



13 MARCH 2014

NOTICE OF MEETING

You are advised of the following meeting:

TUESDAY 18 MARCH 2014.

Planning and Environment Committee Meeting No. 4/14

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

Meeting Date: Tuesday 18 March 2014
Location: Committee Room 2, Level 5, Civic Centre, 1 Devlin Street, Ryde
Time: 5.00pm

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1 CONFIRMATION OF MINUTES - Meeting held on 4 March 2014

Report prepared by: Meeting Support Coordinator
File No.: CLM/14/1/3/2 - BP14/146

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 3/14, held on Tuesday 4 March 2014, be confirmed.

ATTACHMENTS

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

ITEM 1 (continued)

ATTACHMENT 1

Planning and Environment Committee
MINUTES OF MEETING NO. 3/14

Meeting Date: Tuesday 4 March 2014

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

Time: 5.00pm

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

Apologies: Nil.

Leave of Absence: 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, Building Surveyor – Compliance, Business Support Coordinator – Environment and Planning and Meeting Support Coordinator.

DISCLOSURES OF INTEREST

There were no disclosures of interest.

1 CONFIRMATION OF MINUTES - Meeting held on 18 February 2014

RESOLUTION: (Moved by Councillors Pickering and Chung)

That the Minutes of the Planning and Environment Committee 2/14, held on Tuesday 18 February 2014, be confirmed.

Record of Voting:

For the Motion: Unanimous

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

ITEM 1 (continued)

ATTACHMENT 1

2 7-19 CHATHAM ROAD, WEST RYDE. Section 96 modification to vary and extend the hours of use of the loading dock within the mixed use development (Coles Shopping Centre). LDA2007/0559 (MOD2013/0193).

Note: Philip Brown (objector) and Andrew Martin and Walter Kullen (on behalf of applicant and owner) addressed the Committee in relation to this Item.

Note: Correspondence from Andrew Martin dated 3 March 2014 was tabled in relation to this Item and a copy is ON FILE.

RESOLUTION: (Moved by Councillors Yedelian OAM and Laxale)

- (a) That Section 96 Application No MOD2013/0193 at 7-19 Chatham Road, West Ryde be refused for the following reasons:
1. The proposed modifications will cause excessive and unacceptable additional noise impacts on nearby residential properties.
 2. The proposed hours of use are unacceptable having regard to the amount and proximity of residential properties located close to the loading docks, and the unacceptable amenity impacts that will result upon those properties.
 3. The proposed modifications are inconsistent with the objectives of the B4 Mixed Use zoning of the site under the Ryde Local Environmental Plan 2010, and Draft Ryde Local Environmental Plan 2011.
 4. The likely environmental impacts of the proposed modification have been considered and determined to be unsatisfactory when having regard to built environment.
 5. In the circumstances of the case, approval of the proposed extension to hours of use of the loading dock is not in the public interest.
- (b) That the persons who made submissions be advised of Council's decision.

Record of Voting:

For the Motion: Unanimous

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

3 6/637- 639 BLAXLAND ROAD, EASTWOOD. LOT 6 SP 83373. Local Development Application for the change of use and fitout for a food premises and business identification signage - Beijing Dim Sim. LDA2013/0485.

Note: Greg Foster (on behalf of applicant) addressed the Committee in relation to this Item.

ITEM 1 (continued)

ATTACHMENT 1

RESOLUTION: (Moved by Councillors Yedelian OAM and Chung)

- (a) That Local Development Application No. 2013/485 at 6/637-639 Blaxland Road, Eastwood, being LOT 6 SP 83383 be approved subject to the exclusion of one (1) flush wall sign and the conditions in **Attachment 1**.
- (b) That the persons who made submissions be advised of Council's decision.

Record of Voting:

For the Motion: Unanimous

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

4 50A BELMORE STREET, RYDE LOT 32 DP 13597. BUILDING CERTIFICATE APPLICATION BCT 2013/33 FOR UNAUTHORISED CONCRETE BLOCK RETAINING WALLS AND ASSOCIATED FILL

Note: Bogdan Grubisic (objector) and Julio Montiel and Michael Cantali (on behalf of applicant) addressed the Committee in relation to this Item.

RECOMMENDATION: (Moved by Councillors Pickering and Yedelian OAM)

- (a) That Building Certificate Application No. BCT2013/0033 seeking to allow retention of unauthorised concrete walls and site fill at 50a Belmore Street RYDE, being LOT 32 DP 13597, be refused for the following reasons;
1. The change in the natural topography of the site from unauthorised land filling is excessive and detrimental to the amenity of the adjoining property and does not meet Council's DCP and related development controls.
 2. The height of unauthorised fill on the subject property exceeds 500mm and the retaining walls are higher than 900mm adjacent to the side/rear boundary both in breach of Council's DCP and related development controls.
 3. The unauthorised concrete block walls as constructed do not compliment the surrounding development and visually impact the adjoining property with regard to size and bulk.
 4. The unauthorised concrete block boundary fence/wall exceeds the maximum allowable height of 1.8m (approximately 3m at one point) in contravention of Council's DCP and related development controls.
 5. The construction of the unauthorised retaining walls and land filling works are in breach of the objectives and controls listed in Councils DCP Part 3.3 (Dwelling House) Section 2.5.2 – "Topography and Excavation.

ITEM 1 (continued)**ATTACHMENT 1**

6. The unauthorised concrete block finish to the eastern side boundary facing adjoining property at 1 Willandra St, Ryde is not of a suitable face finish and is uneven, of poor workmanship and of poor appearance that cannot be readily finished or maintained from wholly within the property boundary.
 7. Subsurface flows behind the section of the unauthorised retaining wall from No. 1 Willandra Street will be diverted, causing nuisance seepage flows to emerge at the termination of the wall in the southern corner which is likely to cause ongoing erosive effects and cause nuisance seepage on the neighbouring property.
 8. The unauthorised concrete block walls as built and unauthorised land filling prevents on-site vehicular access to the existing house garage or any off-street parking on the site effectively forcing all parking from the subject property to be on the street, which is in contravention of the Council's DCP and related development controls and adding further traffic and loss of public car spaces.
 9. Any approval of the application to legitimise the unauthorised concrete block walls and site fill, given extent of breaches with the Council's DCP and related development controls, would set an undesirable precedent that is not in the public interest.
- (b) That the persons who made submissions be advised of Council's decision.
- (c) That the applicant be encouraged to negotiate with the objecting neighbour a suitable replacement structure on the boundary between the two properties and that this be the subject of a future application if required. That this application be lodged within three (3) months of this determination. Failure to lodge within this time period will result in Council commencing legal proceeding to enforce requirements of the Demolition Order dated 20 December 2012 to demolish the unauthorised concrete block walls and to require natural ground levels to be restored by requiring removal of unauthorised land fill from the property.
- (d) That all the retaining walls on the property, not subject to (c) above, are reduced in height to comply with Council's Development Control Plan (DCP) and certification provided to Council's satisfaction. Failure to lodge certification and demonstrate compliance within three (3) months of this determination will result in Council commencing legal proceeding to enforce requirements of the Demolition Order dated 20 December 2012 to demolish the unauthorised concrete block walls and to require natural ground levels to be restored by requiring removal of unauthorised land fill from the property.

Record of Voting:

For the Motion: Unanimous

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

ITEM 1 (continued)

ATTACHMENT 1

The meeting closed at 6.29pm.

CONFIRMED THIS 18TH DAY OF MARCH 2014.

Chairperson

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

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

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

Report dated: 4/03/2014

File Number: GRP/09/5/6/2 - BP14/321

1. Report Summary

Applicant: V Nguyen.

Owner: R Benisano, W Paredes.

Date lodged: 15 October 2013

This report considers a proposal for alterations and additions to four (4) single storey self-contained dwellings (attached) to create one (1) additional dwelling, communal room and change of use to a 5 bedroom boarding house (5 single-occupants).

The five (5) self-contained suites contain kitchen facilities, a bathroom and a bedroom. A communal recreation room is provided to the rear of the building and a communal open space area is provided to the rear of the site. One (1) car parking space and one (1) bicycle space is provided within the eastern side setback.

The subject site is zoned R2 – Low Density Residential under Ryde Local Environmental Plan 2010 within which ‘boarding houses’ are permitted with consent.

The provisions of the State Environmental Planning Policy Affordable Rental Housing 2009 (referred to as “AHSEPP” throughout this report) apply to the proposed development. The AHSEPP includes various standards that Council cannot use to refuse consent for a boarding house application if the proposal complies with those standards. The AHSEPP also contains development standards that the proposed boarding house is required to satisfy. The AHSEPP was amended on 20 May 2011 to require Council to consider whether the design of the proposal is compatible with the character of the local area. Other amendments provide that boarding houses must be within specified distances of regular public transport and that parking cannot be used as a ground for refusal if certain standards are met.

When the subject proposal has been assessed against the requirements of AHSEPP, the application is generally satisfactory in terms of the necessary standards and also standards that cannot be used as reasons for refusal, except for clause 30A – Character Test.

ITEM 2 (continued)

The existing building results in many issues of concern – both in terms of its poor built form, and various social issues resulting in amenity impacts both for the occupants of the building and its immediate neighbours. In this regard the site presently contains an older-style building (formerly owned by the Department of Housing) containing 4 self-contained units, and it is undesirable and inconsistent with the desired future character of the area to allow a development that would prolong the life of this existing building and that would result in intensification by approval of an additional self-contained unit.

Also, concerns are raised regarding the design, in particular the communal living room which cannot be accessed internally – that is, the residents wishing to use this communal room would need to leave their room and enter it externally.

When the proposal has been assessed against the controls in DCP 2010 (Part 3.6 Boarding Houses), the following non-compliances have been identified:

- The proposal does not comply with Council's DCP 2010 – Part 3.6 Boarding Houses, in particular the controls regarding Visual and Acoustic Privacy, Internal Building Design – location and design of communal spaces.
- The boarding house is inconsistent with the character of the local area.
- The Plan of Management is unsatisfactory and does not comply with the DCP nor address the existing amenity impacts which the existing multiple occupancy building exhibits.
- A valid BASIX certificate has not been provided.

The DA has been advertised and notified to adjoining owners in accordance with Council's Notification DCP, and 6 submissions were received. The issues raised in the submissions relate to inadequate care and maintenance of existing development (four (4) single storey self-contained dwellings (attached), boarding houses are an inappropriate form of development within a low density residential area, insufficient parking, unacceptable noise and amenity/privacy impacts and overcrowded accommodation.

Some of the concerns raised in the submissions are minor and would not (by themselves) warrant refusal of the application and/or could be managed via conditions of consent, however a number of the concerns raised about noise and amenity/privacy impacts on the adjoining properties, boarding house design, inadequate plan of management and detail provided on plans are more substantial and would require significant changes to the application.

Accordingly, the application as currently presented is unacceptable and is recommended for refusal.

ITEM 2 (continued)

Reason for Referral to Planning and Environment Committee: Number of submissions received, totalling six (6), and nature of the proposed development.

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

SEPP 1 (or clause 4.6 RLEP 2010) objection required? No.

Value of works? \$49,950.

RECOMMENDATION:

- (a) That Local Development Application No. 2013/392 at 8 Callaghan Street, Ryde being LOT 2 DP 35626 be refused for the following reasons
1. The proposal will result in increased adverse amenity impacts upon neighbouring properties.
 2. The proposal does not comply with Council's DCP 2010 – Part 3.6 Boarding Houses in particular the controls regarding Visual and Acoustic Privacy and Internal Building Design – location and design of communal spaces
 3. The Boarding House is inconsistent with the desired future character of the local area. In particular, the proposal involves maintaining and extending an older-style building, and it is undesirable and inconsistent with the desired future character of the area to allow a development that would prolong the life of this existing building and its intensification by approval of an additional self-contained unit.
 4. The proposal has a poor internal design (in particular the communal living room cannot be accessed internally from the existing or proposed self-contained units) which will result in a poor level of amenity for the occupants of the development.
 5. The Plan of Management is unsatisfactory and does not comply with the DCP nor address the existing amenity impacts which the existing multiple occupancy building exhibits.
 6. A valid BASIX certificate has not been provided.
 7. In the circumstances of the case, approval of the development is not in the public interest.
- (b) That the persons who made submissions be advised of Council's decision.

ITEM 2 (continued)

ATTACHMENTS

- 1 Compliance table DCP 2010.
- 2 Map.
- 3 A4 plans.
- 4 A3 plans - subject to copyright provisions - CIRCULATED UNDER SEPARATE COVER.

Report Prepared By:

Michael Tully
Assessment Officer - Town Planner

Chris Young
Team Leader - Assessment

Report Approved By:

Liz Coad
Manager Assessment

Dominic Johnson
Group Manager - Environment & Planning

ITEM 2 (continued)



Figure 1: Air photo of subject site.



Figure 2: Existing building viewed from Callaghan Street

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

Nil.

4. Political Donations or Gifts

Any political donations or gifts disclosed? No.

5. Proposal

Alterations and additions to four (4) single storey self-contained dwellings (attached) to create one (1) additional dwelling, communal room and change of use to 5 bedroom boarding house (5 single-occupants).

The five (5) self-contained suites contain kitchen facilities, a bathroom and bedroom. A communal living room is provided to the rear of the building and a communal open space area is provided to the rear of the site. One (1) car parking space and one (1) bicycle space is provided within the eastern side setback.

A full set of the DA plans are **CIRCULATED UNDER SEPARATE COVER** to Councillors for perusal as part of the consideration of this DA.

6. BackgroundRelevant Site History

Four self-contained dwellings on one title have existed on the property since 1960 and were originally owned by the NSW Department of Public Housing. In 1998, they were sold and purchased by a private buyer and have been leased individually since then.

Subject DA

The DA was lodged on 15 October 2013. Shortly after DA lodgement, it underwent a preliminary assessment, referral to various departments within Council, neighbour notification and allocation to the Assessment Officer.

On 28th October 2013, neighbour notification and advertisement of this DA commenced (closing date for submissions – 13 November 2013). Six (6) submissions were received from adjoining/nearby property owners. The issues raised in the submissions are discussed later in this report.

On 13th November 2013, the applicant was requested to provide additional information after a preliminary assessment was conducted and a number of issues were identified with the application.

ITEM 2 (continued)

On 27th November 2013 the applicant submitted additional information, including a revised Statement of Environmental Effects and amended plans.

On 17th December 2013 the applicant submitted additional information, including a further Statement of Environmental Effects and Plan of Management.

The amended plans and information attempted to demonstrate compliance with the DCP and SEPP and reduce the impact upon the streetscape. However, the amended plans did not significantly alter the design/external appearance of the proposed additions. Therefore, re-notification to the neighbours of such information was not required.

7. Submissions

On 28th October 2013, neighbour notification and advertisement of this DA commenced (closing date for submissions – 13 November 2013). Six (6) submissions were received from adjoining/nearby property owners.

The issues of concern raised in the submissions are summarised and discussed as follows:

1. *Traffic – The proposal will increase the number of vehicles within an already congested area. The street and adjacent roads are inappropriate and inadequate for a commercial rental property.*

Comment: It appears one of the assumptions for the parking requirements of the AHSEPP is that, given the demographic profile of the average boarding house lodger and the semi-permanent nature of their occupation, as well as the location of the site, car ownership and usage is relatively low. It is considered the proposed boarding house will not result in a significant increase in the number of vehicle movements that exceed the capacity of the local road network.

2. *The proposal will result in a reduction in property values for existing residential properties.*

Comment: Development Application applicants have a right, under the provisions of the Environmental Planning and Assessment Act, 1979, to apply for developments that achieve the aim of orderly and economic use and development of land. Concerns about possible decreases in surrounding property values do not constitute a reasonable ground for refusal. This position has been reinforced by planning and development decisions in the Land and Environment Court.

3. *The proposed alterations and additions to the existing building is too close to the adjoining residence at 23 Milne Street, Ryde and the windows within the rear elevation will look directly into their house.*

ITEM 2 (continued)

Comment: Specific setback requirements do not apply to boarding house developments, however their built form is to reflect the prevailing streetscape and minimise the impact on surrounding properties. The proposal has a rear setback of 5.2 – 6.95m which is more than required for multi-dwelling developments which require a minimum of 3 – 4.5m setback. The addition is elevated up to 1m above NGL and may result in some overlooking from the windows of the additional dwelling and communal room, however this could be mitigated with the use of privacy screens or obscure glazing if the application were to be approved. It is also noted that the air photo (shown earlier in this report) shows that the objectors property also contains a shed/outbuilding which would further assist to address overlooking impacts.

However, as discussed throughout this report, the existing building has a poor urban form and is an example of a past architectural style that is not consistent with either the existing or desired future character of the neighbourhood. Also, the design of the development results in amenity impacts for the immediate neighbours, for example access to each self-contained unit requires walking along the side of the building to each front door, which at times has resulted in privacy and amenity impacts for the neighbours.

