potential overlooking towards the pool due to the elevated FFL of the ground and first floor.

As a result the proposed development is considered not to comply with the visual privacy controls under the Ryde DCP 2010.

## ITEM 2 (continued)

Although not complying with the visual privacy controls set out within the Ryde DCP 2010, this non-compliance can be supported for the following reasons:

- The non-compliance in relation to visual privacy relates to bedroom windows which are not considered to be primary living rooms and therefore not normally used with the intensity of a dedicated living room.
- Due to the battle-axe allotment of the subject site and its required forward location from the dwelling at No.133 Tennyson Road, it is considered that any dwelling with side facing windows will allow for some level of overlooking to the private open space of the neighbouring allotments.
- Vegetation exists along the boundary of the pool area within No.133 Tennyson Road, and although not currently of a height to provide any screening, the species planted will begin to provide a high level of screening as they mature.
- A condition is to be imposed which requires the subject windows to include suitable privacy screening or opaque/frosted glazing so as to minimise the opportunity for privacy and overlooking impacts.

Accordingly, it is recommended that the following condition (see condition 36) be imposed to ensure that the side bedroom windows do not allow for overlooking or impact on the privacy of the neighbouring allotments, as required by Section 2.13.2 of Part 3.3 of the Ryde DCP 2010:

***Privacy Screen.*** Window 12 (W12) on the northern-eastern side of the ground floor of the dwelling and Window 22 (W22) on the northern-eastern side of the first floor of the dwelling are to be fitted with a privacy screen or frosted/opaque glazing or similar that reduces the opportunity for overlooking to the adjoining private open spaces of neighbouring allotment at No.133 Tennyson Road, Tennyson Point. Specific details of the proposed privacy screen or glazing are to be submitted and approved by the Principal Certifying Authority prior to the issue of a **Construction Certificate**.

5. **Maximum 40% hard paving within front yard exceeded** – Section 2.12 of Part 3.3 of the Ryde Development Control Plan 2010 (Ryde DCP 2010) prescribes development controls for landscaping. Specifically, the landscaping controls state:

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

## ITEM 2 (continued)

The proposal has an amount of hard-paving within the “front yard” of some 79.60%, which does not comply with the landscaping controls under the Ryde DCP 2010.

Although not complying with the hard paving controls set out within the Ryde DCP 2010, this non-compliance can be supported for the following reasons:

- The proposed development is to occur on a battle-axe shaped allotment therefore not providing a typical front garden area as with most sites. Accordingly it is considered inherently difficult to achieve a maximum 40% hard paved front garden area whilst still allowing the entry, exit and turning areas required for vehicles.
- The design of the driveway and turning area has attempted to minimise the extent of the hard paved areas and include areas of deep soil area where possible.
- The increased area of proposed hardstand allows for vehicles to enter and exit the site in a forward direction seeing improved pedestrian and vehicular safety.
- The proposed design increases the level of deep soil planting within the front garden area over that of the existing arrangements on site.
- Due to the location of the allotment on the Morrisons Bay waterfront, typically this landform includes minimal natural deep soil as a result of the soil profiles being dominated by sandstone rock outcrops.

Given the above, it is considered that the non-compliances relating to hard paving is justifiable in this instance.

**6. *Minimum 35% Deep Soil area not achieved*** - Section 2.5.1 of Part 3.3 of the Ryde DCP 2010 prescribes development controls for deep soil zones. Specifically, the deep soil controls state:

- Sites are to have a deep soil area that is at least 35% of the area of the allotment.

The proposal has a deep soil area of some 213.82m<sup>2</sup> which is approximately 25% of site area, which does not comply with the controls set within the Ryde DCP 2010.

Although not complying with the deep soil controls within the Ryde DCP2010, the proposed amount of deep soil area to be provided can be supported for the following reasons:

## **ITEM 2 (continued)**

- The proposed development is to take place on a waterfront property for which the provision of deep soil on such land is somewhat a contradiction of terms given the geological conditions of such areas are largely rocky areas or sandy waterfront interface areas.
- The proposed development is to occur on a battle-axe shaped allotment therefore not providing a typical allotment arrangement with a dedicated front yard with deep soil. As such it is considered inherently difficult to achieve the minimum 35% deep soils area across the site.
- An increased area of hardstand is required outside the dwelling footprint as a result of the extended driveway handle as part of the vehicular access to the battle-axe allotment.
- Deep soils areas have been incorporated across the site where possible with increased levels of vegetation proposed over that of the existing.
- The existing arrangements on site are not considered to have provided for 35% deep soil area, therefore seeing minimal change to the existing.

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

## **10. Likely impacts of the Development**

### **(a) Built Environment**

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

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

### **(b) Natural Environment**

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

## ITEM 2 (continued)

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

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

#### Acid Sulphate Soils:

Acid sulphate soil is the name given to naturally occurring sediment and soil containing iron sulphides. The exposure to the sulphides in these soils to oxygen by drainage or excavation leads to the generation of sulphuric acid. This happens when the soil beneath the water table is disturbed by exposure to air.

The City of Ryde has been advised by the New South Wales Government that certain properties within the City may be subjected to Acid Sulphate soil. The majority of land in Ryde and more specifically the subject site is included as Class 5 land. This class of land is not mapped as having a probability of containing acid sulphate but rather because activities carried out on the land may have the potential to alter groundwater in adjacent Class 1 to 4 land.

In general the use of Class 5 land for normal residential occupation will not be affected by the possibility of acid sulphate soil.

Any works proposed to be undertaken in Class 5 land which may lead to the lowering of the water table below one metre Australian Height Datum in adjoining Class 1, 2, 3 or 4 land would require the matter to be addressed in an application to Council. In general it would require a major activity such as sinking a bore to reduce the water table in adjoining or nearby land and therefore the proposed development is considered minimal in these respects.

#### Foreshore Building Line:

Refer to discussion on Mandatory Requirements under Ryde LEP 2010 (above).

#### Proximity to Heritage Items:

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

#### Slope Instability:

Refer to comments from Consultant Structural Engineer (see referrals section of the report below).

Having regard to the subject site and surrounds it is considered that the subject site is suitable for the proposed development.

## ITEM 2 (continued)

### 12. The Public Interest

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

Based on this level of compliance and the outcomes of Council's assessment of the development application, it is considered that approval of this development application would be in the public interest.

### 13. Consultation – Internal and External

#### Internal Referrals

**Senior Development Engineer:** Council's Senior Development Engineer has made an assessment of the proposal and raised no objection to the latest amended plans subject to standard conditions of consent.

**Heritage Officer:** Has provided the following comments:

#### **Background:**

*The same Architect Basil Alqadoumi lodged the development application for No.137A Tennyson Road in 2012 (LDA2012/0055). During the course of the review various forms of evidence and documentation were requested by the Heritage Officer confirming that the proposed adjoining property did not impact the views or appearance of the heritage item from the west.*

*During the assessment of the DA the RL's levels were provided and an agreement was made on the material and finishes.*

*The architect has not clearly provided this information and has submitted a colour schedule which is not sympathetic to the heritage item and its views from the west.*

#### **Assessment of Heritage Impact:**

*The heritage item at 139 Tennyson Road has west facing fenestration at the ground and first floor levels. Views from these openings take in views of Morrisons Bay and the surrounds.*

*The proposal will be built on the lower and waterfront portion of the subject site at 135A Tennyson Road.*

*It is considered, that the proposed light colour scheme would result in a dwelling that would visually dominate the heritage item and is inconsistent with the context and setting of Tennyson Point. In order to ground the proposed dwelling on the water front site and to retain the heritage item as the visually prominent*

## ITEM 2 (continued)

*dwelling, it is recommended that the final colour scheme and schedule of materials and finishes be selected from a range of shades and colours considered more palatable to the setting and context, such as darker bricks or renders (recessive colours).*

### **Recommendations:**

*A condition of consent is to be placed on any determination requesting a full schedule of materials and finishes (recessive darker colours) in accordance with:*

*A revised Colour Schedule and Sample Board (in recessive darker colours similar to the approved dwelling at No 137A Tennyson Road) is to be prepared to Council's Heritage Officers satisfaction, prior to release of the Construction Certificate.*

(see condition 2).

## External Referrals

Consultant Structural Engineer (Cardno Pty Ltd): Has provided the following comments on the latest amended geotechnical report (January 2014):

- 1. In our report to Council dated 11 December 2013 we suggested that the applicant be requested to provide an amended geotechnical report that addressed issues (a) to (d) as detailed in our report.*
- 2. The amended SMEC report dated January 2014 addresses the issues that Cardno had suggested be addressed.*

*Cardno assesses that the revised SMEC report fulfils Council's normal requirements for geotechnical reports submitted for sites potentially at risk of slope instability.*

- 3. Should Council decide to approve this application then Cardno recommends that the approval be conditioned requiring that all works be carried out in strict compliance with the recommendations as contained in the SMEC report dated January 2014.*

(See condition 1).

## 14. Critical Dates

There are no critical dates or deadlines to be met.

## 15. Financial Impact

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

## **ITEM 2 (continued)**

### **16. Other Options**

None relevant.

### **17. Conclusion**

The proposal has been assessed against the heads of consideration of Section 79C of the Environmental Planning and Assessment Act 1979 and is generally considered to be satisfactory.

Although there are some areas of non-compliance with Council's DCP 2010 relating to height (wall plate height and number of storeys), topography and excavation, deep soil areas, visual privacy, minimum setback from front allotment on a battle-axe lot and landscaped area, these are generally considered acceptable in the context of the site, as discussed in the body of the report. Also, although there have been some valid issues of concern raised by the objector (to the east), the grounds of objection relating to view loss, height, setbacks and solar access do not warrant refusal or further amendment to the design.

On the above basis, LDA2013/0297 at 135a Tennyson Road, Tennyson Point is recommended for approval subject to conditions.

**ITEM 2 (continued)**

**ATTACHMENT 1**

**DRAFT CONDITIONS OF CONSENT.**  
**135a TENNYSON ROAD, TENNYSON POINT**  
**LDA2013/297**

**GENERAL**

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

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

Document Description	Date	Plan No/Reference
Basement Floor	12.11.2013	Job No. 1321, Drawing No.1100
Ground Floor Plan	12.11.2013	Job No. 1321, Drawing No.1101
First Floor Plan	12.11.2013	Job No. 1321, Drawing No.1102
Elevations	12.11.2013	Job No. 1321, Drawing No.1300
Sections	12.11.2013	Job No. 1321, Drawing No.1301
Landscape Plan	06.08.2013	Job No. 1321, Drawing No. LP
Civil & Hydraulic Plans	20.10.2013	Drawing No.1314 , Sheet 1-3
Demolition Work Plan	13.08.2013	Version 1
Waste Management Plan	14.08.2013	Unreferenced
Geotechnical Report	January 2014	Report No 13/2391A

2. **Schedule of Finishes.** A revised Colour Schedule and Sample Board (in recessive darker colours similar to the approved dwelling at No 137A Tennyson Road) is to be prepared to Council's Heritage Officers satisfaction, prior to release of the Construction Certificate.
3. **Building Code of Australia.** All building works approved by this consent must be carried out in accordance with the requirements of the Building Code of Australia.
4. **BASIX.** Compliance with all commitments listed in BASIX Certificate numbered 497366S, dated 06 August 2013.
5. **Support for neighbouring buildings.** If the development involves excavation that extends below the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
  - (a) Protect and support the adjoining premises from possible damage from the excavation, and
  - (b) Where necessary, underpin the adjoining premises to prevent any such damage, in accordance with relevant Australian Standards.

**ITEM 2 (continued)**

**ATTACHMENT 1**

**Protection of Adjoining and Public Land**

6. **Hours of work.** Building activities (including demolition) may only be carried out between 7.00am and 7.00pm Monday to Friday (other than public holidays) and between 8.00am and 4.00pm on Saturday. No building activities are to be carried out at any time on a Sunday or a public holiday.
7. **Hoardings.**
  - (a) A hoarding or fence must be erected between the work site and any adjoining public place.
  - (b) Any hoarding, fence or awning erected pursuant this consent is to be removed when the work has been completed.
8. **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.

**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.

**Swimming Pools/Spas**

12. **Pool filter – noise.** The pool/spa pump/filter must be enclosed in a suitable ventilated acoustic enclosure to ensure the noise emitted therefrom does not exceed 5dB(A) above the background noise level when measured at any affected residence.
13. **Depth markers.** Water depth markers are to be displayed at a prominent position within and at each end of the swimming pool.

**ITEM 2 (continued)**

**ATTACHMENT 1**

14. **Wastewater discharge.** The spa/pool shall be connected to the Sydney Water sewer for discharge of wastewater.
15. **Resuscitation Chart.** A resuscitation chart containing warning “YOUNG CHILDREN SHOULD BE SUPERVISED WHEN USING THIS POOL” must be provided in the immediate vicinity of the pool area so as to be visible from all areas of the pool.

Engineering Conditions

16. **Design and Construction Standards.** All engineering plans and work shall be carried out in accordance with the requirements as outlined within Council’s publication *Environmental Standards Development Criteria 1999 and City of Ryde Development Control Plan 2010 Section 8* except as amended by other conditions.
17. **Service Alterations.** All mains, services, poles, etc., which require alteration shall be altered at the applicant’s expense.
18. **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.
19. **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) are required within the road reserve. No drainage work 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**

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

**ITEM 2 (continued)**

**ATTACHMENT 1**

**PRIOR TO CONSTRUCTION CERTIFICATE**

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

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

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

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

27. **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**.
28. **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**.
29. **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)
30. **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
31. **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**.
32. **Long Service Levy.** Documentary evidence of payment of the Long Service Levy under Section 34 of the Building and Construction Industry Long Service Payments Act 1986 is to be submitted to the Principal Certifying Authority prior to the issuing of the **Construction Certificate**.

**ITEM 2 (continued)**

**ATTACHMENT 1**

33. **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.

34. **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**.
35. **Pool fencing.** The pool fence is to be erected in accordance with the approved plans and conform with the provisions of the *Swimming Pools Act 1992* and *Swimming Pools Regulation 2008*. Details of compliance are to be reflected on the plans submitted with the **Construction Certificate**.
36. **Privacy Screen.** Window 12 (W12) on the northern-eastern side of the ground floor of the dwelling and Window 22 (W22) on the northern-eastern side of the first floor of the dwelling are to be fitted with a privacy screen or frosted/opaque glazing or similar that reduces the opportunity for overlooking to the adjoining private open spaces of neighbouring allotment at No.133 Tennyson Road, Tennyson Point. Specific details of the proposed privacy screen or glazing are to be submitted and approved by the Principal Certifying Authority prior to the issue of a **Construction Certificate**.

Engineering Conditions

37. **Driveway Grades.** The maximum grade of all internal driveways and vehicular ramps shall be 1 in 4 and in accordance with the relevant section of AS 2890.1. The maximum change of grade permitted is 1 in 8 (12.5%) for summit grade changes and 1 in 6.7 (15%) for sag grade changes. Any transition grades shall have a minimum length of 2.0m. Engineering certification indicating compliance with this condition is to be submitted with the Construction Certificate application.

**ITEM 2 (continued)**

**ATTACHMENT 1**

38. **Control of Stormwater Runoff.** Stormwater runoff from all impervious areas shall be collected and piped by gravity flow to Morrison Bay. The design shall incorporate a BASIX rainwater tank where applicable and the capacity of the piped drainage system shall be designed for a minimum 1 in 20 year average recurrence interval storm event. Overland flow paths are to be provided to convey runoff when the capacity of the piped drainage system is exceeded for storms up to the 100 year average recurrence interval and direct it to Morrison Bay. Runoff which enters the site from upstream properties must not be redirected in a manner which adversely affects adjoining properties. The design shall ensure that the development, either during construction or upon completion, does not impede or divert natural surface water so as to have an adverse impact upon adjoining properties.

Accordingly, detailed engineering plans including engineering certification indicating compliance with this condition are to be submitted with the Construction Certificate application.

39. **Water Tank First Flush.** A first flush mechanism is to be designed and constructed with the water tank system. Details of the first flush system are to be submitted with the construction certificate application.
40. **Excavation.** The proposed development will result in substantial excavation that has the potential to affect the foundations of adjoining properties/retaining walls.

The applicant shall:

- a) *seek independent advice from a Geotechnical/structural Engineer on the impact of the proposed excavations on the adjoining properties*
- b) *detail what measures are to be taken to protect those properties from undermining during construction*
- c) *provide Council with a certificate from the engineer on the necessity and adequacy of support for the adjoining properties.*

The above matters shall be completed prior to the issue of the construction certificate.

All recommendations of the Geotechnical Engineer are to be carried out during the course of the excavation. The applicant must give at least seven (7) days notice to the owner and occupiers of the adjoining allotments before excavation works commence

41. **Erosion and Sediment Control Plan.** An *Erosion and Sediment Control Plan (ESCP)* shall be prepared by a suitably qualified consultant in accordance with the guidelines set out in the manual "*Managing Urban Stormwater, Soils and Construction*" prepared by the Landcom. These devices shall be maintained during the construction works and replaced where considered necessary.

**ITEM 2 (continued)**

**ATTACHMENT 1**

The following details are to be included in drawings accompanying the *Erosion and Sediment Control Plan*

- (a) Existing and final contours
- (b) The location of all earthworks, including roads, areas of cut and fill
- (c) Location of all impervious areas
- (d) **Location and design criteria of erosion and sediment control structures,**
- (e) Location and description of existing vegetation
- (f) Site access point/s and means of limiting material leaving the site
- (g) Location of proposed vegetated buffer strips
- (h) Location of critical areas (drainage lines, water bodies and unstable slopes)
- (i) Location of stockpiles
- (j) Means of diversion of uncontaminated upper catchment around disturbed areas
- (k) Procedures for maintenance of erosion and sediment controls
- (l) Details for any staging of works
- (m) Details and procedures for dust control.

**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.

**42. 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.

- 43. 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.

**ITEM 2 (continued)**

**ATTACHMENT 1**

44. **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).

45. **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.

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

Engineering Conditions

47. **Sediment and Erosion Control.** The applicant shall install appropriate sediment control devices in accordance with an approved plan **prior** to any earthworks being carried out on the site. These devices shall be maintained during the construction period and replaced where considered necessary. Suitable erosion control management procedures shall be practiced. This

**ITEM 2 (continued)**

**ATTACHMENT 1**

condition is imposed in order to protect downstream properties, Council's drainage system and natural watercourses from sediment build-up transferred by stormwater runoff from the site.

48. **Compliance Certificate.** A Compliance Certificate should be obtained confirming that the constructed erosion and sediment control measures comply with the construction plan and City of Ryde, Development Control Plan 2010: - Part 8.1; Construction Activities

**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.

49. **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*.
50. **Sediment/dust control.** No sediment, dust, soil or similar material shall leave the site during construction work.
51. **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.
52. **Construction materials.** All materials associated with construction must be retained within the site.
53. **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.
54. **Site maintenance**  
The applicant must ensure that:
- (a) approved sediment and erosion control measures are installed and maintained during the construction period;

**ITEM 2 (continued)**

**ATTACHMENT 1**

- (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.
55. **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".
56. **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.
57. **Tree protection – during construction.** Trees that are shown on the approved plans as being retained must be protected against damage during construction.

**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.

58. **BASIX.** The submission of documentary evidence of compliance with all commitments listed in BASIX Certificate numbered 497366S, dated 06 August 2013.
59. **Landscaping.** All landscaping works approved by condition 1 are to be completed prior to the issue of the final **Occupation Certificate**.
60. **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**.

**ITEM 2 (continued)**

**ATTACHMENT 1**

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

Engineering Conditions

62. **Drainage Construction.** The stormwater drainage on the site is to be constructed in accordance with plan the Construction Certificate version of Drawing No 1314-17 sheets 1 to 3 dated 20/10/13 prepared by ACE Civil & Hydraulic Engineers.
63. **Compliance Certificates – Engineering.** Compliance Certificates should be obtained for the following (If Council is appointed the Principal Certifying Authority [PCA] then the appropriate inspection fee is to be paid to Council) and **submitted to the PCA:**
- Confirming that the site drainage system servicing the development complies with the construction plan requirements and City of Ryde, Development Control Plan 2010: - Part 8.2; Stormwater Management
  - 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.

**OPERATIONAL CONDITIONS**

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

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

**End of consent**

ITEM 2 (continued)

ATTACHMENT 2

QUALITY CERTIFICATION

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

<b>LDA No:</b>	<b>2013/0297</b>
<b>Date Plans Rec'd</b>	<b>15 August 2013. Amended plans received 14 November 2013.</b>
<b>Address:</b>	<b>135A Tennyson Road, Tennyson Point</b>
<b>Proposal:</b>	Demolition, new part 2 / part 3 storey dwelling and pool
<b>Constraints Identified:</b>	<b>Acid Sulphate Soils, Foreshore Building Line, Landslip, 100m of Heritage Item, Sydney Harbour Foreshores &amp; Waterways DCP</b>

COMPLIANCE CHECK

RYDE LEP 2010	PROPOSAL	COMPLIANCE
<b>4.3(2) Height</b> • 9.5m overall	9.46m	Yes
<b>4.4(2) &amp; 4.4A(1) FSR</b> • 0.5:1	0.498:1	Yes

DCP 2010	PROPOSED	COMPLIANCE
<b>Part 3.3 – Dwelling Houses and Dual Occupancy (attached)</b>		
<b>Desired Future Character</b>		
Development is to be consistent with the desired future character of the low density residential areas.	The proposed development is consistent with the desired future character of the low density residential area as detailed further in this table.	Yes
<b>Dwelling Houses</b>		
– To have a landscaped setting which includes significant deep soil areas at front and rear.	Front and rear gardens proposed however it is noted that the front garden includes only minimal landscaping due to the arrangement of the front yard incorporating hard paved areas so vehicles can enter and exit the battleaxe allotment in a forward direction.	Yes
– Maximum 2 storeys.	2/3 storeys proposed. It is noted that the dwelling appears as two storeys from the front and is not highly visible from the street as it is	Yes

ITEM 2 (continued)

ATTACHMENT 2

DCP 2010	PROPOSED	COMPLIANCE
	on a battleaxe allotment.	
- Dwellings to address street	Dwelling is considered to present to Tennyson Road	Yes
- Garage/carports not visually prominent features.	Double garage is recessed from the main building line to ensure it is not visually prominent	Yes
<b>Public Domain Amenity</b>		
<ul style="list-style-type: none"> <li><b>Streetscape</b></li> </ul>		
- Front doors and windows are to face the street. Side entries to be clearly apparent.	Front doors and windows face Tennyson Road.	Yes
- Single storey entrance porticos.	Single entrance portico proposed	Yes
- Articulated street facades.	Articulated street facade proposed	Yes
- Corner buildings to address both frontages	Not on corner	N/A
<ul style="list-style-type: none"> <li><b>Public Views and Vistas</b></li> </ul>		
- 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.	1500mm view corridor provided on both sides of the dwelling. Landscaping is not considered to impact or restrict views towards Morrisons Bay.	Yes
- Garages/carports and outbuildings are not to be located within view corridor if they obstruct view.	Garage is attached and is not located within any view corridor.	Yes
- Fence 70% open where height is >900mm	No fencing proposed that would obstruct any existing views.	Yes
<ul style="list-style-type: none"> <li><b>Pedestrian &amp; Vehicle Safety</b></li> </ul>		
- Car parking located to accommodate sightlines to footpath & road.	Car parking arrangements allow for vehicles to enter and exit the site in a forward direction allowing sufficient sightlines to the footpath and roadway.	Yes
- Fencing that blocks sight line is to be splayed.	Fencing is not considered to block any sightlines.	Yes
<b>Site Configuration</b>		
<ul style="list-style-type: none"> <li><b>Deep Soil Areas</b></li> </ul>		
- 35% of site area min.	213.82m <sup>2</sup> approx (25% of site area). Although failing to	No - Justifiable

**ITEM 2 (continued)**

**ATTACHMENT 2**

DCP 2010	PROPOSED	COMPLIANCE
<ul style="list-style-type: none"> <li>- Min 8x8m deep soil area in backyard.</li> <li>- Front yard to have deep soil area (only hard paved area to be driveway, pedestrian path and garden walls).</li> </ul>	<p>provide the required level of deep soil across the site, given the waterfront location of the site and the predominant geology being that of sandstone rock outcrops it is considered the benefits of the deep soil are not</p> <p>8m x 8m provided in rear yard</p> <p>100% permeable area in front yard= 29.82m<sup>2</sup>. Hard surface areas are not considered to have been kept to a minimum</p>	<p>Yes</p> <p>Yes</p>
<p>• <b>Topography &amp; Excavation</b></p> <p>Within building footprint:</p> <ul style="list-style-type: none"> <li>- Max cut: 1.2m</li> <li>- Max fill: 900mm</li> </ul> <p>Outside building footprint:</p> <ul style="list-style-type: none"> <li>- Max cut: 900mm</li> <li>- Max fill: 500mm</li> <li>- No fill between side of building and boundary or close to rear boundary</li> <li>- No fill in overland flow path</li> <li>- Max ht retaining wall 900mm</li> </ul>	<p>Max cut: 2.08m within the basement level wine cellar</p> <p>Max fill: 290mm within family room on basement level</p> <p>Max cut: 2.77m next to retaining wall adjacent garage</p> <p>Max fill: 730mm at southern corner of proposed pool</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 proposed 2.97m along south-western boundary.</p>	<p>No - Justifiable</p> <p>Yes</p> <p>No - Justifiable</p> <p>No - Justifiable</p> <p>Yes</p> <p>N/A</p> <p>No</p>
<p><b>Floor Space Ratio</b></p>		
<ul style="list-style-type: none"> <li>- Ground floor</li> <li>- First floor</li> <li>- Basement</li> <li>- Total (Gross Floor Area)</li> <li>- Boat Shed</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>187.10m<sup>2</sup></p> <p>78.43m<sup>2</sup></p> <p>171.07m<sup>2</sup></p> <p>436.60m<sup>2</sup></p> <p>21.27m<sup>2</sup></p> <p>421.87m<sup>2</sup></p> <p><b>0.498:1</b></p>	<p>Yes</p>

ITEM 2 (continued)

ATTACHMENT 2

DCP 2010	PROPOSED	COMPLIANCE
<b>Note: Excludes wall thicknesses, lifts/stairs; basement storage/vehicle access/garbage area; terraces/balconies with walls &lt;1.4m; void areas.</b>	Site area 847.31m <sup>2</sup> including access handle as per DP	
<b>Height</b>		
- 2 storeys maximum (storey) incl basement elevated greater than 1.2m above EGL).	2/3 storeys proposed. It is noted that the dwelling appears as two storeys from the front and is not highly visible from the street as it is on a battleaxe allotment.	Yes
- 1 storey maximum above attached garage incl semi-basement or at-grade garages.	1 storey proposed above attached garage.	Yes
Wall plate (Ceiling Height) - 7.5m max above FGL or - 8m max to top of parapet.	TOW RL: 13.40 FGL below (lowest point): RL:3.94 TOW Height (max)= 9.46m	No - justifiable
NB: TOW = Top of Wall EGL = Existing Ground Level FGL = Finished Ground Level - 9.5m Overall Height	Max point of dwelling RL:13.40 EGL below ridge (lowest point) RL: 3.94 Overall Height (max)= 9.46m	Yes
NB: EGL – Existing ground Level		
- Habitable rooms to have 2.4m floor to ceiling height (min).	2.5m min room height	Yes
<b>Setbacks</b>		
• <b>Side</b>		
○ <b>Two storey dwelling</b>		
- 1500mm to wall, includes balconies etc.	To wall min 1500mm	Yes
• <b>Front</b>		
- 6m to façade (generally)	6m front setback maintained	Yes
- 2m to secondary street frontage	Not on corner	N/A
- Garage setback 1m from the dwelling facade	Proposed garages setback min. 1m from dwelling facade	Yes
- Wall above is to align with outside face of garage below.	Wall above aligns with outside face of garage below	Yes

**ITEM 2 (continued)**

**ATTACHMENT 2**

<b>DCP 2010</b>	<b>PROPOSED</b>	<b>COMPLIANCE</b>
<ul style="list-style-type: none"> <li>- Front setback free of ancillary elements e.g. RWT,A/C</li> </ul>	<p>No ancillary elements located within front setback. It is note that RWT and OSD are located under driveway.</p>	Yes
<ul style="list-style-type: none"> <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: 7.73m is 25% of site length.</b></li> </ul>	<p>Minimum 11.17m rear setback provided.</p>	Yes
<p><b>Battle-axe (hatchet shaped)</b></p> <ul style="list-style-type: none"> <li>- Setback min 8m from front allotment. A single storey garage or outbuilding may be located within this setback.</li> </ul>	<p>Minimum setback from front allotment 5.074m.            Maximum setback from front allotment 9m.</p> <p>It is noted that the existing dwelling on site is setback a minimum of 7m and a maximum of 8m.</p>	No - justifiable
<b>Car Parking &amp; Access</b>		
<ul style="list-style-type: none"> <li>• <b>General</b></li> <li>- Dwelling: 2 spaces max, 1 space min.</li> <li>- 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> </ul>	<p>2 spaces proposed within double garage.</p>	Yes
	<p>Access from: Tennyson Road, no other access available.</p>	Yes
	<p>External width: 6m</p>	Yes
	<p>Behind facade</p>	Yes
<ul style="list-style-type: none"> <li>• <b>Garages</b></li> <li>- Garages setback 1m from façade.</li> </ul>	<p>Setback from façade: 1m            Note: dwelling includes a curved front facade; however it can be considered that the garage is setback adequately from this curved facade by at least 1m even though at parts this reduces to 600mm.</p>	Yes
<ul style="list-style-type: none"> <li>- Total width of garage doors visible from public space must not exceed 5.7m and be setback not more than 300mm behind the outside face of the building element immediately above.</li> </ul>	<p>Width of opening: 4.9m</p>	Yes
	<p>Door setback: 300mm</p>	Yes

ITEM 2 (continued)

ATTACHMENT 2

DCP 2010	PROPOSED	COMPLIANCE
<ul style="list-style-type: none"> <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> <li>• <b>Parking Space Sizes (AS)</b> <ul style="list-style-type: none"> <li>Double garages: 5.4m w (min)</li> </ul> </li> <li>- Internal length: 5.4m (min)</li> <li>• <b>Driveways</b> <ul style="list-style-type: none"> <li>- Extent of driveways minimised</li> </ul> </li> </ul>	<p>No windows proposed to garage.</p> <p>Solid doors proposed Materials are considered to be consistent with new dwelling.</p> <p style="text-align: center;">6m 5.9m</p> <p>Although the proposed driveway appears to be extensive it is considered that it has been minimised as much as possible whilst still retaining sufficient hard stand area to allow vehicles space for turning and to enter and exit the site in a forward direction.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
<b>Swimming Pools &amp; Spas</b>		
<ul style="list-style-type: none"> <li>- Must comply with all relevant Acts, Regulations and Australian Standards.</li> <li>- Must at all times be surrounded by a child resistant barrier and located to separate pool from any residential building and/or outbuildings (excl cabanas) and from adjoining land.</li> <li>- No openable windows, door or other openings in a wall that forms part of barrier</li> <li>- Spa to have lockable lid if not fenced or covered</li> <li>- Pools not to be in front setback</li> <li>• <b>Pool coping height</b> <ul style="list-style-type: none"> <li>- 500mm maximum above existing round level</li> </ul> </li> <li><i>(only if no impact on privacy)</i></li> <li>• <b>Pool Setback</b> <ul style="list-style-type: none"> <li>- 900mm min from outside edge of pool coping, deck or surrounds to allow sufficient</li> </ul> </li> </ul>	<p>Pool appears to comply with all relevant Acts, Regulations and Australian Standards.</p> <p>Fence surrounds pool at all times.</p> <p>Gate / swing location shown.</p> <p>No openable doors or windows within barrier proposed.</p> <p>No spa proposed.</p> <p>Proposed pool is at rear Pool coping RL: 2.78</p> <p>EGL (lowest point below coping): RL: 2.72</p> <p>Coping Height (max)= 60mm</p> <p>Setback (min): 1.8m</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>N/A</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>

ITEM 2 (continued)