As the proposal involves an additional room that is also accessed via the side of the building (as well as the communal living room), such privacy and amenity impacts on the neighbouring properties would increase.

4. *Parking – Insufficient parking existing in the immediate area with streets congested.*

Comment: The concerns regarding the inadequate provision of on-site parking for the proposed boarding house are acknowledged. Council’s DCP 2010 (Part 3.6 Boarding Houses) and Clause 29 of the AHSEPP – which was amended as of 20 May 2011 – specifies the following standards that Council cannot use to refuse consent for a boarding house that complies with the following requirements:

- (i) *in the case of development in an accessible area – at least 0.2 parking spaces are provided for each boarding room, and*
- (ii) *in the case of development not in an accessible area – at least 0.4 parking spaces are provided for each boarding room, and*
- (iii) *in the case of any development – not more than 1 parking space is provided for each person employed in connection with the development and who is resident on site.*

This development is located within an “accessible area” (as defined within the AHSEPP) because of its proximity to public transport services, and so (i) above applies. There are 5 boarding rooms in the proposal, which requires one (1) parking space using the rate in the AHSEPP. The development does not involve the employment of any person who is resident of the site and therefore (iii) above does not apply.

ITEM 2 (continued)

The provision of a single hardstand car space within the eastern side setback, satisfies the minimum requirements of the AHSEPP, accordingly parking is not a ground on which Council would be able to refuse consent. It is noted the AHSEPP requires the provision of a formal bicycle and motorbike parking space for each 5 boarding rooms (proposed to be provided within the side setback) and there is an assumption within the SEPP that these are a more likely form of transport for boarding house occupants.

5. *Major loss of green space (including two trees) within the front setback as a result of the driveway and three (3) car spaces within the front setback. Further, a street tree would be required to be removed.*

Comment: The applicant submitted amended plans and reduced the driveway width and number of car spaces. The amended plans propose one (1) car space within the side setback, maintaining a front setback free of car spaces. The amended driveway and car parking space location is considered to be consistent with the prevailing streetscape. The removal of the two trees within the front setback of the property will be replaced with two (2) mature canopy tree via condition of consent if the application is approved as will the street tree.

6. *The subject property is within 500m of Ryde East Primary School and may be a safety hazard for children walking past when getting to and from school*

Comment: This issue of concern appears to be based on fear/perception rather than fact. There is no evidence to suggest that the safety of surrounding residents would be compromised as a result of this proposal. The bona fides of the future occupants of the boarding house is not a relevant planning consideration under the Act.

7. *The subject property is next door to a liquor shop which is not ideal for the type of residents which will live in a boarding house*

Comment: The bona fides of the future occupants of the boarding house is not a relevant planning consideration under the Act.

8. *The noise generated by the occupants of the boarding house will cause nuisance to adjoining properties, particularly when the existing residents of the property cause significant impacts on the amenity and safety of surrounding properties.*

Comment: The use of the premises would be subject to conditions of consent, house rules and a Plan of Management relevant to the boarding house. However, the configuration of the proposed boarding house and plan of management raise a number of significant issues which are discussed in further detail in the DCP Compliance section of this report.

ITEM 2 (continued)

Adverse noise impacts on neighbouring properties associated with the existing building and its occupants are noted. It is considered that the design of the existing building and the design of the proposed additions will cause an increase in such adverse noise impacts.

9. *There is no communal living room proposed.*

Comment: The applicant submitted amended plans and replaced one of the two proposed boarding rooms with a communal living room, reducing the number of additional boarding rooms to one (1) and a total of five (5) rooms. However, it is noted that the design of the communal room is unacceptable because it cannot be accessed internally, and this will result in adverse impacts on neighbouring properties as well as poor amenity for the occupants of this development.

10. *The proposed boarding house does not promote communal living, comprising self-contained units and may no longer be considered a 'boarding house'.*

Comment: A boarding house is a type of land use under the group term "residential accommodation" and is distinct from other types under this group such as dwelling house, dual occupancy, hostel, group home, semi-detached dwelling, secondary dwelling, etc (refer RLEP 2010).

"Boarding house" is defined under environmental planning instruments, and is defined under the AHSEPP and RLEP 2010 as follows:

boarding house means a building:

- (a) *that is wholly or partly let in lodgings, and*
- (b) *that provides lodgers with a principal place of residence for 3 months or more, and*
- (c) *that may have shared facilities, such as a communal living room, bathroom, kitchen or laundry, and*
- (d) *that has rooms, some or all of which may have private kitchen and bathroom facilities, that accommodate one or more lodgers, but does not include backpackers' accommodation, a group home, a serviced apartment, seniors housing or hotel or motel accommodation.*

The proposed boarding house complies with the definition of a 'boarding house' under RLEP 2010.

11. *The design of the proposed boarding house does not comply with DCP with regards to location of the entrance, privacy (acoustic and visual) and amenity and minimum size of units*

ITEM 2 (continued)

Comment: Agreed. Compliance with Ryde DCP 2010 with regards to design, orientation and configuration is discussed in further detail in the DCP Compliance section of this report.

12. *High quality affordable housing is not being provided by this proposal and is not required in this street.*

Comment: The NSW State Government has identified that there is a shortage of affordable housing in general, which is one of the reasons why the Affordable Rental Housing SEPP 2009 (AHSEPP) was introduced. The current application is seeking approval in accordance with the SEPP. This matter is discussed in further detail in the DCP Compliance section of this report.

It is agreed however that high quality affordable housing is not provided by this development. As noted throughout this report, the existing building is an example of past architectural design that has a poor built form in terms of streetscape presentation, and which results in adverse amenity impacts both for the occupants of the building and neighbouring properties.

13. *There is the potential for up to two tenants per room, and a total of twelve (12) tenants within the proposed boarding house.*

Comment: The applicant submitted amended plans and replaced one of the two proposed boarding rooms with a communal living room, reducing the number of additional boarding rooms to one (1) and a total of five (5) rooms. The potential occupancy of the development is 9 persons using the minimum standards for room sizes under the AHSEPP, however the applicant has specified that only one (1) lodger is proposed per room, therefore a total of five (5) lodgers is proposed. Further, if the application were to be approved, a condition of consent would be imposed restricting the number of lodgers to five (5).

14. *The communal open space area is not indicated on the site plan, however it is assumed it will be within the rear setback. Most of the existing tenants of the four (4) dwellings use the space directly adjacent to the entry of their unit (within the side setback).*

Comment: The applicant has not specified the exact location of the communal open space, however over 100sqm with minimum dimensions of 5sqm is provided within the rear setback which could be utilised as communal open space and therefore complies with the AHSEPP and Ryde DCP 2010.

The amenity and privacy impacts of the side setback being used as an area to congregate, is discussed in further detail in the DCP Compliance section of this report.

ITEM 2 (continued)

15. *The additional hard surfaces and increase in building footprint may overload the existing stormwater system*

Comment: The proposed works result in less than 80sqm of additional built upon area and does not generate the requirement for onsite storm water detention (OSD) to be provided. The existing building and proposed works can connect to the existing storm water system within the site and to the kerb and gutter within Callaghan Street.

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

No.

9. Policy Implications**Relevant Provisions of Environmental Planning Instruments etc:****(a) Ryde Local Environmental Plan 2010**

Ryde LEP 2010 commenced on 30 June 2010 as the new environmental planning instrument applicable to the City of Ryde. Under Ryde LEP 2010, the property is zoned R2 Low Density Residential. "Boarding houses" are permissible with consent within this zoning under Ryde LEP 2010.

(b) Relevant SEPPs**State Environmental Planning Policy (Affordable Rental Housing) 2009**

The AHSEPP first came into effect on 31 July 2009. Clause 8 of the AHSEPP states (in relation to relationship with other environmental planning instruments) that if there is an inconsistency between the AHSEPP and any other environmental planning instrument, whether made before or after the commencement of the AHSEPP, the AHSEPP prevails to the extent of the inconsistency.

The AHSEPP was amended on 20 May 2011 and in relation to boarding houses, the amendments now provide:

1. Those in a Low Density Residential Zone must be within an accessible area, i.e. within a specified distance of public transport (and the public transport must operate at a specified frequency through the day both on weekdays and weekends).
 - (b) Increase in the parking requirements before parking can be used as a ground for refusal. In relation to the present application, the parking requirement increases from 1 space to 1.2 (say 2) spaces.
 - (c) That Council must consider whether the design is compatible with the character of the local area.

ITEM 2 (continued)

Division 3 of the AHSEPP specifies in part that boarding house development may be carried out within the R2 Low Density Residential Zone. This is consistent with Ryde LEP 2010.

Section 27 provides that the AHSEPP does not apply to development within the R2 Low Density Residential zone unless the land is within an “accessible area”. If the AHSEPP does not apply then there are no provisions other than the requirement for parking in Part 9.3 (Parking) of DCP 2010. **Note:** This requirement was inserted by the amendment of 20 May 2011 and did not apply to the previous version of the AHSEPP.

Provision	Proposed	Compliance
Accessible area means land that is within:		
(a) 800m walking distance of a public entrance to a railway station or a wharf from which a Sydney Ferries ferry service operates, or	None within the specified distance	N/A
(b) 400m walking distance of a public entrance to a light rail station or, in the case of a light rail station with no entrance, 400 metres walking distance of a platform of the light rail station, or	None within the specified distance	N/A
(c) 400m walking distance of a bus stop used by a regular bus service (within the meaning of the <u>Passenger Transport Act 1990</u>) that has at least one bus per hour servicing the bus stop between 06.00 and 21.00 each day from Monday to Friday (both days inclusive) and between 08.00 and 18.00 on each Saturday and Sunday.	The site is approximately 100m from bus stops for buses operating in both directions along Badajoz Road for routes 506 and 507. These services operate at the required frequency both during weekdays and on weekends.	Yes

ITEM 2 (continued)

Standards that cannot be used to refuse consent

Clause 29 of the AHSEPP specifies the following standards that the consent authority cannot use to refuse consent for a boarding house:

Standards that cannot be used to refuse consent	Comment
<p>A consent authority must not refuse consent to development to which this Division applies on the grounds of density or scale if the density and scale of the buildings when expressed as a floor space ratio are not more than the existing maximum floor space ratio for any form of residential accommodation permitted on the land.</p> <p>The maximum FSR is 0.5:1.</p> <p>The site area = 626m².</p>	<p>RLEP 2010 permits Boarding Houses within the R2 Low Density Residential zoning of the subject site, with a maximum FSR of 0.5:1. The proposed development has an FSR of 0.22:1 which is consistent with what is permissible within the subject zoning.</p> <p>Complies.</p> <p>Complies.</p>
<p>In addition a consent authority must not refuse consent to development to which this Division applies on any of the following grounds:</p>	
<p>Building height</p> <p>If the building height of all proposed buildings is not more than the maximum building height permitted under another environmental planning instrument for any building on the land,</p> <p>Maximum height for residential development – e.g. dwelling houses/duplex buildings in the Residential R2 zone is:</p> <p>2 storeys</p> <p>9.5m overall (ridge) height</p> <p>7.5m wall plate height.</p>	<p>This development involves no increase to the height of the existing single storey development.</p> <p>Complies.</p>
<p>Landscaped area</p> <p>If the landscape treatment of the front setback area is compatible with the streetscape in which the building is located</p>	<p>The proposed driveway and hardstand area is consistent with the prevailing streetscape</p>

ITEM 2 (continued)

Standards that cannot be used to refuse consent	Comment
<p>Solar access</p> <p>Where the development provides for one or more communal living rooms, if at least one of those rooms receives a minimum of 3 hours direct sunlight between 9am and 3pm in mid-winter,</p>	<p>The communal living room to the rear of the development receives the required direct sunlight. Complies.</p>
<p>Private open space</p> <p>If at least the following private open space areas are provided (other than the front setback area):</p> <ul style="list-style-type: none"> (i) one area of at least 20 square metres with a minimum dimension of 3 metres is provided for the use of the lodgers, (ii) if accommodation is provided on site for a Boarding House Manager—one area of at least 8 square metres with a minimum dimension of 2.5 metres is provided adjacent to that accommodation, 	<p>Rear yard private open space exceeds 100m², minimum dimension 5.2m.</p> <p>A Boarding House Manager is not required for proposals with less than 20 boarding rooms. The proposed boarding house capacity of maximum 5 adult lodgers does not require an on-site boarding house manager.</p>
<p>Parking</p> <p>If not more than:</p> <ul style="list-style-type: none"> (i) in the case of development in an accessible area—at least 0.2 parking spaces are provided for each boarding room, and (ii) in the case of development not in an accessible area—at least 0.4 parking spaces are provided for each boarding room, and (iii) in the case of any development—not more than 1 parking space is provided for each person employed in connection with the development and who is resident on site. 	<p>The proposed Boarding House comprises 5 boarding rooms, is with an accessible area and does not include any employees. The proposal requires 1 parking space to be provided. This proposal provides a single car space within the eastern side setback garage.</p> <p>Complies.</p>

ITEM 2 (continued)

Standards that cannot be used to refuse consent	Comment
<p>Accommodation size</p> <p>If each boarding room has a gross floor area (excluding any area used for the purposes of private kitchen or bathroom facilities) of at least:</p> <p>(i) 12m² in the case of a boarding room intended to be used by a single lodger, or</p> <p>(ii) 16m² in any other case.</p>	<p>The existing four (4) boarding rooms have an internal area 16m² excluding kitchen and bathroom facilities, satisfying the minimum requirement for a single lodger.</p> <p>The proposed additional one (1) room has an internal area of 14m² excluding kitchen and bathroom facilities, satisfying the minimum requirement for a single lodger.</p>
<p>(3) A boarding house may have private kitchen or bathroom facilities in each boarding room but is not required to have those facilities in any boarding room.</p>	<p>All of the rooms have a private kitchen and bathroom facilities.</p>
<p>(4) A consent authority may consent to development to which this Division applies whether or not the development complies with the standards set out in subclause (1) or (2).</p>	<p>Noted.</p>

Clause 30 – Standards for Boarding Houses

A consent authority must not consent to development to which this Division applies unless it is satisfied of each of the following:

30 Standards for boarding houses		
Standard	Proposed	Compliance
<p>A consent authority must not consent to development to which this Division applies unless it is satisfied of each of the following:</p>		

ITEM 2 (continued)

30 Standards for boarding houses		
Standard	Proposed	Compliance
(a) if a boarding house has 5 or more boarding rooms, at least one communal living room will be provided	This boarding house contains 5 boarding rooms. The boarding house includes a designated communal living room which includes shared laundry.	Yes
(b) no boarding room will have a gross floor area (excluding any area used for the purposes of private kitchen or bathroom facilities) of more than 25 square metres	The largest boarding rooms are existing and up to 16m ² .	Yes
(c) no boarding room will be occupied by more than 2 adult lodgers,	Under the SEPP, rooms for more than 1 lodger need to be 16m ² or over. Four of the existing rooms meet this requirement, however the applicant has nominated the rooms to only accommodate one lodger each.	Yes
(d) adequate bathroom and kitchen facilities will be available within the boarding house for the use of each lodger,	All boarding rooms are self-contained suites containing a kitchen and bathroom. Complies	Yes
(e) if the boarding house has capacity to accommodate 20 or more lodgers, a boarding room or on site dwelling will be provided for a boarding house manager,	In accordance with the provisions of the AHSEPP this boarding house has a maximum capacity of 9 adult lodgers (5 are proposed). A boarding house manager is not required in this instance and is not proposed.	Yes

ITEM 2 (continued)

30 Standards for boarding houses		
Standard	Proposed	Compliance
(f) if the boarding house is on land within a zone where residential flat buildings are permissible, no new car parking for lodgers will be provided on the site	The subject site is within the R2 Low Density Residential zone. Within this zone residential flat buildings are not permissible. The proposal provides a single car space within the eastern side setback.	Yes
(g) if the boarding house is on land zoned primarily for commercial purposes, no part of the ground floor of the boarding house that fronts a street will be used for residential purposes unless another environmental planning instrument permits such a use,	The site is within the R2 Low Density Residential zone.	N/A
(h) at least one parking space will be provided for a bicycle, and one will be provided for a motorcycle, for every 5 boarding rooms.	Five (5) boarding rooms are proposed and so one (1) bicycle and one (1) motorcycle parking space is required. Such parking is to be provided within the eastern side setback.	Yes

Character Test

Clause 30A of the SEPP states “A consent authority must not consent to development to which this Division applies unless it has taken into consideration whether the design of the development is compatible with the character of the local area.”

The existing building on the site is an older-style single storey building containing four self-contained units constructed in 1960 and previously owned by the Department of Housing. The proposal involves not only retaining this existing building but also adding to it by creation of an additional self-contained unit as well as a communal room (both at the rear).

ITEM 2 (continued)

In terms of visual quality and external appearance, the existing building is an example of past design standards and this outdated building is no longer consistent with existing or desired future character of the locality. The proposed development involves both the continued use of the existing building and also an addition to the rear, so this would prolong the life of this existing building. Therefore, in terms of character, the existing building is not compatible with either the existing character of the area or the desired future character, and therefore the proposal is unacceptable in terms of Clause 30A of the AHSEPP.

(c) Relevant REPs

N/A

(d) Any draft LEPs

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

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

(e) Any DCP (e.g. dwelling house, villa)Part 3.6 – Boarding Houses:

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

Notes from Table (ATTACHMENT 1):1. Privacy – Acoustic and Visual Amenity

The control requires boarding houses to be designed to minimise and mitigate any impacts on the visual and acoustic privacy of neighbouring buildings and on the amenity of future residents.

The proposed single storey boarding house comprises five (5) self-contained comprising living areas and bedrooms.

ITEM 2 (continued)

Four (4) of the existing self-contained dwellings are accessed from the eastern or western elevation (side setbacks). The concrete patios used to gain access to the entrance of dwellings also serve as an outdoor recreation space as does the turf areas within the side setback adjacent to the patios. The patios are elevated up to 1m above natural ground level, resulting in potential visual and acoustic privacy impacts. The provision of an additional suite and communal living room will further amplify the impacts currently experienced by the neighbouring dwellings.

2. Accessibility – Accessibility Report

An accessibility report was not requested as the proposal had more significant issues which needed to be addressed before Council could consider supporting the application. However, if the application is approved it is recommended a condition be imposed requiring the submission of an accessibility report prior to the issue of the construction certificate.

3. Sustainability and Energy Efficiency

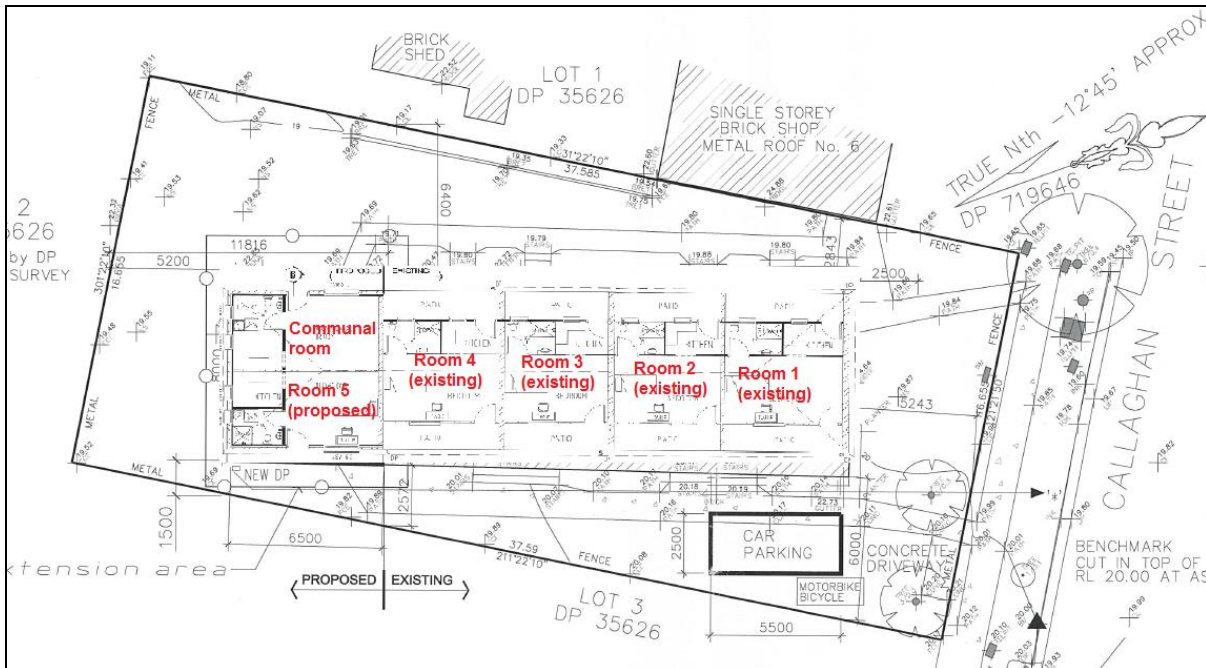
A BASIX certificate for alterations and additions to a single dwelling was submitted, however the proposed development is classified as a 'multi dwelling' and therefore a revised BASIX is required. The revised BASIX certificate was requested from the applicant, however one has not been received. Therefore the application cannot be supported on this basis alone as a valid BASIX has not been submitted.

4. Internal Building Design – location and design of communal spaces.

The control requires boarding house developments to be designed to optimise safety and security, both internal to the development and for the public domain, while providing communal spaces (internal and external) which facilitate passive surveillance from within and from the street.

The proposed communal living room and associated communal open space is located to the rear of the boarding house, shown below:

ITEM 2 (continued)



The proposed communal living room does not provide a connection to the individual rooms and will not facilitate communal interaction or regular use. The location of the communal living room will not allow casual surveillance from within the individual rooms or of the communal open space which is located within the side and rear setbacks.

Further, the floor plan of the communal living room looks very similar to the proposed boarding room and appears that it will be used to accommodate an additional lodger. Therefore it is considered the design, orientation and location of the communal living room is inappropriate for a boarding house type application.

5. Management Controls – Plan of Management

This control requires a Plan of Management to be submitted with each Development Application for a boarding house. The Plan of Management, as a minimum, must address the on-going management and operational aspects of the boarding house.

The submitted plan of management is lacking significant detail and information concerning operational and management details. The plan of management does not address the existing acoustic, visual and operational issues identified within the six (6) submissions which the use of the building (comprising four (4) dwellings) currently creates.

ITEM 2 (continued)

The proposal comprises an additional boarding room, communal living room and change of use to a boarding house and is considered to amplify the existing acoustic, visual and operational issues. Therefore, the application cannot be supported as a detailed Plan of Management has not been submitted, which is an integral part to the operation of a boarding house.

6. Car Parking

Section 4 specifies, in part:

4 *Parking required in respect of specific uses*

4.1 *Residential*

- (i) *Boarding houses: one (1) space / two (2) bedrooms, and one (1) space per manager / one (1) space per two (2) employees*

Comparison of car parking requirements for the proposed development	
Policy	Number of car parking spaces required
SEPP (Affordable Rental Housing) 2009	1
City of Ryde Development Control Plan 2010	5 boarding rooms requires (2.5 spaces), therefore 3 spaces.

Council's DCP 2010 Part 9.3 specifies that the proposed boarding house is required to provide a total of 3 on-site parking spaces. The proposal makes provision for one (1) hard stand parking space, which would not comply with what is required by Council's DCP 2010 Part 9.3. Notwithstanding this, it is again noted that SEPP 2009 specifies the grounds that cannot be used to refuse consent for boarding houses which include:

(e) **parking** *if not more than:*

- (i) *in the case of development in an accessible area – at least 0.2 parking spaces are provided for each boarding room, and*
- (ii) *in the case of development not in an accessible area – at least 0.4 parking spaces are provided for each boarding room, and*
- (iii) *in the case of any development – not more than 1 parking space is provided for each person employed in connection with the development and who is resident on site.*

ITEM 2 (continued)

As discussed previously, the development is located within an “accessible area” and under the AHSEPP, the 5 boarding rooms require 1 parking space. The development proposes one (1) hard stand parking space which complies with the AHSEPP requirements, and accordingly car parking cannot be used as a ground to refuse the application.

10. Likely impacts of the Development

All relevant issues regarding the likely impacts of the development have been discussed throughout this report.

11. Suitability of the site for the development

A review of Council’s Land Information mapping system shows that there are no constraints (such as overland stormwater flow, bushfire affectation etc) that would render the land as unsuitable for the proposed development.

12. The Public Interest

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

13. Consultation – Internal and External

Internal Referrals

Senior Development Engineer: Council’s Senior Development Engineer provided the initial the following comments:

The subject property slopes towards the rear laneway. The current pedestrian access to the development is from Callaghan Street and there is no visible vehicular access point. The rear Callaghan Laneway is a public laneway which adjoins the rear part of north-western boundary.

The proposed extension and car parking areas increase the impervious area at site more than 80m² and require OSD. The drainage plan shows a charged drainage system to the street without any OSD. A proper gravity drainage line with an OSD system can be provided with the drainage line extended through the footpath of the rear laneway towards the existing Council pit.

Following issues are to be addressed:

- 1) *The proposed increase in impervious areas at site exceeds 80m² and the drainage plan as submitted does not comply with Council’s DCP 2010. Part 8.2 for stormwater management. The drainage plan should be amended to provide onsite detention for the existing and proposed with drainage directed through Council’s rear Laneway to the existing Council’s stormwater pit via a gravity drainage system.*

ITEM 2 (continued)

- 2) *The parking spaces as proposed cannot achieve satisfactory reverse manoeuvring and exit to the street in a forward direction. The layout should be amended to allow vehicles to exit in a forward direction.*

Comment: The applicant submitted amended plans and reduced the driveway width and number of car spaces. The amended plans propose one (1) car space within the side setback maintaining a front setback free of car spaces. The total proposed impervious area of the new works (minus the existing impervious area) is less than 80sqm, therefore OSD is not required and the applicant can drain to Callaghan Street, as is the existing situation.

Building Surveyor: No issues were raised by Council's Building Surveyor subject to the imposition of appropriate conditions requiring each unit to be provided with a smoke management system, and for fire separation between each unit, in accordance with the Building Code of Australia.

Heritage Officer: No issues were raised by Council's Heritage Officer.

14. Critical Dates

None relevant.

15. Financial Impact

Nil.

16. Other Options

None relevant.

17. Conclusion

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

An assessment of the proposal in terms of the controls contained in DCP 2010 has identified several areas of non-compliance namely visual and acoustic privacy, Internal building design, plan of management and it is inconsistent with the character of the local area. The proposal is considered unacceptable in terms of these controls.

The main issue of concern with this application relates to the character of the area. The existing building results in many issues of concern – both in terms of its poor built form, and various social issues resulting in amenity impacts both for the occupants of the building and its immediate neighbours. In this regard the site presently contains an older-style building (formerly owned by the Department of Housing) containing 4 self-contained units, and it is undesirable and inconsistent with the desired future character of the area to allow a development that would prolong

ITEM 2 (continued)

the life of this existing building and that would result in intensification by approval of an additional self-contained unit.

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

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

ITEM 2 (continued)

ATTACHMENT 1

COMPLIANCE TABLE DCP 2010

Part 3.6 Boarding Houses

Control	Proposed	Compliance
<p>1.8 Interpretation</p> <p>Boarding House</p> <p>A boarding house is a type of land use under the group term “residential accommodation” and is distinct from other types under this group such as dwelling house, dual occupancy, hostel, group home, semi-detached dwelling, secondary dwelling, etc (refer RLEP 2010).</p> <p>“Boarding house” is defined under environmental planning instruments, and is defined under the ARHSEPP and RLEP 2010 as follows:</p> <p><i>boarding house means a building:</i></p> <ul style="list-style-type: none"> <i>(a) that is wholly or partly let in lodgings, and</i> <i>(b) that provides lodgers with a principal place of residence for 3 months or more, and</i> <i>(c) that may have shared facilities, such as a communal living room, bathroom, kitchen or laundry, and</i> <i>(d) that has rooms, some or all of which may have private kitchen and bathroom facilities, that accommodate one or more lodgers, but does not include backpackers’ accommodation, a group home, a serviced apartment, seniors housing or hotel or motel accommodation.</i> <p>Where the living emphasis shifts away from communal living to self contained units, a development may no longer be considered a boarding house, but rather a <i>serviced apartment</i> or similar (refer definitions under RLEP 2010).</p>	<p>Conversion of an existing building (comprising four (4) self-contained dwellings) and addition of one (1) self-contained dwelling and communal living room.</p>	<p>Yes</p>

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Control	Proposed	Compliance
<p>Accessible Area and Walking Distance</p> <p>The applicability of the ARHSEPP (refer Part 2 Division 3 Boarding houses) in the R2 Low Density Residential land use zone is dependent on an accessible area test.</p> <p>The following definitions apply: “accessible area” and “walking distance” have the same meanings as under the ARHSEPP, which are defined as:</p> <p>accessible area means land that is within:</p> <p>(a) 800 metres walking distance of a public entrance to a railway station or a wharf from which a Sydney Ferries ferry service operates, or</p> <p>(b) 400 metres walking distance of a public entrance to a light rail station or, in the case of a light rail station with no entrance, 400 metres walking distance of a platform of the light rail station, or</p> <p>(c) 400 metres walking distance of a bus stop used by a regular bus service (within the meaning of the Passenger Transport Act 1990) that has at least one bus per hour servicing the bus stop between 06.00 and 21.00 each day from Monday to Friday (both days inclusive) and between 08.00 and 18.00 on each Saturday and Sunday.</p> <p>walking distance means the shortest distance between 2 points measured along a route that may be safely walked by a pedestrian using, as far as reasonably practicable, public footpaths and pedestrian crossings.</p>	<p>The site is approximately 100m from bus stops for buses operating in both directions along Badajoz Road for routes 506 and 507. These services operate at the required frequency both during weekdays and on weekends.</p>	<p>Yes. The site complies with the definition of an ‘accessible area’.</p>

ITEM 2 (continued)
ATTACHMENT 1

Control	Proposed	Compliance
<p>1.9 Retention of Low Rental Affordable Accommodation</p> <p>Where a development application proposes the demolition or change of use of an existing boarding house, Council may require the submission of a Social Impact Assessment to accompany the development application which addresses, the social and economic impacts of the potential loss of low-rental accommodation, and the demand for and availability of comparable low-rental accommodation in the City of Ryde.</p>	<p>A social impact assessment (SIA) was not submitted with the application.</p>	<p>No. Not required - proposal is relatively minor and involves the addition of one additional self-contained dwelling in an existing facility.</p>
<p>1.10 Building Classifications under the Building Code of Australia</p> <p>The Building Code of Australia (BCA) is a national construction code comprising requirements for fire safety, access, amenity, health and safety, and structural standards.</p> <p>The BCA classifies buildings according to the purpose for which they have been designed, constructed or intended to be used. Boarding houses are included in Class 1b and Class 3, as follows:</p> <p><i>Class 1b – a boarding house, guest house, hostel or the like with a total floor area not exceeding 300m² and in which not more than 12 persons would ordinarily be resident, which is not located above or below another dwelling or another Class of building other than a private garage.</i></p> <p><i>Class 3 – a residential building, other than a building of Class 1 or 2, which is a common place of long term or transient living for a number of unrelated persons.</i></p>	<p>The proposed boarding house has a total floor area of 137sqm and is considered to be a class 1B building.</p>	<p>Yes</p>

ITEM 2 (continued)

ATTACHMENT 1

Control	Proposed	Compliance
<p><i>Examples include a boarding house, hostel, backpackers accommodation, guest house or residential part of a hotel, motel, school or detention centre.</i></p>		
<p>LOCATION AND CHARACTER</p> <p>2.3 Design and Local Area Character</p> <p>(a) All boarding house developments are to be designed to be compatible with the character of the local area.</p> <p>(b) Where external changes, including building and/or construction work, are proposed, a Local Area Character Statement is to be prepared and submitted with the development application. This must demonstrate compatibility of the design of the development with the character of the local area. The statement is to include descriptions of:</p> <ul style="list-style-type: none"> - the existing character of the local area (comprising streetscape and visual catchment area) in terms of character elements, and - the design responses for the following character elements, as a minimum: <ul style="list-style-type: none"> (i) predominant building type, (ii) predominant height of buildings, (iii) predominant front setback and landscape treatment, (iv) permissible floor space ratio (FSR) and site coverage, (v) predominant pattern of subdivision and spacing of buildings, 	<p>See Local Character Test – Attachment 2</p> <p>See Local Character Test – Attachment 2</p>	<p>No.</p> <p>No.</p>

ITEM 2 (continued)

ATTACHMENT 1

Control	Proposed	Compliance
<p>Size and Scale</p> <p>(e) In the R1 General Residential and R2 Low Density Residential zones, a maximum number of 12 bedrooms per boarding house will be permitted.</p> <p>(f) Notwithstanding compliance with numerical standards under the ARHSEPP and LEP, applicants must demonstrate that the bulk and relative mass of development is acceptable for the street and adjoining dwellings in terms of:</p> <ul style="list-style-type: none"> (i) Overshadowing and privacy (ii) Streetscape (bulk and scale) (iii) Building setbacks (iv) Parking and traffic generation (v) Landscape requirements (vi) Visual impact and impact on existing views (this must address view sharing) (vii) Any significant trees on site, and (viii) Lot size, shape and topography. 	<p>A maximum of five (5) bedrooms are proposed.</p> <p>See Local Character Test – Attachment 2</p>	<p>Yes</p> <p>No.</p>
<p>Parking and Traffic</p> <p>(g) Parking spaces and access are not to be located within communal open space areas or landscaped areas.</p> <p>(h) Notwithstanding the requirements of Part 9.3 Parking Controls under this DCP, a boarding house development for 30 or more bedrooms is to be supported by a Traffic report.</p>	<p>The parking space is located within the eastern side setback to the front of the site and is consistent with the parking arrangements within the street.</p> <p>N/A. The proposal includes 5 bedrooms only.</p>	<p>Yes</p>