ATTACHMENT 2

DCP 2010	PROPOSED	COMPLIANCE
<p>space for amenity screen planting</p> <ul style="list-style-type: none"> <li>- Screen planting required for pools located within 1500mm, min bed width of 900mm for the length of the pool. Min ht 2m, min spacing 1m.</li> <li>- Pool setback 3m+ from tree &gt;5m height on subject or adjacent property.</li> <li>- Pool filter located away from neighbouring dwellings, and in an acoustic enclosure.</li> </ul>	<p>Pool is not located within 1500mm of the side boundary therefore no screen planting required.</p> <p>Pool is setback more than 3m from neighbouring trees above 5m</p> <p>Pool filter and pumps located away from neighbouring dwellings.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>
<b>Landscaping</b>		
<ul style="list-style-type: none"> <li>• <b>Trees &amp; Landscaping</b></li> <li>- Major trees retained where practicable.</li> <li>- If bushland adjoining use native indigenous species for 10m from boundary</li> <li>- Physical connection to be provided between dwelling and outdoor spaces where the ground floor is elevated above NGL e.g. stairs, terraces.</li> <li>- Obstruction-free pathway on one side of dwelling (excl cnr allotments or rear lane access).</li> <li>- Front yard to have at least 1 tree with mature ht of 10m min and a spreading canopy.</li> <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> </ul>	<p>No major trees identified on site. Only Cocos Palm trees (<i>syagrus romanzoffiana</i>) to be removed which are not considered to be significant and have minimal retention value.</p> <p>Not bushland adjoining</p> <p>Physical connection provided between the proposed dwelling and outdoor spaces through the incorporation of stairs</p> <p>Obstruction free pathway proposed to the northern side of the dwelling.</p> <p>Front yard does not include at least 1 tree capable of reaching 10m height at maturity.</p> <p>Backyard does not include at least 1 tree capable of reaching 15m at maturity.</p> <p>Hedging/screen planting has been assessed as being appropriate.</p> <p>OSD located in rear yard.</p>	<p>Yes</p> <p>N/A</p> <p>Yes</p> <p>Yes</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>- Landscaped front garden, with max 40% hard paving.</li> </ul>	<p>Hard Paving: 79.60%</p> <p>Although numerically not meeting the maximum 40% hard paving control, due to the proposed development occurring on a battle-axe allotment and the requirement specified in the Ryde DCP 2010 of cars needing to be able to enter and exit a Battleaxe allotment in a forward direction it has meant that the design does not incorporate a traditional front yard that a standard allotment does. In this instance the non-compliance is considered permissible as a significant portion of the rear yard has been maintained as deep soil zone.</p>	<p>No - Justifiable</p>
<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</li> </ul>	<p>Living have generally been orientated to the north where possible.</p> <p>Side setback for the side living area on the basement floor increased to 2m. It is considered this will allow for sufficient daylight and sunlight access.</p> <p>According to the shadow diagrams submitted the north facing windows of the subject dwelling will receive at least 3 hrs of sunlight to a portion of their surface between 9am and 3pm on June 21.</p> <p>According to the shadow diagrams submitted the subject sites private open</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>

**ITEM 2 (continued)**

**ATTACHMENT 2**

DCP 2010	PROPOSED	COMPLIANCE
<p>and 3pm on June 21.</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> </ul>	<p>space receives at least 2 hours sunlight between 9am and 3pm on June 21.</p> <p>According to the shadow diagrams submitted the neighbouring properties adjoining principal ground level open space receives at least 2 hours sunlight between 9am and 3pm on June 21.</p> <p>According to the shadow diagrams submitted the neighbouring properties will receive at least 3 hours sunlight to a portion of the surface of north facing adjoining living area windows between 9am and 3pm on June 21.</p> <p>Windows of living areas, balconies and outdoor living areas have generally been orientated to the front and rear of the dwelling. It is noted however that the bedroom windows on the ground and first floor (Bedroom 2 &amp; 5) are orientated towards the private open space of No.133 Tennyson Road and allow for potential overlooking towards the pool due to the elevated FFL of the ground and first floor. As such, a condition is to be imposed which requires a privacy screen or frosted/opaque glazing to be installed to minimise any negative privacy impacts.</p>	<p>Yes</p> <p>Yes</p> <p>Yes/No – To Be Conditioned</p>

**ITEM 2 (continued)**

**ATTACHMENT 2**

<b>DCP 2010</b>	<b>PROPOSED</b>	<b>COMPLIANCE</b>
<ul style="list-style-type: none"> <li>- Windows of living, dining, family etc. placed so there are no close or direct views to adjoining dwelling or open space.</li> </ul>	<p>Windows of living, dining, family etc. have generally been placed so as to minimise any close or direct views to the adjoining dwelling and private open space.</p>	<p>Yes</p>
<ul style="list-style-type: none"> <li>- Side windows offset from adjoining windows.</li> </ul>	<p>As the dwelling is set well forward of the neighbouring dwellings there are no adjoining windows opposite each other</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>Balcony on the first floor is considered not to allow for overlooking as planter boxes with screen planting have been integrated at both ends of the terrace. Balcony on the ground floor narrows at both ends and is considered to not allow for overlooking.</p>	<p>Yes</p>
<ul style="list-style-type: none"> <li>• <b>View Sharing</b></li> </ul>	<p>View corridor along the access handle and southern side of the dwelling is to remain unchanged from existing arrangements on site. It is noted however that the proposed dwelling increases the maximum dwelling height from RL 11.70 to RL 13.40, a 1.7m increase. Although increasing the overall height of the dwelling it is considered that sufficient views will still be maintained from the front allotment towards Morrisons Bay.</p>	<p>Yes</p>
<ul style="list-style-type: none"> <li>• <b>Cross Ventilation</b></li> </ul>	<p>The design of the dwelling is considered to optimise the access to prevailing breezes and provide for cross ventilation.</p>	<p>Yes</p>
<ul style="list-style-type: none"> <li>- Plan layout is to optimise access to prevailing breezes and to provide for cross ventilation.</li> </ul>	<p>The design of the dwelling is considered to optimise the access to prevailing breezes and provide for cross ventilation.</p>	<p>Yes</p>

ITEM 2 (continued)

ATTACHMENT 2

DCP 2010	PROPOSED	COMPLIANCE
<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 design proposed.</p> <p>Flat roof design proposed therefore minimal eave overhangs provided.</p> <p>None provided</p> <p>No skylights proposed.</p> <p>None proposed.</p>	<p>Yes</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>As the subject site is a battleaxe allotment no front or return fence is proposed as part of the development application.</p> <p>As above.</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>N/A</p>
<b>Special requirements for Battleaxe Lots</b>		
<ul style="list-style-type: none"> <li>o Must be setback from rear boundary of front allotment 8m min (in addition to having an 8m/25% rear setback). Single storey garage or carport may be within setback.</li> </ul>	<p>Minimum setback from front allotment 5m.</p> <p>Maximum setback from front allotment 9m.</p>	<p>No</p>
<ul style="list-style-type: none"> <li>o Must have hard paved area in front setback for turning, so vehicles can enter and exit in a forward direction.</li> </ul>	<p>Hard paved area proposed within front setback that allows sufficient space for vehicles to turn and enter and exit the property in a forward direction.</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>○ View corridor to water co-ordinated with that of front allotment or along access handle.</li> </ul>	View corridor along the access handle and southern side of the dwelling is to remain unchanged from existing arrangements on site. It is noted however that the proposed dwelling increases the maximum dwelling height from RL 11.70 to RL 13.40, a 1.7m increase. Although increasing the overall height of the dwelling it is considered that sufficient views will still be maintained from the front allotment towards Morrisons Bay.	Yes
<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 to the front door.	Yes
<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.	As the subject site is a battleaxe allotment no front or return fence is proposed as part of the development application.	Yes
<b>Part 9.6 – Tree Preservation</b>		
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	Only tree removal is that of four (4) cocos palms in the rear yard which are considered to be of low retention value and therefore no arborist report is required.	Yes

**ITEM 2 (continued)**

**ATTACHMENT 2**

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

BASIX	PROPOSAL	COMPLIANCE
<p>All ticked "DA plans" commitments on the BASIX Certificate are to be shown on plans (list) <b>BASIX Cert # 497366S dated 06 August 2013</b></p>		
<ul style="list-style-type: none"> <li>• RWT 2500L</li> </ul>	2500L proposed	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>	To comply Outdoor pool proposed	Yes Yes
<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 To comply	Yes Yes

**ITEM 2 (continued)**

**ATTACHMENT 2**

<b>BASIX</b>	<b>PROPOSAL</b>	<b>COMPLIANCE</b>
• HWS Gas Instantaneous 4 star.	To comply	Yes
• Natural Lighting - Kitchen (1) - bathrooms (5)	1 window provided 5 windows provided	Yes Yes
Water Target 40	Water: 42	Yes
Energy Target 40	Energy: 50	Yes
Correct description of property/proposal on 1 <sup>st</sup> page of Certificate.	Correct details shown	Yes

<b>DEMOLITION</b>	<b>PROPOSAL</b>	<b>COMPLIANCE</b>
• Plan showing all structures to be removed.	Plan submitted	Yes
• Demolition Work Plan	Plan submitted	Yes
• Waste Management Plan	Plan submitted	Yes

*Non compliances – justifiable*

- Building height controls:
  - Maximum wall plate height exceeded;
  - Three-storey dwelling.
- Topography and excavation:
  - Maximum level of cut within and outside the dwelling footprint exceed;
  - Maximum level of fill outside the building footprint exceeded.
- Deep soil areas
- Visual privacy/overlooking impacts
- Minimum setback from front allotment not achieved
- Minimum landscaped area not met

*Non compliances – resolved via conditions:*

- Windows of bedrooms may allow for overlooking to neighbouring private open space

*Non compliances – not justifiable:*

- Nil.

**ITEM 2 (continued)**

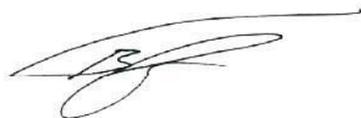
**ATTACHMENT 2**

**Certification**

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

Name: Ben Tesoriero

Signature:



Date: 28 January 2014

**ITEM 2 (continued)**

**ATTACHMENT 3**

**SYDNEY REGIONAL ENVIRONMENTAL PLAN COMPLIANCE TABLE  
 135A TENNYSON ROAD, TENNYSON POINT**

Provision	Proposal	Compliance
<b><i>Cl. 21 Biodiversity, Ecology and Environmental Protection</i></b>		
(a) Development should have neutral or beneficial effect on quality of water entering waterways	The proposed development will see construction of a new dwelling house in replacement of an existing dwelling house. As there is no change in land-use proposed and works are considered minor in terms of biodiversity, ecology and natural environment impacts it is considered the proposed development will have a neutral effect on the quality of water entering waterways.	Yes
(b) Development should protect and enhance terrestrial and aquatic species, populations and ecological communities and, in particular, should avoid physical damage and shading of aquatic vegetation (such as seagrass, saltmarsh and algal and mangrove communities)	With all works associated with the proposed development occurring well above the MWHM it is considered there will be minimal impacts on any terrestrial and aquatic species, populations and ecological communities. Additionally it is noted the there is no proposal to remove any aquatic vegetation. The shadow diagrams submitted with the subject development application indicate the proposed development will overshadow land areas only and no aquatic areas. Given the above, it is considered the proposed development will protect terrestrial and aquatic vegetation.	Yes
(c) Development should promote ecological connectivity between neighbouring areas of aquatic vegetation (such as seagrass, saltmarsh and algal and mangrove communities)	All works are to be located well above the MHWM. Accordingly, the proposed development is not considered to have a negative impact on ecological connectivity of aquatic vegetation.	N/A

**ITEM 2 (continued)**

**ATTACHMENT 3**

<b>Provision</b>	<b>Proposal</b>	<b>Compliance</b>
(d) Development should avoid indirect impacts on aquatic vegetation (such as changes to flow, current and wave action and changes to water quality) as a result of increased access.	All works are to be located well above the MHW. Accordingly, the proposed development is not considered to have any indirect impact on aquatic vegetation. It is noted that the proposed development is considered minor in terms of causing any indirect impacts on the natural environment.	Yes
(e) Development should protect and reinstate natural intertidal foreshore areas, natural landforms and native vegetation	All works are to be located above the MHW. Accordingly, the proposed development is considered to protect the natural intertidal foreshore, natural landforms & native vegetation with minimal adverse impacts on the natural environment.	Yes
(f) Development should retain, rehabilitate and restore riparian land	All works are to be located above the MHW. Therefore all riparian land is retained and the proposed development is not considered to have any adverse impacts. The proposed development does not aim to rehabilitate or restore riparian land.	N/A
(g) Development on land adjoining wetlands should maintain and enhance the ecological integrity of the wetlands and, where possible, should provide a vegetation buffer to protect the wetlands	The subject site does not adjoin a wetlands protection area, as no works are proposed below the MHW or within the lower part of the site, an acceptable buffer is considered to be provided to maintain all ecological integrity.	Yes
(h) The cumulative environmental impact of development	With all works proposed to be located above the MHW, it is considered the cumulative environmental impact of development to be minimal. Additionally, the proposal will see construction of a new dwelling house in replacement of an existing dwelling house, therefore seeing no change in land use and thus negligible impacts on the natural environment.	Yes

**ITEM 2 (continued)**

**ATTACHMENT 3**

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

**ITEM 2 (continued)**

**ATTACHMENT 3**

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

**ITEM 2 (continued)**

**ATTACHMENT 3**

Provision	Proposal	Compliance
<b><i>Cl. 25 Foreshore and Waterways Scenic Quality</i></b>		
(a) The scale, form, design and siting of any building should be based on an analysis of:		
(I) the land on which it is to be erected, and	The proposal is considered to respect the existing topography, vegetation and foreshore of the subject site and surrounding land.	Yes
(II) the adjoining land, and	No adverse effect identified upon adjoining residential land or nearby waterway as the proposal adheres to all controls set out in the Ryde DCP 2010 which aim to mitigate any adverse effects resulting from proposed development.	Yes
(III) the likely future character of the locality	The proposal will not adversely affect the likely future character of the locality due to the proposed new dwelling having a design and character that is consistent and in line with that of the surrounding locality and the desired future character of the low density residential zone.	Yes
(b) development should maintain, protect and enhance the unique visual qualities of Sydney Harbour and its islands, foreshores and tributaries	Proposed development is considered compatible with surrounding development and is not proposing any design that is inconsistent with the existing foreshore character. It is therefore considered the proposed development will not have any adverse impacts on visual qualities on Sydney Harbour and its islands, foreshores & tributaries.	Yes
(c) the cumulative impact of water-based development should not detract from the character of the waterways and adjoining foreshores	Proposed development is totally land based and proposes no water based development. It is therefore considered that proposed development does not detract from the character of the waterways and adjoining	Yes

**ITEM 2 (continued)**

**ATTACHMENT 3**

Provision	Proposal	Compliance
	foreshores.	
<p><b>Cl. 26 Maintenance, Protection and Enhancement of Views</b>            (a) Development should maintain, protect and enhance views (including night views) to and from Sydney Harbour</p>	Views to and from Sydney Harbour will be generally maintained.	Yes
<p>(b) Development should minimise any adverse impacts on views and vistas to and from public places, landmarks and heritage items</p>	Views and vistas to and from public places, landmarks and heritage items have generally been maintained through appropriate setbacks, heights and terracing of building form. It is considered that adverse impacts have been minimised.	Yes
<p>(c) The cumulative impact of development on views should be minimised</p>	The cumulative impact on views is considered to be acceptable as the majority of major views have been maintained through appropriate design of the proposed dwelling.	Yes
<p><b>Cl. 29 Consultation required for certain development applications</b>            (1) The consent authority must not grant development consent to the carrying out in the Foreshores and Waterways Area of development listed in Schedule 2, unless:            (a) it has referred the development application to the Advisory Committee, and            (b) it has taken into consideration any submission received from the Advisory Committee within 30 days after the date on which the application was forwarded to the Committee.</p>	<p>(1) It is acknowledged that the subject site is located within the Foreshores and Waterways Area as depicted in Figure 1 on page 12 of this report.            The proposed development does not include any items included in relation to Schedule 2 of the SREPSHC 2005.            (a) As per Cl.29(3) (see below), it is the opinion of the assessment officer working on behalf of the consent authority (Ryde City Council) that the proposed development is minor and does not, to any significant extent, increase the scale, size or intensity of the use of</p>	N/A

**ITEM 2 (continued)**

**ATTACHMENT 3**

Provision	Proposal	Compliance
	<p>the proposed buildings and works over that of the existing arrangements on site. Accordingly, the development application has not been referred to the Advisory Committee.</p> <p>(b) Noted.</p>	
<p>(2) In the case of an application to carry out development for more than one purpose, of which one or more is listed in Schedule 2 and one or more is not, the consent authority is only required to refer to the Advisory Committee that part of the application relating to development for a purpose so listed.</p>	<p>(2) Noted.</p>	<p>Noted.</p>
<p>(3) This clause does not apply to development that consists solely of alterations or additions to existing buildings or works and that, in the opinion of the consent authority, is minor and does not, to any significant extent, increase the scale, size or intensity of use of those buildings or works.</p>	<p>(3) As the proposed works are not identified under Schedule 2 of the SHCREP this clause does not apply.</p>	<p>N/A</p>
<p><b>Part 6 Wetlands protection</b></p>		
<p>Wetlands Protection Area along Lane Cove / Parramatta River frontage</p>	<p>As depicted on the Wetlands Protection Area Figure 2 the subject site is not located within a Wetlands Protection Area. See attached Figure 2.</p>	<p>Yes</p>
<p><b>Cl. 62 Requirement for Development Consent</b> (2) Development may be carried out only with development consent</p>	<p>The proposed development is currently seeking development consent via LDA2013/0297 under assessment with Ryde City Council.</p>	<p>Yes</p>

**ITEM 2 (continued)**

**ATTACHMENT 3**

Provision	Proposal	Compliance
<p>(3) Development consent is not required by this clause:</p> <p>(a) For anything (such as dredging) that is done for the sole purpose of maintaining an existing navigational channel, or</p> <p>(b) For any works that restore or enhance the natural values of wetlands being works:</p> <p style="padding-left: 20px;">(i) that are carried out to rectify damage arising from a contravention of this plan, and</p> <p style="padding-left: 20px;">(ii) that are not carried out in association with another development, and</p> <p style="padding-left: 20px;">(iii) that have no significant impact on the environment beyond the site on which they are carried out.</p>	<p>Not applicable.</p> <p>The proposed development does not include maintenance of an existing navigational channel.</p> <p>The proposed development does not include any works that aim to restore or enhance the natural values of wetlands.</p> <p>Not applicable.</p> <p>Not applicable.</p> <p>Not applicable.</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><b><i>Cl. 63 Matters for Consideration</i></b></p> <p>(2) The matters to be taken into consideration are as:</p> <p>(a) The development should have a neutral or beneficial effect on the quality of water entering the waterways,</p>	<p>The proposed development will see construction of a new dwelling house in replacement of an existing dwelling house. As there is no change in land-use proposed and works are considered minor in terms of biodiversity, ecology and environmental impacts it is considered the proposed development will have a neutral effect on the quality of water entering waterways. Additionally it is noted the proposed development will implement modern stormwater and drainage techniques which may be considered to improve the quality of water entering the waterway.</p>	<p>Yes</p>

**ITEM 2 (continued)**

**ATTACHMENT 3**

Provision	Proposal	Compliance
<p>(b) The environmental effects of the development, including effects on:</p> <p>(i) the growth of native plant communities,</p> <p>(ii) the survival of native wildlife populations,</p> <p>(iii) the provision and quality of habitats for both indigenous and migratory species,</p> <p>(iv) the surface and groundwater characteristics of the site on which the development is proposed to be carried out and of the surrounding areas, including salinity and water quality and whether the wetland ecosystems are groundwater dependant,</p> <p>(c) Whether adequate safeguards and rehabilitation measures have been, or will be, made to protect the environment.</p> <p>(d) Whether carrying out the development would be consistent with the principles set out in <i>The NSW Wetlands Management Policy</i> (as published in March 1996 by the then Department of Land and Water Conservation).</p>	<p>No impact on the growth of native plant communities due to all existing vegetation being retained and all proposed works to be located above the MHWM.</p> <p>Wildlife populations are considered to be unharmed as result of the proposed development due to all existing habitats being retained.</p> <p>The quality of habitats for both indigenous and migratory species is fully retained as part of the proposed development.</p> <p>The proposed development is considered to have no adverse affects on surface and groundwater characteristics of the site and surrounding areas due to there being no significant change to land use and the development being in compliance with the stormwater controls set out in the Ryde DCP 2010.</p> <p>Plans submitted as part of the proposal indicate that safeguards have been put in place to ensure all runoff, sedimentation &amp; siltation is controlled so as to protect the environment. Rehabilitation measures are not considered necessary due to no works being undertaken below the MHWM.</p> <p>The development is not identified as being within any wetland protection areas.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>

**ITEM 2 (continued)**

**ATTACHMENT 3**

Provision	Proposal	Compliance
(e) Whether the development adequately preserves and enhances local native vegetation,	The development is considered to adequately preserve the local native vegetation through retaining all existing local native vegetatio.	N/A
(f) Whether the development application adequately demonstrates: (i) how the direct and indirect impacts of the development will preserve and enhance wetlands, and	The development is not identified as being within any wetland protection areas.	Yes
(ii) how the development will preserve and enhance the continuity and integrity of the wetlands, and	The development is not identified as being within any wetland protection areas.	Yes
(iii) how soil erosion and siltation will be minimised both while the development is being carried out and after it is completed, and	Soil erosion and siltation is to be managed through appropriate siltation fences and barriers along the foreshore to ensure no harmful contaminants will enter the waterway. Plans have been provided to council outlining location and types of protection measures.	Yes
(iv) how appropriate on-site measures are to be implemented to ensure that the intertidal zone is kept free from pollutants arising from the development, and	The plans submitted as part of the proposal indicate there will be minimal ground disturbance within the intertidal zone therefore ensuring the intertidal zone is kept free from pollutants.	Yes
(v) that the nutrient levels in the wetlands do not increase as a consequence of the development, and	The development is not identified as being within any wetland protection areas.	Yes
(vi) that stands of vegetation (both terrestrial and aquatic) are protected or rehabilitated, and	No development is proposed within the stands of existing vegetation (both terrestrial and aquatic) therefore protecting them from any adverse impacts.	N/A

**ITEM 2 (continued)**

**ATTACHMENT 3**

<b>Provision</b>	<b>Proposal</b>	<b>Compliance</b>
(vii) that the development minimises physical damage to aquatic ecological communities, and	The development has aimed to minimise any adverse impacts on the aquatic ecological communities through ensuring no works are undertaken below the MHWM.	Yes
(viii) that the development does not cause physical damage to aquatic ecological communities,	With all development works being located above the MHWM, it is considered that no physical damage to aquatic ecological communities will occur as result of the proposed development.	Yes
(g) Whether conditions should be imposed on the carrying out of the development requiring the carrying out of works to preserve or enhance the value of any surrounding wetlands.	No conditions to be imposed on the development in regards to carrying out works to preserve or enhance the surrounding wetlands.	Yes

ITEM 2 (continued)

ATTACHMENT 3

Attachment 1: Maps

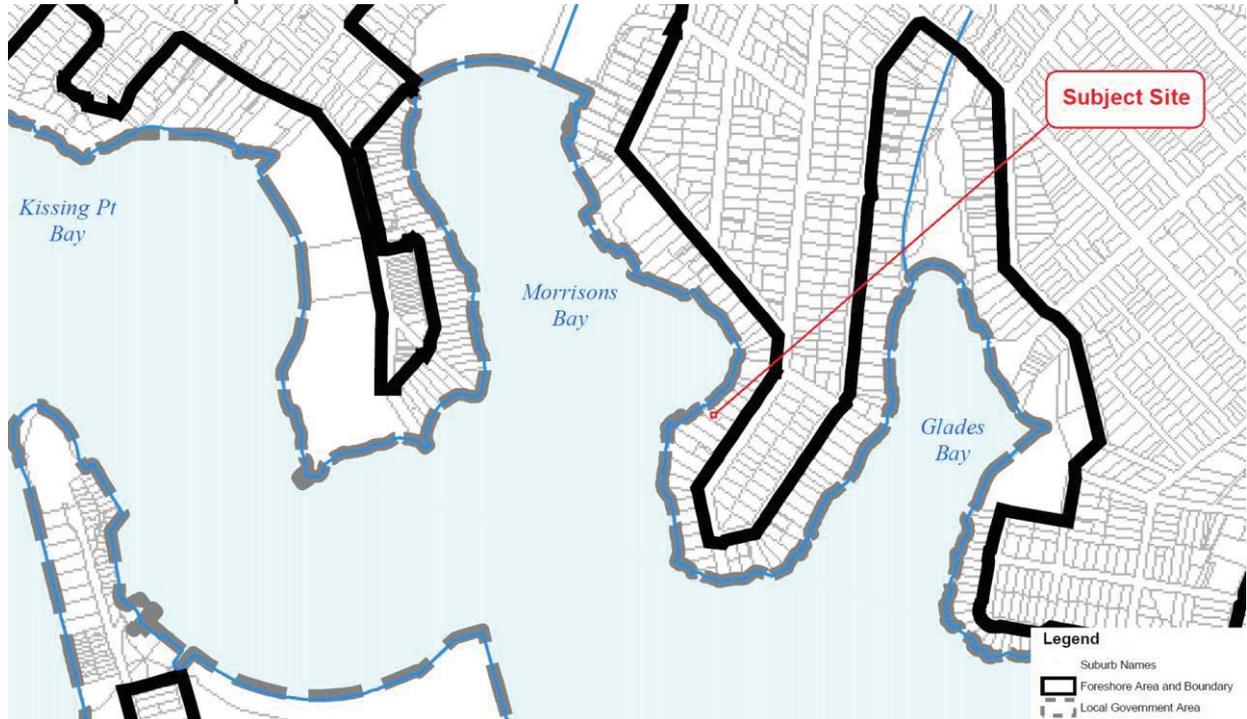


Figure 1: The map above illustrates the subject site at 135A Tennyson Road, Tennyson Point lies within catchment boundary that is governed by the Sydney Harbour Catchment REP.



Figure 2: The map above illustrates that according to the Sydney Harbour Foreshore Authority REP the subject site at 135A Tennyson Road, Tennyson Point is not located within a Wetlands Protection Area.

ITEM 2 (continued)

ATTACHMENT 3

**ATTACHMENT 2:  
SYDNEY HARBOUR FORESHORES & WATERWAYS AREA  
DCP FOR SREP (SYDNEY HARBOUR CATCHMENT) 2005  
(SHFWADCP 2005) COMPLIANCE TABLE**

In accordance with Section 3 of the SHFWADCP 2005, the following is an assessment of the proposed development against the performance criteria for the established Landscape Character type attributed to the subject site by the SHFWADCP 2005.

For the purposes of the following assessment, the subject site has been identified as being located within the Landscape Character Type 14, being the low topographic developed areas of the Lane Cove and Parramatta Rivers. (Refer to Figure 1 of Attachment 3 on page 16)

Provision	Proposal	Compliance
<p><b>Statement of Character and Intent:</b> These areas are mostly developed with detached residential development on the upper slopes and boat shed and wharves along the foreshore. Further development in these areas must consider protecting key visual elements including rock outcrops, native vegetation, vegetation in and around dwellings and maintaining the density and spacing of development.</p>	<p>The proposed development is for construction of a new dwelling house in replacement of an existing dwelling house. The proposed development is not considered to impact on any rock outcrops or native vegetation being located a considerable distance from rock outcrops and existing foreshore vegetation. Density and spacing of the development remains unchanged as part of the proposal. Accordingly the proposed development is considered to be consistent with the character and intent for development in the Landscape Character Type 14 area.</p>	<p align="center">Yes</p>
<p><b>Performance criteria:</b></p> <ul style="list-style-type: none"> <li>▪ consideration is given to the cumulative and incremental effects of further development along the foreshore and to preserving the remaining special features;</li> <li>▪ development is to avoid substantial impact on the landscape qualities of the</li> </ul>	<ul style="list-style-type: none"> <li>▪ Consideration has been given to the cumulative and incremental effects of further development along the foreshore. The proposed development is considered to be consistent with the character and</li> </ul>	<p align="center">Yes</p>

**ITEM 2 (continued)**

**ATTACHMENT 3**

Provision	Proposal	Compliance
<p>foreshore and minimise the removal of natural foreshore vegetation, radical alteration of natural ground levels, the dominance of structures protruding from rock walls or ledges or the erection of sea walls, retaining walls or terraces;</p> <ul style="list-style-type: none"> <li>▪ landscaping is carried out between buildings to soften the built environment; and</li> <li>▪ existing ridgeline vegetation and its dominance as the backdrop to the waterway, is retained.</li> </ul>	<p>established built form of the waterfront. Additionally it is noted that the proposed works are to be located above the MHWL.</p> <ul style="list-style-type: none"> <li>▪ It is considered that minimal impacts will result as part of the development, no natural existing foreshore vegetation is proposed to be removed, natural ground levels close to the shoreline have been maintained and no erection of rock walls, sea walls or ledges have been proposed.</li> <li>▪ Landscaping has been implemented where possible to allow softening and screening of the proposed development.</li> <li>▪ No existing mature ridgeline vegetation was identified during the site inspection.</li> </ul>	
<p>(c) Development should have neutral or beneficial effect on quality of water entering waterways</p>	<p>The proposed development will see the construction of a new dwelling house in replacement of an existing dwelling house. As there is no change in land-use proposed and works are considered minor in terms of biodiversity, ecology and environmental impacts it is considered the proposed development will have a neutral effect on the quality of water entering waterways.</p>	<p>Yes</p>

ITEM 2 (continued)

ATTACHMENT 3

Attachment 3: Landscape Character Map

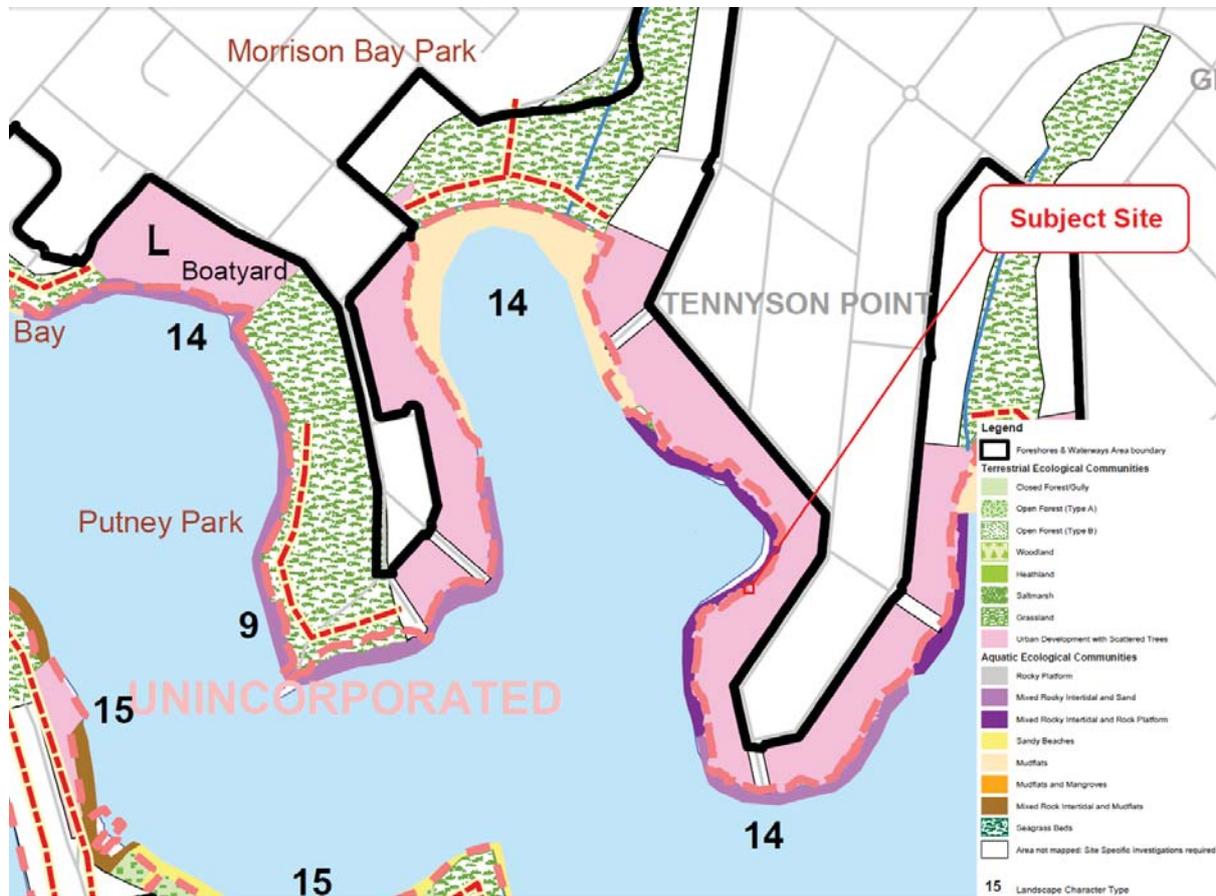


Figure 3: The above map illustrates the subject site at 135A Tennyson Road, Tennyson Point has a terrestrial ecological community of Urban development with scattered trees and an aquatic ecological community of mixed rocky intertidal and rock platform.