ITEM 2 (continued)

ATTACHMENT 1

Control	Proposed	Compliance
<p>2.4 Development on land NOT subject to the provisions of Part 2 of the ARHSEPP</p> <p>The following section applies to boarding house development where it is permissible with consent from Council and is NOT subject to Part 2 Division 3 Boarding Houses of the ARHSEPP by virtue of clauses 26 and 27 under that division where the land is:</p> <p>(a) Zoned R2 Low Density Residential NOT within an accessible area as defined under the ARHSEPP, and</p> <p>(b) Zoned B6 Enterprise Corridor.</p>	<p>N/A. The proposal is within an accessible area.</p>	

ITEM 2 (continued)

ATTACHMENT 1

Control	Proposed	Compliance
<p>3.0 OTHER DESIGN REQUIREMENTS</p> <p>This section identifies design requirements which are not covered in the ARHSEPP, addressing matters such as privacy, waste management, internal building design, sustainability and energy efficiency.</p> <p>3.2 Privacy (Acoustic and Visual) and Amenity</p> <p>(a) The main entrance of the boarding house is to be located and designed to address the front (street) elevation.</p> <p>(b) Accessways to the front entrance of the boarding house are to be located away from windows to boarding rooms to maximise privacy and amenity for lodgers.</p> <p>(c) Boarding houses are to be designed to minimise and mitigate any impacts on the visual and acoustic privacy of neighbouring buildings and on the amenity of future residents.</p>	<p>Individual entrances are provided to each of the five (5) suites from within the side elevations.</p> <p>N/A</p> <p>All 5 self-contained suites associated with the boarding house will consist of primary living areas and bedrooms on the ground floor.</p> <p>Four (4) of the existing self-contained dwellings are elevated up to 1m above natural ground level and result in visual and acoustic privacy impacts. The provision of an additional suite and communal living room will further amplify the impacts currently experienced by the neighbouring dwellings.</p>	<p>No. See discussion below report.</p> <p>No. See discussion below report.</p>

ITEM 2 (continued)

ATTACHMENT 1

Control	Proposed	Compliance
(d) An acoustic report prepared by a suitably qualified acoustic consultant may be required where there is the potential for noise impacts on occupants and neighbours.	An acoustic report was not submitted nor requested. However, the proposed involves a relatively minor addition of one self-contained room in a residential development which would not require submission of an acoustic report.	Not required.
<p>3.3 Accessibility</p> <p>(a) All boarding house developments are to be accompanied by an Accessibility Report which addresses the accessibility requirements for people with disabilities, where required, under the BCA and Disability (Access to Premises – <i>Buildings</i>) Standards 2010.</p>	An accessibility report was not submitted nor requested.	No. See discussion below report.
<p>3.4 Waste Minimisation and Management</p> <p>Waste storage and recycling facilities shall be provided on the premises in accordance with the requirements for boarding houses contained in Part 7.2 Waste Minimisation and Management of this DCP.</p> <p>All developments</p> <p>(a) Space must be provided inside each dwelling for receptacles to store garbage and recycling material. The area is to have the capacity to store two day's worth of materials.</p>	Complies. However, no specific number of external garbage bins and recycle bins are detailed within the DCP for class (1b) boarding houses. Further, a discussion was held with Council's Waste	Yes.

ITEM 2 (continued)

ATTACHMENT 1

Control	Proposed	Compliance
	<p>Officer who highlighted that Council cannot require them to provide more than one garbage bin and recyclables bin per property.</p>	
<p>3.5 Sustainability and Energy Efficiency</p> <p>(a) A BASIX Certificate is to be submitted with the Development Application.</p>	<p>A BASIX certificate for alterations and additions to a single dwelling was submitted, however the proposed development is classified as a 'multi dwelling' and therefore a revised BASIX is required. A revised BASIX certificate was requested from the applicant, however one has not been received.</p>	<p>No. See discussion below report.</p>
<p>3.6 Internal Building Design</p> <p>(a) As a minimum, in the R2 Low Density Residential zone (and where Class 1b under the BCA) boarding houses shall make provision for the following facilities within each building;</p> <ul style="list-style-type: none"> (i) storage for occupants; (ii) laundry facilities; (iii) sanitary facilities. <p>(b) As a minimum, in all other cases boarding houses shall make provision for the following facilities within each building;</p> <ul style="list-style-type: none"> (i) manager/operator accommodation where there are 20 or more lodgers; 	<p>Laundry and sanitary facilities have been provided within the proposed communal room. In addition each room provides sanitary facilities. Storage has not been indicated on the plans, however could be accommodated within the rooms.</p> <p>N/A. A total of five boarding rooms are proposed with a</p>	<p>Yes</p>

ITEM 2 (continued)

ATTACHMENT 1

Control	Proposed	Compliance
<p>(ii) laundry facilities;</p> <p>(iii) communal food preparation facilities (in addition to private provision where required);</p> <p>(iv) sanitary facilities;</p> <p>(v) storage area for each occupant.</p> <p>(c) Boarding houses in larger scale developments (more than 20 boarding rooms) are to be designed so that:</p> <p>(i) no more than 8 boarding rooms share a stairway and / or corridor</p> <p>(ii) 1 communal living area is provided per every 8 boarding rooms or part thereof.</p>	<p>maximum of 5 lodgers.</p> <p>As outlined under clause (a).</p> <p>As outlined under clause (a).</p> <p>As outlined under clause (a).</p> <p>As outlined under clause (a).</p> <p>N/A. A total of five boarding rooms are proposed with a maximum of 5 lodgers.</p>	
<p>(d) All boarding house developments are to be designed to optimise safety and security, both internal to the development and for the public domain by employing design criteria including:</p> <p>(i) maximising overlooking of public and communal spaces while maintaining internal privacy;</p> <p>(ii) avoiding dark and non-visible areas;</p>	<p>The proposed communal living room and associated communal open space (within the rear setback) is not visible from the public domain.</p> <p>Due to the orientation of the existing suites, access is provided from within the side setbacks to the suite as is the communal</p>	<p>No. See discussion below report.</p> <p>No. See discussion below report.</p>

ITEM 2 (continued)

ATTACHMENT 1

Control	Proposed	Compliance
<p>(iii) locating communal and common areas in safe and accessible locations;</p> <p>(iv) providing lighting appropriate to the location and desired activities; And</p> <p>(ii) providing clear definition between public and private spaces.</p> <p>Specific Rooms, Areas and Facilities</p> <p>(i) Bedrooms/ Boarding Rooms</p> <p>(a) Boarding rooms are to be designed as the principal place of residence for occupants.</p>	<p>open space. The communal open space within the western side is not visible from the public domain and is obscured by a front fence, while the eastern side will be obscured by the proposed car space when occupied. The proposed communal living room and communal open space is located within the western (side) and rear setback and is not visible from the street.</p> <p>The proposed communal room is not connected in any way to the existing suites or proposed suite and it has not been demonstrated that it is an accessible location.</p> <p>No details provided.</p> <p>Complies</p>	<p>No. See discussion below report.</p> <p>No. To be conditioned if the application is recommended for approval.</p> <p>Yes</p>

ITEM 2 (continued)
ATTACHMENT 1

Control	Proposed	Compliance
(b) No boarding rooms shall open directly onto communal living, dining and kitchen areas.	Complies	Yes
(c) Each boarding room (excluding any private kitchen or bathroom facilities) must comply with the minimum areas identified in the ARHSEPP. Plans shall clearly show the size and maximum occupation of each room. Boarding rooms less than the minimum size will not be supported.	Complies	Yes
(d) Where additional facilities are proposed in boarding rooms, the following additional gross floor areas apply:	Complies	Yes
(i) Minimum 2.1m ² for any ensuite, which must comprise a hand basin and toilet; plus	Four (4) existing suites: 4.08sqm	Yes
	(hand basin and toilet provided)	
	Proposed additional suite: 3.87sqm (hand basin and toilet provided)	Yes
(ii) 0.8m ² for any shower in the ensuite (in addition to above); plus	Four (4) existing suites: 0.88sqm	Yes
	Proposed additional suite: 0.80sqm	Yes
(iii) 1.1m ² for any laundry, which must comprise a wash tub and washing machine; plus	N/A. Laundry provided within communal room with an area of 3.87sqm	
(iv) 2m ² for any kitchenette, which must comprise a small fridge, cupboards and shelves (in addition to required wardrobe space), a microwave, and a minimum of 0.5m ² bench area.	Four (4) existing suites: 4.14sqm (kitchen area) 0.89sqm (bench)	Yes

ITEM 2 (continued)
ATTACHMENT 1

Control	Proposed	Compliance
	Proposed additional suite: 3.99sqm (kitchen area) 1.81sqm (bench)	Yes
<p>(ii) Communal Living Rooms</p> <p>(a) Indoor communal living rooms/areas are to be located:</p> <p>(i) near commonly used spaces, such as kitchen, laundry, lobby entry area, or manager's office;</p> <p>(ii) adjacent to the communal open space; and</p> <p>(iii) where they will have a minimal impact on bedrooms and adjoining properties in terms of noise generation.</p> <p>(b) Class 1b boarding houses must have indoor communal living areas of a minimum 12.5m² or 1.25m²/resident, whichever is greater.</p> <p>(c) Openings are to be oriented away from adjoining residential properties to minimise overlooking and maximise privacy and amenity.</p>	<p>Proposed communal room located adjacent to laundry.</p> <p>Complies</p> <p>Complies</p> <p>The proposed class (1b) boarding house comprises 5 residents requiring 6.25sqm. The proposed communal room is 14.8sqm</p> <p>The proposed communal living room opens out towards an existing shop which is a part of a small group of neighbourhood shops.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
<p>(iii) Communal Kitchen and Dining Areas</p>	<p>N/A. The proposed boarding house does not include such facilities. Each individual suite provides a kitchen/dining area.</p>	

ITEM 2 (continued)
ATTACHMENT 1

Control	Proposed	Compliance
<p>(iv) Bathroom Facilities</p> <p>(a) In all boarding houses communal bathroom facilities must be in an accessible location for all occupants 24 hours per day.</p> <p>(b) Bathrooms should be a minimum of 5m².</p> <p>(c) Where ensuite bathroom facilities are provided in boarding rooms, the overall facilities must comply with the minimum facility requirements for the total occupancy of the overall premises.</p>	<p>N/A. Each boarding room is provided with bathroom facilities, however the proposed communal room includes a toilet and basin within the laundry associated with the communal living room.</p> <p>N/A</p> <p>The total area of all five (5) bathrooms within each room and the laundry is 6.28sqm</p>	<p>Yes</p>
<p>(v) Laundries and Drying Facilities</p> <p>(a) Laundry and drying facilities are to be provided for all lodgers. Where lodgers do not have their own laundry facilities, the following is to be provided:</p> <p>(i) A minimum space of 4 for every 12 lodgers; an additional 3m² for every additional 12 lodgers or part thereof;</p> <p>(ii) 15m² external clothes drying area for every 12 residents in an outdoor area (can be retractable).</p> <p>(b) Outside drying areas shall be located in a communal open space in a location which maximises solar access and ensures that the usability of the space is not compromised.</p>	<p>Communal laundry facility provided adjacent to communal living room</p> <p>3.78sqm is provided for a maximum of five (5) lodgers which is deemed satisfactory as six (6) lodgers would require 2m².</p> <p>Not indicated on plans.</p> <p>Not indicated on plans.</p>	<p>Yes</p> <p>Yes.</p> <p>No. To be conditioned if the application is recommended for approval.</p> <p>No. To be conditioned if the application is recommended for approval.</p>

ITEM 2 (continued)

ATTACHMENT 1

Control	Proposed	Compliance
<p>(c) Internal drying and laundry facilities shall be located in a safe and accessible location for all residents, and separate from communal kitchen facilities.</p> <p>(vi) Management office design</p>	<p>Not indicated on plans.</p> <p>N/A. An onsite manager is not required for the proposed boarding house as less than 20 lodgers are proposed.</p>	<p>No. To be conditioned if the application is recommended for approval.</p>
<p>4.2 Management Controls</p> <p>(a) All boarding houses are required to be managed by a manager who has overall responsibility including the operation, administration, cleanliness, maintenance and fire safety of the premises. Management arrangements are to be set out in a Plan of Management.</p> <p>(b) A Plan of Management is to be submitted with each Development Application for a boarding house. The Plan of Management, as a minimum, must address the ongoing management and operational aspects of the boarding house identified in the template attached to this Part (refer Schedule 2 Template for Plan of Management).</p> <p>Note: The approved Plan of Management will form part of any development consent. The Plan of Management can only be amended with the agreement of Council in writing. Copies of the approved Plan of Management must be provided to the relevant managing agent, and are required to be on</p>	<p>The boarding house is proposed to be managed by the owner of the property and real estate agent – Bainny Property Management.</p> <p>The Plan of Management submitted is lacking significant detail and details little operational and management details.</p>	<p>Yes</p> <p>No. See discussion in report.</p>

ITEM 2 (continued)

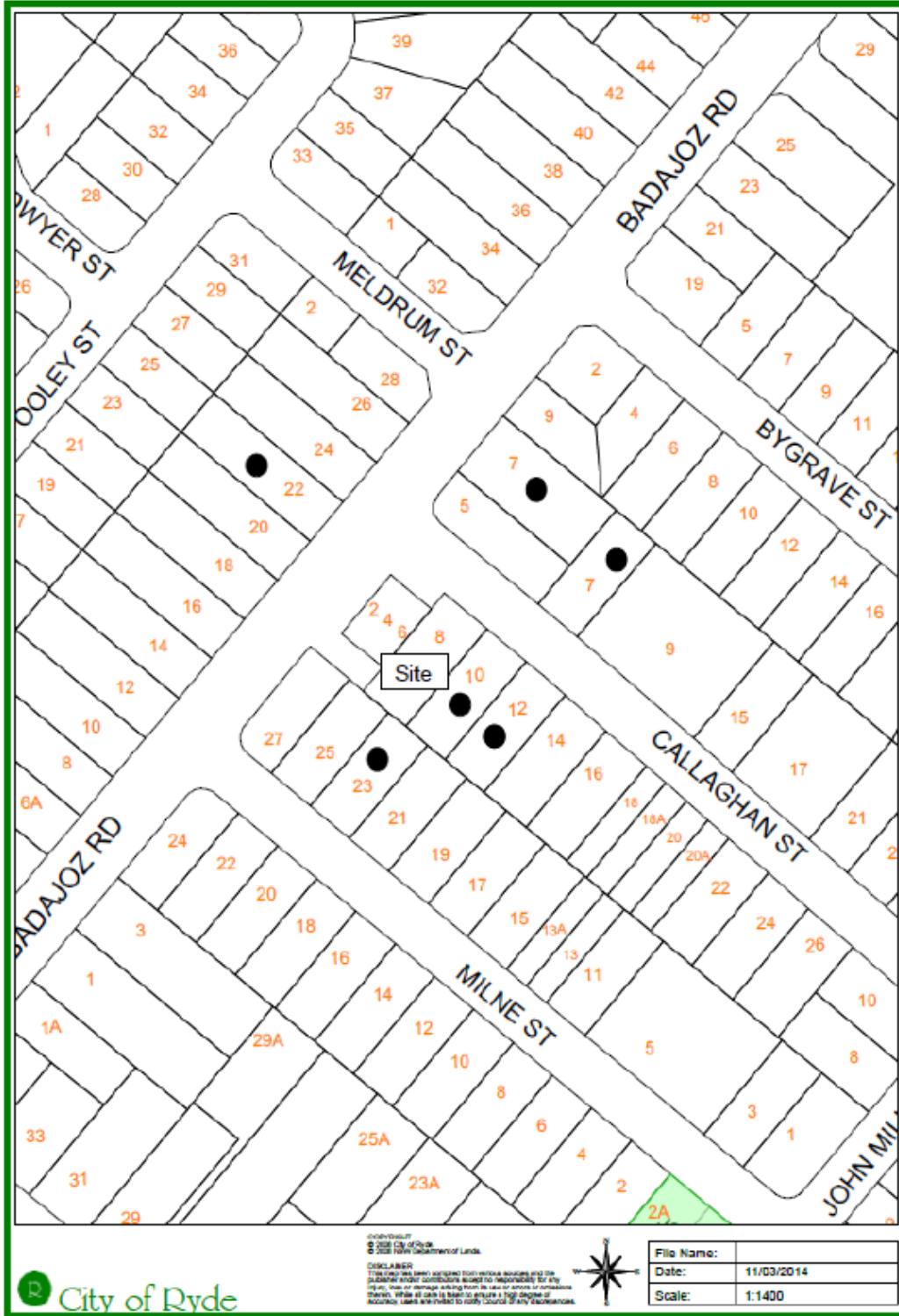
ATTACHMENT 1

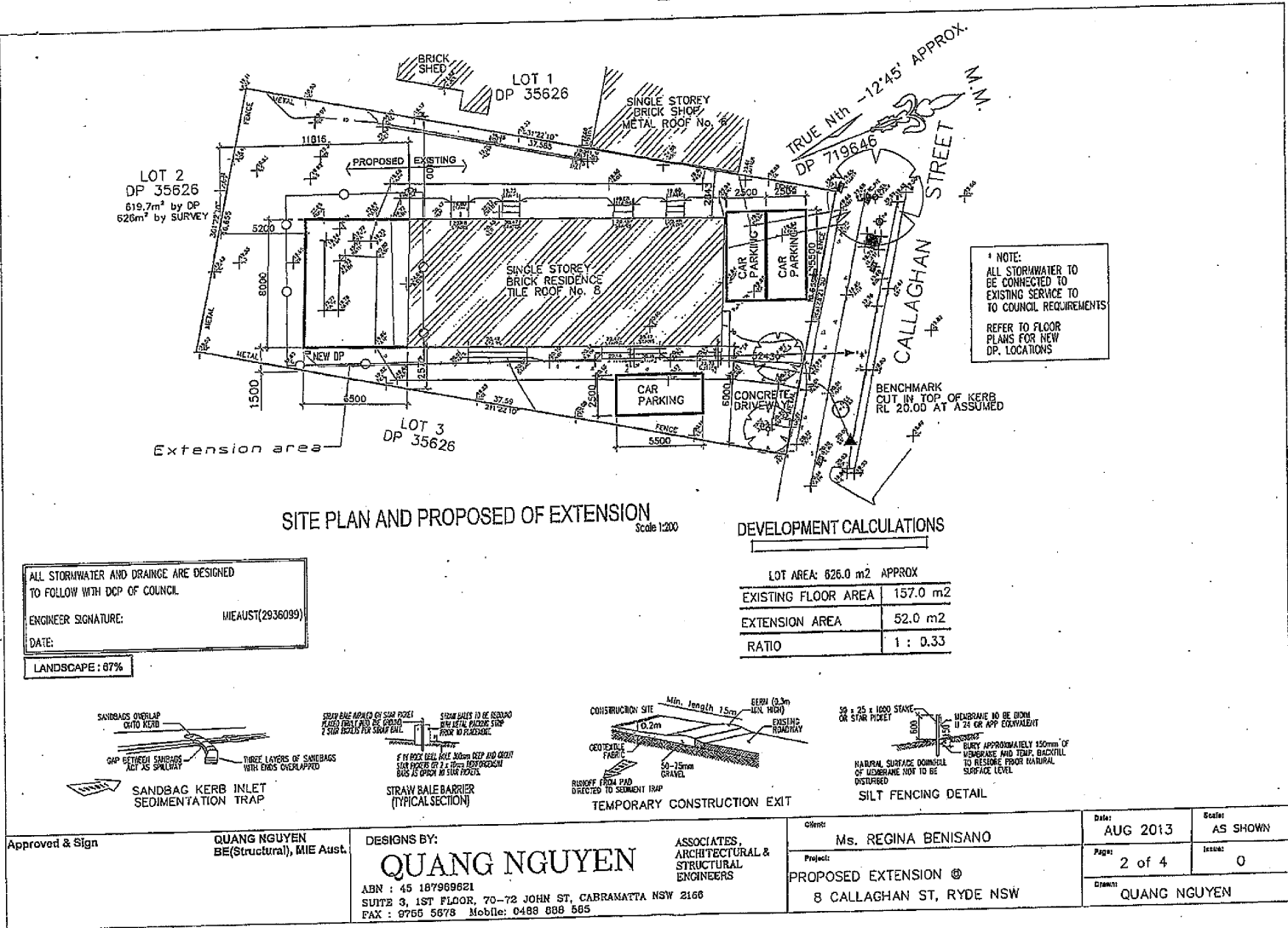
Control	Proposed	Compliance
<p>display and available at all times to lodgers.</p> <p>(c) The name and contact details of the manager or managing agent is to be displayed at all times externally at the front entrance on the boarding house.</p> <p>(d) Occupiers of adjacent properties are to be provided with a 24 hour telephone number for a principal contact (for example owner or manager) for use in the event of an emergency.</p>	<p>Not indicated on plans.</p> <p>Contact details provided are limited to 8am to 6pm Monday Saturday.</p>	<p>No. To be conditioned if the application is recommended for approval.</p> <p>No. See discussion below report.</p>

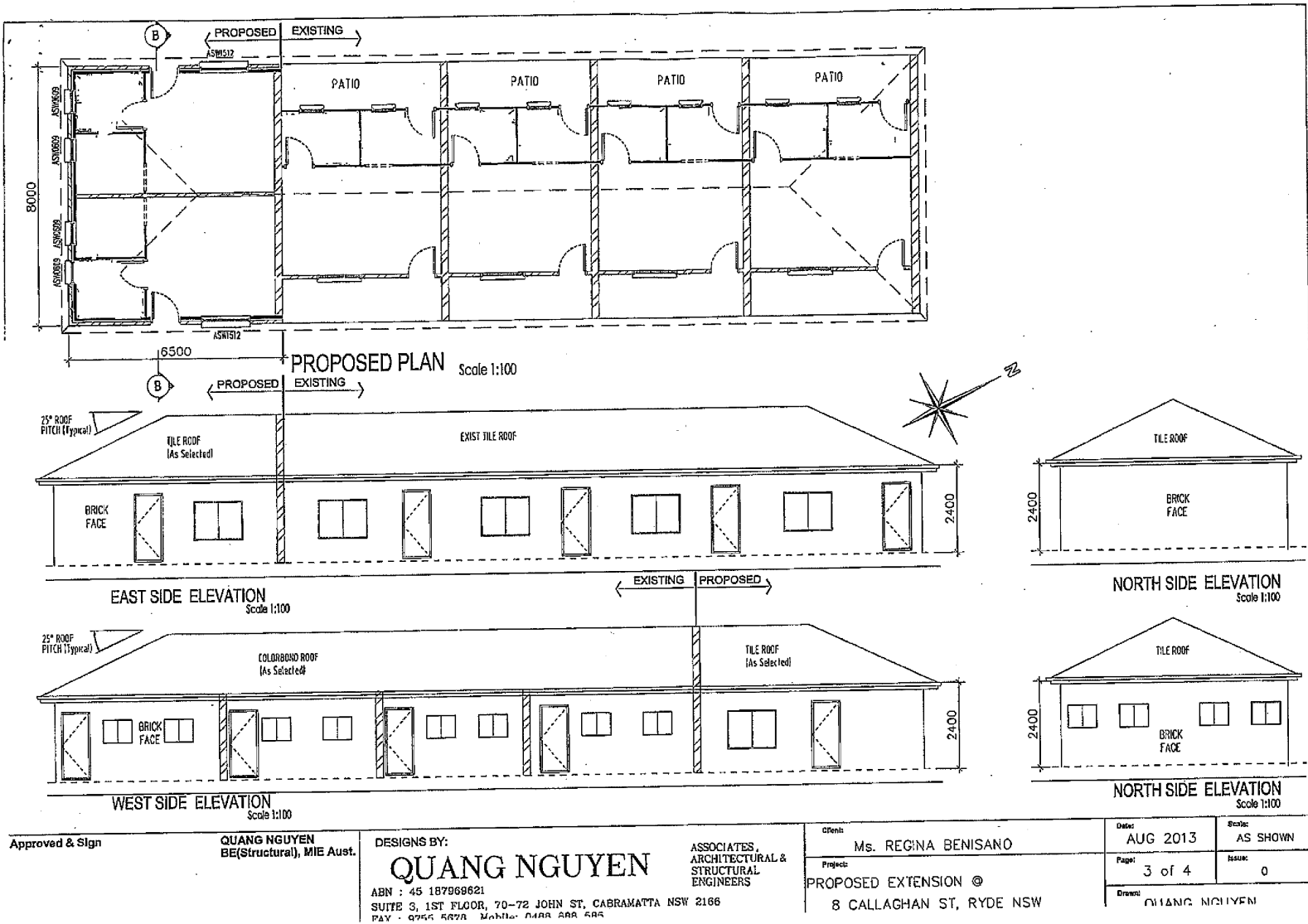
ITEM 2 (continued)

ATTACHMENT 2

● Indicates submissions received.







Approved & Sign

QUANG NGUYEN
BE(Structural), MIE Aust.

DESIGNS BY:

QUANG NGUYEN

ABN : 45 187969821
SUITE 3, 1ST FLOOR, 70-72 JOHN ST, CABRAMATTA NSW 2166
PAY : 8255 5828 Mobile: 0448 888 585

ASSOCIATES,
ARCHITECTURAL &
STRUCTURAL
ENGINEERS

Client: Ms. REGINA BENISANO

Project: PROPOSED EXTENSION @
8 CALLAGHAN ST, RYDE NSW

Date: AUG 2013

Status: AS SHOWN

Page: 3 of 4

Issue: 0

Drawn: QUANG NGUYEN

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

Report prepared by: Team Leader - Assessment

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

Report dated: 4/03/2014

Previous Items: 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. - Planning and Environment Committee - 4 February 2014

File Number: grp/09/5/6/2 - BP14/319

1. Report Summary

Applicant: Alec Pappas Architects Pty Ltd

Owner: Graham Perry

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

This report has been prepared to enable Council's further consideration of a development application (DA) for demolition of the existing dwelling and associated structures, and construction of a new part 2/part 3 storey dwelling house, swimming pool, front fence and associated site landscaping.

Council at its Ordinary Meeting of 11 February 2014 resolved to defer consideration of this DA to allow further consultation and mediation with the applicant and a further report to be prepared for referral to the Planning & Environment Committee.

A Mediation Meeting for this DA was arranged for 3 March 2014, including invitation to the objectors and applicant, in accordance with Council's resolution. However, the applicant declined Council's invitation to attend the Mediation. Accordingly, this DA is now referred back to enable the Planning & Environment Committee's further consideration.

Furthermore, on 26 February 2014, the applicants for this DA have lodged an appeal in the Land and Environment Court against Council's "deemed refusal" of this DA. In terms of timeframe for this appeal, it is listed for a first directions hearing in the Court on 19 March 2014, by which time Council's Solicitor is required to either advise the Court that Council has approved the application, or serve documentation to the Court (called a "Statement of Facts and Contentions") identifying why the DA should be refused.

It is recommended that this DA be approved via a Deferred Commencement consent subject to conditions, as per the previous report to Planning & Environment Committee.

ITEM 3 (continued)

Reason for Referral to Planning and Environment Committee: Previously considered by the Committee.

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

Clause 4.6 Ryde LEP 2010 objection required? None required.

Value of works: \$1,309,644.75

A full set of the plans are **CIRCULATED UNDER SEPARATE COVER** as additional information provided to Councillors - subject to copyright provisions. Also, as there were previous concerns about the availability of the applicant's heritage report, a copy is **ATTACHED** (Attachment 2) to this report.

RECOMMENDATION:

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

ATTACHMENTS

- 1 Draft conditions of consent.
- 2 Applicant's heritage report.
- 3 Email from applicant declining mediation meeting.
- 4 Previous report.
- 5 A3 plans - subject to copyright provisions - **CIRCULATED UNDER SEPARATE COVER**.

Report Prepared By:

Chris Young
Team Leader - Assessment

Report Approved By:

Liz Coad
Manager Assessment

Dominic Johnson
Group Manager - Environment & Planning

ITEM 3 (continued)

2. Background

The previous report to Planning & Environment Committee 4 February 2014 contains an assessment of the proposal as originally submitted, and details of the background to the development application up until that point in time.

At this meeting, the Planning & Environment Committee recommended that the DA be approved subject to the identified conditions (Attachment 1 to that previous report), however the DA was then required to be considered at the Council meeting on 11 February 2014 (as dissenting votes were recorded).

On 11 February 2014, Council considered this DA and resolved as follows:

- (a) *That LDA2013/0211 at 20 Amiens Street, Gladesville be deferred to allow further consultation and mediation with the applicant and objectors and a further report be prepared for referral to the Planning and Environment Committee as soon as practicable.*
- (b) *That the Rappoport Heritage Study be made available to objectors.*

3. Actions Following Council's Resolution

Mediation Meeting Arrangements

In accordance with Council's resolution, arrangements were made to conduct the Mediation Meeting to be chaired by Council's Group Manager Environment & Planning at the Ryde Planning & Business Centre on 3 March 2014, and invitations were sent to the applicant and all objectors on 17 February 2014.

On 18 February 2014, Council officers received an email from the applicant declining the invitation to participate in further consultation and mediation with the objectors. A copy of this email is held at **ATTACHMENT 3** to this report. Accordingly, the Mediation Meeting was cancelled and objectors were immediately notified of such cancellation.

This DA is therefore referred back the Planning & Environment Committee for its further consideration.

Rappoport Heritage Study

The Rappoport Heritage Report (submitted by the applicant with this DA) was emailed to all objectors on 18 and 19 February 2014, as required by part (b) of Council's resolution. It is also **ATTACHED** (Attachment 2) to this report.

ITEM 3 (continued)Appeal Lodged in the Land and Environment Court

Council received notice of an appeal lodged in the Land and Environment Court on 26 February 2014 against Council's "deemed refusal" of this DA. According to this notice of appeal, this matter is listed for a First Directions Hearing in the Court on 19 March 2014, by which time Council's Solicitor is required to either:

- advise the Court that Council has approved the application; or
- serve documentation to the Court (called a "Statement of Facts and Contentions") identifying why the DA should be refused.

4. Financial Impact

Given that an appeal has now been lodged in this DA, there are possible financial impacts for Council, which vary according to how Council determines this DA. If Council adopts the recommendation of approval subject to conditions, then the applicants would "discontinue" the appeal in the Court upon Council's approval of the DA, which would end the matter relatively quickly. Costs for Council in this scenario would normally be limited to under \$3000.

Conversely, if Council decides to refuse this DA, then costs will be incurred in Council's defence of the appeal. This will include engagement of an external solicitor and various consultants given that Council officers have recommended approval. External consultants will need to be engaged to support any recommendation of refusal, including in this case town planning consultants, should this matter proceed to a full hearing. Past experience indicates that the total costs of Council's defence of this appeal could be in the order of \$20,000 to \$35,000 to cover costs of an external solicitor and town planning consultant. If additional experts are required such as heritage consultants then this cost would escalate.

5. Other Options

The recommendation in the previous report in this matter was approval (Deferred Commencement) subject to conditions.

The only practical alternative to this recommendation of approval would be refusal. In this regard, the various issues of concern arising from assessment of this DA as discussed in the previous report to Planning & Environment Committee could form the basis for reasons for refusal (i.e. including heritage, view loss, and non-compliances with Council's DCP). However it is not considered that Council would be successful in defending an appeal for refusal in the Land and Environment Court based on these issues, because the development is generally considered to be satisfactory on merit despite these issues, as discussed in the previous report to Planning & Environment Committee.

ITEM 3 (continued)

However, some design modifications may be achieved during the compulsory conciliation conference (Section 34) that occurs as part of such appeals, which in this case would be similar to those proposed by the Deferred Commencement Conditions (**ATTACHMENT 1**).

6. Conclusion

The proposal has been assessed using the heads of consideration listed in Section 79C of the Environmental Planning & Assessment Act 1979 as outlined in the previous report to Planning & Environment Committee.

Following Council's resolution of 11 February 2014, arrangements were made to conduct a Mediation Meeting between the applicant and the objectors. However, the applicant has declined Council's invitation to participate in further consultation/mediation with the objectors, and therefore the Mediation Meeting was cancelled.

Accordingly this DA is presented back to the Planning & Environment Committee for consideration and determination. Approval is recommended subject to the conditions in **ATTACHMENT 1**. It is noted that this previous approval recommendation was for a Deferred Commencement consent requiring various design changes aimed at addressing some of the concerns previously raised – including amendment of the front gable and associated roof structure over the loft room and balcony on the top level (to reduce the overall height and minimise loss of water views) and replacement of the rear gable end above the lounge room with a hipped roof to reduce the overall height.