**ITEM 2 (continued)**

**ATTACHMENT 4**

**View Impact Assessment**

**Demolition, new part 2 / part 3 storey dwelling and pool at  
No.135A Tennyson Road, Tennyson Point**

<b>LDA No:</b>	<b>2013/0297</b>
<b>Date Plans Rec'd</b>	<b>15 August 2013.</b>
<b>Address:</b>	<b>No.135A Tennyson Road, Tennyson Point</b>
<b>Proposal:</b>	Demolition, new part 2 / part 3 storey dwelling and pool

**History**

One submission has been received concerning the proposed development at No.135A Tennyson Road with the primary concern being that of loss of views from No.135 Tennyson Road. The following is an extract from the submission received by Council on 20 September 2013 from No.135 Tennyson Road:

'I am concerned about the loss of view from my property. If such a development proceeds, this will intrude on my privacy, eliminate my view and block my sunlight as it is a battle-axe block.'

**Comment**

A site inspection of the neighbouring property was undertaken on 9<sup>th</sup> September 2013 by Consultant Planner Ben Tesoriero (CPS) to assess the potential loss of the abovementioned views as a result of the proposed development.

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

**Objectives**

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

**Controls**

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

The Land and Environment Court has established "planning principles" in relation to impacts on views from neighbouring properties. In *Tenacity Consulting P/L v Warringah Council* (2004) NSWLEC 140 Roseth SC, states that "the notion of view sharing is involved when a

## ITEM 2 (continued)

## ATTACHMENT 4

property enjoys existing views and a proposed development would share that view by taking some of it away for its own enjoyment”.

(Taking it all away cannot be called view sharing, although it may, in some circumstances, be quite reasonable). In deciding whether or not view sharing is reasonable, Commissioner Roseth set out a 4 step assessment in regards to ‘*reasonable sharing of view*’. The steps are as follows:

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

In this instance, the views currently enjoyed by 135 Champion Road, Tennyson Point can be assessed as follows:

### Planning Principles

#### The First Step

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

Firstly, the view from No. 135’s ground floor rear terrace, primarily the west and north-western and northern views across Morrisons Bay, is considered as this is the area most likely to be affected by the proposed development.

As demonstrated by Figure 1-3, No.135 Tennyson Road currently has partial views of the water and land from a standing position to the west, north-west and north of Morrisons Bay from the Ground floor rear terrace. Based on identifying vegetation and dwellings on the edges of Morrisons Bay, the western views from the ground floor rear terrace extend to a point across the bay at approximately the southern edge of Putney Park as demonstrated in Figure 6. The north-western views extend across the water to approximately Morrisons Bay Park as demonstrated in Figure 1 & 6, and the northern views extend across the bay to the northern foreshore of Morrisons Bay. Accordingly, existing views are considered to be mainly orientated to the west and north-west and north.

**ITEM 2 (continued)**

**ATTACHMENT 4**

When considering the value of these views it is considered the views to the north and west are the most valuable as they include unobscured whole water views. However it needs to be noted that all views towards the waterfront (Morrison's Bay) and land are afforded over or across neighbouring allotments at 135A Tennyson Road and 133 Tennyson Road and 137 Tennyson Road. Additionally it is noted that some views to the north-west and north are partially obstructed by existing vegetation as demonstrated in Figure 1 & 3.

When considering views obtained from the first floor rear terrace, the primary views to be affected by the proposed development are again those to the west, north-west and the north. Whole water and land views are available from this terrace to the west, north-west and the north, however it is primarily the view to the north-west of Morrison's Bay which is to be partially affected by the proposed development.

When considering the value of these views it is considered the views to all directions are as important as each other as they all afford both whole water and land views which are only partially obscured by some vegetation. However it needs to be noted that all views towards the waterfront (Morrison's Bay) and land are afforded over or across neighbouring allotments at 135A Tennyson Road and 133 Tennyson Road and 137 Tennyson Road. Additionally it is noted that some views to the north-west are partially obstructed by existing vegetation as demonstrated in Figure 4.



**Figure 1 - Standing view from the ground floor rear terrace at 135 Tennyson Road looking north-west**

**ITEM 2 (continued)**

**ATTACHMENT 4**



**Figure 2 - Standing view from the ground floor rear terrace at 135 Tennyson Road looking west**



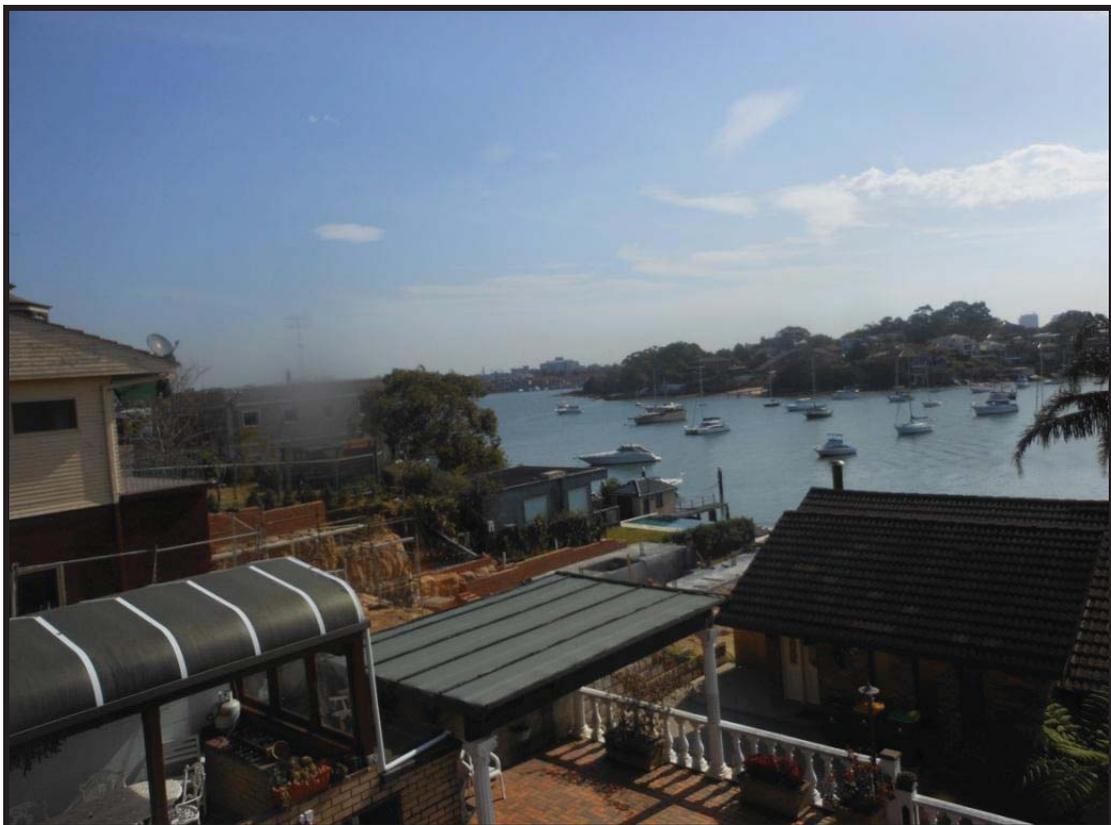
**Figure 3 - Standing view from the ground floor rear terrace at 135 Tennyson Road looking north**

**ITEM 2 (continued)**

**ATTACHMENT 4**



**Figure 4 - Standing view from the first floor rear terrace at 135 Tennyson Road looking north-west**



**Figure 5 - Standing view from the first floor rear terrace at 135 Tennyson Road looking west**

ITEM 2 (continued)

ATTACHMENT 4



Figure 6 - Standing view from the first floor rear terrace at 135 Tennyson Road looking north

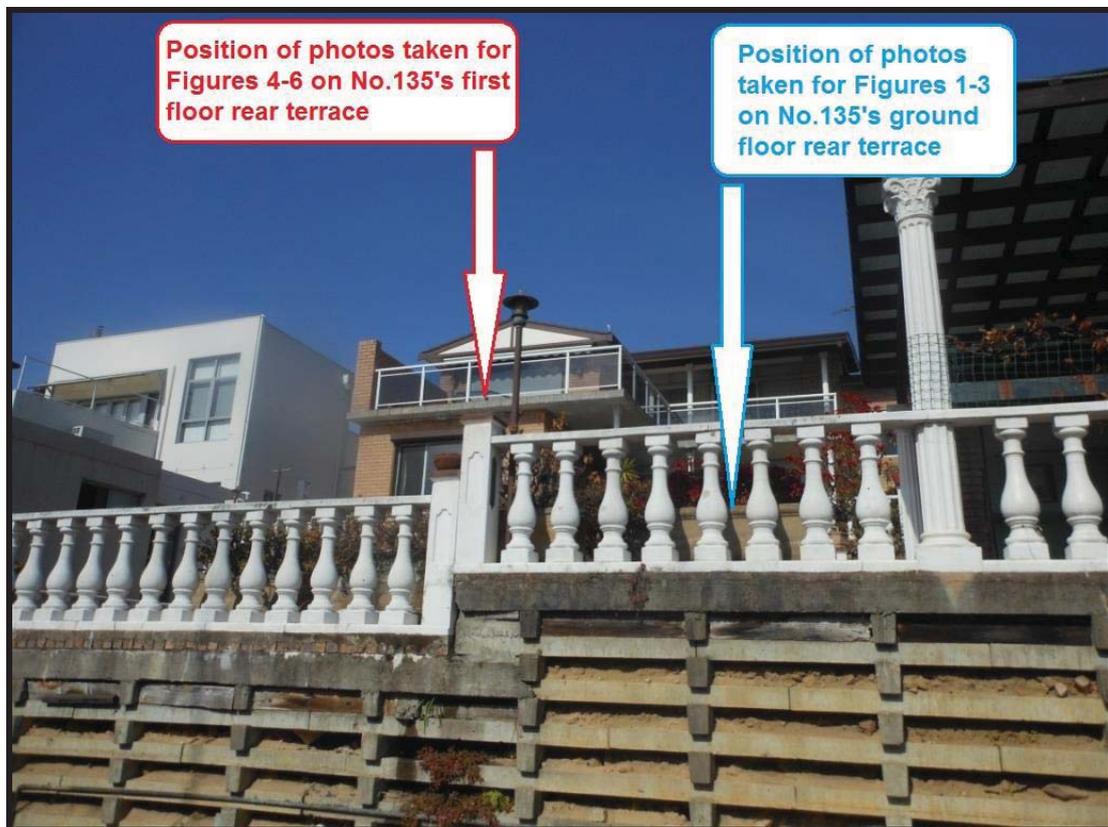


Figure 7 - View of ground floor and first floor rear terraces

ITEM 2 (continued)

ATTACHMENT 4

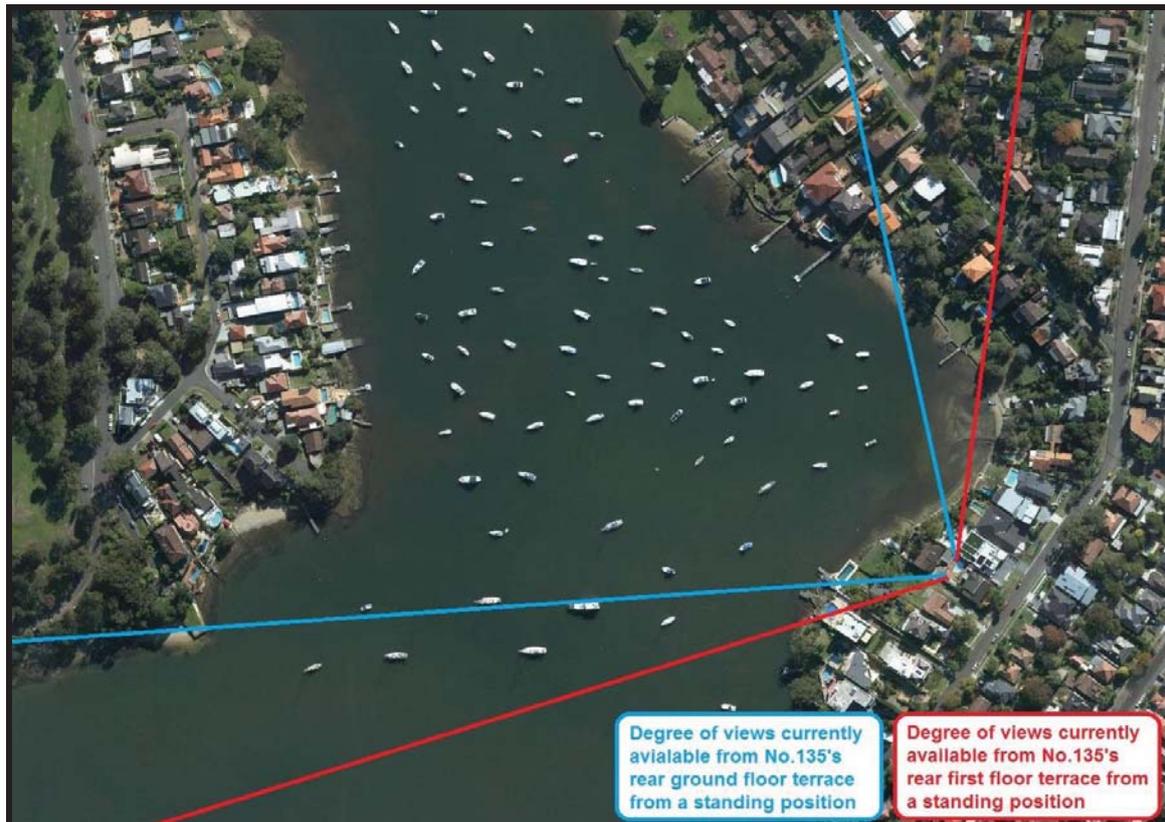


Figure 8 - Aerial image of current angle of standing views from No.135's ground and first floor rear terrace

### The Second Step

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

As demonstrated in Figure 11 below, currently the majority of north-western views, those of which concern the proposed development, are from No.135 Tennyson Road afforded across the neighbouring allotment at No.135A Tennyson Road. Views towards the west are generally afforded across No.137's allotment and views towards the north are generally afforded primarily across No.133 Tennyson Road.

The views from the ground floor rear terrace of the dwelling at No.135 Tennyson Road are obtained from a standing position, the views from the first floor rear terrace are obtained from a standing and seated position.

ITEM 2 (continued)

ATTACHMENT 4



Figure 2 - Views from all floors and all areas of No.135 are obtained across the neighbouring allotments

**The Third Step**

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

The views from No.135 that have been assessed are from the ground floor rear terrace area and the first floor rear terrace area.

Factors taken into consideration in assessing the extent of the impact include the siting of the development, setbacks, proposed building heights and design of the dwelling house.

Firstly, the extent of the impact from the first floor is considered. Based on No.135 having a finished floor level (FFL) of the first floor of approximately RL14.83 (calculated from the Site Survey), and, the FFL's and roof levels of the proposed dwelling-house at 135A Tennyson Road, it can be calculated that the new north-western line of sight would be a line taken from the centre of No.135's first floor terrace to the roof ridge of the proposed dwelling at No.135A. The existing and proposed view loss using an extract of the Site Plan and aerial image are demonstrated below in Figure 12. The blue hatching indicates the existing

ITEM 2 (continued)

ATTACHMENT 4

restricted views as a result of the existing dwelling on the subject site whilst the green hatching indicates the increased loss of views as a result of the proposed new dwelling on site. Additionally, Figure 13 demonstrates this proposed additional view loss in sectional form.

As is evident, the primary loss of view to occur is part of those existing views from the first floor across No.135A towards the north-west waters of Morrisons Bay. It is noted that whole water views and land views will still be available from the first floor following the construction of the proposed dwelling. For the most part, existing northern and western views will be maintained. Given the above it is considered that the view impact from the first floor is moderate. It is also noted that the proposed new development at No.137 Tennyson Road may impact upon those existing water and land views towards the west, however these are unable to be accounted or until the development is completed.

With regards to view loss from the ground floor, this will primarily consist of those water and land views towards the north-west also. Given the RL of the proposed dwelling is to be approximately 1.7 metres higher than that of the existing dwelling on site, and currently water views are only just visible towards the north-west, these views are expected to be lost from the ground floor. It must be noted that these views are already highly obscured from the existing vegetation close to the foreshore at No.135A as demonstrated in Figure 1. Some land views towards the north-west will still be available from the ground floor and additionally water and land views towards the north and west will be maintained. In this instance it is considered that the view impact from the ground floor is moderate also.

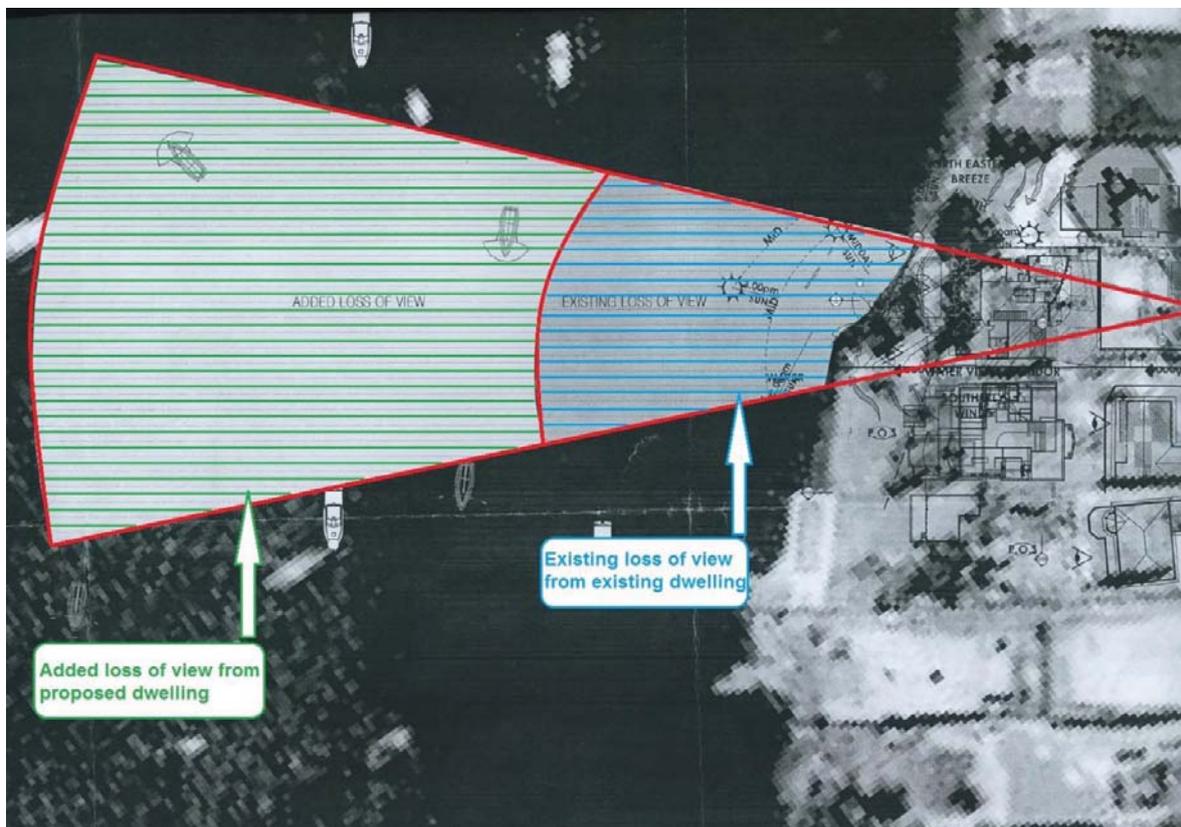


Figure 3 – Comparison of existing and proposed loss of north-western water views

ITEM 2 (continued)

ATTACHMENT 4

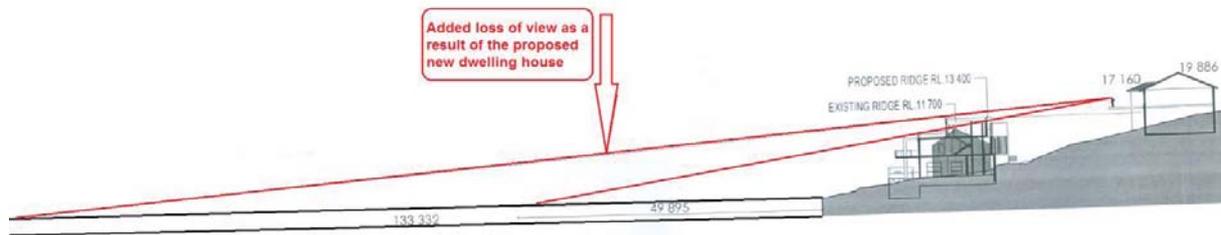


Figure 41 – Section demonstrating added loss of water views from No.135 Tennyson Road

### The Fourth Step

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

The proposed development complies with all planning controls in terms of setbacks, floor space ratio and building height.

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

Posing the question whether a more skillful design could provide the applicant with the same development potential and amenity and reduce the impact on the views of neighbours, the answer is considered to be no.

This is due to the following reasons:

1. Quality whole water and land views have still been afforded to No.135 Tennyson Road that include north-western views across No.135A as well as diagonal cross views across the neighbouring allotments towards the west and north. Accordingly, the DCP control in relation to view sharing, in that the siting of development is to provide for view sharing, is considered to generally be met.

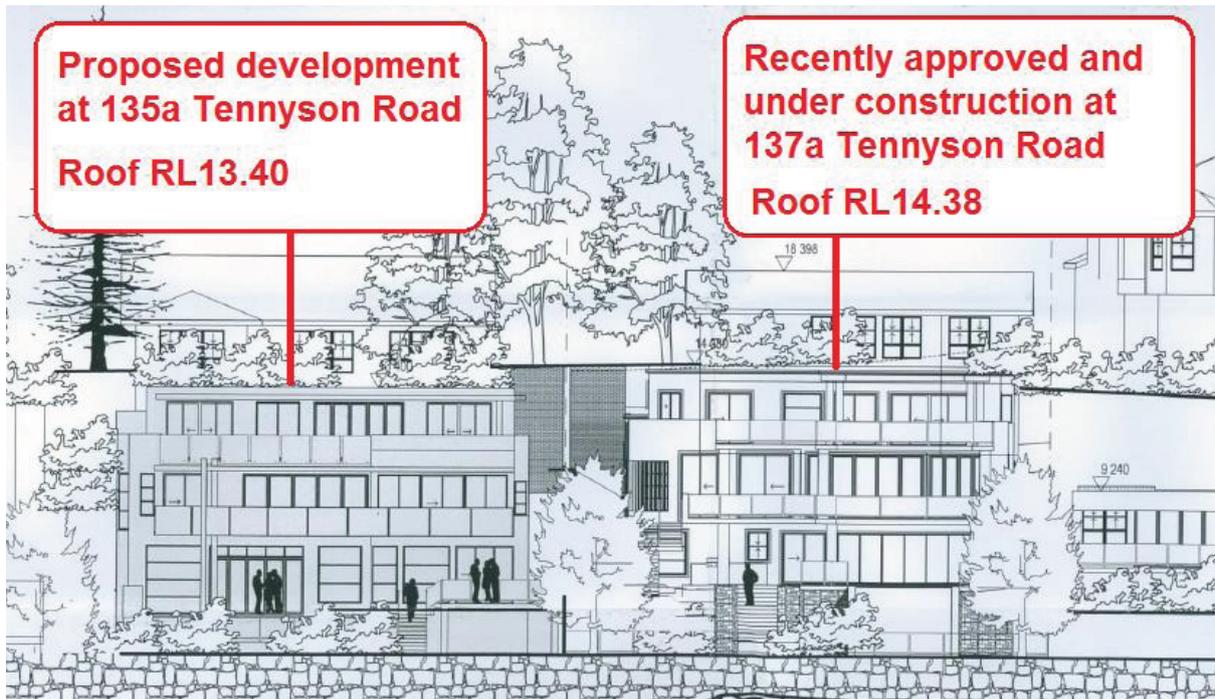
**ITEM 2 (continued)**

**ATTACHMENT 4**

2. Views lost from the ground floor and first floor as a result of the proposed development are direct cross views and side views. The expectation to retain cross views and side views is unrealistic and Council's DCP states that the equitable sharing of views is desired, but existing dwellings will not always be able to retain existing views across neighbouring allotments. Furthermore, views from the ground floor are considered to be obscured by vegetation close to the foreshore. On balance, the view loss is considered to be acceptable considering the proposed development complies with all relevant planning controls governing bulk, scale and siting of the development.
3. The location and arrangement of dwellings on the battle-axe allotment means that any dwelling on the site that is developed to its potential under the provisions of Ryde City Council's planning controls (as the current proposal is aiming to do) would have an impact on views afforded from No.135 Tennyson Road.
4. The proposed design has allowed for view sharing through providing a reduced dwelling height throughout the section of the building that has the possibility of obstructing views and including an upper level that is well setback from the waterfront so as to reduce the loss of views.
5. The building siting, although being located closer to the rear boundary of No.135 Tennyson Road, has allowed for increased views to the waterfront from No.135 Tennyson Road without significantly compromising the privacy and amenity of either dwelling therefore contributing significantly to the view sharing principles contained within the Ryde DCP 2010.
6. The design of the dwelling is considered to be consistent with the desired future character of the low density residential zone and that of the emerging waterfront character of the Ryde and Tennyson Point area.
7. It is important to consider that a development application at the neighbouring allotment of No.137 Tennyson Road was recently granted approval which included a maximum dwelling height of RL14.38. The proposed dwelling has a maximum dwelling height of RL13.4, therefore resulting in a dwelling 980mm lower in height than that of the neighbouring allotment which is demonstrated in Figure 12 below.

ITEM 2 (continued)

ATTACHMENT 4



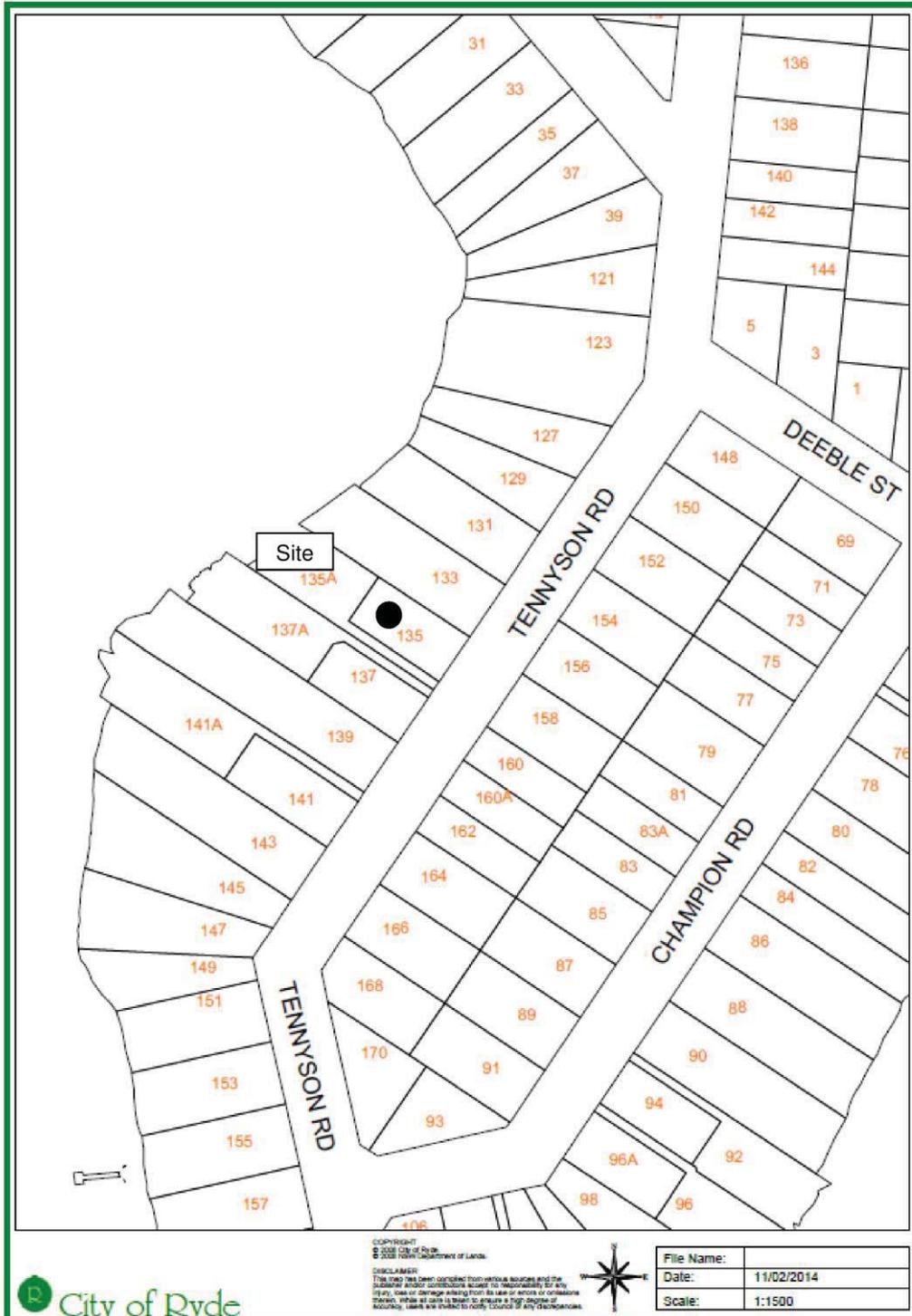
**Figure 52 – Elevation comparison of neighbouring approved development at 137A Tennyson Road**

Given the above, in this instance the view impact is considered acceptable and the view sharing reasonable.