ITEM 3 (continued)

ATTACHMENT 1

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

DEFERRED COMMENCEMENT

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

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

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

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

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

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

ITEM 3 (continued)
ATTACHMENT 1
GENERAL

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

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

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

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

ITEM 3 (continued)**ATTACHMENT 1****Protection of Adjoining and Public Land**

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

Works on Public Road

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

Swimming Pools/Spas

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

ITEM 3 (continued)**ATTACHMENT 1**Engineering Conditions

14. **Stormwater disposal.** Stormwater runoff from all impervious areas of the site is to be collected and piped to the existing or new underground stormwater drainage system in accordance with Council's DCP 2010, Part 8.2 "Stormwater Management".
15. **Design and Construction Standards.** All engineering plans and work shall be carried out in accordance with the requirements as outlined within Council's publication *Environmental Standards Development Criteria 1999 and City of Ryde Development Control Plan 2010 Section 8* except as amended by other conditions.
16. **Service Alterations.** All mains, services, poles, etc., which require alteration to facilitate the development shall be altered at the applicant's expense. Written approval and signed off at completion from the relevant Public Authority shall be submitted to Council.
17. **Restoration.** To ensure public areas will be safely maintained at all times all disturbed public areas must be restored to Council satisfaction. All restoration of disturbed road, footway areas, kerb and gutters, redundant vehicular crossings etc arising from the proposed development works will be carried out by Council subject to the lodgement of a Road Opening Permit application to Council with payment of fees in accordance with Council's Management Plan, prior to commencement of works.
18. **Road Opening Permit.** To ensure all restoration works within the public road reserve will be completed and restored to Council satisfaction, the applicant shall apply for a Road Opening permit where excavation works are proposed within the road reserve. No works shall be carried out on the road reserve without this permit being paid and a copy kept on the site.
19. **Council's Approval.** To ensure all engineering works within the public road and/or drainage reserve, including Council's parkland will be completed to Council satisfaction, engineering approval and compliance certificates must be obtained from Council for the following works at the specified stage where applicable and **submitted to the Principal Certifying Authority prior to the issue of any Occupation Certificate.** Fees applicable to the proposed works in accordance with Council's Management Plan are to be paid to Council prior to approval being given by Council:
 - Approval for drainage connection(s) to Council's stormwater drainage systems and inspection of the stormwater connection by council prior to backfilling.

ITEM 3 (continued)

ATTACHMENT 1

- Approval shall be obtained for the construction of any structure on Council's road and drainage reserve, including parkland. The inspection(s) for these structures, during construction shall be made by Council e.g. prior to casting & backfilling of Council's pits and other drainage structures including kerb & gutter, access ways, aprons, pathways, vehicular crossings, dish crossings and pathway steps etc.
- Final inspection by Council after completion of all external works with all disturbed areas satisfactorily restored.

DEMOLITION CONDITIONS

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

A Construction Certificate is not required for Demolition.

20. **Provision of contact details/neighbour notification.** At least 7 days before any demolition work commences:
- (a) Council must be notified of the following particulars:
 - (i) The name, address, telephone contact details and licence number of the person responsible for carrying out the work; and
 - (ii) The date the work is due to commence and the expected completion date
 - (b) A written notice must be placed in the letter box of each property identified in the attached locality plan advising of the date the work is due to commence.
21. **Compliance with Australian Standards.** All demolition work is to be carried out in accordance with the requirements of the relevant Australian Standard(s).
22. **Excavation**
- (a) All excavations and backfilling associated with the development must be executed safely, properly guarded and protected to prevent the activities from being dangerous to life or property and, in accordance with the design of a structural engineer.
 - (b) A Demolition Work Method Statement must be prepared by a licensed demolisher who is registered with the Work Cover Authority, in accordance with AS 2601-2001: *The Demolition of Structures*, or its latest version. The applicant must provide a copy of the Statement to Council prior to commencement of demolition work.

ITEM 3 (continued)

ATTACHMENT 1

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.

Imported fill

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

PRIOR TO CONSTRUCTION CERTIFICATE

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

ITEM 3 (continued)

ATTACHMENT 1

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

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

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

32. **Compliance with Australian Standards.** The development is required to be carried out in accordance with all relevant Australian Standards. Details demonstrating compliance with the relevant Australian Standard are to be submitted to the Principal Certifying Authority prior to the issue of the **Construction Certificate**.
33. **Structural Certification.** The applicant must engage a qualified practising structural engineer to provide structural certification in accordance with relevant BCA requirements prior to the release of the **Construction Certificate**.
34. **Security deposit.** The Council must be provided with security for the purposes of section 80A(6) of the *Environmental Planning and Assessment Act 1979* in a sum determined by reference to Council's Management Plan prior to the release of the **Construction Certificate**. (category: dwelling houses with delivery of bricks or concrete or machine excavation)
35. **Fees.** The following fees must be paid to Council in accordance with Council's Management Plan prior to the release of the **Construction Certificate**:
 - (a) Infrastructure Restoration and Administration Fee
 - (b) Enforcement Levy
36. **Alignment Levels.** The applicant is to apply to Council, pay the required fee, and have issued site specific alignment levels by Council prior to the issue of the **Construction Certificate**.
37. **Long Service Levy.** Documentary evidence of payment of the Long Service Levy under Section 34 of the Building and Construction Industry Long Service Payments Act 1986 is to be submitted to the Principal Certifying Authority prior to the issuing of the **Construction Certificate**.
38. **Dilapidation Survey.** A dilapidation survey is to be undertaken that addresses all properties (including any public place) that may be affected by the construction work namely 18 and 24 Amiens Street, Gladesville. A copy of the survey is to be submitted to the PCA (*and Council, if Council is not the PCA*) prior to the release of the **Construction Certificate**.

ITEM 3 (continued)**ATTACHMENT 1**

39. **Sydney Water – quick check.** The approved plans must be submitted to a Sydney Water Quick Check agent or Customer Centre, prior to the release of the **Construction Certificate**, to determine whether the development will affect any Sydney Water assets, sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. Plans will be appropriately stamped.

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

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

Or telephone 13 20 92.

40. **Reflectivity of materials.** Roofing and other external materials must be of low glare and reflectivity. Details of finished external surface materials, including colours and texture must be provided to the Principal Certifying Authority prior to the release of the **Construction Certificate**.
41. **Fencing.** Fencing is to be in accordance with Council's Development Control Plan and details of compliance are to be provided in the plans for the **Construction Certificate**.
42. **Pool fencing.** The pool fence is to be erected in accordance with the approved plans and conform with the provisions of the *Swimming Pools Act 1992* and *Swimming Pools Regulation 2008*. Details of compliance are to be reflected on the plans submitted with the **Construction Certificate**.
43. **Relocation of retaining wall and rain water tank.** To ensure adequate protection of the tree's roots covered in the following condition, the proposed rainwater tank and retaining wall adjacent to the rainwater tank is to be relocated away from the 2.4m tree protection zone area. Details of the revised rainwater tank and retaining wall location are to be submitted to Council for approval prior to the issue of the **Construction Certificate**.
44. **Tree protection.** The *Glochidion ferdinandi* (Cheese Tree) located on the adjoining property at 34 Meriton Street is to be retained and protected as part of the proposed development through establishment of a 2.4m Tree Protection Zone (TPZ).

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

ITEM 3 (continued)

ATTACHMENT 1

Engineering Conditions

45. **Site Stormwater Drainage System.** To ensure satisfactory stormwater disposal and minimise downstream stormwater impacts, stormwater runoff from the site shall be collected and piped by gravity flow to the public road in accordance with the requirements of DCP 2010: Part 8.2- Stormwater Management. Accordingly, detailed engineering plans with certification indicating compliance with this condition are to be submitted with the Construction Certificate application.
46. **Boundary Levels.** The levels of the street alignment shall be obtained from Council. These levels shall be incorporated into the design of the internal driveways, carparking areas, landscaping and stormwater drainage design where applicable to ensure smooth transition.
47. **Driveway Grades.** The driveway access and footpath crossing(s) shall be designed to fully comply with the relevant section of AS 2890.1.-2004 and Council's issued alignment levels. Engineering certification indicating compliance with this condition is to be submitted with the Construction Certificate application.
48. **Vehicle Footpath Crossings.** Concrete footpath crossings shall be constructed at all locations where vehicles cross the footpath, to protect it from damage resulting from the vehicle traffic. The crossing(s) are to be constructed in plain reinforced with location, design and construction shall conform to Council requirements. Accordingly, prior to issue of Construction Certificate an application shall be made to Council's Public Works division for driveway crossing alignment levels. These issued levels are to be incorporated into the design of the driveway access and clearly delineate on plans submitted with the Construction Certificate application.

PRIOR TO COMMENCEMENT OF CONSTRUCTION

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

49. **Site Sign**
- (a) A sign must be erected in a prominent position on site, prior to the commencement of construction:
- (i) showing the name, address and telephone number of the Principal Certifying Authority for the work,
 - (ii) showing the name of the principal contractor (if any) or the person responsible for the works and a telephone number on which that person may be contacted outside working hours, and
 - (iii) stating that unauthorised entry to the work site is prohibited.

ITEM 3 (continued)

ATTACHMENT 1

- (b) Any such sign must be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

50. **Residential building work – insurance.** In the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.

51. **Residential building work – provision of information.** Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the PCA has given the Council written notice of the following information:

- (a) in the case of work for which a principal contractor is required to be appointed:
 - (i) the name and licence number of the principal contractor; and
 - (ii) the name of the insurer by which the work is insured under Part 6 of that Act.
- (b) in the case of work to be done by an owner-builder:
 - (i) the name of the owner-builder; and
 - (ii) if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

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

52. **Excavation adjacent to adjoining land**

- (a) If an excavation extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation must, at their own expense, protect and support the adjoining premises from possible damage from the excavation, and where necessary, underpin the adjoining premises to prevent any such damage.
- (b) The applicant must give at least seven (7) days notice to the adjoining owner(s) prior to excavating.
- (c) An owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this condition, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

ITEM 3 (continued)

ATTACHMENT 1

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

DURING CONSTRUCTION

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

54. **Critical stage inspections.** The person having the benefit of this consent is required to notify the Principal Certifying Authority during construction to ensure that the critical stage inspections are undertaken, as required under clause 162A(4) of the *Environmental Planning and Assessment Regulation 2000*.
55. **Survey of footings/walls.** All footings and walls within 1 metre of a boundary must be set out by a registered surveyor. On commencement of brickwork or wall construction a survey and report must be prepared indicating the position of external walls in relation to the boundaries of the allotment.
56. **Sediment/dust control.** No sediment, dust, soil or similar material shall leave the site during construction work.
57. **Use of fill/excavated material.** Excavated material must not be reused on the property except as follows:
- (a) Fill is allowed under this consent;
 - (b) The material constitutes Virgin Excavated Natural Material as defined in the *Protection of the Environment Operations Act 1997*;
 - (c) the material is reused only to the extent that fill is allowed by the consent.
58. **Construction materials.** All materials associated with construction must be retained within the site.
59. **Site Facilities**
The following facilities must be provided on the site:
- (a) toilet facilities in accordance with WorkCover NSW requirements, at a ratio of one toilet per every 20 employees, and
 - (b) a garbage receptacle for food scraps and papers, with a tight fitting lid.
60. **Site maintenance**
The applicant must ensure that:
- (a) approved sediment and erosion control measures are installed and maintained during the construction period;

ITEM 3 (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.
61. **Work within public road.** At all times work is being undertaken within a public road, adequate precautions shall be taken to warn, instruct and guide road users safely around the work site. Traffic control devices shall satisfy the minimum standards outlined in Australian Standard No. AS1742.3-1996 "Traffic Control Devices for Work on Roads".
62. **Tree protection – no unauthorised removal.** This consent does not authorise the removal of trees unless specifically permitted by a condition of this consent or otherwise necessary as a result of construction works approved by this consent.
63. **Tree protection – during construction.** Trees that are shown on the approved plans as being retained must be protected against damage during construction.
64. **Tree protection.** The *Glochidion ferdinandi* (Cheese Tree) located on the adjoining property at 34 Meriton Street is to be retained and protected as part of the proposed development through establishment of a 2.4m Tree Protection Zone (TPZ).
65. **Tree works – Australian Standards.** Any works approved by this consent to trees must be carried out in accordance with all relevant Australian Standards.
66. **Tree works – provision of arborist details.** Council is to be notified, in writing, of the name, contact details and qualifications of the Consultant Arborist appointed to the site. Should these details change during the course of works, or the appointed Consultant Arborist alter, Council is to be notified, in writing, within seven working days.
67. **Tree works – arborist supervision.** A Project Arborist with AQF Level 5 qualifications is to be engaged to ensure compliance with the tree protection measures and oversee all works including demolition and construction, in relation to the trees identified for retention on the site.
68. **Drop-edge beams.** Perimeters of slabs are not to be visible and are to have face brickwork from the natural ground level.

ITEM 3 (continued)**ATTACHMENT 1****PRIOR TO OCCUPATION CERTIFICATE**

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

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

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

69. **BASIX.** The submission of documentary evidence of compliance with all commitments listed in BASIX Certificate(s) numbered 484676S, dated 17 June 2013.
70. **Landscaping.** All landscaping works approved by Condition 1 are to be completed prior to the issue of the final **Occupation Certificate**.
71. **Fire safety matters.** At the completion of all works, a Fire Safety Certificate must be prepared, which references all the Essential Fire Safety Measures applicable and the relative standards of Performance (as per Schedule of Fire Safety Measures). This certificate must be prominently displayed in the building and copies must be sent to Council and the NSW Fire Brigade.
- Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of the Interim/Final Occupation Certificate.
- Each year the Owners must send to the Council and the NSW Fire Brigade an annual Fire Safety Statement which confirms that all the Essential Fire Safety Measures continue to perform to the original design standard.
72. **Road opening permit – compliance document.** The submission of documentary evidence to Council of compliance with all matters that are required by the Road Opening Permit issued by Council under Section 139 of the *Roads Act 1993* in relation to works approved by this consent, prior to the issue of the **Occupation Certificate**.
73. **Letterboxes and street/house numbering.** All letterboxes and house numbering are to be designed and constructed to be accessible from the public way. Council must be contacted in relation to any specific requirements for street numbering.

ITEM 3 (continued)

ATTACHMENT 1

Engineering Conditions

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

OPERATIONAL CONDITIONS

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

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

End of consent

ITEM 3 (continued)

ATTACHMENT 2

STATEMENT OF HERITAGE IMPACT

Proposed Development at

**20 AMIENS STREET
GLADESVILLE NSW 2111**



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ITEM 3 (continued)

ATTACHMENT 2

STATEMENT OF HERITAGE IMPACT – 20 Amiens Street Gladesville NSW 2111

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The following table forms part of the quality management control undertaken by Rappoport Pty Ltd regarding the monitoring of its intellectual property as issued.

Issue	Notes / Description	Date	Initials
1	First draft report issued to client for comment.	18.09.13	PD
2	Second draft report issued to client for comment.	26.09.13	PD
3	Final report issued to client.	27.09.13	PD

ITEM 3 (continued)

ATTACHMENT 2

STATEMENT OF HERITAGE IMPACT – 20 Amiens Street Gladesville NSW 2111

1.0 INTRODUCTION

This Statement of Heritage Impact (SOHI) has been prepared by Paul Rappoport and Philippa Doig of Rappoport Pty Ltd - Heritage Consultants. The subject property is situated at 20 Amiens Street, Gladesville, which falls within the boundaries of City of Ryde Council. The location of the subject property is shown in Figure 1 below.

The subject property is not listed as an item of heritage significance by City of Ryde Council under Schedule 5 of *Ryde Local Environmental Plan 2012* (LEP). It is not listed on the State Heritage Register, the National Heritage List, the Commonwealth Heritage List, the Register of the National Estate¹ or the Heritage Register of the National Trust of Australia (NSW). The subject property is not situated within any heritage conservation areas.



Figure 1: Map depicting the location of 20 Amiens Street Gladesville - the red boundary indicates the approximate extent of the subject property.
(Source: www.maps.google.com.au accessed September 2013)

While the subject site is not a listed heritage item, Ryde Council requires a SOHI because the subject site is located in the vicinity of a local heritage item. Based on our assessment, the following heritage listed items would be considered to be 'in the vicinity':

- Item 4 – 23-31 Amiens Street (group heritage item); and
- Item 167 – 43-45 Wharf Road (Houses)

¹ The Register of the National Estate has ceased to exist as a statutory heritage list, although it continues to exist as an inventory of Australian heritage places that were registered between 1976 and 2007.

ITEM 3 (continued)

ATTACHMENT 2

STATEMENT OF HERITAGE IMPACT – 20 Amiens Street Gladesville NSW 2111



Figure 2: Map showing heritage items in the vicinity of 20 Amiens Street Gladesville - the red boundary indicates the approximate extent of the subject property.
(Source: City of Ryde LEP 2010 – Heritage Map)

The potential heritage impact of the proposal on Item 4, as well as the subject site, is discussed in Section 5 of this SOHI. The proposed development at the subject site is not located within the visual catchment of Item 167 cited above and as such is not considered to be sufficiently proximate to this heritage item to warrant its discussion in Section 5 of this SOHI.

The following Statement of Cultural Significance for Item 4 is an extract from the State Heritage Inventory Database provided by City of Ryde Council in letter dated 29 July 2013:

The group of dwellings at 23-31 Amiens Street, built 1915-1920, is of historical significance as evidence of early 20th century suburban subdivision for housing in Gladesville. The group of houses are of aesthetic significance as an intact representative group with landmark qualities in the streetscape, and likely to have been constructed by the same builder.

This report has been prepared, on behalf of the owner of the subject site, to enable Ryde Council to ascertain whether or not the proposal (refer to Section 4 of this report) will have a negative, neutral or positive impact upon the heritage significance of the group item at 23-31 Amiens Street as discussed in Section 5 of this SOHI. Accordingly, this SOHI provides the necessary information for Council to make an assessment of the proposal on heritage grounds.

The methodology used in this SOHI is consistent with *Statements of Heritage Impact, Design in Context* and *Assessing Heritage Significance* contained in the Heritage Branch of the NSW Office of Environment and Heritage published materials and has been prepared in accordance with the principles contained in the most recent edition of *The Burra Charter: The Australia ICOMOS Charter for Places of Cultural Significance*.

ITEM 3 (continued)

ATTACHMENT 2

STATEMENT OF HERITAGE IMPACT – 20 Amiens Street Gladesville NSW 2111

Limitations:

- This SOHI is based upon an assessment of the heritage issues only and does not purport to have reviewed or in any way endorsed decisions that are of a planning or compliance nature. Thus, it will be assumed that such matters will be assessed by others in terms of whether or not the proposed work complies with the local Council's planning instruments such as the relevant Local Environmental Plan and any relevant Development Control Plans, for non-heritage aspects of the proposal. Similarly, this SOHI does not purport to determine or assess any BCA requirement, services related issue, contamination issue, structural integrity issue, legal matter or any other non-heritage issue;
- This SOHI relies solely on secondary sources. Primary research has not been included in this report, other than the general assessment of the physical evidence on site;
- This Statement of Heritage Impact addresses the non-indigenous historical development of the subject property and does not assess Indigenous associations with the place, which is deemed to be beyond the scope of this report;
- It is beyond the scope of this report to locate or assess potential or known archaeological sub-surface deposits on the subject site or elsewhere; and
- Items of movable heritage, if any, *in situ* when the appraisal of the physical evidence of the subject site was conducted by Rappoport Pty Ltd are not assessed in this report which does not constitute a survey or an assessment of movable heritage at or relating to the subject site. Thus, the inclusion of movable heritage is outside the scope of this report.
- Rappoport Pty Ltd will only assess items/elements/spaces/rooms of the subject building/place that are visually apparent on the day of the arranged inspection. Any item/elements/space/rooms not visually accessible to Rappoport on the day of the arranged inspection or blocked from view or excluded because of safe and secure access not being granted will not be included in the report for assessment or discussion.

Under no circumstances shall any party make copies of this Statement of Heritage Impact without prior permission from the author, Rappoport Pty Ltd, who holds copyright for this report. No part of this Statement of Heritage Impact may be reproduced, stored in a retrieval system or transmitted in any form or by any means, electronic, mechanical, photocopying or otherwise without the prior written permission of Rappoport Pty Ltd.

ITEM 3 (continued)**ATTACHMENT 2**

STATEMENT OF HERITAGE IMPACT – 20 Amiens Street Gladesville NSW 2111

2.0 HISTORICAL CONTEXT**2.1 General Historical Development of Gladesville**

The suburb of Gladesville takes its name from settler John Glade who arrived in New South Wales as a convict in 1791. As early as 1804 he was farming the area, then known as Kissing Point, having acquired two adjacent 30 acre farms previously granted to convict artists John Doody in 1795 and Ann Benson in 1796. In 1821, Glade added another 50 acre grant to the area which was known as Doody's Farm. By 1828 the farm totalled 140 acres. John Glade died in 1848. His estate was acquired in 1851 by solicitor William Billyard who subdivided it as the Gladesville Estate in 1855. The developers of the estate built a Wharf at the bottom of Wharf Road.

The Gladesville area was established as a farming and dairying district by the early 1800s but remained isolated due to limited water transport and road access via Parramatta until the building of the Great North Road in the mid-1820s. The village of Gladesville began to take shape around the junction of the Great North Road and Wharf Road in the 1850s.

In the 1870s Christ Church Gladesville and a public school opened. In the same period parliament passed legislation for the construction of an iron bridge with a swing span over the Parramatta River at Gladesville, and an iron bridge over Iron Cove, both to be strong enough to carry a light suburban railway. Construction began on the Gladesville Bridge in 1878 and it opened for traffic on 1 February 1881. After the bridge opened landowning families in the area began subdividing their properties. Many small workers cottages were built but it was not until the extension of the tramway from Drummoyne to Ryde opened in 1910 that substantial residential subdivision and development was seen.²

2.2 Specific Historical Development

The existing area predominantly contains Federation houses that reflect the suburban pattern of development from the 1910-1930s, as well as many examples of contemporary infill development.

Houses are generally aligned to the street on regularly sized rectangular allotments. The subject property is atypical of the area as it is located on a large block and is on a skewed alignment. This suggests that when constructed the block was larger and the house was aligned for views, and later subdivision created lots along Meriton Street to the east.

² Pollon F., *The Book of Sydney Suburbs*; HarperCollins Publishers 1990, pp. 108-109;
Martin M., *A Pictorial History of Ryde*; Kingsclear Books 1998, pp. 18-21;
Emery L., *Pictorial History of Hunters Hill*; Kingsclear Books 2011, pp. 25-30.

ITEM 3 (continued)

ATTACHMENT 2

STATEMENT OF HERITAGE IMPACT – 20 Amiens Street Gladesville NSW 2111

3.0 PHYSICAL EVIDENCE AND SETTING

Gladesville is located 10 kilometres north-west of the Sydney central business district and is divided between the local government areas of Ryde and Hunter's Hill, with the boundary running between the Parramatta and Lane Cove Rivers along Punt, Victoria and Lane Cove Roads. The subject site is 20 Amiens Street, located on the southern side of Amiens Street between Meriton Street and Wharf Road, and is within the local government area of Ryde. An external inspection was conducted on Wednesday 14th August by Rappoport Pty Ltd and internal photographs of the main house on the site were supplied by Alec Pappas Architects.

The site, legally identified as Lot A in DP 27326, is a large an irregularly shaped block with a wide street frontage tapering to the rear. There is a considerable fall towards the south and the site enjoys partial views to the Parramatta River. Two buildings are located on the site; the first is modified single storey sandstone and timber cottage with loft addition set on a skewed alignment, the second is a single storey studio apartment in the northeast corner. Neither of the structures on this site have been identified as possessing heritage significance.

The main house appears to have originally been a single storey sandstone residence with a slate roof. The original sandstone walls have been rendered and painted on the street façade. Front and rear verandahs have been enclosed and a loft addition is located in the roof. Interiors have been substantially modified including replacement of floors, removal of original fireplace and alteration of surrounds, modifications to original floor plans, and replaced kitchen. The style of the original cottage was probably Federation Bungalow based on the simple low pitched gabled form of the roof with exposed rafter timbers and boarding to the eaves. This style is consistent with the main phase of residential development in the Gladesville area. The skewed alignment of the house and large size of the block appear to indicate that the house was originally on a larger site and aligned for views to the water and later the property was subdivided for development on Meriton Street.

The studio apartment structure is a relatively recent addition to the site with timber and brick structure, timber weatherboards and corrugated metal roofing. The rear yard is terraced with garden and lawn areas, small shed and a pool.

The following photographs by Rappoport Pty Ltd and Alec Pappas Architects provide a visual survey of the site and its setting.

ITEM 3 (continued)

ATTACHMENT 2

STATEMENT OF HERITAGE IMPACT – 20 Amiens Street Gladesville NSW 2111



Figure 3: The site viewed from Amiens Street.
(Source: Rappoport Pty Ltd, August 2013)



Figure 4: Front façade of existing dwelling.
(Source: Rappoport Pty Ltd, August 2013)



Figure 5: Internal photograph of rear additions with staircase. (Source: Alec Pappas Architect, 2013)



Figure 6: Internal photograph of modified kitchen area.
(Source: Alec Pappas Architect, 2013)

ITEM 3 (continued)

ATTACHMENT 2

STATEMENT OF HERITAGE IMPACT – 20 Amiens Street Gladesville NSW 2111



Figure 7: Internal photograph showing altered fireplace.
(Source: Alec Pappas Architect, 2013)



Figure 8: Internal photograph of loft addition.
(Source: Alec Pappas Architect, 2013)



Figure 9: Street view of timber studio structure in north-east corner of site.
(Source: Rappoport Pty Ltd, August 2013)



Figure 10: Rear view of timber studio structure in north-east corner of site.
(Source: Rappoport Pty Ltd, August 2013)



Figure 11: View of heritage item group located opposite the subject site at 23-31 Amiens Street.
(Source: Rappoport Pty Ltd, August 2013)



Figure 12: View of heritage item group located opposite the subject site at 23-31 Amiens Street.
(Source: Rappoport Pty Ltd, August 2013)

ITEM 3 (continued)

ATTACHMENT 2

STATEMENT OF HERITAGE IMPACT – 20 Amiens Street Gladesville NSW 2111

4.0 DESCRIPTION OF PROPOSED INFILL DEVELOPMENT

The proposed development at 20 Amiens Street Gladesville would include:

- Demolition of the two existing dwellings on the site (location shown dotted in Figure 13);
- Demolition of the existing in-ground swimming pool site (shown dotted in Figure 13);
- Construction of a new two-storey dwelling with garage for four vehicles; and
- Construction of new in-ground swimming pool.

Specific details of the proposed development are shown in the following drawings provided by Alec Pappas Architects dated May 2013, received by Rappoport Pty Ltd on 11 September 2013.

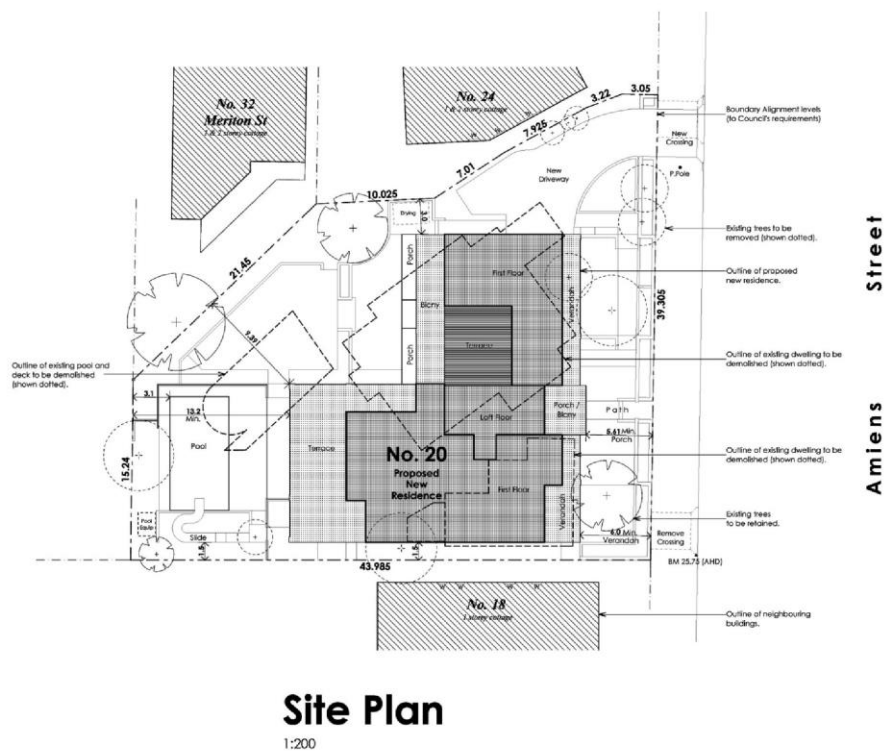


Figure 13: Proposed site plan with outline of existing structures shown dotted.
(Source: DA Drawings, Alec Pappas Architects, May 2013)

ITEM 3 (continued)

ATTACHMENT 2

STATEMENT OF HERITAGE IMPACT – 20 Amiens Street Gladesville NSW 2111

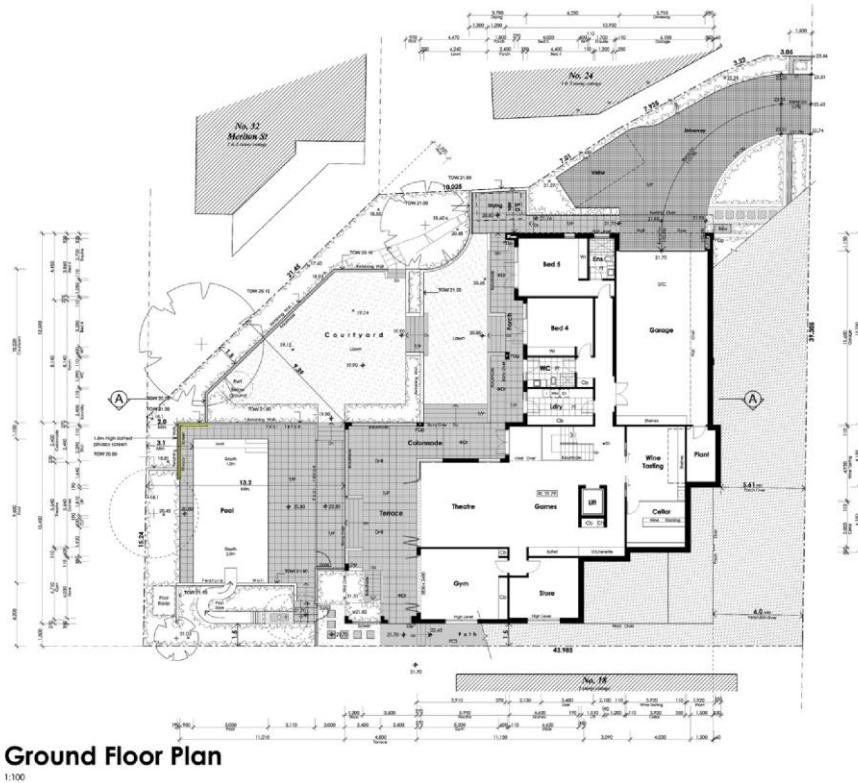


Figure 14: Proposed ground floor plan.
(Source: DA Drawings, Alec Pappas Architects, May 2013)

ITEM 3 (continued)

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STATEMENT OF HERITAGE IMPACT – 20 Amiens Street Gladesville NSW 2111

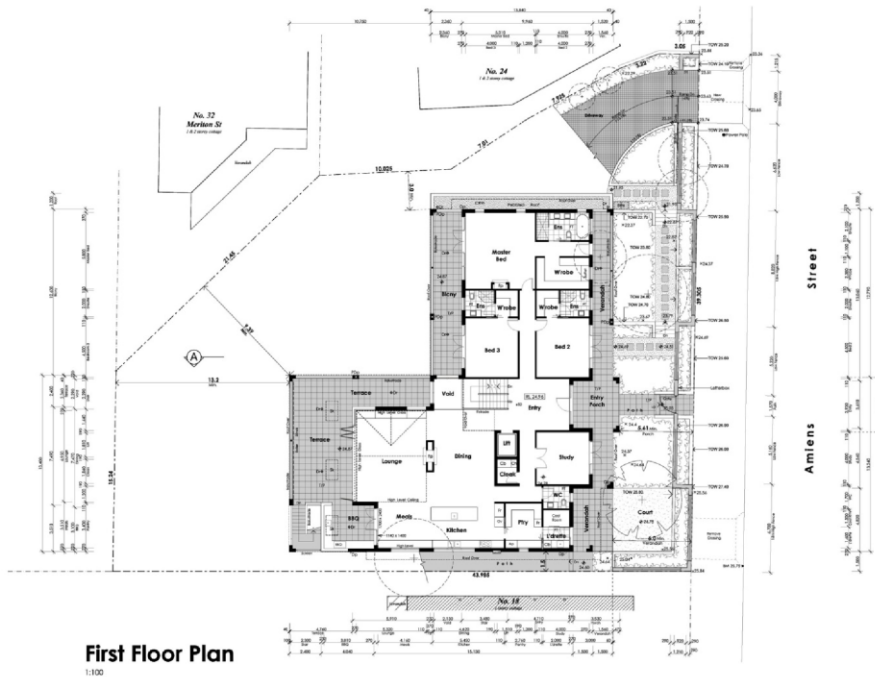


Figure 15: Proposed first floor plan.
(Source: DA Drawings, Alec Pappas Architects, May 2013)

ITEM 3 (continued)