ITEM 2 (continued)

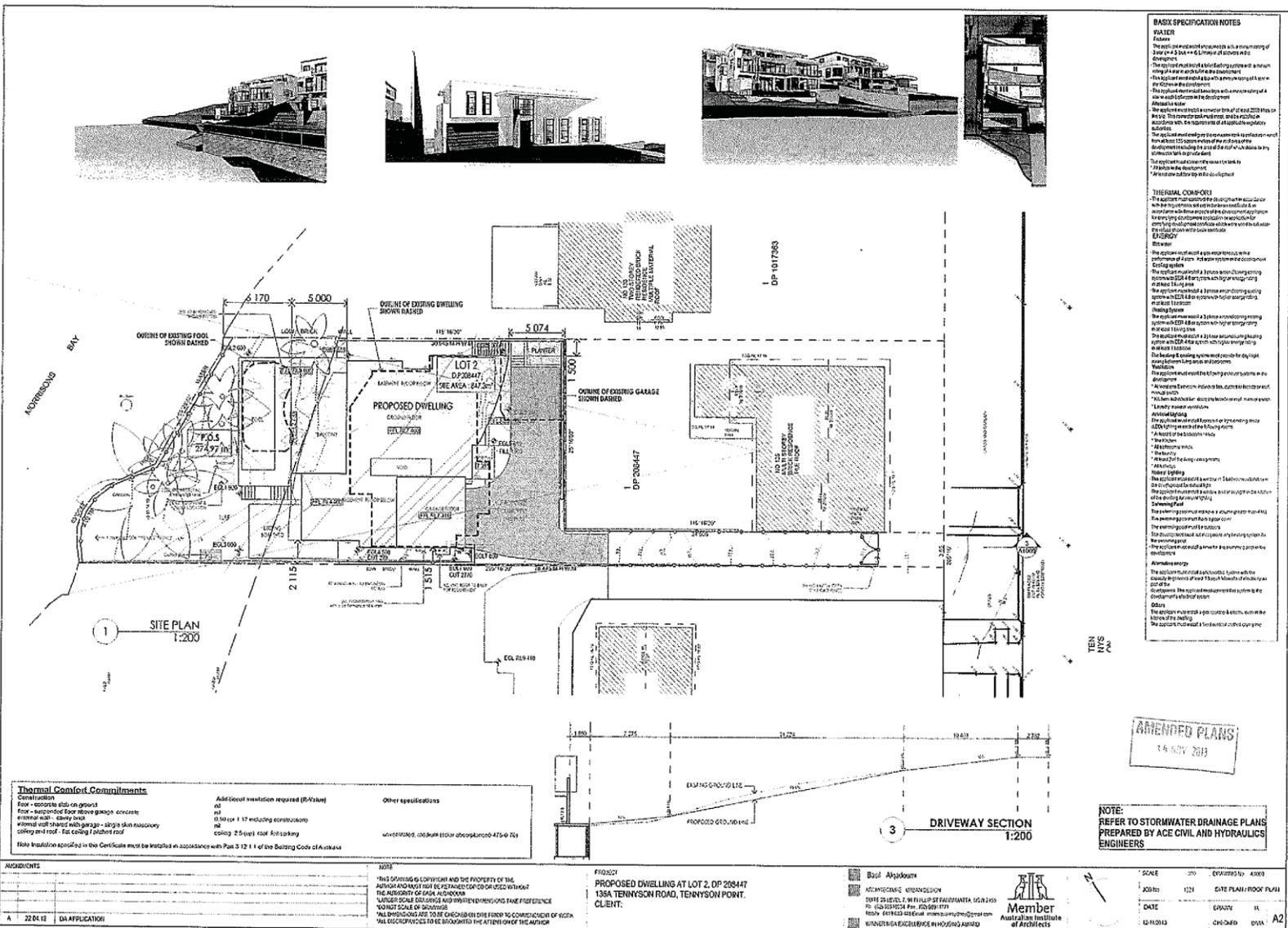
ATTACHMENT 5

● Indicates submissions received



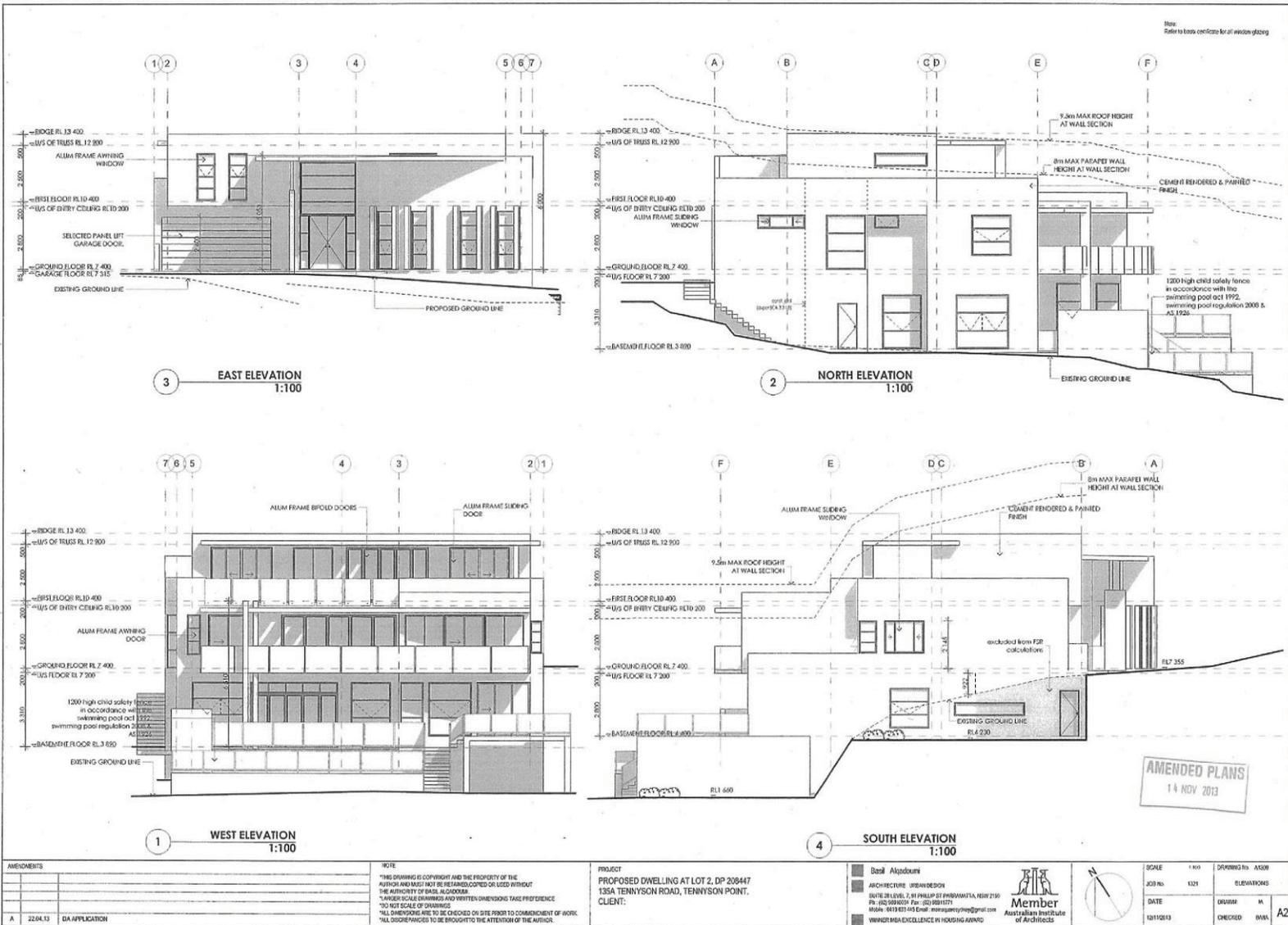
ITEM 2 (continued)

ATTACHMENT 6



ITEM 2 (continued)

ATTACHMENT 6



AMENDMENTS	
A	2284.13 DA APPLICATION

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\* ALL DISCREPANCIES TO BE BROUGHT TO THE ATTENTION OF THE AUTHOR.

**PROJECT**  
PROPOSED DWELLING AT LOT 2, DP 208447  
135A TENNYSON ROAD, TENNYSON POINT.  
**CLIENT:**

**Basil Alqadiri**  
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WINNER 2014 EXCELLENCE IN HOUSING AWARD

**Member**  
Australian Institute of Architects

SCALE	1:100	DRAWING No.	A508
JOB No.	1321	ELEVATIONS	
DATE	10/11/2013	DRAWN BY	RL
		CHECKED BY	BWA

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**3 191 WATERLOO ROAD, MARSFIELD - LOT 1 DP574519, LOT 1 DP574518, LOT 1 DP575331. Development Application for Installation of Playing Field Lighting at Waterloo Park. LDA2013/0311.**

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

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

**Report dated:** 31/01/2014

**File Number:** GRP/09/5/6/2 - BP14/115

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## 1. Report Summary

**Applicant:** City of Ryde

**Owner:** City of Ryde

**Date lodged:** 27 August 2013

This report considers a development application for the installation of sports field lighting at 191 Waterloo Road, Marsfield ("Waterloo Park") to enable extended use of a sports field for sport training and competition match play purposes. In particular, the DA proposes the following in terms of both physical works and usage:

- Erection of 4 x 23m high poles with lighting attached, ie 2 poles to be erected on either side of the playing field.
- Operating hours of Monday to Thursday 4.00pm to 9.30pm during the winter season (April – August) for social sport and training;
- Allowance for up to five competition games throughout the winter season during the operating hours identified above;
- Operating hours up to 6.00pm on Saturdays and Sundays for late finishing soccer competition games during the winter season;
- Operating hours of Tuesday to Thursday 6.00pm to 9.00pm during the summer season (September to March) for social sport and training.

This development application has been notified to neighbours and a total of 55 submissions were received from neighbouring properties (54 objections and 1 in support), the majority of which are opposed to the development on the following grounds:

- Acoustic Impacts;
- Light Spillage;
- Traffic and Parking; and
- Loss of Park Amenity.

As discussed in full detail in the assessment report, the proposal involves only a minor increase in the amount of sports field usage compared to the existing situation (mostly additional usage in Monday to Thursday evenings in the period April to August). Although many of the submissions have raised issues of concern (as summarised above) related to such increased usage, it is considered that these concerns can be addressed via specific conditions of consent. Such recommended conditions include:

### ITEM 3 (continued)

- Hours of usage (as specified above)
- Curfew switches (to ensure the lights are switched off within the approved times of use)
- Preparation and adoption of an agreed Noise Management Policy for use by any/all sporting organisations who use the sports field at Waterloo Park
- Spectator exclusion zones (eastern side) – to prevent people congregating adjacent to residential properties on the eastern side where this would affect the largest numbers of neighbouring residential properties.
- Provision of contact details for residents to use in the event of specific noise disturbances (eg via letterbox drop).

Although a large number of individual submissions have been received from owners/occupants of properties immediately adjoining Waterloo Park, the concerns in these submissions need to be balanced against the benefits gained from greater use of an existing community asset. Having regard to both the neighbour's concerns and wider community benefits of the development, on balance the proposal is considered acceptable, particularly when the concerns of the neighbours can be largely addressed via conditions of consent.

On this basis, the subject development application is recommended for approval.

**Reason for Referral to Planning and Environment Committee:** Development involves a Council asset; nature of proposed development; number of submissions received.

**Public Submissions:** 55 submissions received (54 objections, 1 submission in support).

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

**Value of works?:** \$130,000

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

### RECOMMENDATION:

- a) That LDA2013/0311 at 191 Waterloo Road, Marsfield being Lot 1 DP574519, Lot 1 DP574518 and Lot 1 DP575331 be approved subject to the **ATTACHED** conditions (**Attachment 1**):
- b) That the persons who made submissions be advised of Council's decision.

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

#### **ATTACHMENTS**

- 1** Draft conditions
- 2** Map
- 3** A4 plan
- 4** Assessment and Recommendations Report for New Flood Lighting at Waterloo Park prepared by Gary Roberts and Associates dated 14 August 2013
- 5** Noise Assessment - Proposed Floodlighting prepared by Acoustic Consulting Engineers dated 14 January 2013
- 6** Waterloo Park Lighting Project Traffic Impact Assessment prepared by Bitzios Consulting dated 18 December 2012
- 7** Flora and Fauna Assessment Report prepared by Abel Ecology dated 14 December 2013. CIRCULATED UNDER SEPARATE COVER
- 8** Submissions table - CIRCULATED UNDER SEPARATE COVER - CONFIDENTIAL
- 9** A3 plan - 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 3 (continued)

#### 2. Site (Refer to attached map overleaf)

- Address** : 191 Waterloo Road, Marsfield (referred to as “Waterloo Park” throughout this report).  
Lot 1 in DP 574519, Lot 1 in DP 574518; and  
Lot 1 in DP 575331.
- Site Area** : 14,400m<sup>2</sup>  
Site Frontage (Waterloo Road): 178.20m  
North western Boundary: 139.3m  
Northern eastern Boundary: 145.48m  
Eastern Boundary: 148.50m
- Topography and Vegetation** : The topography of the subject site, being the sports field and curtilage area, is relatively level with slight undulations around the periphery of the site. The central portion of the site, or the playing field surface itself, is clear of any significant vegetation, while the perimeter of the site includes stands of significant vegetation providing screening to adjoining development.
- Existing Buildings** : Being a sports field within Waterloo Park, the subject site is relatively clear of any buildings except for the clubhouse building located to the western edge of the subject site.
- Planning Controls Zoning** : RE1 – Public Recreation under Ryde LEP 2010  
RE1 – Public Recreation under draft Ryde LEP 2013
- Other** : Ryde DCP 2010

**ITEM 3 (continued)**



**Figure 1 - Aerial Image of subject site, including annotations of those neighbouring properties objecting to the proposed development**



**Figure 2 - Photograph looking eastward showing the sports field surface, existing light poles, and significant vegetation around the perimeter of the field.**

## **ITEM 3 (continued)**

### **3. Councillor Representations**

No specific representations or call-ups. (Note several of the submissions received by Council staff were also forwarded to Councillors).

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

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

### **5. Proposal**

The following outlines the scope of works proposed as part of the development application activity at Waterloo Park.

- Erection of four (4) x 23m high poles with lighting attached, to illuminate the playing field at Waterloo Park. The poles are to be located on either side of the playing field.

The proposed hours of operation for the floodlighting are:

- Operating hours of Monday to Thursday 4.00pm to 9.30pm during the winter season (April – August) for social sport and training;
- Allowance for up to five competition games throughout the winter season during the operating hours identified above;
- Operating hours up to 6.00pm on Saturdays and Sundays for late finishing soccer competition games during the winter season;
- Operating hours of Tuesday to Thursday 6.00pm to 9.00pm during the summer season (September to March) for social sport and training.

It is understood from the package of information submitted with the DA that the primary organisations to make use of the sports field at Waterloo Park include the Macquarie Dragons Football Club, Ryde Hawks Baseball Club, Macquarie Saints Baseball Club, and Flying Disc NSW.

**ITEM 3 (continued)**



**Figure 3 - Proposed location of the light poles at Waterloo Park sports field.**



**Figure 4 - Photographic montage of the proposed light poles at Waterloo Park sports field looking east toward significant vegetation and residential accommodation beyond.**

## ITEM 3 (continued)

### 6. Background

#### History of Proposal to Install Sports Field Lighting at Waterloo Park

The current proposal to install sports field lighting for Waterloo Park comes as result of an audit conducted by the City of Ryde in 2008 of existing playing field lighting within the City of Ryde, and a proposal to upgrade to current Australian Standards for ball physical training and local football competition purposes (AS 2560/2/3 – 2007).

The audit was considered by the Council (Meeting No. 01/09) at its meeting of 6 February 2009.

In accordance with the Council resolution, community consultation on the proposed playing field lighting upgrade was undertaken between 6 April 2009 and 11 May 2009. This included information relating to the proposal being placed on Council's website, hard copies being made available at the Customer Service Centre and at Ryde libraries, advertisements in the Northern District Times, and information packages being sent to residents within close proximity to all playing fields in Ryde.

A summary of submissions received was reported to Councillors on 22 May 2009 as part of a series of Councillor workshops. Following additional planning activities, the projects proposed for implementation were considered by Council at its meeting of 13 October 2009. At the meeting Council endorsed the lodging of a development application for the installation of playing field lighting at Waterloo Park.

#### Previous Development Application (LDA2013/8)

A development application for the installation of playing field lighting and use of the illuminated playing fields was lodged on 8 January 2013 (LDA2013/8). A total of four (4) light towers were proposed with hours of use as follows:

- 4.00pm-10.00pm four nights per week during the winter season (March to August) for soccer training;
- On up to five occasions during the winter season for soccer competition games during the week (Mon-Fri);
- Up until 6:00pm on Saturdays and Sundays for late finishing competition games;
- From 6:00pm - 9:30pm in summer (September-March) for modified soccer competition and Ultimate Frisbee games Monday, Tuesday, Wednesday & Thursday.

As part of the notification/community consultation process for this development application, an information session was held for local residents, which was attended by six (6) people. However, 180 submissions were received relating to the development application, the majority of which were opposed to the proposed development via a petition.

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

Councillors subsequently passed a resolution requesting a mediation session to be held between local residents and the Macquarie Dragons Football Club to be run by a professional facilitator. A company called Straight Talk was engaged to design, facilitate and record this session for Council.

The mediation session took place on 13 May 2013, with seventeen (17) local residents attending the meeting. The report on the facilitated mediation session was issued on 1 July 2013 outlining the following matters which remained unresolved from the mediation session:

- Acoustic Impacts;
- Light Spillage;
- Traffic and Parking; and
- Loss of Park Amenity.

On 5 August 2013 City of Ryde withdrew the previous DA LDA2013/8 on the basis that further community consultation was to take place in relation to the proposal in the upcoming mediation session.

Council advised in the mediation meeting that it would consider the report from the mediation meeting and then make a determination on whether to resubmit the development application.

#### Current Development Application (LDA2013/311)

On 27 August 2013 a revised development application was lodged which proposes the scope of works and proposed usage as outlined in Proposal above:

- Erection of four (4) x 23m high poles with lighting attached, to illuminate the playing field at Waterloo Park. The poles are to be located on either side of the playing field. It is noted that the new light fittings on the poles are to include glare shields.

Effectively, the revised proposal includes the following scaled back changes compared to the original proposal:

- Reduction in the length of the winter season by one (1) month (i.e. original proposal stated winter season runs from March to August, while revised proposal states winter season runs from April to August);
- Thirty (30) minute reduction in floodlighting operation between Monday to Thursday during the winter season (i.e. floodlighting to cease operation at 9.30pm instead of 10pm as originally proposed);
- As the winter season has been shortened, the allowance for five (5) competition games would now be condensed to the April to August period instead of March to August as originally proposed.

### ITEM 3 (continued)

- While the original proposal sought approval for the five (5) competition games to take place between Monday to Friday, the revised proposal will seek approval for those five (5) competition games during the winter season to be undertaken between Monday to Thursday 4.00pm to 9:30pm, thus confining the period in which these games can take place;
- Reduction in the number of days that floodlighting would operate by one (1) day (i.e. original proposal stated summer floodlight operation would occur Monday to Thursday, however revised proposal states summer floodlight operation would occur Tuesday to Thursday);
- Thirty (30) minute reduction in floodlighting operation during the summer season (i.e. floodlighting to cease operation at 9pm instead of 9.30pm as originally proposed).

Also submitted with the revised development application was the following information prepared by independent consultants:

- *Assessment and Recommendations Report for New Flood Lighting at Waterloo Park* prepared by Gary Roberts and Associates dated 14 August 2013;
- *Flora and Fauna Assessment Report* prepared by Abel Ecology dated 14 December 2013;
- *Noise Assessment – Proposed Floodlighting* prepared by Acoustic Consulting Engineers dated 14 January 2013;
- *Waterloo Park Lighting Project Traffic Impact Assessment* prepared by Bitzios Consulting dated 18 December 2012.

## 7. Submissions

The current development application, being LDA2013/0311 was notified in accordance with Part 2.1 of Ryde Development Control Plan 2010 on 16 September 2013. The application was also advertised in the Ryde City View insert in the Northern District Times on 18 September 2013.

In response, some 55 submissions (54 objections and 1 submission in support) were received from the owners of surrounding properties. The key issues raised in the submissions are summarised and discussed as follows.

### A. Acoustic/noise Impacts

*Concerns are raised that the proposal will result in unacceptable noise impacts associated with sporting games being undertaken on the playing fields.*

### ITEM 3 (continued)

#### ***Assessment Officer's Comment***

Reference should be made to **Section 10(a)** of this report for a complete assessment of the acoustic impacts of the proposed development.

In considering the noise impacts associated with the proposal, it is important to note that compared to the existing situation of sports field usage – the proposal involves a minimal increase during the summer season (ie only 30 minutes per night Tuesday, Wednesday and Thursday nights from September to March), and the majority of “additional” usage will generally be on Monday to Thursday nights during the winter season (some 5.5 additional hours on these nights from April to August)

An independent Noise Assessment Report by Acoustic Consulting Engineers dated 14 January 2013 has been submitted with the DA. This Report indicates that “the proposal will not introduce new noise sources or increase the levels of noise”, but will involve an extension to the usage time.

The Noise Assessment undertaken for this development has noted that the main noise source observed during noise measurements was from the social soccer competitions/matches. Noise from soccer training was not measured in isolation due to influence from noise from actual games/matches. The Noise Assessment has noted that noise from soccer training would generally be expected to be between 3-5dB(A) lower than that from soccer competition games because training would not involve noise sources such as referee's whistles, and spectator shouting/cheering which is experienced during matches.

Given that most of the additional use of the sports fields relates to night time training, with only a maximum of 5 night-time competition games during the winter season, it is considered that the proposal will have acceptable noise impacts.

In this regard, it is considered that the objectors may have been unaware about the predominant form of sports activity taking place on the sports fields, and the noticeably quieter conditions associated with soccer training as opposed to games/matches.

Accordingly, based on the outcomes of the Noise Assessment, and subsequent correspondence from the Acoustic Engineer who prepared the report, it is considered that the acoustic impacts associated with the proposal would be acceptable. As discussed throughout this report, particular conditions will be imposed in regard to the following matters:

- Hours of usage (as specified in the “Proposal” section of this report)
- Curfew switches (to ensure the lights are switched off within the approved times of use)
- Preparation and adoption of an agreed Noise Management Policy for use by any/all sporting organisations who use the sports field at Waterloo Park

### ITEM 3 (continued)

- Spectator exclusion zones (eastern side) – to prevent people congregating adjacent to residential properties on the eastern side where this would affect the largest numbers of neighbouring residential properties.
- Provision of contact details for residents to use in the event of specific noise disturbances (eg via letterbox drop).

#### **B. Light Spillage.**

*Concerns are raised that the proposed lighting will cause loss of amenity to nearby dwellings through high levels of illumination and light spillage, and also on flora and fauna within the area.*

#### **Assessment Officer's Comment**

Reference should be made to **Section 10(a)** of this report for a complete assessment of the light spillage impacts of the proposed development on the built environment, and **Section 10(b)** of the report for a complete assessment of the light spillage impacts of the proposed development on the natural environment.

Based on the outcomes of the independently prepared Assessment and Recommendations report for New Floodlighting at Waterloo Park by GRA Electrical Engineers dated 14 August 2013 and the Flora and Fauna Assessment Report (FFAR) prepared by Abel Ecology dated 14 December 2012, it is considered that the illumination impacts with the proposal are such that they would not be unacceptable to the surrounding built or natural environment.

In particular, the relevant Australian Standard (*AS4282 – Control of the Obtrusive Effects of Outdoor Lighting*) recommends a maximum acceptable increase in lighting levels measured at residential property boundaries of 10lux. For this proposal, the GRA Report indicates that the increase in lighting measurements would be between 0.87Lux to 4.77Lux, which is well below the maximum recommended in this Australian Standard.

Section 10 of this report (below) contains an air photo showing the projected increases in light levels as a result of this development.

In relation to light spillage impacts on flora and fauna, the Abel Ecology report concludes that there is no impediment to the proposed development from an ecological perspective, there is not likely to be a significant effect on any endangered ecological community, threatened species or their habitats, and as such a Species Impact Statement is not required. Accordingly, it is considered that the proposed development would not have unacceptable impact on the natural environment.

### ITEM 3 (continued)

It is also noted that comments from objectors included criticism of the FFAR on the basis that it did not include any nocturnal fauna assessment. However, as evidenced in the Seven-part Tests includes in Appendix 1 of the FFAR, nocturnal fauna have been considered as part of the assessment, which includes Insectivorous Bats, Large Forest Owls, Threatened Forest Birds, and Grey-headed Flying-foxes.

#### **C. Traffic and Parking**

*Concerns are raised that the additional hours of park usage created by the proposed lighting will see increased traffic congestion and parking demand.*

##### **Assessment Officer's Comment**

Reference should be made to **Section 10(a)** of this report for a complete assessment of the traffic and parking impacts of the proposed development.

As discussed in more detail in Section 10, a Traffic Impact Assessment has been prepared by Bitzios Consulting and submitted with the DA. Based on the traffic and parking assessment, it is considered that the traffic and parking impacts associated with the proposal are satisfactory for the following reasons:

- The proposed lighting should not increase the peak parking demand caused by the site;
- The lighting will probably increase the periods that the parking demand will be required but this is able to be met by the existing car park;
- The weekend peak traffic demand is expected not to be affected by the additional traffic; and
- The additional traffic generated by the site is likely to be in the order of 24 vehicles per hour in the afternoon peak period which is considered to have minimal effect on the existing road network.

#### **D. Loss of park amenity**

*Concerns are raised that by installing lighting to the park exclusive use and privilege will be given to the sporting clubs until late in the evening, leaving little time for nearby residents to use and enjoy the park.*

##### **Assessment Officer's Comment**

Reference should be made to **Section 10(a)** of this report for a complete assessment of the amenity impacts of the proposed development on Waterloo Park.

### ITEM 3 (continued)

The proposed development, being largely confined to the sports field, and primarily to weekday evenings within the winter sports season, is not anticipated to impact on the other uses of the park which typically occur during the daylight hours, such as use of the picnic areas, BBQ's, playgrounds, cycle paths, walking track/paths, and the fitness circuit. In effect, it is considered likely that the active use of sports field within Waterloo Park in the early to mid-evening period may stimulate the extended use of the walking/cycle track and fitness circuit within the park due to there being some light spillage onto these areas and also additional passive and active surveillance from sports field users.

#### 8. Clause 4.6 Ryde LEP 2010 objection required?

None required

#### 9. Policy Implications

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

##### (a) Ryde Local Environmental Plan 2010

###### Zoning

Under the Ryde LEP 2010 the zoning of the subject site is RE1 – Public Recreation. The proposal is permissible with Council's development consent under the zoning of the property.

###### Mandatory Requirements

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

###### Clause 5.9 – Preservation of trees or vegetation

The objective of clause 5.9 of the Ryde LEP 2010 is to preserve the amenity of the area, including biodiversity values, through the preservation of trees and other vegetation.

Specifically, this clause states that a person must not ringbark, cut down, top, lop, remove, injure or wilfully destroy any tree or other vegetation to which any such development control plan applies without the authority conferred by:

- a) development consent, or
- b) a permit granted by the Council.

Part 9.6 'Tree Preservation' of the Ryde DCP 2010 would apply to trees that form part of Waterloo Park and its curtilage areas. Although it is acknowledged that the proposed development does not propose to ringbark, cut down, top, lop, remove, injure or wilfully destroy any tree or other vegetation, it is

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

considered that there is a responsibility to consider the impact of the proposed development on such vegetation given the objectives of this clause.

In this regard, reference is again made to the independent Flora and Fauna Assessment Report submitted as part of the package of information for the subject development application. The FFAR concludes that there is no impediment to the proposed development, and there is not likely to be a significant effect on any endangered ecological community, threatened species or their habitats.

Given the above, it is considered that the proposed development is consistent with the objectives of clause 5.9 of the Ryde LEP 2010, and also in compliances with the provisions of this clause.

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

##### State and Sydney Regional Environmental Planning Policies

No State and Sydney Regional Environmental Planning Policies are specifically relevant to the proposed development.

#### **(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 RE1 Public Recreation. It is considered that the proposal is not contrary to the objectives of the Draft LEP or those of the proposed zoning.

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

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

##### Ryde Development Control Plan (DCP) 2010.

Ryde DCP 2010 does not contain any specific development controls applicable to the proposed development.

### **10. Likely impacts of the Development**

#### **(a) Built Environment**

The proposed development will modify the intensity of the existing lighting arrangements at Waterloo Park by introducing new floodlighting to the existing

### ITEM 3 (continued)

sports field. Currently there is no floodlighting to the sports field (only general park lighting and lighting of the walking/cycle track), but there are fourteen (14) existing post-top lights around the perimeter of the sports field on the walking path. In this regard it is acknowledged that the additional illumination will have a modified impact on the built environment over that of the current site arrangements.

Additionally, the proposed development will augment the hours of use of the sports field over that of the current arrangements, and as such must also be considered in terms of its modified impact on the built environment.

Having regard to the above, the potential impacts on the built environment as a result of the additional sports field lighting and usage has been determined as follows:

- Light Spillage;
- Acoustic Impacts;
- Traffic and Parking; and
- Loss of Park Amenity.

In order to understand the level of impact associated with the proposed development, it is important to assess the amount of additional usage that will be obtained from the sports field as a result of the flood lighting.

In this regard, the applicant has advised that the current usage of the sports field is as follows:

- In summer (September to March)
  - Tuesday to Thursday from 5:30pm to 8.00pm for social/non-competition matches
  - Saturdays and Sundays for baseball competition matches between 8.00am to 6.00pm
- In winter (April to August)
  - Saturdays between 8.00am and 6.00pm for organised competition matches, by the Gladesville Hornsby Football Association
  - Sundays between 8.30am and 5.30pm for organised competition matches by the North West Sydney Women's Football Association.
- The park is also used by casual park users for passive recreational purposes and the loop track around the outside perimeter of the sporting field is also understood to be well used for passive recreational uses

### ITEM 3 (continued)

The proposed usage of the sports field at Waterloo Park once the lighting is installed is as follows:

- Operating hours of Monday to Thursday 4.00pm to 9.30pm during the winter season (April – August) for social sport and training;
- Allowance for up to five competition games throughout the winter season during the operating hours identified above;
- Operating hours up to 6.00pm on Saturdays and Sundays for late finishing soccer competition games during the winter season;
- Operating hours of Tuesday to Thursday 6.00pm to 9.00pm during the summer season (September to March) for social sport and training.

Therefore, operation of the floodlighting to illuminate the sports field at Waterloo Park in the summer season (i.e. from September to March) will result in the following additional usage of the sports field:

- Mondays – Nil;
- Tuesdays – 30 minutes;
- Wednesday – 30 minutes;
- Thursday – 30 minutes;
- Friday – Nil;
- Saturday – Nil; and
- Sunday – Nil.

Operation of the floodlighting to illuminate the sports field at Waterloo Park in the winter season (i.e. from April to August) will result in the following additional usage of the sports field:

- Mondays – 5.5 hours;
- Tuesdays – 5.5 hours;
- Wednesday – 5.5 hours;
- Thursday – 5.5 hours;
- Friday – Nil;
- Saturday – Nil; and
- Sunday – 30 minutes.

The resultant impact of the proposed floodlighting is that the sports field at Waterloo Park will be able to be utilised for an additional 1.5 hours per week during the summer season and an additional 22.5 hours per week during the winter season.

On this usage basis, each of the following potential impacts on the built environment is assessed as follows:

### ITEM 3 (continued)

#### *Light Spillage*

Higher illuminating lights have the potential to impact on the built environment in terms of the obtrusive effects of outdoor lighting, particularly on other aspects of the built environment such as residential accommodation. As indicated in the following air photo, the nearest residential accommodation is approximately 120m from the closest directional light pole.



Figure 5 - Distance of light poles to residential accommodation

Australian Standard AS4282-1997 – Control of the obtrusive effects of outdoor lighting’ sets out guidelines for control of the obtrusive effects of outdoor lighting and gives recommended limits for the relevant lighting parameters to contain these effects within tolerable levels. The following is an extract from AS4282-1997 in relation to the effects on residents as a result of bright luminaries:

*Section 2.6.1 Effects on residents Effects on residents generally involve a perceived change in amenity arising from either of the following:*

- (a) *The illumination from spill light being obtrusive, particularly where the light enters rooms of dwelling that are normally dark, e.g. bedrooms. The illuminance on surfaces, particularly vertical surfaces, is an indicator of this effect.*

### ITEM 3 (continued)

- (b) *The direct view of bright luminaries from normal viewing directions causing annoyance, distraction or even discomfort. The luminance of a luminaire, in a nominated direction, is an indicator of this effect. However, because of difficulties associated with the measurement of luminance, recommendations in the Standard are expressed in terms on the luminous intensity in specified directions.*

Tolerable levels of each of these light technical parameters will be influenced by the ambient lighting existing in that environment. This will be determined largely by the degree and type of the development of the area and by the road lighting in place.

Values of the light technical parameters that are acceptable during the earlier hours of the evening may become intolerable if they persist at later times when residents wish to sleep.

Given the above, it is important to assess the illumination spill on adjoining residential development whilst taking into consideration existing conditions, and that of the proposed development which seeks to increase the already illuminated Waterloo Park to include sports field floodlighting.

Table 2.1 within AS4282-1997 outlines the recommended maximum values of light for the control of obtrusive light both during curfew hours (i.e. after 11pm) and after curfew hours (before 11pm).

Table 2.1 provides that the recommended maximum Lux values at the boundaries of nearby residential properties is 10Lux for light or dark surrounds in pre-curfew hours, while at curfewed hours it is 2Lux in light surrounds and 1Lux in dark surrounds.

Although the nearby properties are located near approved light emitting sources already, such as the streetlights of Waterloo Road, Culloden Road, Trafalgar Place and Libya Place, and also the existing light poles around the walking track of Waterloo Park, for the purposes of this assessment the more stringent dark surrounds criteria have been used. That is, a maximum 10Lux for pre-curfew hours and a maximum of 1Lux for curfewed hours.

Included as part of the package of information submitted with the subject development application is the Assessment and Recommendations Report for New Flood Lighting at Waterloo Park prepared by independent consultants Gary Roberts and Associates dated 14 August 2013. This report includes measurements of the Lux levels at the boundary of nearby residential accommodation and outlines that the proposed new floodlighting for Waterloo Park can provide the lighting levels recommended for ball physical training and local football competition purposes (AS2560.2.3) and also achieve spill light levels well below the maximum of 10Lux at the property boundaries recommended by AS4282-1997.

### ITEM 3 (continued)



**Figure 6 - Light level measurements as a result of the proposed development**

As demonstrated in the air photo above, with a maximum level of 4.77 Lux at the property boundary of the nearby residential development, the proposed development results in less than half the maximum standard and therefore easily complies with the recommendations outlined in AS4282-1997 for the obtrusive effects of outdoor lighting as the lighting will be restricted to operate until 9:30pm Monday to Thursday during the winter season, until 9pm during the summer season, and until 6pm on weekends for late finishing weekend games.

In order to ensure compliance with AS4282-1997 the following condition of consent (condition 3) is to be imposed which will limit the hours of operation of the floodlighting of the sports field.

- **Curfew switches** - Curfew switches are to be installed, along with manual off switches, to each tower set, to ensure that the sports field lighting use does not extend beyond the approved times of use.

### ITEM 3 (continued)

It is also noted that consistent with other recent sports field lighting approvals in the Ryde local government area, a condition that requires the lighting of the ovals to be directed so as not to cause nuisance to the owners or occupiers of adjacent/adjoining premises or to motorists on adjoining or nearby roads, and all existing and proposed lights shall comply with the AS 4282-1997 is to be imposed (see condition 25).

The result of the above is that the impacts on the built environment as a result of the higher illuminating lights are considered acceptable, particularly as compliance with AS 4282-1997 can be achieved.

#### *Acoustic Impacts*

An acoustic impact report titled, *Noise Assessment – Proposed Floodlighting* (NAR) prepared by Acoustic Consulting Engineers dated 14 January 2013 has been submitted as part of the package of information for the development application.

The NAR provides a summary of the noise assessment for the proposed extension of sporting activities as a result of the installation of the floodlighting for Waterloo Park.

The NAR outlines that potential noise impacts from the proposal is not in terms of increased noise levels, but rather prolonged hours of operation of the sports field.

This report indicates that the nearest sensitive receivers are the residential dwellings and units up to two-storeys along the northern site boundary (Libya Place) and eastern boundary (Culloden Road). The residences on the eastern side are elevated, while the ground levels of the residences on the northern side are slightly below that of the sports field and are less exposed to noise from the sports field.

The NAR acknowledges that there are no specific guidelines for the assessment of noise from social sporting activities from public parks and sports fields, and as such, the Office of Environment and Heritage's Industrial Noise Policy is referred to for the subject assessment in the absence of specific guidelines, despite the fact that noise from social sporting activities is not a scheduled item under this policy.

The sports field at Waterloo Park is to be used for soccer, baseball and flying disc (Frisbee) activities.

The Noise Assessment report mentions that Waterloo Park is currently used by people undertaking social soccer and baseball training and other games; the general public undertaking exercising; and families and children playing at the children playing area and periphery of the sports field. As such, the report comments that the proposal will not introduce new noise sources or increase the levels of noise associated with Waterloo Park, however the usage time will be extended.

### ITEM 3 (continued)

This usage, as identified above would be for an additional 1.5 hours per week during the summer months, and additional 22.5 hours per week during the winter months.

As the most significant change over the current sports field usage arrangements occurs during the winter season is 4pm to 9.30pm Monday to Thursday from April to August, it is considered important to understand the nature of sporting activities taking place during this period to ascertain the potential noise impact on nearby residential accommodation.

The NAR, indicates that audit measurements of noise levels from soccer training and games were undertaken at the nearest representative receivers on Wednesday evening 19 December 2012.

The NAR determines that noise levels from soccer activities exceed the recommended assessment objective being of background noise level plus 10dB by 2-10dB during the proposed extended hours depending on receiver locations.

The NAR determines that noise levels from baseball activities are 2-7dB above the daytime rating noise level and within the recommended assessment objective of the background noise level plus 10dB.

The NAR does not provide an assessment of flying disc/Frisbee activity noise levels, however observations of flying disc/Frisbee games has revealed noise levels are generally lower than that associated with soccer activities due to less referee whistle blowing and the absence of noise associated with kicking a soccer ball.

The Statement of Environmental Effects submitted with the subject development application indicates that the proposal is to enable night training, and up to five (5) soccer games over this winter season period.

This is consistent with Football NSW's circular in 2011 for night soccer competition which would indicate that the proposed lighting (100lux) of the sports field at Waterloo Park, would not comply with minimum Football NSW standards for semi-professional competition, or professional level match practice or competition. In this regard, the only use of the field with a light level of 100lux would be for ball and physical training, along with club level competition and match practice under Football NSW standards.

On 30 December 2013, subsequent correspondence from the Acoustic Engineer who undertook the Noise Assessment Report outlined the following:

*"It was observed during the measurements that the main noise was from the social soccer competition games/matches. Noise from soccer training was not measured in isolation due to influence of noise from the games/matches.*

### ITEM 3 (continued)

*The findings from the noise assessment presented in the report are for the social soccer games/matches.*

*Based on site observations and measurements at another field (Morrison Bay Park), it is expected noise from soccer training would be in the order of 3-5dB lower than that from the social soccer competition games/matches. This is because there was little whistling, shouting and cheering from spectators from the training."*

It is noted that neighbouring objectors have made comments in relation to current noise levels associated with the use of the sports field at Waterloo Park for games/matches being obtrusive to residents.

As identified in **Section 5** of this report, the illumination of the sports field is primarily for sports training purposes in the winter season where natural light levels would preclude such activities.

Only a maximum of five (5) additional games/matches are proposed during the winter season, the remainder of the use of the sports field during the nominated hours in the winter season is for sports training purposes.

In the summer season, only an additional 30 minutes is proposed over that of the existing arrangements.

Using the NAR's own suggested objectives of background noise plus 10dB, this would mean that for the most part, the extended sports field usage for soccer training activities would be 7-15dB (depending on receiver locations) above the background noise level. Accordingly, this would place the soccer training activities within the recommended assessment objective, or only 5dB over the objective, depending on receiver locations.

In this regard, the correspondence from the Acoustic Engineer reveals that the assessment within the NAR generally represents soccer noise from a worst case scenario, being a soccer match. As soccer matches are restricted to only five (5) occurrences per winter weekday season, there is considered to be a smaller noise impact than that initially perceived as a result of reading the NAR.

Outside of the winter weekday season usage of the sports field, the sports field will only incur an additional 1.5 hours per week usage during the summer season, with this time being made up of 30 minute increments on Tuesday to Thursday, and an additional 30 minute usage between 5:30pm and 6:00pm on Sundays during the winter season. In this regard, the prolonged noise associated with organised sport activities on the field is considered to be only a minor change to the existing conditions.

### ITEM 3 (continued)

It is noted that the NAR makes two recommendations:

- Community consultation be conducted to explain and take account of social benefits to the community and potential noise impacts for the extended evening hours as part of the Development Application and decision making process; and
- It is recommended that sporting activities be finished as early as possible.

Extensive community consultation has taken place as part of both the current and original development applications for sports field lighting at Waterloo Park.

This has included the standard notification/advertising that takes place with each development application lodged with City of Ryde Council as per Part 2.1 of the Ryde DCP 2010, along with a community consultation session for residents surrounding Waterloo Park on 11 December 2013, and a further community consultation meeting held on 13 May 2013 in Council's Civic Centre meeting rooms adjudicated by a consultant mediator.

Issues raised as part of the community consultation are covered under **Section 7** of this Report, however it is noted that as a result of the community consultation a modification to the operation hours of the proposed floodlights has occurred whereby they will be reduced from 10pm to 9:30pm Monday to Thursday during the winter season.

In terms of the second recommendation, as mentioned above, the revised development application now proposes to reduce the operation of the floodlighting from 10pm to 9:30pm Monday to Thursday during the winter season, thus helping sporting activities finish earlier.

In order to ensure sporting activities finish on-time and do not extend any longer than their permitted usage period, the following condition is recommended to be imposed on the consent (see condition 3):

- **Curfew switches** - *Curfew switches are to be installed, along with manual off switches, to each tower set, to ensure that the sports field lighting use does not extend beyond the approved times of use.*

It is acknowledged in the NAR and objection letters that a significant component of noise is attributable to spectators, players shouting, and whistle blowing associated with soccer games/matches. The NAR comments that observations made during the site inspections indicate there would be limited measures that could be implemented to reduce noise from Waterloo Park given the noise sources are mobile and the residential receivers of the noise are elevated above the sports field.

### ITEM 3 (continued)

However, in order for sports organisations using the sports field to be mindful and respectful of potential noise impacts on nearby residences, it is considered appropriate that a noise management policy be put in place for all organisations using the sports field at Waterloo Park to adopt and follow in order to minimise sounds emitted from the park and minimise any adverse impact on surrounding residents.

Such simple measures that are considered worthy of being adopted within the noise management policy for the Waterloo Park sports ground include:

- Establishment of a roped off spectator exclusion zone around the eastern half of the sports field during soccer games/matches in the winter weekday season (refer to the air photo on the following page).
- This would ensure that potential spectator noise from the additional five (5) matches to be played on the field during the weekday evening period of the winter season would be confined to the western half of the field, essentially placing the nearest spectators approximately 100m from nearby residential development instead of 30m away;
- Prohibition of any amplification equipment for personal address announcements, music, sirens, or other purposes;
- Incorporate components of the player, parents, spectator and officials code of conduct into the noise management policy to limit noise generating behaviour such as excessive shouting, swearing, whistle blowing, and any other noise generating activities; and
- A plan to be put in place on how to respond to noise complaints, including but not limited to advising nearby residents of the contact details for which complaints can be addressed, measures to ensure prompt action can be taken to deal with any complaints and minimise recurring noise issues.

In this regard, the following conditions of consent are recommended:

- **Noise Management Policy** – *A noise management policy is to be prepared for all sporting organisations utilising the illuminated sports field at Waterloo Park to adopt. The objective of this noise management policy is to minimise sounds emitted from the illuminated sports field at Waterloo Park and minimise any adverse impacts on surrounding residents.*
- *Establishment of a roped off spectator exclusion zone from goalpost to goalpost around the eastern half of the sports field during soccer games/matches during the winter weekday season.*
- *Prohibition of any amplification equipment for personal address announcements, music, sirens, or other purposes;*

### ITEM 3 (continued)

- *Incorporate components of the player, parents, spectator and officials code of conduct into the noise management policy to limit noise generating behaviour such as excessive shouting, swearing, whistle blowing, and any other noise generating activities; and*
- *Methods to be put in place on how to respond to noise complaints, including but not limited to advising nearby residents of the contact details for which complaints can be addressed, measures to ensure prompt action can be taken to deal with any complaints and minimise recurring noise issues.*

*The completed Noise Management Policy is to be submitted and approved by Council's Group Manager Environment & Planning prior to the illuminated use of the sports field.  
(see condition 21).*



Figure 7 - Suggested spectator exclusion zone during soccer games/matches to be held in the winter season under lights during the week.

### ITEM 3 (continued)

#### *Traffic and Parking*

It is acknowledged that in some circumstances the illumination of a sports field, such as that at Waterloo Park, along with the modified usage of the sports field surface, may have the potential to impact on the built environment in terms of traffic and parking associated with the park.

In this regard, a traffic and parking report has been prepared by an independent consultant. This traffic and parking report, titled Waterloo Park Lighting Project Traffic Impact Assessment dated 18 December 2012 prepared by Bitzios Consulting concludes the following:

- The proposed lighting should not increase the peak parking demand caused by the site;
- The lighting will probably increase the periods that the parking demand will be required but this is considered to be met by the existing car park;
- The weekend peak traffic demand is expected not to be affected by the additional traffic; and
- The additional traffic generated by the site is likely to be in the order of 24 vehicles per hour in the afternoon peak period which is considered to have minimal effect on the existing road network.

On this basis, the proposed development not expected to have an unacceptable impact on the traffic and parking aspects of the built environment.

#### *Park Amenity*

As outlined on the City of Ryde website, and as observed during site inspections undertaken both during the day and in the early evening, Waterloo Park provides for a range of recreational settings and activities both in a passive and active environment including:

- |                |                      |
|----------------|----------------------|
| – Picnic areas | – Cycle path         |
| – BBQ          | – Walking track/path |
| – Playground   | – Fitness circuit    |
| – Sports field |                      |

This is confirmed by the City of Ryde's Plan of Management for Community Land which states Waterloo Park is categorised as a sportsground, park and also a natural area. However, the component of the wider park which is the subject of this development application is the sports ground itself, or what is referred to within this report as the Waterloo Park sports field.

### ITEM 3 (continued)

The core objectives for the management of community land categorised as a sportsground under the Plan of Management for Community Land are:

- a) to encourage, promote and facilitate recreational pursuits in the community involving organised and informal sporting activities and games, and
- b) to ensure that such activities are managed having regard to any adverse impact on nearby residences.

Given the proposed development will effectively enable the extended use of the sports field within Waterloo Park into the mid-evening period at certain times, and given the outcome of the proposal will enable the sports field to comply with Australian Standards for ball physical training and local football competition purposes (AS 2560.2.3 – 2007), it is considered that the proposal will enhance the park amenity by encouraging, promoting and facilitating recreational pursuits in the community as the sports field will be better utilised for organised and informal sporting activities and games.

Additionally, as assessed within this Report, the proposed park amenity upgrades via improved lighting and broadened sports usage is considered to have had satisfactory regard to the impacts on nearby residences. Any adverse impacts are considered to be reasonable having assessed issues such as light spillage, acoustic impacts, traffic and parking, and the natural environment (see **Section 10(b)**).

Therefore it is considered that the proposed development is consistent with the objectives contained within the Plan of Management for sportsgrounds.

The proposed development, being largely confined to the sports field, and primarily to weekday evenings within the winter sports season, is not anticipated to impact on the other uses of the park which typically occur during the daylight hours, such as picnic areas, BBQ's, playgrounds, cycle paths, walking track/paths, and the fitness circuit. In effect, it is considered likely that the active use of Waterloo Park in the early to mid-evening period may stimulate the extended use of the walking/cycle track and fitness circuit within the park due to there being some light spillage of these areas and also additional passive and active surveillance from sports field users.

Given the above assessment, it is considered that the proposed development will not have an unsatisfactory impact upon the built environment.

#### **(b) Natural Environment**

It is acknowledged that in some circumstances the illumination of a sports field, such as that at Waterloo Park, along with the modified usage of the sports field surface, may have the potential to impact on the natural environment in terms of its impact on flora and fauna.

### ITEM 3 (continued)

In this regard, an ecological assessment has been prepared by an independent consultant. This ecological assessment report, titled Flora and Fauna Assessment Report (FFAR) dated 14 December 2012 prepared by Abel Ecology concludes the following:

- There is no impediment to this proposal in the scope of this report. There is not likely to be a significant effect on any endangered ecological community, threatened species or their habitats. A Species Impact Statement is not recommended.

Note: The FFAR was prepared on 14 December 2012, and as such refers to the original development application (LDA2013/008) for the proposal lodged on 8 January 2013 (refer to **Section 6**). The FFAR is still considered to be relevant for the development application that is the subject of this assessment (LDA2013/311) as the nature of the current proposal has only sought to reduce the operating hours of the proposed sports field lighting, and reduce the months of the year in which the proposed sports field lighting will operate (refer to **Section 6**).

The FFAR also comment that there is little habitat value for small mammals, reptiles or frogs, but adequate habitat for birds available on the site.

The FFAR notes that there were no threatened species or endangered ecological communities identified on the site during the survey and the provisions of the Environment Protection and Biodiversity Conservation Act 1999 do not apply to this proposal.

The FFAR incorporates a number of recommendations which include the following:

- Undertake a weed control program to remove all weed species from Class 1 to Class 5 categories, consistent with the provisions of the Noxious Weeds Act 1993;
- Install shielding to reduce the impact of stray light on surrounding areas;
- Use of a timer would allow floodlighting to be controlled effectively so that lights are not illuminated unnecessarily;
- Re-instate the shrub layer to provide greater structural habitat and to assist in the screening of lights for the surrounding environment;
- Ensure that floodlight positioning is providing maximum efficiency over the fields and minimises the stray light over the surrounding environment.

While a number of the above recommendations are considered valid in relation to the subject development application, others are considered onerous and generally incompatible with the use of Waterloo Park as a public recreation area. The following is an assessment of each recommendation followed by the Assessing Officer's comments:

### ITEM 3 (continued)

- *Undertake a weed control program to remove all weed species from Class 1 to Class 5 categories, consistent with the provisions of the Noxious Weeds Act 1993;*

#### **Assessment Officer's Comment**

Council's Generic Plan of Management includes performance targets and activities to control noxious weeds in sportsgrounds, parks, natural areas and general community use areas within the City of Ryde.

Furthermore, weed management plans have been prepared by the City of Ryde for identified noxious weeds such as Lantana, Trad/Wandering Dew, and Serrated Tussock.

Given weed management plans and programs are already in place within the City of Ryde, it is not considered necessary to include this particular recommendation as part of any condition of approval of the subject development application.

- *Install shielding to reduce the impact of stray light on surrounding areas;*

#### **Assessment Officer's Comment**

As mentioned the FFAR refers to the original development application (LDA2013/008) for the proposal lodged on 8 January 2013. The revised development application for the proposed development (LDA2013/0311) lodged on 27 August 2013 includes glare shields to cut off direct source light output towards the observatory at Macquarie University (see **Section 7B**). This is considered to reduce the amount of stray light on surrounding areas over that originally proposed and assessed as part of the FFAR.

Accordingly, this recommendation under the FFAR is somewhat integrated with the new development proposal, and as such a particular condition of consent for glare shields is not considered necessary. However in order to ensure that the impacts of the new sports field lights on the Macquarie University is satisfactory, it is recommended that a specific condition be imposed (see condition 20) requiring photometric certification of the luminaires.

- *Use of a timer would allow floodlighting to be controlled effectively so that lights are not illuminated unnecessarily;*

#### **Assessment Officer's Comment**

As outlined within **Section 10(a)** of this Report, in order to ensure sporting activities finish on-time and do not extend any longer than their permitted usage period, the following condition is recommended to be imposed on the consent:

### ITEM 3 (continued)

**Curfew switches** - *Curfew switches are to be installed, along with manual off switches, to each tower set, to ensure that the sports field light use does not extend beyond the approved times of use.*

The imposition of this condition of consent is considered to satisfy this recommendation under the FFAR.

- *Re-instate the shrub layer to provide greater structural habitat and to assist in the screening of lights for the surrounding environment;*

#### **Assessment Officer's Comment**

Waterloo Park is zoned RE1 Public Recreation under the provisions of both the Ryde LEP 2010 and the draft LEP. Land within the RE1 zone is generally identified for use as public open space whereby the land is to have a recreational setting for recreational activities.

While re-establishment of flora and fauna habitat is considered to be an important activity, it is considered such activities are more suited to land within the City of Ryde that is zoned E2 Environmental Conservation, or E1 National Parks and Nature Reserves, or even that land zoned RE1 Public Recreation which includes more significant tracts of natural bushland.

Accordingly, as such habitat re-establishment in Waterloo Park is considered to impact on the existing recreational activity amenity of the park, this recommendation is not considered to be appropriately added as a condition of consent.

- *Ensure that floodlight positioning is providing maximum efficiency over the fields and minimises the stray light over the surrounding environment.*

**Assessment Officer's Comment:** The positioning of the proposed floodlights has been such that light spillage from the illumination of the sports field will be concentrated on the playing field surface, and accordingly minimise stray light over the surrounding environment.

The proposed development easily complies with Australian Standard 4282-1997 'Control of the obtrusive effects of outdoor lighting' such that the Lux light levels at adjoining residential area boundaries is less than half the maximum suggested by the standard.

As such, it is considered that this recommendation is satisfactorily addressed by the proposed development, and as such a condition of consent relating to floodlight positioning is not required.

Given the above assessment, it is considered that the proposed development will not have an unsatisfactory impact upon the natural environment.

## **ITEM 3 (continued)**

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

The proposed development is for the illumination of an existing sports field within Waterloo Park to enable the continued and expanded use of this existing facility primarily for sports training purposes and limited sport games/matches.

The assessment of the proposed development within this report demonstrates that the proposal can comply with the relevant environmental planning instruments applying to the land.

Furthermore, the impacts of the proposed development have been thoroughly assessed in terms of their impacts on both aspects of the built and natural environment have been determined to be satisfactory on balance.

The proposed development will deliver both social and community benefits via the continued and enhanced use of an existing public sports field within Waterloo Park that, when constructed, will be upgraded to meet the Australian Standard 2560.2.3 – 2007 for ball physical training and local football competition purposes, while still meeting the Australian Standard 4282 – 1997 for control of the obtrusive effects of outdoor lighting.

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 that would specifically relate to the proposed development.

Having regard to the above, it is considered that the subject site is suitable for the proposed development.

### **12. The Public Interest**

The City of Ryde's Plan of Management for Community Land states that sportsgrounds in the City of Ryde are to be "managed to provide active recreation opportunities for the Ryde Region", and are therefore not strictly for those residents to use who reside in the immediate vicinity of the sports field.

This is reinforced by the RE1 Public Recreation zoning of the land under the Ryde LEP 2010 which states as an objective that the "open space areas are to meet the existing and future needs of the residents of Ryde", again not just those residents located within the vicinity of Waterloo Park.

As has been demonstrated within this report, the proposal development is considered to be in the public interest as it provides for the enhanced use of the Waterloo Park sports field for public recreation purposes whilst not resulting in unsatisfactory impacts on the natural or built environment. Therefore, on balance, the social and community benefits of the proposed development are considered to outweigh any concern related to the impacts of the proposed development.

It is also noted that the proposed development complies with Council's current and future environmental planning instruments and also Council's relevant development controls.

## ITEM 3 (continued)

### 13. Consultation – Internal and External

#### Internal Referrals

##### Environmental Health Officers

Council's Environmental Health Officers have considered the proposed development and made the following comments.

*An acoustic report prepared by Acoustic Consulting Engineers Pty/Ltd has been prepared (dated January 2013) and submitted with the application. The report identifies that the noise produced from the soccer training/games may exceed the rated background levels by between 2 – 10 dB in the evening – depending on the receiver location.*

*However the report states that the proposal will not introduce new noise sources or increase the level of noise above the existing. However the proposal will extend the potential noise impact.*

*The proposal does not mention any type of public address system (existing or proposed) and it is recommended that no system be installed or operated after 8.00 pm (if one is already in place).*

*Any concerns regarding light spill are not expected to be a great problem, due to the proposed time restrictions in place on the use of the light towers, however all reasonable care must be taken to ensure that the lights are installed to minimize any intrusive light into adjoining residences.*

*The lights are to comply with the requirements of AS 4282 – Control of the obtrusive effects of outdoor lighting.*

#### **RECOMMENDATION:**

*That the Manager Assessment be advised the proposal will be satisfactory subject to the following conditions.*

##### Assessment Officer's Comments

The recommended conditions of consent provided by Council's Environmental Health Officers are included in the recommendation and include:

- Hours of Operation (condition 2)
- Automatic light switches (condition 3)
- Public address system (condition 23)
- Limited number of competition games (condition 24)
- Light Spill (condition 25)
- Offensive noise (condition 26)
- Noise from users (condition 27)

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

#### **14. Critical Dates**

There are no critical dates or deadlines to be met.

#### **15. Financial Impact**

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

#### **16. Other Options**

None relevant.

#### **17. Conclusion**

The proposal has been assessed against the heads of consideration of Section 79C of the Environmental Planning and Assessment Act 1979 and is generally considered to be satisfactory.

The proposal development is considered to be in the public interest as it provides for the enhanced use of the Waterloo Park sports field for public recreation purposes whilst not resulting in unsatisfactory impacts on the natural or built environment. Therefore, on balance, the social and community benefits of the proposed development are considered to outweigh any concern related to the impacts of the proposed development.

The proposal involves only a minor increase in the amount of sports field usage compared to the existing situation (mostly additional usage in Monday to Thursday evenings in the period April to August). Although many of the submissions have valid issues of concern related to the proposed increased usage, it is considered that these concerns can be addressed via specific conditions of consent.

Although a large number of individual submissions have been received from owners/occupants of properties immediately adjoining Waterloo Park, the concerns in these submissions need to be balanced against the benefits gained from greater use of an existing community asset. Having regard to both the neighbour's concerns and wider community benefits of the development, on balance the proposal is considered acceptable, particularly when the concerns of the neighbours can be largely addressed via conditions of consent.

On this basis, the subject development application is recommended for approval.

**ITEM 3 (continued)**

**ATTACHMENT 1**

**DRAFT CONDITIONS OF CONSENT.  
191 WATERLOO ROAD, MARSFIELD (WATERLOO PARK)  
LDA2013/311**

**GENERAL**

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

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

Document Description	Date	Plan No/Reference
Waterloo Park Light Pole Location Plan	Undated	Sheet 1 of 1

2. **Operating hours and use of the sports field.** The lighting to illuminate the sports field at Waterloo Park shall be restricted to no later than:
  - (a) Operating hours of Monday to Thursday 4.00pm to 9.30pm during the winter season (April – August) for social sport and training;
  - (b) Allowance for up to five (5) competition games throughout the winter season during the operating hours identified above;
  - (c) Operating hours up to 6.00pm on Saturdays and Sundays for late finishing soccer competition games during the winter season;
  - (d) Operating hours of Tuesday to Thursday 6.00pm to 9.00pm during the summer season (September to March) for social sport and training.
3. **Curfew switches.** Curfew switches are to be installed, along with manual off switches, to each tower set, to ensure that the sports field lighting use does not extend beyond the approved times of use in *Condition 2*.
4. **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.
5. **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**.

This includes Certification by a Structural Engineer that the proposed method of anchorage of the light poles is structurally adequate having regard to their size, type and location.

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

**ITEM 3 (continued)**

**ATTACHMENT 1**

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

**7. Hoardings.**

- (a) A hoarding or fence must be erected between the work site and any adjoining public place.
- (b) Any hoarding, fence or awning erected pursuant this consent is to be removed when the work has been completed.

**8. Illumination of public place.** Any public place affected by works must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.

**9. 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.

**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.

**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.

**11. Compliance with Australian Standards.** The development is required to be carried out in accordance with all relevant Australian Standards; this includes but is not limited to Australian Standard 4282-1997: Control of the Obtrusive Effects of Outdoor Lighting. Details demonstrating compliance with the relevant Australian Standard are to be submitted to the Principal Certifying Authority prior to the issue of the **Construction Certificate**.

**ITEM 3 (continued)**

**ATTACHMENT 1**

12. **Security deposit.** The Council must be provided with security for the purposes of section 80A(6) of the *Environmental Planning and Assessment Act 1979* in a sum determined by reference to Council's Management Plan prior to the release of the **Construction Certificate**. (category: other building with no delivery of bricks or concrete or machine excavation)
13. **Fees.** The following fees must be paid to Council in accordance with Council's Management Plan prior to the release of the **Construction Certificate**:
- (a) Infrastructure Restoration and Administration Fee
  - (b) Enforcement Levy

**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.

14. **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.
15. **Safety fencing.** The site must be fenced prior to the commencement of construction, and throughout demolition and/or excavation and must comply with WorkCover New South Wales requirements and be a minimum of 1.8m in height.

**DURING CONSTRUCTION**

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

16. **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*.

**ITEM 3 (continued)**

**ATTACHMENT 1**

17. **Sediment/dust control.** No sediment, dust, soil or similar material shall leave the site during construction work.
18. **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.
19. **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.

**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.

20. **Photometric Certification of Luminaries.** All luminaries, including attachments, must have NATA Laboratory photometric certification. A copy of the NATA Laboratory photometric certification for the luminaries must be submitted to the Development Manager from Macquarie University and the Principal Certifying Authority for their records prior to the operation of the luminaries.
21. **Noise Management Policy.** A noise management policy is to be prepared for all sporting organisations utilising the illuminated sports field at Waterloo Park to adopt. The objective of this noise management policy is to minimise sounds emitted from the illuminated sports field at Waterloo Park and minimise any adverse impacts on surrounding residents.

**ITEM 3 (continued)**

**ATTACHMENT 1**

The completed Noise Management Policy is to be submitted to Council's Group Manager Environment & Planning for approval prior to the illuminated use of the sports field, and shall incorporate the following matters.

- (a) Incorporate components of the player, parents, spectator and officials code of conduct into the noise management policy to limit noise generating behaviour such as excessive shouting, swearing, whistle blowing, and any other noise generating activities; and
  - (b) Methods to be put in place on how to respond to noise complaints, including but not limited to advising nearby residents of the contact details for which complaints can be addressed, measures to ensure prompt action can be taken to deal with any complaints and minimise recurring noise issues.
22. **Spectator exclusion zone.** Establishment of a roped off spectator exclusion zone from goalpost to goalpost around the eastern half of the sports field during night soccer games/matches during the winter weekday season.
23. **Prohibition on public address systems.** Prohibition of any amplification equipment for personal address announcements, music, sirens, or other purposes.
24. **Limited number of competition games.** No more than 5 competition games to be held at Waterloo Park throughout the winter season.
25. **Light Spill.** The light spill at the adjoining residential boundaries to comply with the requirements of AS 4282 – *Control of the obtrusive effects of outdoor lighting*. A report from an appropriately qualified and experienced lighting consultant to confirm that the proposed lighting design complies with the appropriate Australian Standards shall be submitted prior to the issuing of any **Occupation Certificate**.
- If required to ensure compliance with AS4282, after initial testing but before the issuing of any **Occupation Certificate**, the approved lighting shall incorporate suitably designed light shields. Any such light shields that may be required shall be installed prior to the issuing of any **Occupation Certificate**.
26. **Offensive noise.** The use of the premises must not cause the emission of 'offensive noise' as defined in the *Protection of the Environment Operations Act 1997*.
27. **Noise from users.** All spectators and participants to be encouraged to leave the premises quickly and quietly after training/games to mitigate possible nuisance noise.
28. **Provision of contact details to neighbours.** Residents within a 100m radius of the site are to be provided with contact details in writing (eg via a "letterbox drop") of a designated contact person for each participant sporting club

**ITEM 3 (continued)**

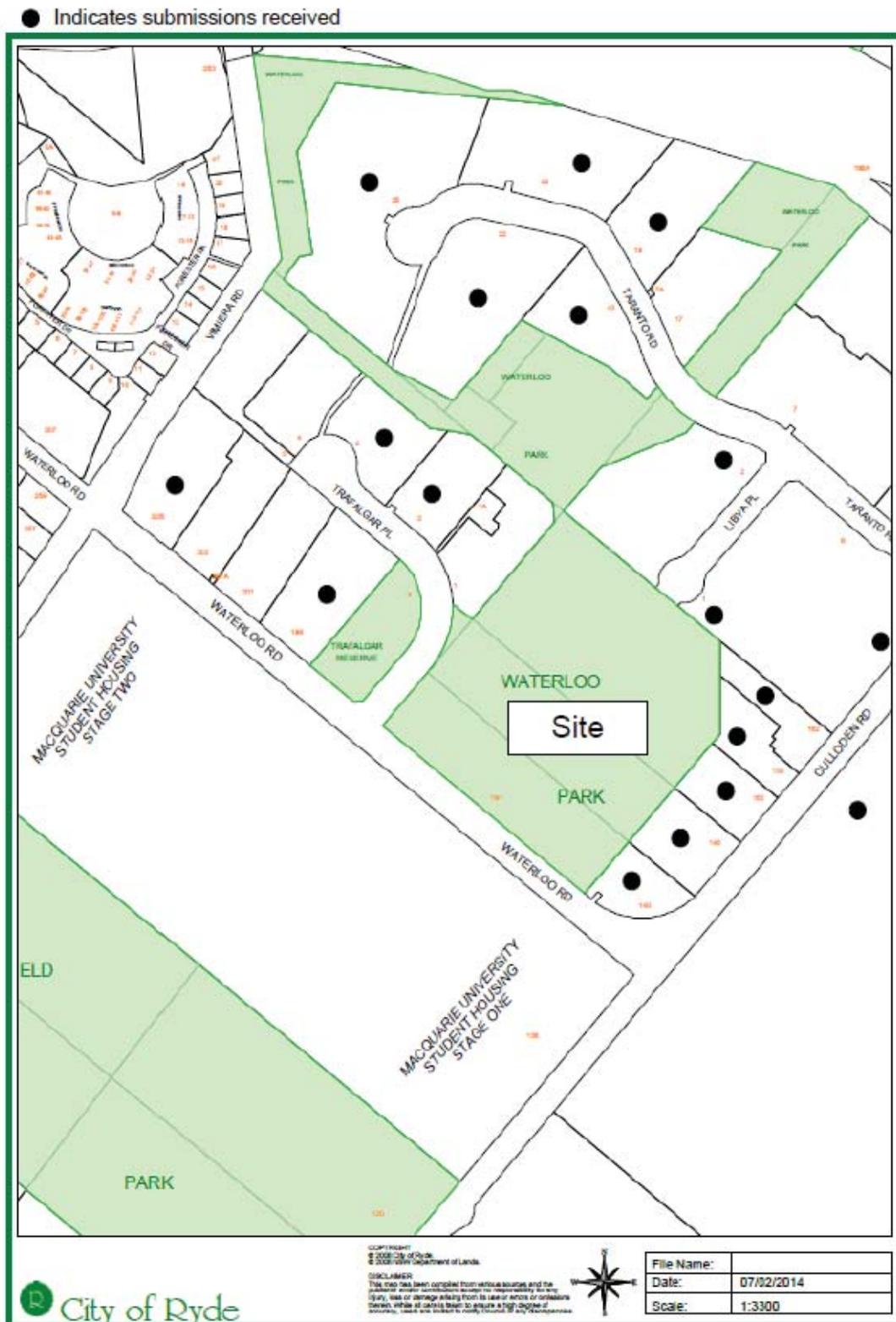
**ATTACHMENT 1**

(including a current mobile telephone number), and Council's Customer Service Centre, who can be contacted in the event of any noise disturbances arising from weeknight use of the Waterloo Park sports fields.

**End of consent**

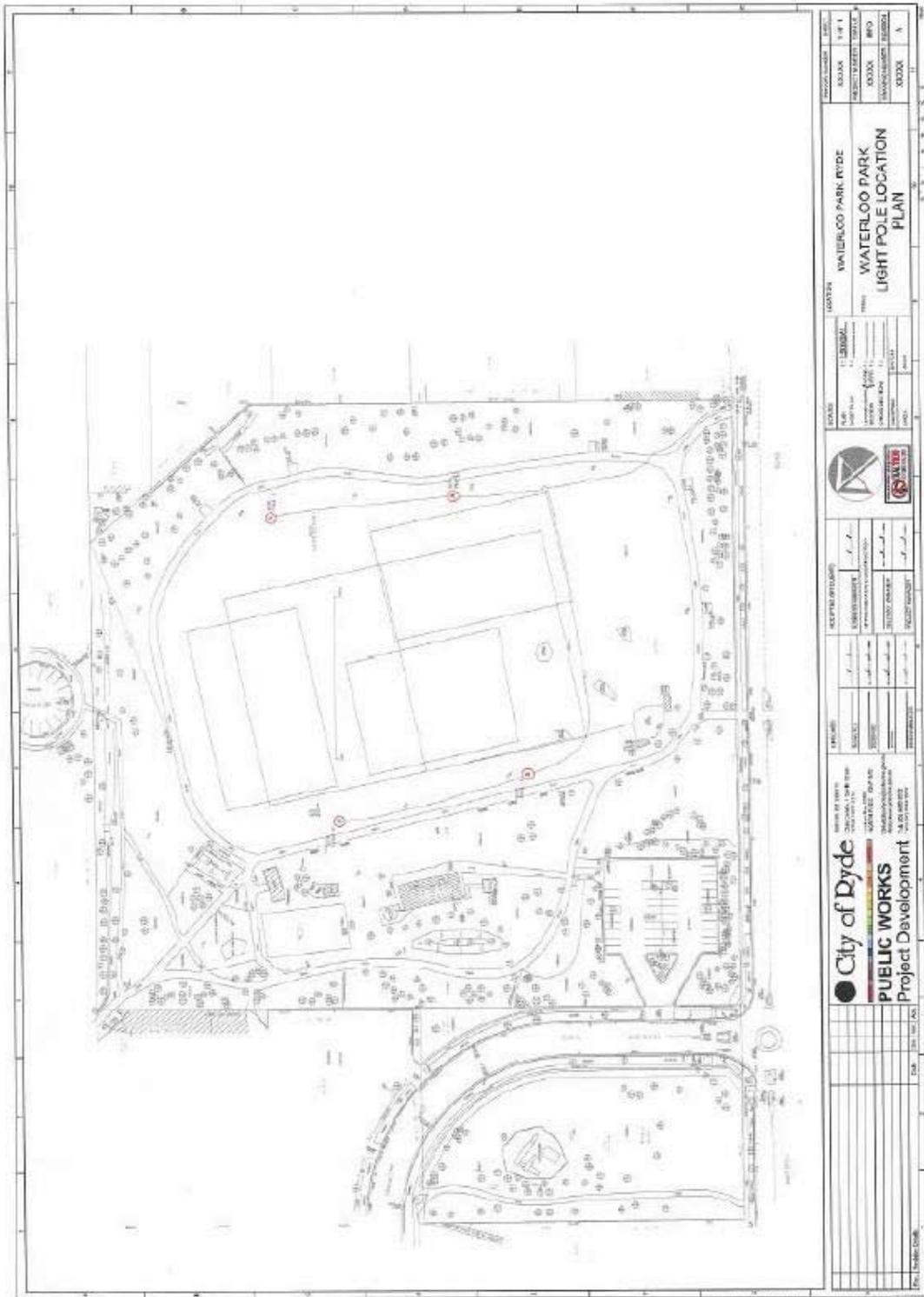
ITEM 3 (continued)

ATTACHMENT 2



**ITEM 3 (continued)**

**ATTACHMENT 3**



ITEM 3 (continued)

ATTACHMENT 4

**GRA** ELECTRICAL ENGINEERS

GARY ROBERTS & ASSOCIATES PTY LTD  
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PO BOX 1619 Hornsby Westfield  
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14 August 2013

Our ref: 314-4

**Jeff Kerr**  
Project Manager,  
Operations Centre  
1 Constitution Road,  
Ryde NSW 2112

Attention: Mr. Jeff Kerr

RE: ASSESSMENT AND RECOMMENDATIONS  
FOR  
NEW FLOOD LIGHTING AT WATERLOO PARK

Dear Jeff,

We have undertaken several preliminary floodlighting designs for Waterloo Park with an increased focus on spill light to the nearby observatory and adjacent residential properties.

Parameters used in the lighting designs were as follows:

AS2560.2.3-2007 (Sportlighting Football+Rugby): (See fig. 1)

- Horizontal illumination: 100 lux for amateur match play
- Minimum uniformities U1 0.5, U2 0.3

AS 4282-1997 Control of the obtrusive effects of outdoor lighting: (See fig. 2)

- Minimum spill light to residential property boundaries i.e. as low as possible below 10 lux.

TABLE 1  
LIGHTING CRITERIA

Level of play	Maintained average horizontal illuminance <sup>(a,b)</sup> ( $E_{av}$ ) lux	Minimum horizontal uniformities <sup>(c)</sup>		Maximum glare rating (GR <sub>max</sub> )	Minimum colour rendering index ( $R_a$ min)	Maximum uniformity gradient
		(U <sub>1</sub> )	(U <sub>2</sub> )			
<b>Recreational level</b>						
Touch and tag	50	0.3	N/A	N/A	65	N/A
<b>Amateur level</b>						
Ball and physical training <sup>(d)</sup>	50	0.3	N/A	N/A	65	N/A
Club competition and match practice	100	0.5	0.3	50	65	N/A

Fig 1

ITEM 3 (continued)

ATTACHMENT 4



TABLE 2.1  
RECOMMENDED MAXIMUM VALUES OF LIGHT TECHNICAL PARAMETERS  
FOR THE CONTROL OF OBTRUSIVE LIGHT  
(See Clause 2.7)

1 Light technical parameter	2 Application or calculation conditions (see also Figure 2.1 and Section 5)	3, 4, 5 Recommended maximum values		
		3 In commercial areas or at boundary of commercial and residential areas*	4, 5 Residential areas	
			4 Light surrounds†	5 Dark surrounds‡
Illuminance in vertical plane (E <sub>v</sub> )	<i>Pre-curfew:</i> Limits apply at relevant boundaries of nearby residential properties, in a vertical plane parallel to the relevant boundary, to a height commensurate with the height of the potentially affected dwellings. Values given are for the direct component of illuminance	25 lx	10 lx	10 lx
	<i>Curfewed hours:</i> Limits apply in the plane of the windows of habitable rooms of dwellings on nearby residential properties. In the absence of development (i.e. vacant allotment), the limits apply on the potentially affected property, in a vertical plane parallel to the relevant boundary, at the minimum setback permitted for a dwelling, to a height commensurate with land use zoning provisions. Values given are for the direct component of illuminance	4 lx	2 lx	1 lx

Fig 2

Results of the floodlighting design for the proposed pole layout are attached in Appendix A.

The results indicate that new floodlighting for Waterloo Park can provide lighting levels recommended by AS 2560.2.3 and also achieve spill light levels below the maximum of 10 lux at the property boundaries recommended by AS 4282-1997.

Typical results are as follows:

- Playing field
  - Playing field surface – 101 lux horizontal average
  - Playing field uniformity – U1 0.54, U2 0.31
- Spill light on residential boundaries
  - 'm3'\* max 4.75 lux vertical
  - 'm4'\* max 4.44 lux vertical
  - 'm5'\* max 3.49 lux vertical

ITEM 3 (continued)

ATTACHMENT 4

**GRA** ELECTRICAL ENGINEERS

Spill light on observatory boundary

- 'm2'\* max 0.09 lux vertical.

\* The report refers to 'measuring area (virtual) 1 to 5. These represent the areas of the calculation results as follows and Fig 3 and Fig 4 below:

- Measuring area (virtual) 1 – main playing field. Horizontal lux values.
- Measuring area (virtual) 2 – Spill light observatory boundary. Vertical lux values.
- Measuring area (virtual) 3 – Spill light residential boundary. Vertical lux values.
- Measuring area (virtual) 4 – Spill light residential boundary. Vertical lux values.
- Measuring area (virtual) 5 – Spill light residential boundary. Vertical lux values.
- Height of vertical plains (m2 – m5) 15m.

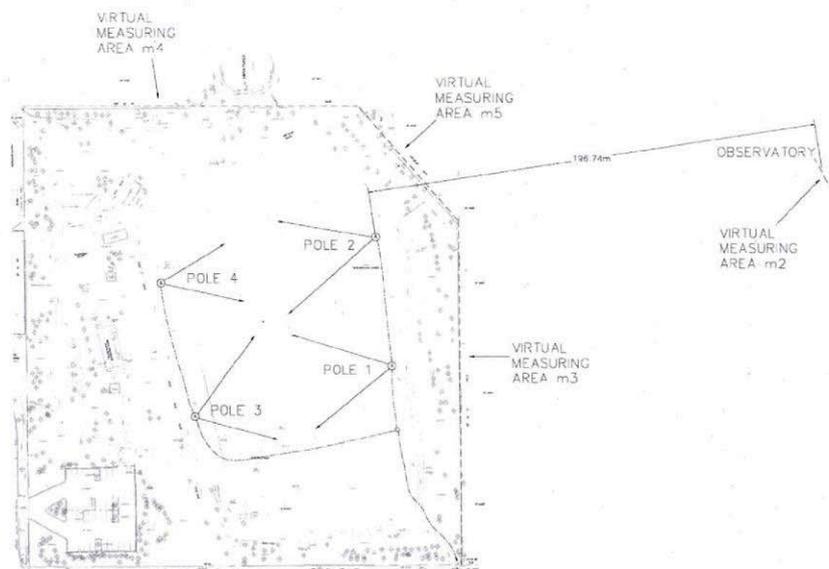


Fig 3

Pole heights are 23m.

Floodlight fitting 2000W Philips Optivision light fitting

Glare shields will be provided to cut off direct source light output towards the observatory.

Glare shields are not essential to achieve spill light code requirements at the residential boundaries.

All luminaires, including attachments, shall have NATA Laboratory photometric certification

ITEM 3 (continued)

ATTACHMENT 4

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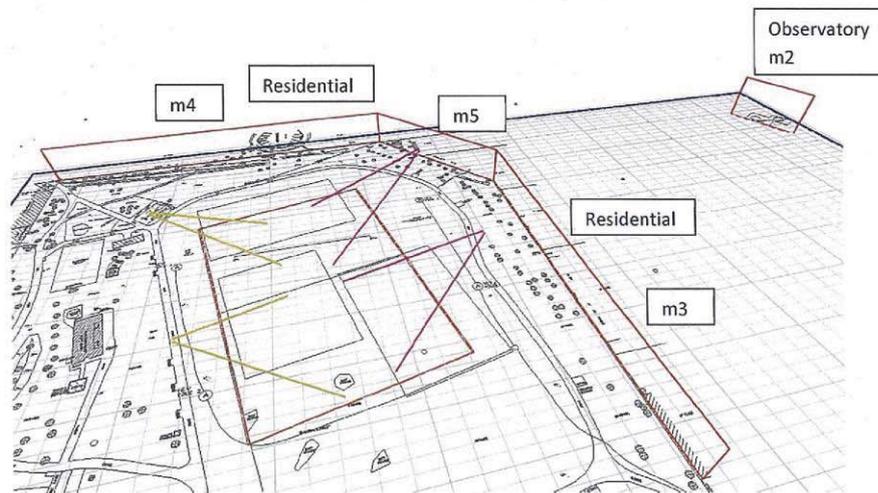


Fig 4

Yours faithfully

**GARY ROBERTS & ASSOCIATES**



Gary Roberts

gr:kr

ITEM 3 (continued)

ATTACHMENT 5

**Acoustic Consulting Engineers**  
Sound and Vibration Consulting Engineers  
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Monday 14 January 2013

City of Ryde  
Locked Bag 2069  
NORTH RYDE NSW 1670

Our Reference 130346-01L-DD  
Rev01

For the attention of Mr Simon James

**Noise Assessment – Proposed Floodlighting  
Waterloo Park – Waterloo Road, Marsfield**

## 1.0 INTRODUCTION

The City of Ryde proposes to install floodlighting for Waterloo Park at Waterloo Street, Marsfield to facilitate social soccer training and occasional games up until 9:45pm during winter and social soccer sport activities up until 9:15pm during summer.

Acoustic Consulting Engineers Pty Ltd has been commissioned by the City of Ryde to prepare a noise assessment for the proposal as part of the Statement of Environmental Effects to accompany the Development Application.

This report provides a summary of the noise assessment for the proposed extension of sporting activities as a result of the installation of the floodlighting for Waterloo Park at Waterloo Street, Marsfield.

The findings from the noise assessment are site specific and have been prepared for the particular investigation described in this report. The report should not be used in any other context or for any other purposes.

## 2.0 DESCRIPTION OF SITE AND PROPOSAL

*Figure 1* shows the locations of the existing Waterloo Park at Waterloo Street, Marsfield and surrounding residences on the northern and eastern site boundaries.

The existing Waterloo Park provides:

- a sports field to facilitate social soccer training and games up until 8:00pm and baseball training and games during daytime;
- a playground with children play equipment and a basketball backboard at the north-west corner of the site; and
- a shared pedestrian/runner/bicycle path along the perimeter of the sports field with exercise equipment located at various locations.

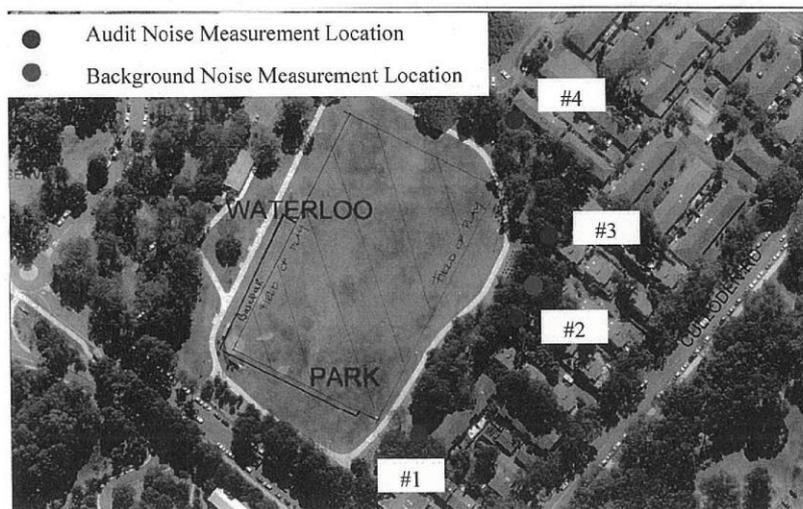
The park is currently used by people undertaking social soccer and baseball training and games; the general public undertaking exercising; and families and children playing at the children playing area and periphery of the sports field.

ITEM 3 (continued)

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Figure 1 Location of Site and Surrounding



The proposal is to install floodlighting at the park to facilitate social soccer training and games for four (4) days per week up until 9:45pm.

Potential noise impact from the proposal is not in terms of increased noise levels but increased hours of operation for four (4) days per week from 8:00pm up until 9:45pm.

The nearest noise sensitive receivers are the residential dwellings and units up to two-storeys along the northern site boundary (Libya Place) and eastern boundary (Culloden Road). The residences on the eastern side are elevated and have direct line-of-sight to the sports field. The ground levels of the residences on the northern side are slightly below that of the sports field and less exposed to noise from the sports field.

### 3.0 NOISE MEASUREMENT

#### 3.1 Background Noise

For the purpose of ascertaining existing background noise environment at the surrounding residences, a data logger was installed at a representative location on the eastern site boundary (*Figure 1*) to measure and record existing noise levels at 15-minute intervals from Wednesday evening 19 December 2012 to Monday 31 December 2012.

Measurement instrumentation consisted of a Type 1 SVAN959 sound and vibration analyser and a SVAN 40-AE prepolarised condenser microphone.

ITEM 3 (continued)

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As environmental noise varies with time and the human ear is not equally sensitive to noise at different frequencies, A-weighted statistical levels are used to describe environmental noise. The common parameters used to describe environmental noise are the  $L_{Amax}$ ,  $L_{A1}$ ,  $L_{A10}$ ,  $L_{A90}$  and  $L_{Aeq}$  levels measured over 15-minute intervals.

The  $L_{Amax}$  level is the maximum A-weighted sound pressure level over the sampling period. The  $L_{A1}$ ,  $L_{A10}$  and  $L_{A90}$  levels are the A-weighted sound pressure levels exceeded for 1%, 10% and 90% of the sampling periods respectively. The  $L_{A90}$  level is usually referred to as the background noise level. The  $L_{Aeq}$  level is the A-weighted continuous equivalent (energy average) sound pressure level over the sampling period.

Appendix 1 presents a graphical summary of the measured common statistical noise levels at 15-minute intervals. Table 1 presents a summary of the measured existing day/evening/night  $L_{A90}$  and rating  $L_{A90}$  background noise levels during the measurement period.

Table 1 Measured Existing Noise Environment, dB(A)

Date	Measured Existing $L_{A90}$ Noise Level, dB(A)		
	Day 7:00am-6:00pm	Evening 6:00pm-10:00pm	Night 10:00pm-7:00am
Wednesday 19 December 2012			33.3
Thursday 20 December 2012	43.0	42.6	28.7
Friday 21 December 2012	42.4	39.3	29.4
Saturday 22 December 2012	37.8	39.5	29.2
Sunday 23 December 2012	39.7	37.9	30.0
Monday 24 December 2012	40.5	38.6	30.5
Tuesday 25 December 2012	38.9	44.0	30.8
Wednesday 26 December 2012	40.0	40.3	32.6
Thursday 27 December 2012	40.4	40.6	31.2
Friday 28 December 2012	41.4	41.9	27.4
Saturday 29 December 2012	37.8	37.2	26.1
Sunday 30 December 2012	38.0	37.2	28.2
Monday 31 December 2012	40.5	38.3	
Rating Background $L_{A90}$ Level	40	39	30

The measured background noise levels during the period between Christmas and New Year period represent the minimum levels as there were no sporting activities during this time.

ITEM 3 (continued)

ATTACHMENT 5

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The evening (6:00pm–10:00pm) background  $L_{A90}$  noise levels obtained from Friday 21 December 2012 to Monday 31 December 2012 were not influenced by noise from soccer training and games as these activities finished on Thursday 20 December 2012 for the season.

It is noted that the day and night background noise levels presented in *Table 1* are for information only as the proposed development is for the evening time period from 8:00pm up until 9:45pm.

**3.2 Noise from Soccer Activities**

Audit measurements of noise levels from soccer training and games were undertaken at the nearest representative receivers (*Figure 1*) on Wednesday evening 19 December 2012.

The measured noise levels included noise from the general public and parents/children using the park, albeit observations during the measurements confirmed that noise from soccer activities was predominant.

*Table 2* presents the measured  $L_{Aeq,15min}$  noise levels from soccer activities at the nearest representative receivers.

Observations during the measurements confirmed that noise from soccer activities was mainly due to referees blowing the whistles, players shouting and kicking the soccer balls.

*Table 2 Measured  $L_{Aeq,15min}$  Noise Level from Soccer Activities, dB(A)*

Measurement Location (Refer to <i>Figure 1</i> )	Measured $L_{Aeq,15min}$ Noise Level, dB(A)
1	58-59
2	57-58
3	55-57
4	51-53

**3.3 Noise from Baseball Activities**

Audit measurements of noise levels from baseball activities were undertaken at the nearest representative receivers on Saturday afternoon 22 December 2012.

The measured noise levels from baseball activities are for information only as the proposed installation of floodlighting at Waterloo Park will not change existing baseball activities. That is, there will be no baseball training/games in the evening as the proposed floodlighting level will not be sufficient for baseball activities.

*Table 3* presents the measured  $L_{Aeq,15min}$  noise levels from baseball activities at the nearest representative receivers.

ITEM 3 (continued)

ATTACHMENT 5

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Observations during the measurements confirmed that noise from baseball activities was mainly due to baseball bats striking the balls and conversation during training/warm up; and less frequent conversation and baseball bat striking the balls during games albeit there was loud cheering from players when the balls were caught.

Table 3 Measured  $L_{Aeq,15min}$  Noise Level from Baseball Activities, dB(A)

Measurement Location (Refer to Figure 1)	Measured $L_{Aeq,15min}$ Noise Level, dB(A)
1	47
2	46
3	45
4	42

4.0 NOISE ASSESSMENT OBJECTIVE

At present, there are no specific guidelines for the assessment of noise from social sporting activities from public parks and sports fields.

The Office of Environment and Heritage (OEH) Environmental Noise Control Manual (ENCM) does not contain assessment guidelines for noise from social sporting activities from public parks and sports fields.

Although specifically aimed at assessing noise from industrial noise sources and similar activities, the Office of Environment and Heritage (OEH) Industrial Noise Policy (INP) is referred to for the present assessment, in the absence of specific guidelines.

The OEH:INP assessment procedures are to control intrusive noise in the short-term for residences and maintain noise amenity for land uses in particular areas.

As Waterloo Park is used for a small part of the day (mainly in the afternoon/evening and weekends), the acoustic amenity of the area would not be significantly changed and hence the assessment objective for acoustic amenity does not apply in the present case.

With reference to Section 2 of the OEH:INP, the  $L_{Aeq,15min}$  noise levels from industrial sources should not exceed the rating  $L_{A90}$  background noise level by more than 5dB. For facilities which provide social and community benefits and used for parts of the day, a noise assessment objective of 10dB above the rating  $L_{A90}$  background noise level is considered reasonable.

It is noted that Section 1.4.1 of the OEH:INP states that the noise objectives set down in Section 2 are best regarded as planning tools. The assessment objectives are not mandatory and an application for a noise-producing development is not determined purely on the basis of compliance or otherwise with the noise criteria.

ITEM 3 (continued)

ATTACHMENT 5

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The OEH:INP states that numerous other factors need to be taken into account in the determination. These include economic factors, other environmental effects and the social worth of the development. The assessment objectives help to determine consent/licence conditions because they provide information on the likely effect of any environmental noise associated with the development.

**5.0 NOISE ASSESSMENT**

Results of measurements conducted on Saturday afternoon 22 December 2012 (*Table 3*) show that the  $L_{Aeq,15min}$  noise levels from baseball activities are 2-7dB (depending on the receiver locations) above the daytime rating background noise level of 40dB(A)  $L_{A90}$  and within the recommended assessment objective of background level plus 10dB.

It is noted that the noise levels from baseball activities are presented for information only as the proposed level of floodlighting at Waterloo Park will not be sufficient for baseball activities from 8:00pm to 9:45pm. That is, baseball activities are existing activities and will not be altered as a result of the proposed development.

The measurement results conducted on Wednesday evening 19 December 2012 (*Table 2*) show that the  $L_{Aeq,15min}$  noise levels from soccer activities are 12-20dB (depending on the receiver locations) above the evening rating background noise level of 39dB(A)  $L_{A90}$ .

Noise levels from soccer activities exceed the recommended assessment objective of background level plus 10dB by 2-10dB during the proposed extended hours from 8:00pm to 9:45pm, depending on the receiver locations.

For comparison purposes, *Appendix 2* shows common noise sources and typical noise levels.

Observations during the inspections and noise measurements confirm that there would limited measures that can be implemented to reduce noise from Waterloo Park given the noise sources are mobile and the that the residential receivers are significantly elevated above the sports field.

It is noted that Waterloo Park is currently used by people undertaking social soccer and baseball training and games; the general public undertaking exercising; and families and children playing at the children playing area and periphery of the sports field. The proposal will not introduce new noise sources or increase the levels of noise, albeit usage time will be extended for about two (2) hours in the evenings.

It is recommended that community consultation be conducted to explain and take account of social benefits to the community and potential noise impacts for the extended evening hours as part of the Development Application and decision making process. Additionally, it is recommended that sporting activities be finished as early as possible.

ITEM 3 (continued)

ATTACHMENT 5

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6.0 SUMMARY

This report provides a summary of the noise assessment for the proposed installation of floodlights at the existing Waterloo Park to facilitate additional social soccer training and games for four (4) days per week from 8:00pm up until 9:45pm.

At present, there are no specific guidelines for the assessment of noise from social sporting activities from public parks and sports fields. Although aimed at assessing noise from industrial noise sources and similar activities, the OEH:INP is referred to for the present assessment in the absence of specific guidelines.

As Waterloo Park is used for a small part of the day, the acoustic amenity of the area would not be significantly changed.

For the assessment of intrusive noise, the report recommends an  $L_{Aeq,15min}$  noise assessment objective of 10dB above the rating  $L_{A90}$  background noise level to account for social and community benefits associated with the proposal and given the park is used parts of the day only.

Measurements and assessment show that noise levels from soccer activities exceed the recommended assessment objective by 2-10dB depending on the receiver locations. However, Waterloo Park is currently used by people undertaking social soccer and baseball training and games; the general public undertaking exercising; and families and children playing at the children playing area and periphery of the sports field. The proposal will not introduce new noise sources or increase the levels of noise, albeit usage time will be extended for about two (2) hours in the evenings.

The OEH:INP states that the noise objectives are best regarded as planning tools and not mandatory. An application for a noise-producing development is not determined purely on the basis of compliance or otherwise with the noise objectives. Other factors such as economic factors, other environmental effects and the social worth of the development need to be taken into account in the determination of the Development Application.

It is recommended that community consultation be conducted to explain and take account of social benefits to the community and potential noise impacts for the extended evening hours as part of the Development Application and decision making process.

We trust the information in this report is satisfactory. Please do not hesitate to contact our office should further information or clarification be required.

Yours sincerely,



Dan Dang  
Principal Acoustic Engineer  
Acoustic Consulting Engineers Pty Ltd

**ITEM 3 (continued)**

**ATTACHMENT 5**

**Acoustic Consulting Engineers**  
Sound and Vibration Consulting Engineers

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**Appendix 1**  
**EXISTING NOISE ENVIRONMENT**

ITEM 3 (continued)

ATTACHMENT 5

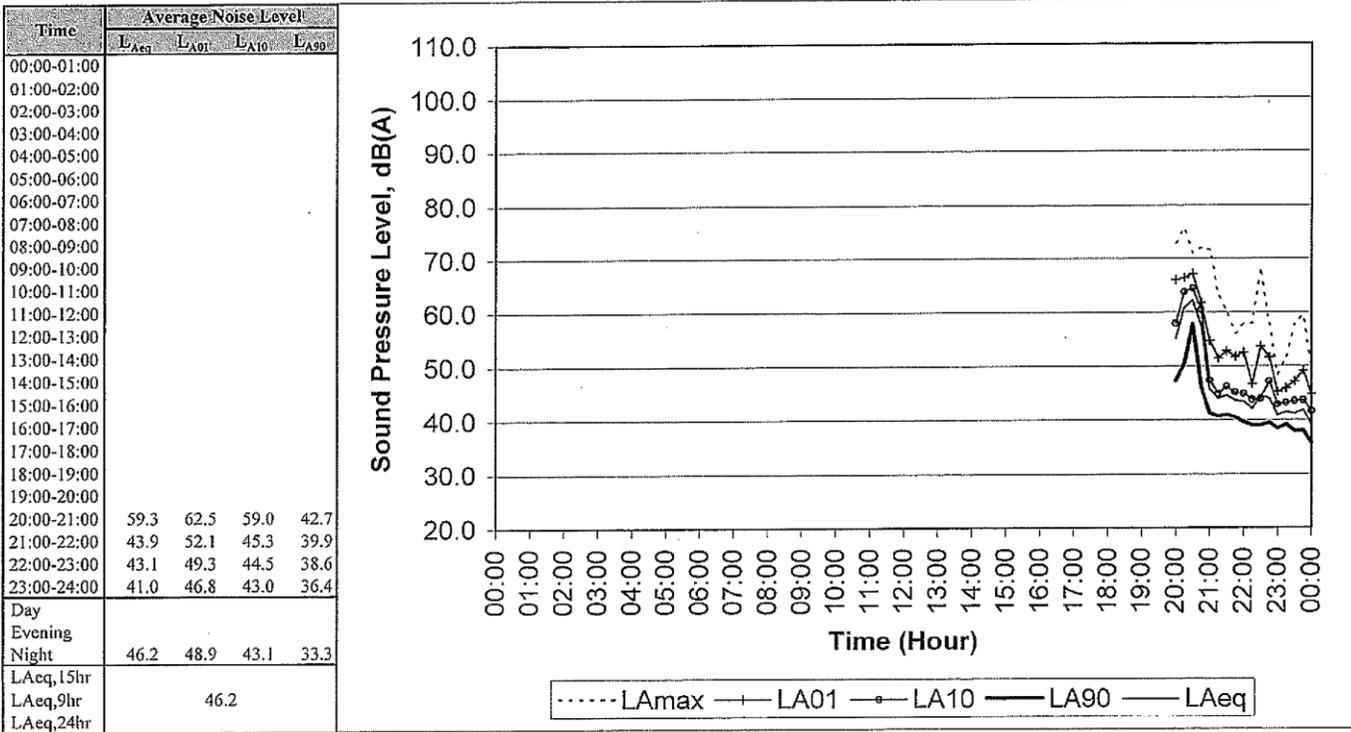
**Measurement Location** Waterloo Park, Marsfield Eastern Side (Culloden Road)

**Project Title** Proposed Floodlights Waterloo Park, Marsfield

**Measurement Date** Wednesday, 19 December 2012

**Notes**

1. Tabulated  $L_{Aeq}$  are logarithmically averaged
2. Tabulated  $L_{A01}$  and  $L_{A10}$  are arithmetically averaged
3. Tabulated  $L_{A90}$  are the lowest 10-percentile levels



120346 Appendix 1.xls

ITEM 3 (continued)

ATTACHMENT 5

**Measurement Location** Waterloo Park, Marsfield Eastern Side (Culloden Road)

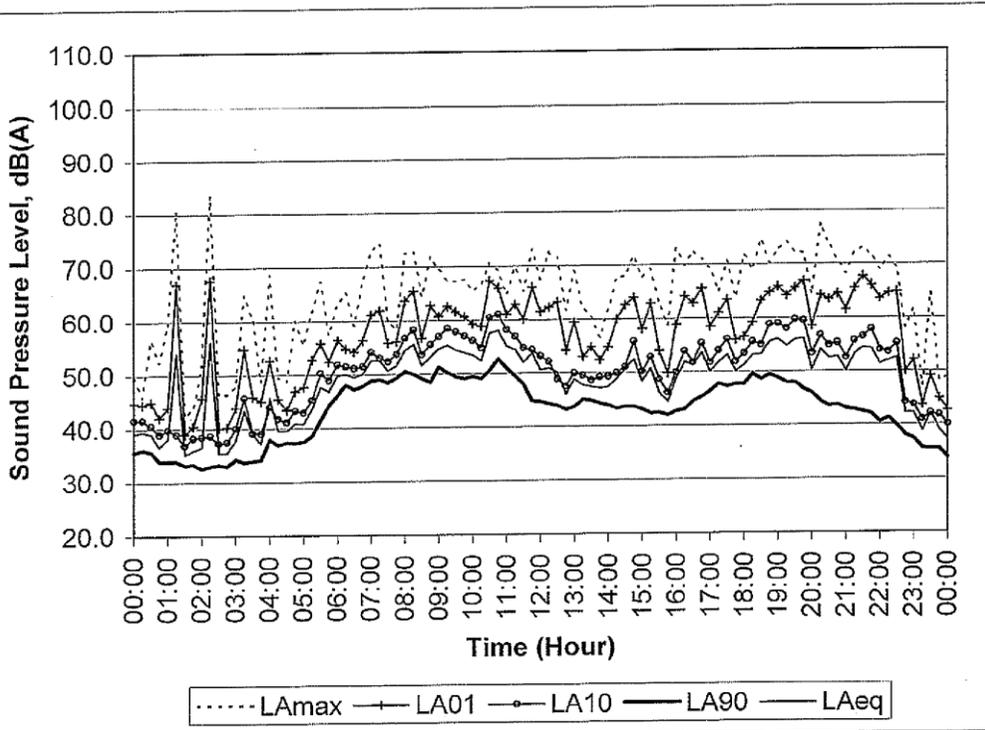
**Project Title** Proposed Floodlights Waterloo Park, Marsfield

**Measurement Date** Thursday, 20 December 2012

**Notes**

1. Tabulated  $L_{Aeq}$  are logarithmically averaged
2. Tabulated  $L_{A01}$  and  $L_{A10}$  are arithmetically averaged
3. Tabulated  $L_{A90}$  are the lowest 10-percentile levels

Time	Average Noise Level			
	$L_{Aeq}$	$L_{A01}$	$L_{A10}$	$L_{A90}$
00:00-01:00	38.4	43.9	40.3	34.0
01:00-02:00	48.2	48.1	38.2	32.8
02:00-03:00	50.2	48.0	38.4	33.0
03:00-04:00	42.5	49.7	42.0	33.8
04:00-05:00	40.3	45.9	42.3	37.0
05:00-06:00	47.5	54.4	49.1	39.5
06:00-07:00	50.7	56.6	52.1	47.4
07:00-08:00	52.6	59.4	54.0	48.7
08:00-09:00	54.0	61.5	56.1	48.7
09:00-10:00	54.4	61.1	57.4	49.2
10:00-11:00	56.3	63.3	58.7	49.6
11:00-12:00	53.0	62.7	54.8	44.7
12:00-13:00	49.3	59.9	49.7	43.3
13:00-14:00	47.4	53.8	49.2	44.1
14:00-15:00	50.4	61.2	51.8	43.2
15:00-16:00	48.2	56.4	49.5	42.1
16:00-17:00	51.9	62.8	53.3	43.5
17:00-18:00	51.7	59.3	53.9	47.4
18:00-19:00	54.7	63.3	57.1	48.7
19:00-20:00	54.8	63.8	57.7	46.2
20:00-21:00	52.6	63.5	54.9	43.2
21:00-22:00	53.5	65.7	56.0	41.0
22:00-23:00	49.7	57.9	49.2	37.6
23:00-24:00	39.7	45.1	41.2	34.3
Day	52.5	60.2	53.5	43.0
Evening	54.0	63.6	56.4	42.6
Night	43.5	47.4	41.4	28.7
$L_{Aeq,15hr}$		53.0		
$L_{Aeq,9hr}$		43.5		
$L_{Aeq,24hr}$		51.7		

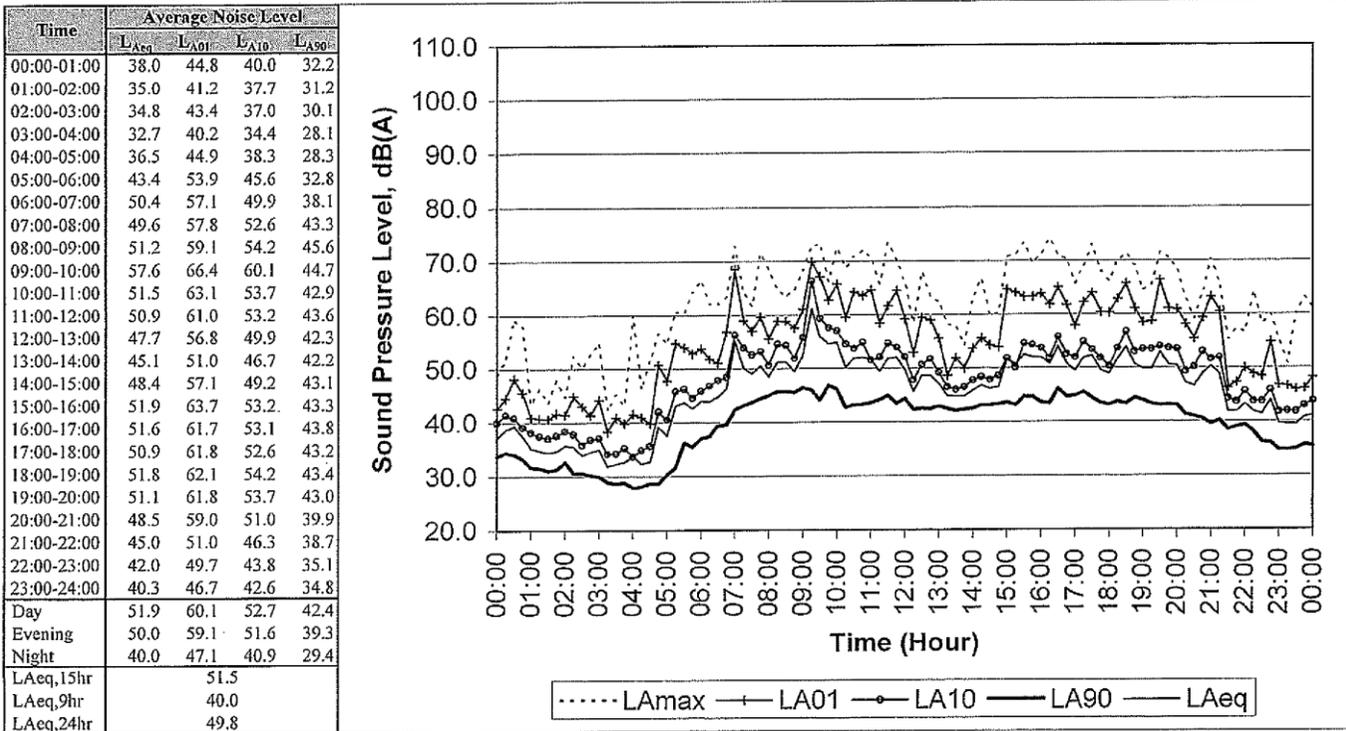


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ITEM 3 (continued)

ATTACHMENT 5

<b>Measurement Location</b>	Waterloo Park, Marsfield Eastern Side (Culloden Road)	<b>Project Title</b>	Proposed Floodlights Waterloo Park, Marsfield
<b>Measurement Date</b>	Friday, 21 December 2012	<b>Notes</b>	1. Tabulated $L_{Aeq}$ are logarithmically averaged 2. Tabulated $L_{A01}$ and $L_{A10}$ are arithmetically averaged 3. Tabulated $L_{A90}$ are the lowest 10-percentile levels

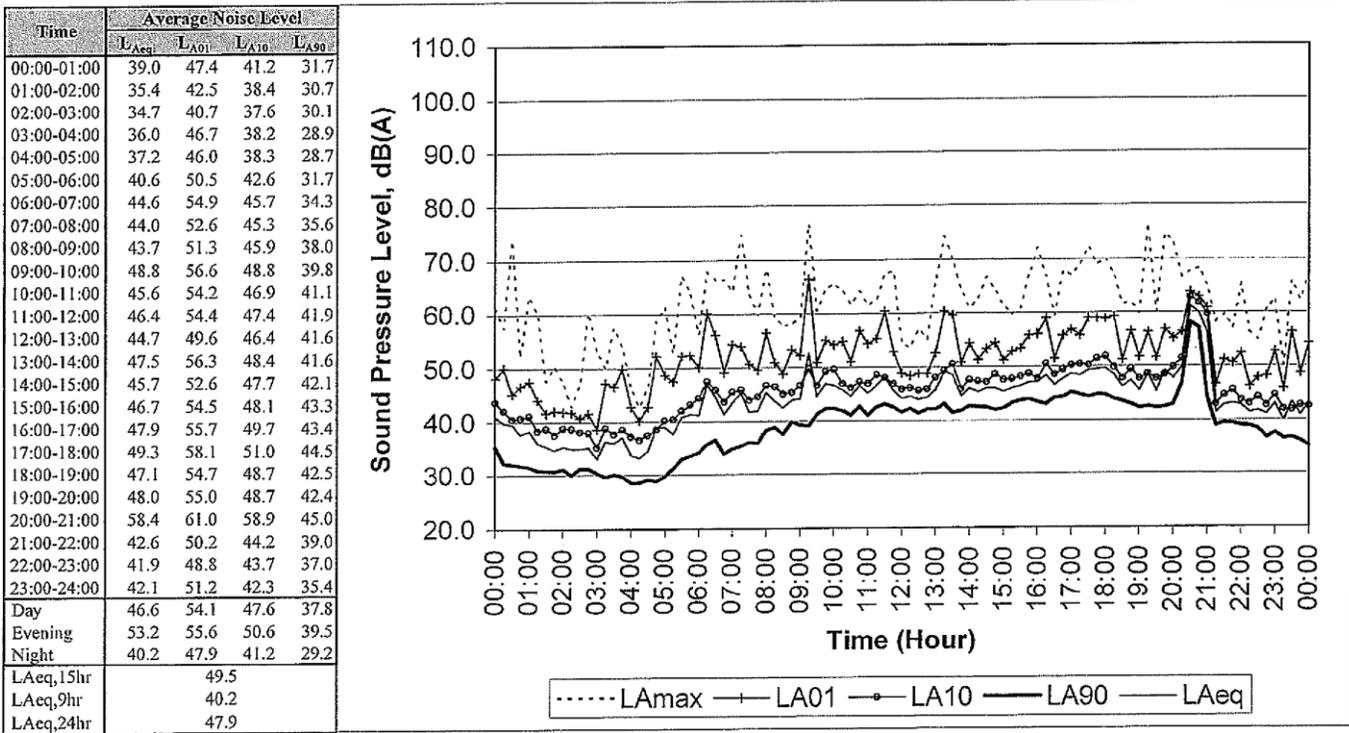


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ITEM 3 (continued)

ATTACHMENT 5

<b>Measurement Location</b>	Waterloo Park, Marsfield Eastern Side (Culloden Road)	<b>Project Title</b>	Proposed Floodlights Waterloo Park, Marsfield
<b>Measurement Date</b>	Saturday, 22 December 2012	<b>Notes</b>	1. Tabulated $L_{Aeq}$ are logarithmically averaged 2. Tabulated $L_{A01}$ and $L_{A10}$ are arithmetically averaged 3. Tabulated $L_{A90}$ are the lowest 10-percentile levels

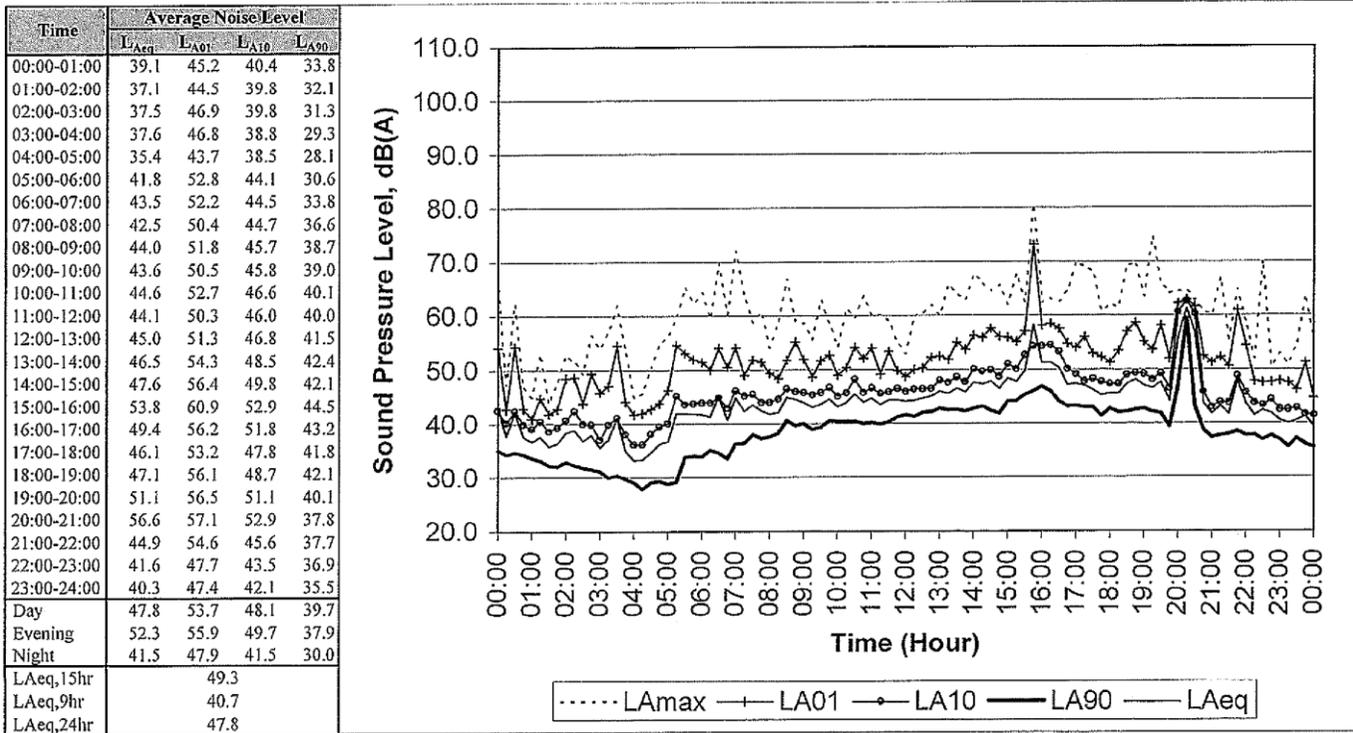


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ITEM 3 (continued)

ATTACHMENT 5

<b>Measurement Location</b>	Waterloo Park, Marsfield Eastern Side (Culloden Road)	<b>Project Title</b>	Proposed Floodlights Waterloo Park, Marsfield
<b>Measurement Date</b>	Sunday, 23 December 2012	<b>Notes</b>	1. Tabulated $L_{Aeq}$ are logarithmically averaged 2. Tabulated $L_{A01}$ and $L_{A10}$ are arithmetically averaged 3. Tabulated $L_{A90}$ are the lowest 10-percentile levels

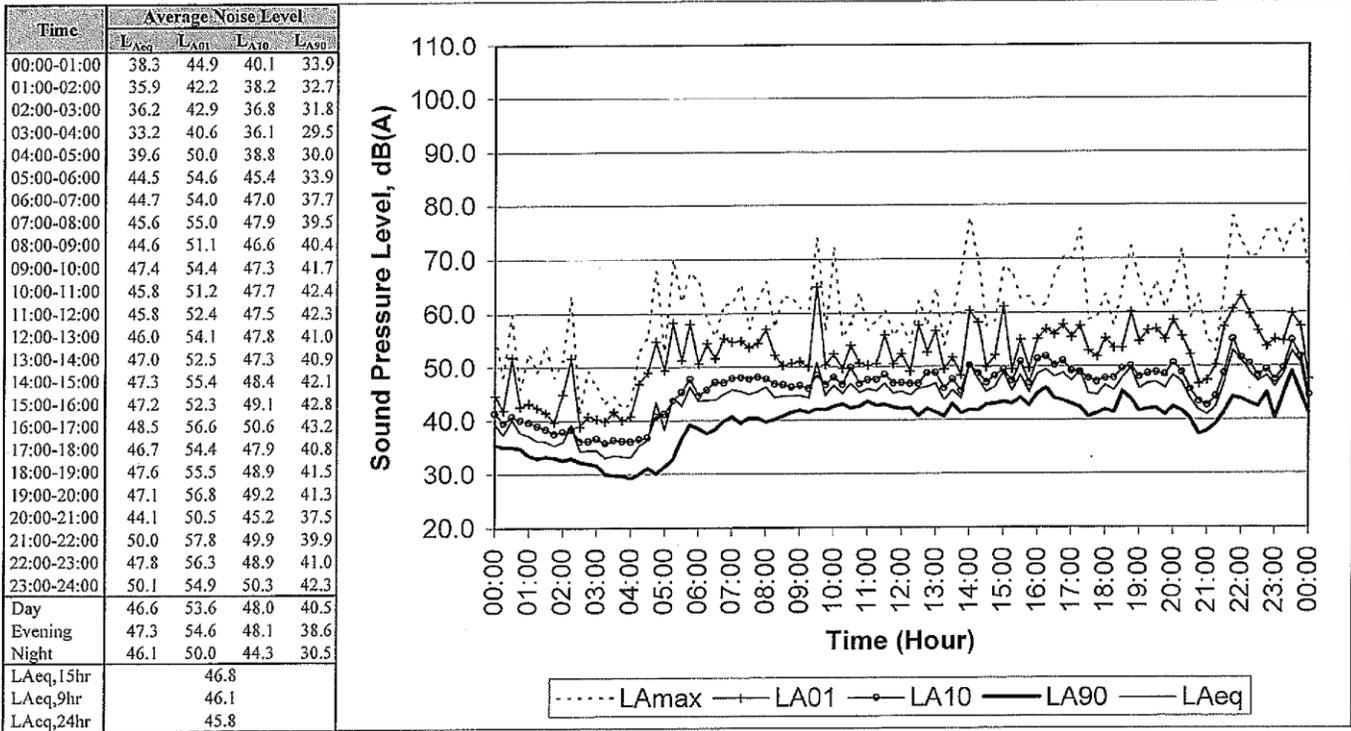


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ITEM 3 (continued)

ATTACHMENT 5

<b>Measurement Location</b>	Waterloo Park, Marsfield Eastern Side (Culloden Road)	<b>Project Title</b>	Proposed Floodlights Waterloo Park, Marsfield
<b>Measurement Date</b>	Monday, 24 December 2012	<b>Notes</b>	1. Tabulated $L_{Aeq}$ are logarithmically averaged 2. Tabulated $L_{A01}$ and $L_{A10}$ are arithmetically averaged 3. Tabulated $L_{A90}$ are the lowest 10-percentile levels

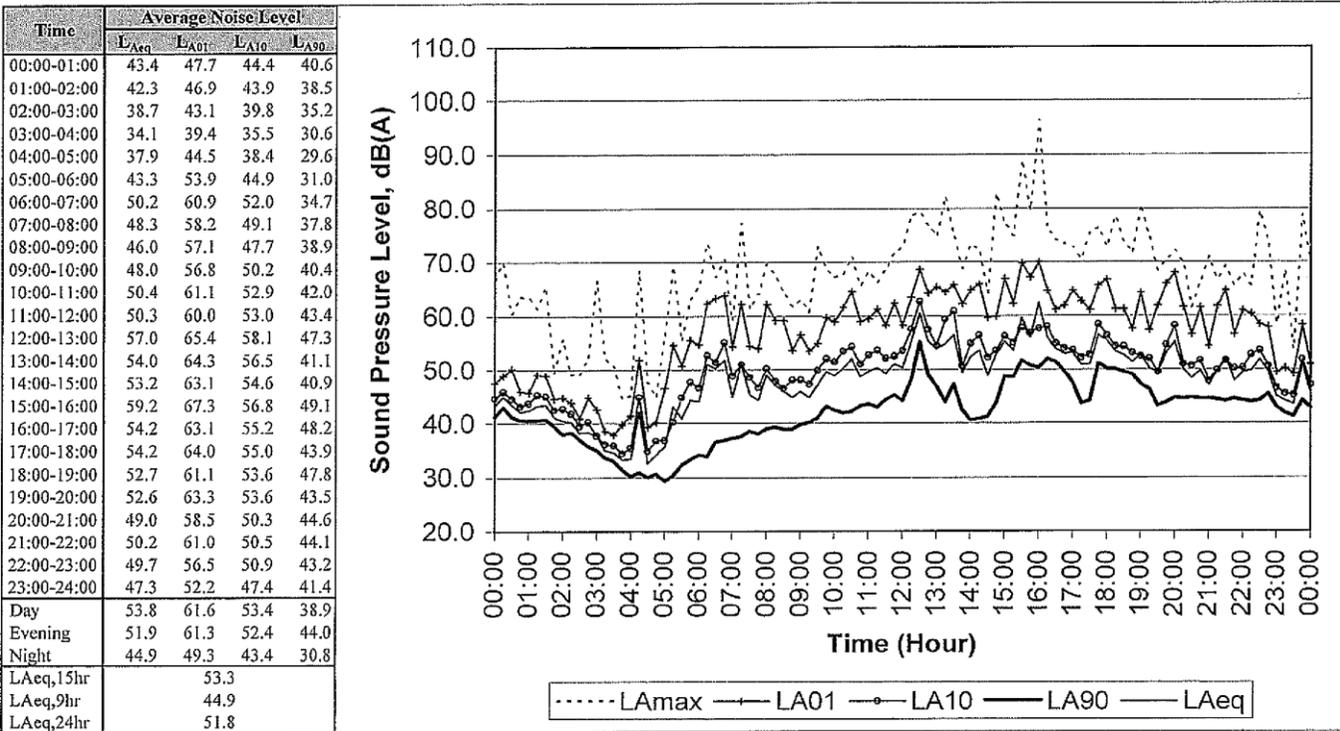


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ITEM 3 (continued)

ATTACHMENT 5

<b>Measurement Location</b>	Waterloo Park, Marsfield Eastern Side (Culloden Road)	<b>Project Title</b>	Proposed Floodlights Waterloo Park, Marsfield
<b>Measurement Date</b>	Tuesday, 25 December 2012	<b>Notes</b>	1. Tabulated $L_{Aeq}$ are logarithmically averaged 2. Tabulated $L_{A01}$ and $L_{A10}$ are arithmetically averaged 3. Tabulated $L_{A90}$ are the lowest 10-percentile levels

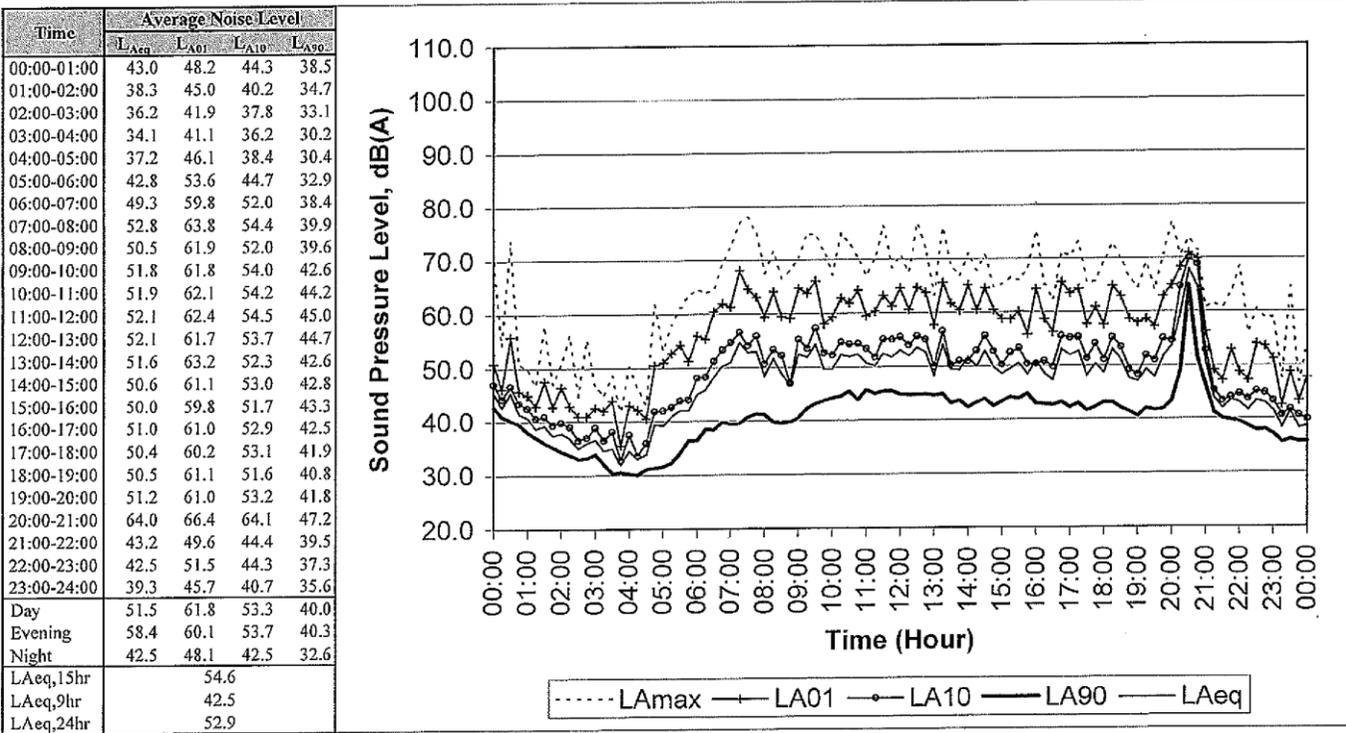


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ITEM 3 (continued)

ATTACHMENT 5

<b>Measurement Location</b>	Waterloo Park, Marsfield Eastern Side (Culloden Road)	<b>Project Title</b>	Proposed Floodlights Waterloo Park, Marsfield
<b>Measurement Date</b>	Wednesday, 26 December 2012	<b>Notes</b>	1. Tabulated $L_{Aeq}$ are logarithmically averaged 2. Tabulated $L_{A01}$ and $L_{A10}$ are arithmetically averaged 3. Tabulated $L_{A90}$ are the lowest 10-percentile levels

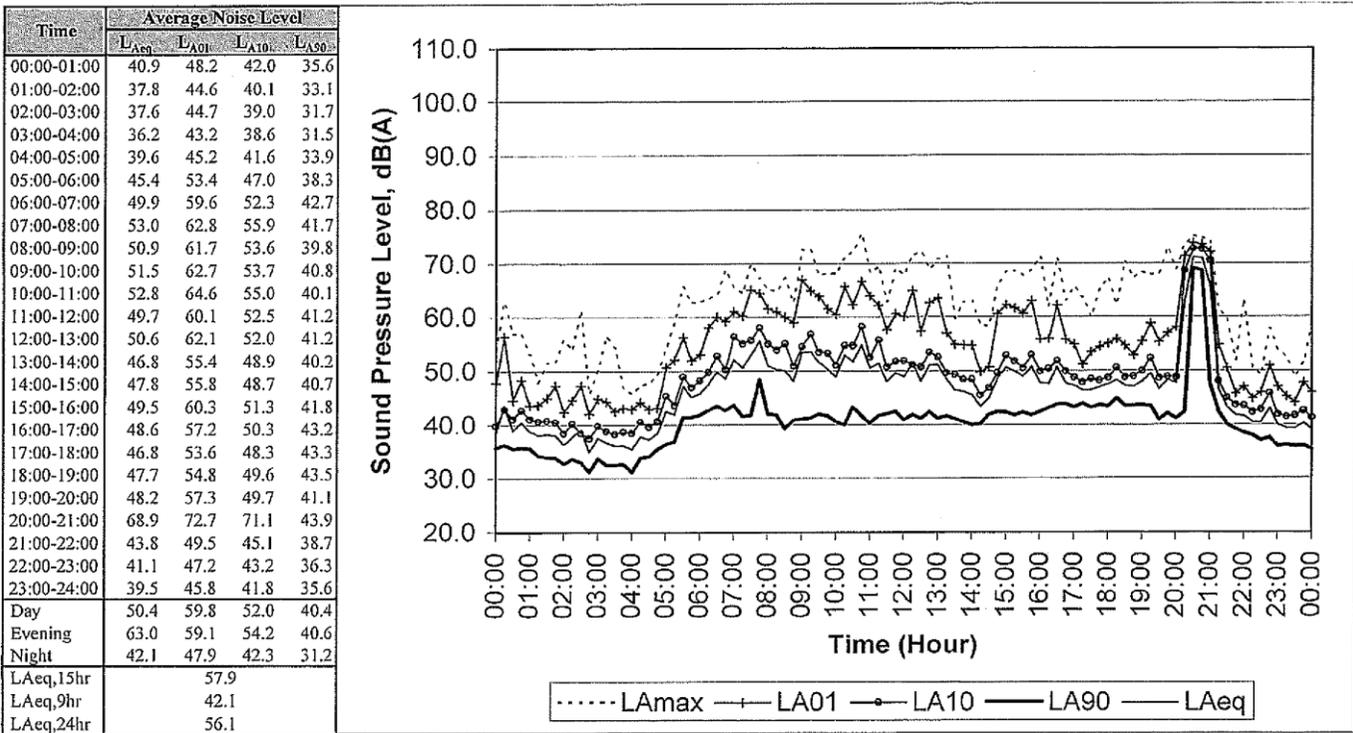


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ITEM 3 (continued)

ATTACHMENT 5

<b>Measurement Location</b>	Waterloo Park, Marsfield Eastern Side (Culloden Road)	<b>Project Title</b>	Proposed Floodlights Waterloo Park, Marsfield
<b>Measurement Date</b>	Thursday, 27 December 2012	<b>Notes</b>	1. Tabulated $L_{Aeq}$ are logarithmically averaged 2. Tabulated $L_{A01}$ and $L_{A10}$ are arithmetically averaged 3. Tabulated $L_{A90}$ are the lowest 10-percentile levels



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ITEM 3 (continued)

ATTACHMENT 5

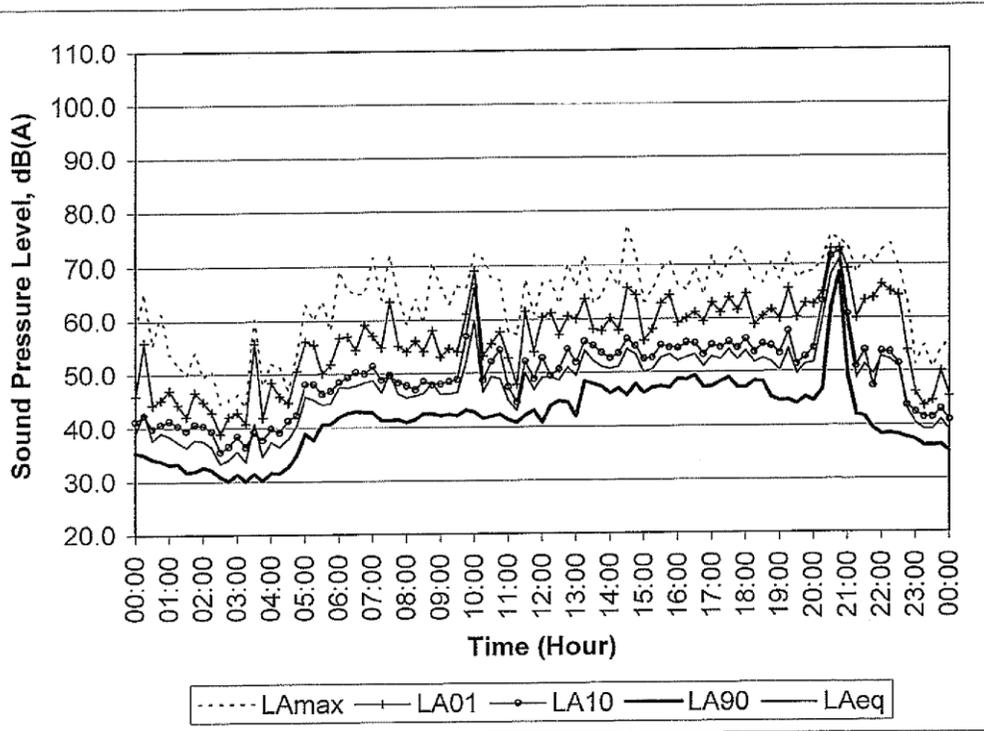
Measurement Location Waterloo Park, Marsfield  
Eastern Side (Culloden Road)

Measurement Date Friday, 28 December 2012

Project Title Proposed Floodlights  
Waterloo Park, Marsfield

- Notes
1. Tabulated  $L_{Aeq}$  are logarithmically averaged
  2. Tabulated  $L_{A01}$  and  $L_{A10}$  are arithmetically averaged
  3. Tabulated  $L_{A90}$  are the lowest 10-percentile levels

Time	Average Noise Level			
	$L_{Aeq}$	$L_{A01}$	$L_{A10}$	$L_{A90}$
00:00-01:00	40.2	48.1	41.1	33.4
01:00-02:00	37.3	44.5	40.3	31.9
02:00-03:00	35.1	41.7	37.5	30.4
03:00-04:00	37.6	46.7	38.4	30.1
04:00-05:00	41.7	49.3	42.8	32.0
05:00-06:00	45.6	53.5	47.4	38.6
06:00-07:00	48.1	56.9	50.3	42.7
07:00-08:00	47.4	56.9	48.6	41.1
08:00-09:00	46.7	55.3	47.9	41.7
09:00-10:00	54.7	59.7	55.1	42.3
10:00-11:00	47.8	54.8	50.7	41.5
11:00-12:00	48.0	55.9	49.6	40.9
12:00-13:00	49.6	59.8	51.7	42.6
13:00-14:00	52.3	60.0	54.3	46.6
14:00-15:00	52.5	61.1	54.3	45.9
15:00-16:00	52.3	61.2	54.2	47.1
16:00-17:00	52.6	61.0	54.8	47.2
17:00-18:00	53.3	62.9	55.2	47.1
18:00-19:00	51.7	60.2	54.3	44.9
19:00-20:00	52.1	62.9	54.1	44.3
20:00-21:00	67.1	70.0	67.0	47.5
21:00-22:00	50.9	63.4	51.5	38.6
22:00-23:00	49.0	57.3	47.8	37.4
23:00-24:00	39.7	45.9	41.7	35.4
Day	51.3	58.8	52.3	41.4
Evening	61.4	64.0	56.9	41.9
Night	43.4	47.3	40.4	27.4
$L_{Aeq,15hr}$		56.7		
$L_{Aeq,9hr}$		43.4		
$L_{Aeq,24hr}$		55.0		

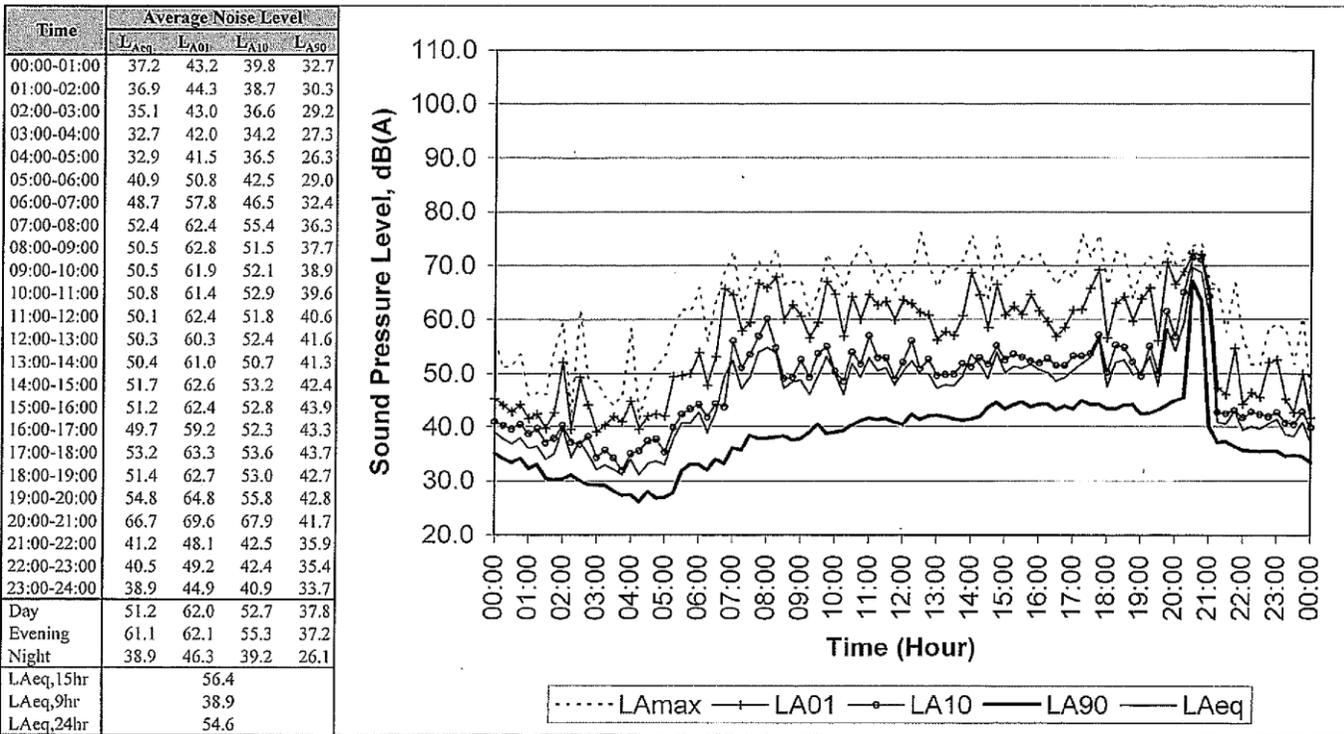


120346 Appendix 1.xls

ITEM 3 (continued)

ATTACHMENT 5

<b>Measurement Location</b>	Waterloo Park, Marsfield Eastern Side (Culloden Road)	<b>Project Title</b>	Proposed Floodlights Waterloo Park, Marsfield
<b>Measurement Date</b>	Saturday, 29 December 2012	<b>Notes</b>	1. Tabulated $L_{Aeq}$ are logarithmically averaged 2. Tabulated $L_{A01}$ and $L_{A10}$ are arithmetically averaged 3. Tabulated $L_{A90}$ are the lowest 10-percentile levels



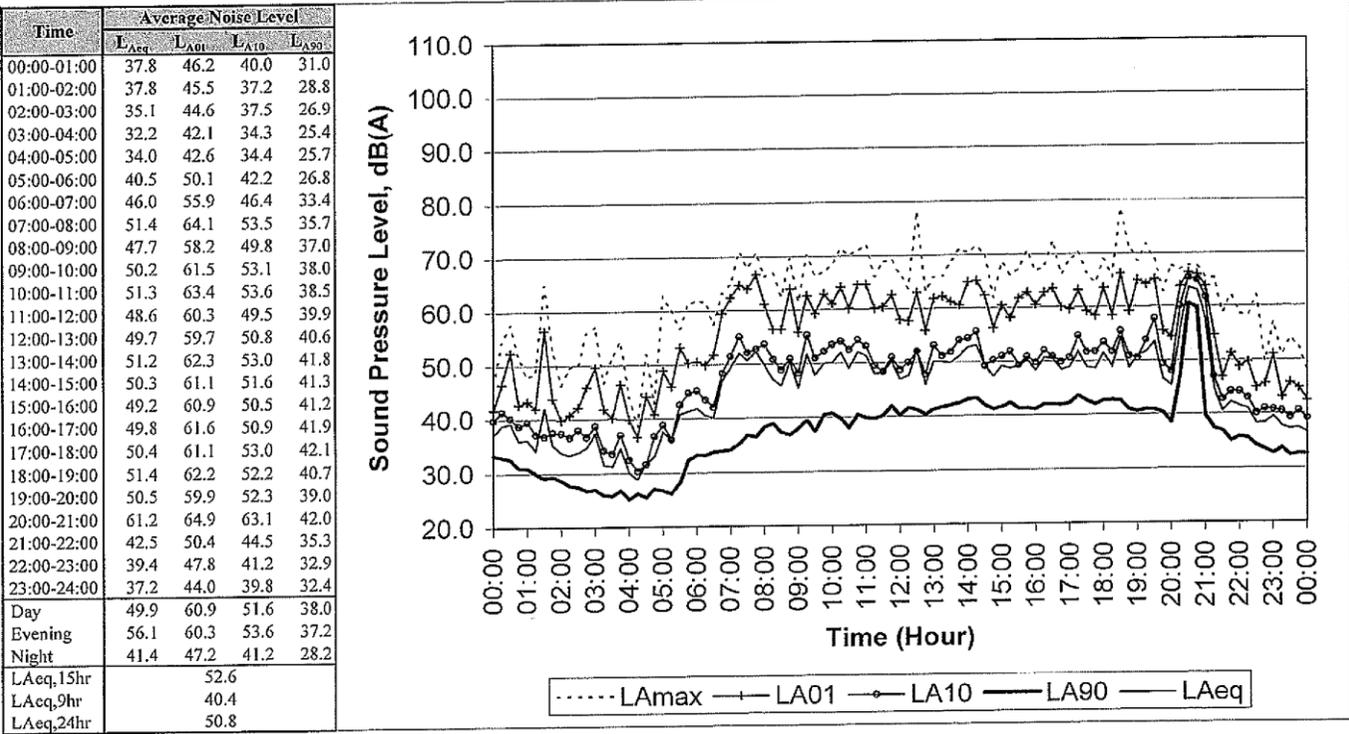
120346 Appendix 1.xls

ITEM 3 (continued)

ATTACHMENT 5

Measurement Location Waterloo Park, Marsfield Eastern Side (Culloden Road) Project Title Proposed Floodlights Waterloo Park, Marsfield

Measurement Date Sunday, 30 December 2012 Notes 1. Tabulated  $L_{Aeq}$  are logarithmically averaged  
2. Tabulated  $L_{A01}$  and  $L_{A10}$  are arithmetically averaged  
3. Tabulated  $L_{A90}$  are the lowest 10-percentile levels



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ITEM 3 (continued)

ATTACHMENT 5

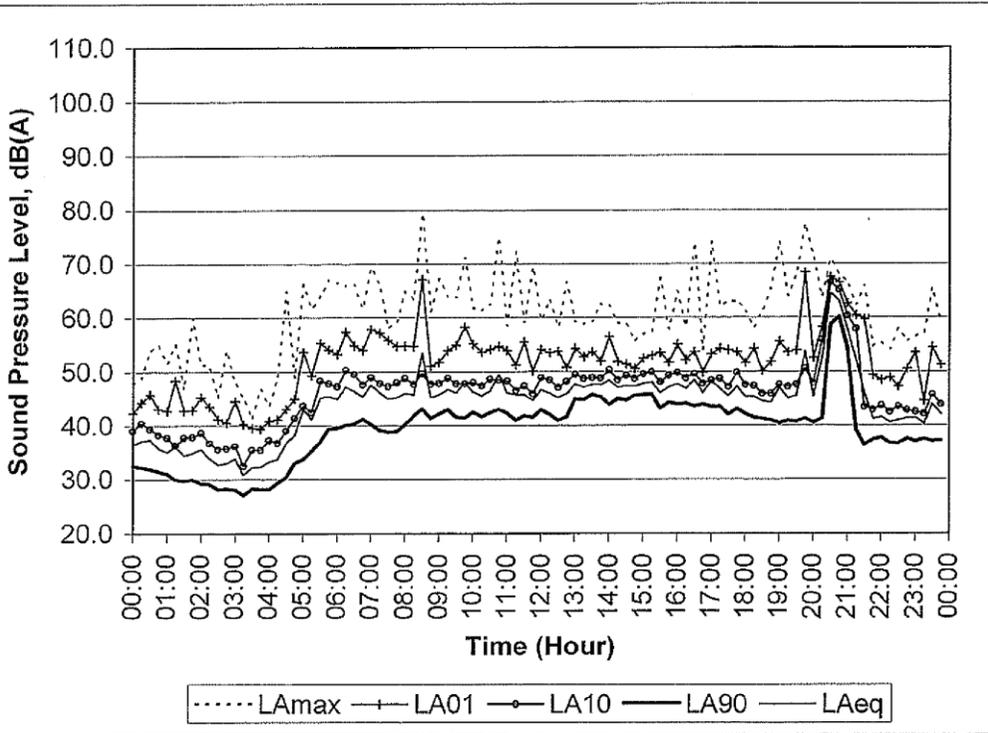
Project Title  
Proposed Floodlights  
Waterloo Park, Marsfield

Measurement Location  
Waterloo Park, Marsfield  
Eastern Side (Culloden Road)

- Notes
1. Tabulated  $L_{Aeq}$  are logarithmically averaged
  2. Tabulated  $L_{A01}$  and  $L_{A10}$  are arithmetically averaged
  3. Tabulated  $L_{A90}$  are the lowest 10-percentile levels

Measurement Date  
Monday, 31 December 2012

Time	Average Noise Level			
	$L_{Aeq}$	$L_{A01}$	$L_{A10}$	$L_{A90}$
00:00-01:00	36.4	44.0	39.0	31.2
01:00-02:00	35.3	44.9	37.7	29.5
02:00-03:00	33.4	42.5	36.1	28.1
03:00-04:00	32.3	40.1	35.2	27.4
04:00-05:00	39.3	45.7	40.3	29.7
05:00-06:00	44.5	53.0	46.5	35.8
06:00-07:00	46.7	56.1	49.1	40.2
07:00-08:00	45.6	55.6	48.0	38.8
08:00-09:00	49.1	56.2	48.3	41.5
09:00-10:00	46.8	55.6	48.1	41.5
10:00-11:00	47.2	54.1	48.2	41.9
11:00-12:00	45.8	52.7	47.2	41.2
12:00-13:00	46.3	53.1	48.3	41.2
13:00-14:00	47.7	53.7	49.2	44.2
14:00-15:00	47.4	51.6	49.0	44.8
15:00-16:00	47.3	53.3	49.3	43.4
16:00-17:00	47.6	52.3	48.7	43.5
17:00-18:00	46.3	53.4	48.3	42.1
18:00-19:00	45.4	53.0	46.7	40.6
19:00-20:00	49.3	57.1	48.3	40.6
20:00-21:00	61.5	63.7	62.0	45.1
21:00-22:00	47.7	54.5	47.0	36.7
22:00-23:00	41.1	50.0	42.8	36.6
23:00-24:00				
Day	47.2	53.9	48.4	40.5
Evening	56.0	57.3	51.2	38.3
Night				
$L_{Aeq,15hr}$		51.6		
$L_{Aeq,9hr}$				
$L_{Aeq,24hr}$		49.9		



120346 Appendix 1.xls

**ITEM 3 (continued)**

**ATTACHMENT 5**

**Acoustic Consulting Engineers**  
Sound and Vibration Consulting Engineers

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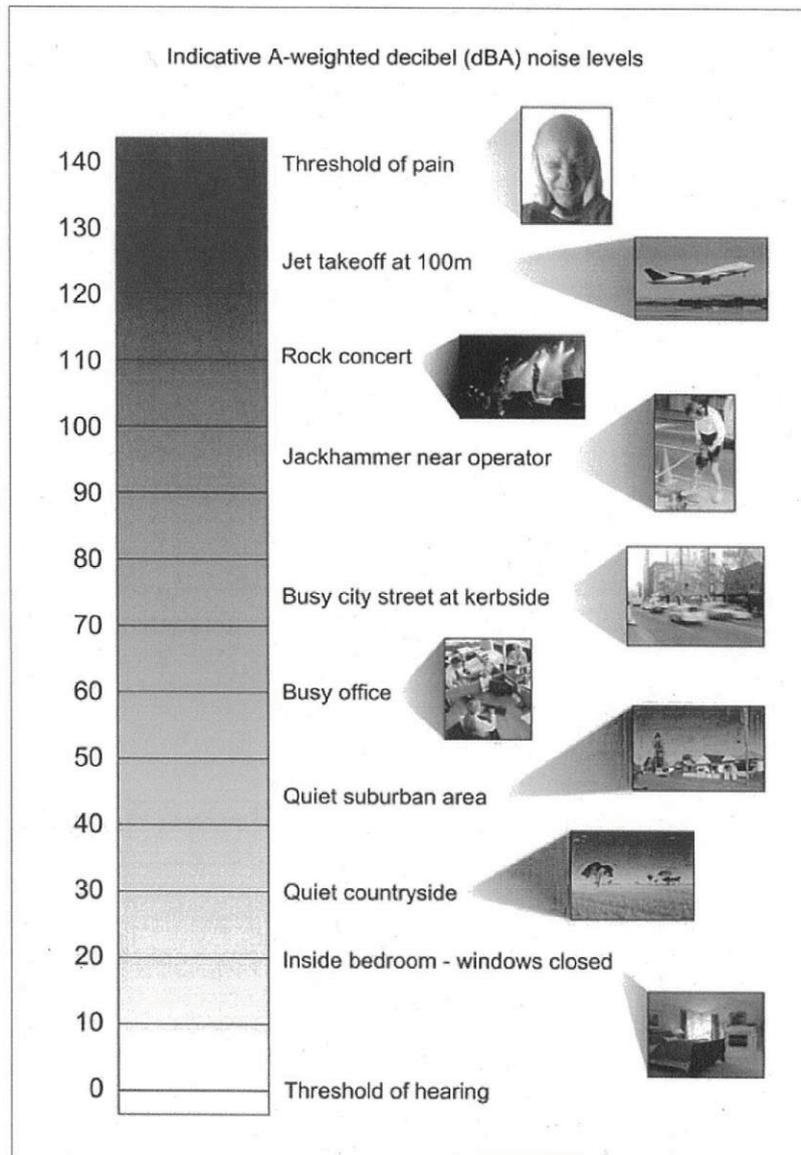
**Appendix 2**

**COMMON SOUNDS AND TYPICAL NOISE LEVELS**

ITEM 3 (continued)

ATTACHMENT 5

Acoustic Consulting Engineers  
Sound and Vibration Consulting Engineers



Source: Noise Guide for Local Government

ITEM 3 (continued)

ATTACHMENT 6

  
WATERLOO PARK LIGHTING PROJECT  
TRAFFIC IMPACT ASSESSMENT

FOR  
CITY OF RYDE



Gold Coast Suite 26, 58 Riverwalk Avenue Robina QLD 4226 P: (07) 5562 5377 W: <a href="http://www.bitziosconsulting.com.au">www.bitziosconsulting.com.au</a>	Brisbane Level 2, 428 Upper Edward Street Spring Hill QLD 4000 P: (07) 3831 4442 E: <a href="mailto:admin@bitziosconsulting.com.au">admin@bitziosconsulting.com.au</a>	Sydney Studio 203, 3 Gladstone Street Newtown NSW 2042 P: (02) 9557 6202
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Project No: P1184      Version No: 001      Issue date: 18 December 2012

ITEM 3 (continued)

ATTACHMENT 6

DOCUMENT CONTROL SHEET

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ISO 9001  


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**ITEM 3 (continued)**

**ATTACHMENT 6**



**CONTENTS**

	Page
1. INTRODUCTION .....	1
2. EXISTING ROAD NETWORK AND TRAFFIC CONDITIONS.....	2
2.1 ROAD NETWORK .....	2
2.2 TRAFFIC CONTROLS .....	2
2.3 TRAFFIC CONDITIONS .....	3
3. PARKING .....	4
4. TRAFFIC .....	5
5. INTERSECTION OPERATION.....	6
6. ACCESS, INTERNAL CIRCULATION AND SERVICING .....	6
7. CONCLUSION .....	6

**Tables**

Table 2.1: Indicative Mid-Block Traffic Volumes on Waterloo Road (vph)

**Figures**

Figure 1.1: Location of Site

Figure 2.1: Traffic Controls

ITEM 3 (continued)

ATTACHMENT 6

Waterloo Park Lighting Project



1. INTRODUCTION

Bitzios Consulting has been commissioned by the City of Ryde to prepare a traffic and parking assessment for the Waterloo Park Lighting Project. The proposed lighting would allow the park to operate until 9:30pm on week nights.

The proposal does not include any additional recreation areas or car parks but will only affect the hours that the park is used. This report summarises the existing situation and the proposed changes as they affect traffic and parking.

Waterloo Park is located near Waterloo Road with access from Trafalgar Place. The site location is indicated in Figure 1.1.

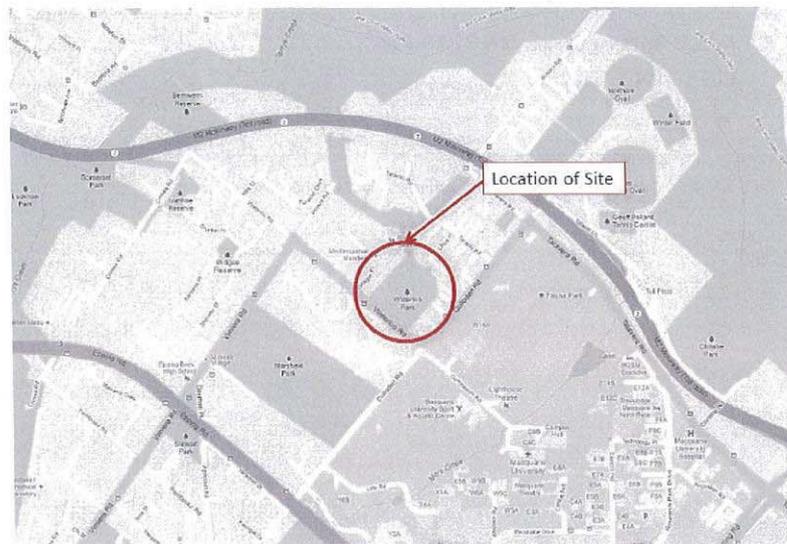


Figure 1.1: Location of Site

ITEM 3 (continued)

ATTACHMENT 6

2. EXISTING ROAD NETWORK AND TRAFFIC CONDITIONS

2.1 ROAD NETWORK

Trafalgar Place is a local road with cul-de-sac that connects to Waterloo Road. Trafalgar Place has a single lane in each direction and a speed limit of 50 km/h. The road is located in a residential area and the Waterloo Park car park and retail car park connects to this road.

Culloden Road is a local road that connects to Waterloo Road and Talavera Road. Culloden Road has a single lane in each direction and a speed limit of 50 km/h. The southern side of Culloden Road is located adjacent to a park and the northern side is predominantly a residential area.

Waterloo Road is a local road that connects to Culloden Road and Crimea Road. Waterloo Road has a single lane in each direction and a speed limit of 50 km/h. The road is located in a residential area.

M2 Motorway is a main arterial road connecting the north-western suburbs to the Sydney CBD. M2 Motorway currently has a 80 km/h (road works) speed limit in the Ryde area.

It is known that Talavera Road, Culloden Road, Waterloo Road and Vimiera Road are used as an alternative route between Epping Road and the Macquarie Park area.

2.2 TRAFFIC CONTROLS

The following traffic controls were noted:

- All roads (except the M2 Motorway) in the vicinity of Waterloo Park are 50 km/h zones.
- The intersections at Waterloo Road/Vimiera Road, Waterloo Road/Trafalgar Place, Culloden Road/Waterloo Road, and Culloden Road/Talavera Road are controlled by roundabouts.
- Road narrowing of Taranto Road through the use of parking line markings, which are used to reduce speed of vehicles.

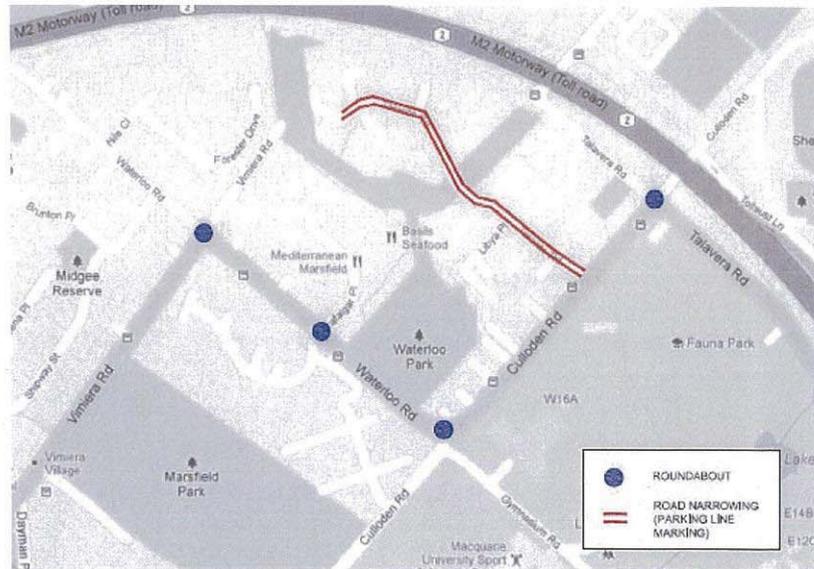


Figure 2.1: Traffic Controls

ITEM 3 (continued)

ATTACHMENT 6

Waterloo Park Lighting Project  
Traffic Impact Assessment

**BITZIOS**  
Consulting

2.3 TRAFFIC CONDITIONS

As mentioned above the section of Waterloo Road near Waterloo Park is used as an alternative access to the Macquarie Park area. Indicative mid-block volumes on Waterloo Road between Vimiera Road and Cullooden Road are indicated in Table 2.1.

Table 2.1: Waterloo Road indicative Mid-block Traffic Volumes (vph)

	Eastbound	Westbound
AM Peak	800	165
PM Peak	375	665

Source: Macquarie Park Model

The volumes show that there is a strong tidal flow eastbound in the morning and westbound in the afternoon. Weekend volumes were not provided but would be considered to be less than the weekday peaks as most of the commercial and University traffic would not use this route on weekends.

ITEM 3 (continued)

ATTACHMENT 6

3. PARKING

The Waterloo Park car park (see Figure 3.1) has a capacity of 32 car spaces including two disabled spaces. These car spaces have a 3 hour time restriction from Monday to Friday and have a 90 degree parking arrangement. There is also a retail car park adjacent to the Waterloo Park car-park and on-street parking available in Trafalgar Place.

The demand for parking spaces would be at its peak during weekday evenings and during weekend morning/afternoon. It should be noted that some of the demand is likely to be a combination of the sports fields and the retail trading use.

A parking survey of Waterloo Park from 8 November to 21 November 2012 showed the following results:

- There were only four occasions on which the car park was full. This occurred on a Wednesday evening (7 November 2012), a Saturday afternoon, Sunday morning and afternoon (11 November 2012).
- There five occasions on which the retail car park was full. This occurred on a Tuesday Evening (13 November 2012), Wednesday Evening (7 November 2012), Saturday afternoon, Sunday morning and afternoon (11 November 2012).
- Cars parked on Trafalgar Place when car parking spaces were full, and in some instances parked on-street even with vacancies in the car park.
- Parking spaces were all full in the car park, retail car park and on-street parking during Sunday morning and afternoon periods.

This parking survey showed that Sunday had the highest volume of parking demand. The proposed extra lights and extension of the light operating hours would have no effect on the existing Sunday conditions as the peak parking demands would be within the daylight period.

The effects of the proposed lighting scheme would be most significant on a Wednesday evening. This is unlikely to increase the total demand for parking at any one time as cars leaving the site are replaced by those arriving. It is assumed that the demand for car parking will be greater on the whole due to the extended hours of Waterloo Park use..

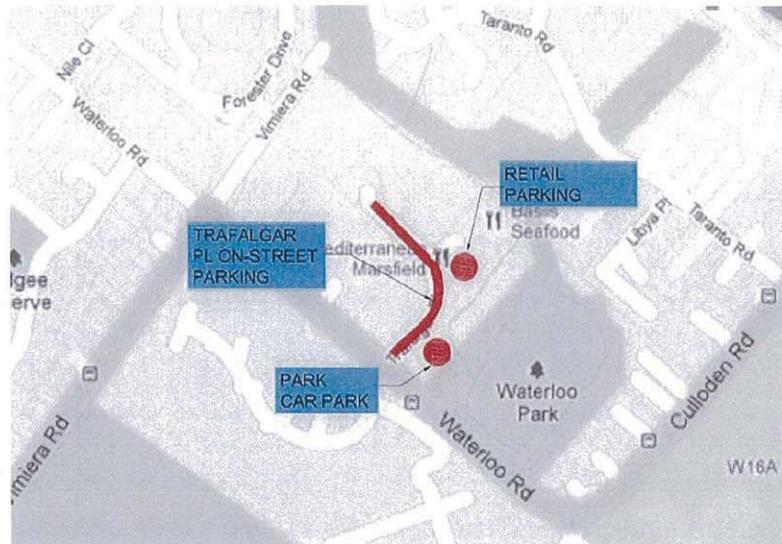


Figure 3.1: Parking Spaces

ITEM 3 (continued)

ATTACHMENT 6

Waterloo Park Lighting Project  
Traffic Impact Assessment

**BITZIOS**  
consulting

4. TRAFFIC

The proposed lighting is not expected to affect the existing weekend traffic generation rates as the peak vehicle traffic generation would be within the daylight period.

The peak effects of traffic generated by the proposed new lighting scheme would be most likely to occur in the evening peak if there was a change over in the car park at around 6pm.

The RTA Guide to Traffic Generating Developments does not provide generation rates for a sporting field but some assumptions on traffic generation can be made on first principles.

The peak traffic generation based on the whole of the carpark leaving in one hour would be 32 vehicles per hour.

The potential future traffic generation in the afternoon peak at around 5:30 – 6:30pm would occur if there was a changeover of users. This can be assumed to be the total car park capacity times 2 factored by 0.85 to account for those who might stay in the carpark through the changeover.

$$32 \times 2 \times 0.85 = 55 \text{ vph}$$

The additional traffic for the proposed lighting scheme would therefore be some 23 additional trips per hour of which all would be arriving at the site and no new vehicles leaving the site.

**ITEM 3 (continued)**

**ATTACHMENT 6**

**5. INTERSECTION OPERATION**

The estimated additional 23 vehicle trips generated by the site in the afternoon peak are likely to have minimal effect on the operation of the local intersections. If we consider the intersection of Waterloo Road and Trafalgar Place and the additional traffic was evenly distributed, then this would be an additional 11 vehicles per hour turning left from Waterloo Road and 12 vehicles per hour turning right.

Further, the additional right turning vehicles at the roundabout would only delay the counter peak direction on Waterloo Road.

**6. ACCESS, INTERNAL CIRCULATION AND SERVICING**

There will be no changes to the current access, internal circulation and servicing with the proposed lighting.

**7. CONCLUSION**

Bitzios Consulting has considered the traffic and parking effects of the proposed Waterloo Park project and found that:

- The existing car parks are at peak demand on Wednesday evenings and Sundays during the day;
- The proposed lighting should not increase the peak parking demand caused by the site;
- The lighting will probably increase the periods that the parking demand will be required but this is considered to be met by the existing car park;
- The weekend peak traffic demand is expected not to be affected by the additional traffic; and
- The additional traffic generated by the site is likely to be in the order of 24 vehicles per hour in the afternoon peak period. This is considered to have minimal effect on the existing road network;