ATTACHMENT 2

STATEMENT OF HERITAGE IMPACT – 20 Amiens Street Gladesville NSW 2111

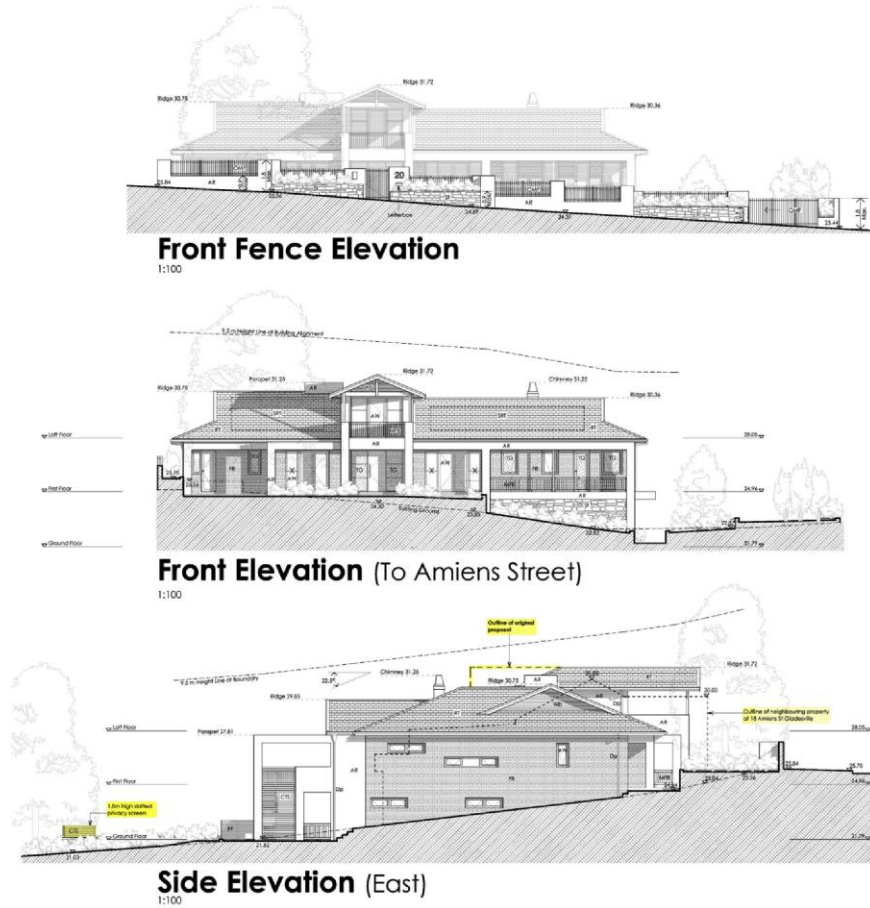


Figure 17: Proposed elevations.
(Source: DA Drawings, Alec Pappas Architects, May 2013)

ITEM 3 (continued)

ATTACHMENT 2

STATEMENT OF HERITAGE IMPACT – 20 Amiens Street Gladesville NSW 2111

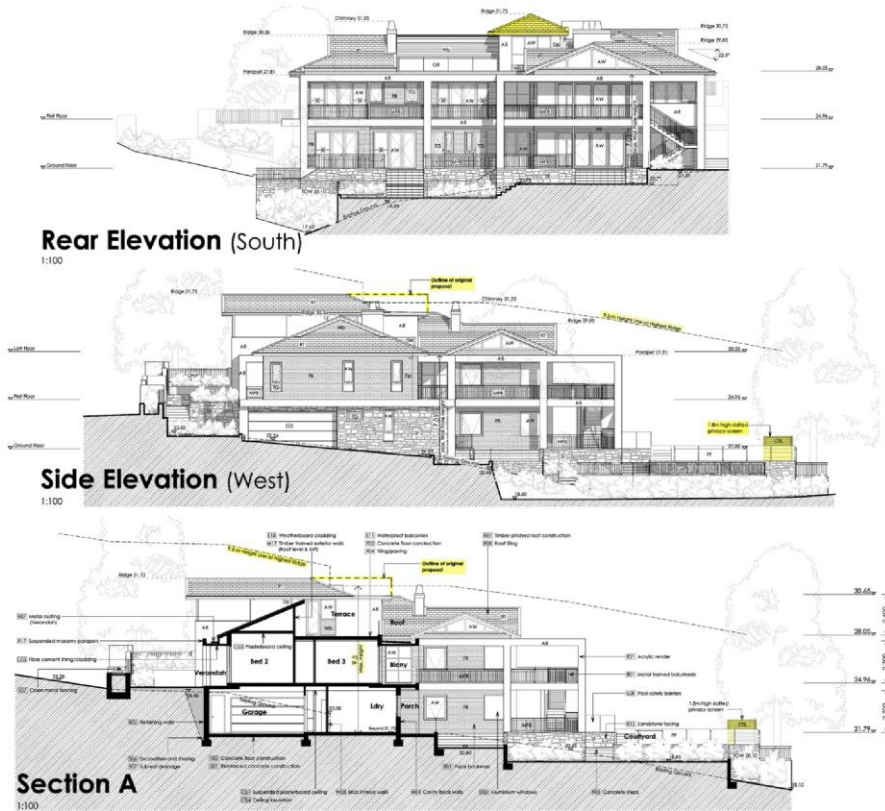


Figure 18: Proposed elevations and section.
(Source: DA Drawings, Alec Pappas Architects, May 2013)

ITEM 3 (continued)

ATTACHMENT 2

STATEMENT OF HERITAGE IMPACT – 20 Amiens Street Gladesville NSW 2111



Figure 19: Proposed street view - north-east perspective.
(Source: DA Drawings, Alec Pappas Architects, May 2013)



Figure 20: Proposed front view – high level perspective.
(Source: DA Drawings, Alec Pappas Architects, May 2013)

ITEM 3 (continued)

ATTACHMENT 2

STATEMENT OF HERITAGE IMPACT – 20 Amiens Street Gladesville NSW 2111



Figure 21: Proposed driveway view - west perspective.
(Source: DA Drawings, Alec Pappas Architects, May 2013)



Figure 22: Proposed rear view - perspective.
(Source: DA Drawings, Alec Pappas Architects, May 2013)

ITEM 3 (continued)

ATTACHMENT 2

STATEMENT OF HERITAGE IMPACT – 20 Amiens Street Gladesville NSW 2111

5.0 ASSESSMENT OF PROPOSED INFILL DEVELOPMENT

5.1 Requirement for Heritage Assessment

Ryde Council conducted a preliminary assessment of the Development Application. Comments provided to Alec Pappas Architects in a letter dated 29 July 2013 raised the following heritage issues:

2. Heritage:

Council's Heritage Officer has made a preliminary assessment of the DA and has provided the following comments:

Existing Conditions:

The subject site currently consists of two single storey dwellings sloping away from the road on a large irregular shaped plot, see red arrow below.

The subject site is located directly across the road from five heritage listed houses, along with various other heritage significant items being located on Wharf Road within close proximity to the subject site. See below the heritage exact from Ryde Maps.

The proposed subject site seems to be within close proximity to Mr John Glades House (now demolished) who Gladesville is named after. Archaeological significance may be present in the area, see plaque below situated outside the subject site.

The existing area predominantly contains Federation houses that reflect the suburban pattern of development from the 1910-1930's when this region thrived. This group of heritage listed items are significance because:

The group of dwellings at 23-31 Amiens Street, built 1915-1920, is of historical significance as evidence of early 20th century suburban subdivision for housing in Gladesville. The group of houses are of aesthetic significance as an intact representative group of Federation Queen Anne style houses on the elevated side of Amiens Street, forming a distinctive group with landmark qualities in the streetscape, and likely to have been constructed by the same builder (exact from the State Heritage Inventory Database)

It is noted that although the houses opposite the subject site are listed in a group, they are individually listed for heritage purposes.



Figure 23: Detail of plaque in the vicinity of the subject site.
(Source: Rappoport Pty Ltd, August 2013)

ITEM 3 (continued)

ATTACHMENT 2

STATEMENT OF HERITAGE IMPACT – 20 Amiens Street Gladesville NSW 2111

5.2 Basis of Assessment

This assessment is based upon: the comments raised by Ryde Council in the letter dated 29 July 2013 (Section 5.1); the physical inspection of the site (Section 3); the Statement of Cultural Significance for the group heritage item at 23-31 Amiens Street (Section 1); plans of the proposed development provided by Alec Pappas Architects; and a review of the pertinent planning instruments and sources relating to heritage aspects of the proposal.

The proposed infill development is in the vicinity of a local heritage item. We are required to address the relevant queries raised in the Heritage Branch of the Office of Environment and Heritage guidelines for the preparation of Statements of Heritage Impact, listed below:

New development adjacent to a heritage item

(including additional buildings and dual occupancies)

Note: Most planning instruments require the approval authority to take into account the impact of new development on adjacent heritage items or conservation areas

- How is the impact of the new development on the heritage significance of the item or area to be minimised?
- Why is the new development required to be adjacent to a heritage item?
- How does the curtilage allowed around the heritage item contribute to the retention of its heritage significance?
- How does the new development affect views to, and from, the heritage item? What has been done to minimise negative effects?
- Is the development sited on any known, or potentially significant archaeological deposits? If so, have alternative sites been considered? Why were they rejected?
- Is the new development sympathetic to the heritage item? In what way (e.g. form, siting, proportions, design)?
- Will the additions visually dominate the heritage item? How has this been minimised?
- Will the public, and users of the item, still be able to view and appreciate its significance?

In addition, the NSW Heritage Office guideline *Design in Context* identifies six criteria considered essential for the design of successful new infill development. The criteria are: character; scale, form; siting; materials and colour; and detailing.

ITEM 3 (continued)

ATTACHMENT 2

STATEMENT OF HERITAGE IMPACT – 20 Amiens Street Gladesville NSW 2111

In relation to the identified considerations, the following observations are made of the proposed development:

- The proposed infill development responds favourably to the character of Amiens Street, with a similar street alignment and setback to adjacent properties. This is in contrast to the existing dwelling on a skewed alignment which is atypical of patterns in the area.
- The proposed dwelling would present to Amiens Street as a single storey masonry dwelling with dominant pitched and tiled roof. Additional levels and parking are accommodated in the natural slope of the land and are not apparent from the street.
- The single storey presentation to the street allows the natural topography to be read and retains existing views to the water from public areas and dwellings up the slope, including the heritage items, and helps the new development appear recessive to the heritage items which are of single storey scale, elevated above the street.
- The roof form is a single plane to Amiens Street with a raised portico element marking the entry. The form is compatible with the Federation Period housing in the area.
- The proposed dwelling is of a larger overall scale than the existing residence however the large size of the block and sloping topography mean the bulk of the new development will be set down the slope and not be visible in views from Amiens Street.
- This revised proposal includes a hipped section at the rear of the portico element to comply with height controls for the site (Fig. 17).
- Surrounding dwellings are mixed in terms of style, scale and quality and feature a range of materials. A number of contemporary infill buildings have been constructed in the vicinity of the site, although the general Federation character has been retained in pockets including the items opposite the site.
- Proposed form and materials as they present to the street are compatible with the Federation character. External materials are predominantly face brickwork and selected acrylic render with applied paint/coating and sandstone facing to lower sections. Roof is tiled with painted weatherboard finish to gable ends. Window framing is aluminium, verandah and balcony railings are metal balustrades.
- The proposed development intends to reuse sandstone salvaged from the existing residence for use in walls and landscape elements.
- Proposed colours as demonstrated in renderings of the proposed development are neutral tones that are considered compatible with the natural stone and face brickwork used in the design. Neutral tones are recessive and would be expected to blend in with the streetscape.
- Proposed boundary fencing is low pier and infill; materials are sandstone facing and acrylic render with applied paint/coating and open metal fencing panels. Style and materials are compatible with the surrounding area and heritage items opposite which features a range of fencing styles and materials including brickwork, cement render, random coursed sandstone, timber palings, timber pickets or a combination of these elements.
- Ryde Council have identified that the site may have archaeological potential due to its proximity to the house (now demolished) of Mr John Glade, after whom the suburb of Gladesville is named. The exact location of Mr Glade's house is not clear. It is noted that

ITEM 3 (continued)

ATTACHMENT 2

STATEMENT OF HERITAGE IMPACT – 20 Amiens Street Gladesville NSW 2111

none of the sites in the area are identified as archaeological sites and substantial previous excavation and development has occurred. However, it is beyond the scope of this SOHI to discuss the probability of sub-surface deposits.

Finally, to complete this assessment, we are encouraged by the Heritage Branch of the Office of Environment and Heritage to address the following three aspects:

- The following aspects of the proposal respect or enhance the heritage significance of the item or conservation area for the following reasons:

As set out above in this section, the proposal would, in our opinion, complement the character of the area and generally have little impact on views to and from the heritage items opposite. We expect that the proposed form and materials would blend in well with the surrounding context, and it is noted that the proposed alignment and setback of the proposed new development would be more consistent with the pattern of development in the surrounding area than the existing dwelling.

- The following aspects of the proposal could detrimentally impact on heritage significance:

It is recognized that the overall size of the proposed development is larger than the heritage items and many houses in the vicinity. The potential negative impacts would, in our opinion, be mitigated by the appropriate siting of the new development, the manner in which it responds to the topography to minimize apparent height at street level and its sympathetic form and use of materials and finishes.

- The following sympathetic solutions have been considered and discounted for the following reasons:

Rappoport Pty Ltd was not involved in the initial design development phase of the proposal but did provide design advice on a preliminary design. This Statement of Heritage Impacts has been prepared based on the revised design for the site.

For the reasons enunciated above, we support the proposed new development at 20 Amiens Street Gladesville from a heritage perspective.

ITEM 3 (continued)

ATTACHMENT 2

STATEMENT OF HERITAGE IMPACT – 20 Amiens Street Gladesville NSW 2111

6.0 CONCLUSION AND RECOMMENDATION

The proposed development is generally sensitive to the heritage context of the site and Federation character of the wider area in terms of form, street alignment, setback, architectural expression and materials. The scale of the proposed development is larger than the existing residence however, in our opinion, the potential impact of this slight increase in scale and overall height is minimised by the compliance with setback and alignment patterns in the area and the response of the design to the natural topography. The design is recognisable as a new dwelling while referencing traditional forms and materials. We do not expect the proposed development to have any detrimental impacts on the heritage items at 23-31 Amiens Street or views within the streetscape generally.

ITEM 3 (continued)

ATTACHMENT 2

STATEMENT OF HERITAGE IMPACT – 20 Amiens Street Gladesville NSW 2111

7.0 BIBLIOGRAPHY

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ITEM 3 (continued)

ATTACHMENT 3

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E-mail Message

From: [Alec Pappas \[SMTP:alec@alecpappas.com.au\]](mailto:alec@alecpappas.com.au)
To: [Chris Young \[EX:/O=COREX/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=92CD24F9-416EE4A-CA256F94-3684D3\]](mailto:Chris.Young@ryde.nsw.gov.au)
Cc:
Sent: 18/2/2014 at 4:28 PM
Received: 18/2/2014 at 4:28 PM
Subject: RE: Mediation Meeting - 20 Amiens Street, Gladesville.

Attachments: image007.jpg
image008.jpg
image009.jpg
image010.jpg
image011.jpg
image012.jpg
image013.jpg

Hi Chris,

Thank you for your telephone call and email yesterday.

I inform you that, unfortunately, my clients and I are of the firm belief that our opinion on what type of dwelling ought to be developed on the site is significantly different from the opinions of the objectors given their recent representations. For this reason I politely decline your invitation to participate in further consultation and mediation with the objectors.

Regards,

Alec Pappas

ABN 60 050 064 045
6-8 Mashman Avenue Kingsgrove NSW 2208
ph: (02) 9554 8233 fx: (02) 9554 8244
em: [HYPERLINK "mailto:info@alecpappas.com.au"info@alecpappas.com.au](mailto:info@alecpappas.com.au)
web: [HYPERLINK "http://www.alecpappas.com.au/"www.alecpappas.com.au](http://www.alecpappas.com.au/)

Architect Registration No. 4713

From: Chris Young [<mailto:cyoung@ryde.nsw.gov.au>]
Sent: Monday, 17 February 2014 4:20 PM
To: alec@alecpappas.com.au
Subject: Mediation Meeting - 20 Amiens Street, Gladesville.

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ITEM 3 (continued)

ATTACHMENT 3

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Alec,

As you may know, Council at it's Ordinary Meeting of 11 February 2014 resolved to defer your DA to allow further consultation and mediation with the applicant and objectors, and a further report to the Planning and Environment Committee as soon as practicable (after the Mediation meeting).

Arrangements have been made to undertake this Mediation meeting on 3 March 2014 at 4.30pm in the Acacia Room (Level 1A, above the Ryde Planning & Business Centre - within the Top Ryde City Shopping Centre, Pope Street, Ryde).

Here is a link where you can find an information sheet for Mediation Meetings for Development Applications to provide further explanation of the DA mediation process at the City of Ryde, and which contains a location map for where the Mediation meeting will be held.

http://www.ryde.nsw.gov.au/_Documents/Dev-Helpsheets/HS+-+Mediation.pdf

Please meet in the foyer outside the Ryde Planning & Business Centre approximately 5 minutes before the meeting is due to commence, and arrangements will be made to escort you to the Acacia Room for the meeting.

Please contact me to confirm your attendance at the Mediation Meeting (see contact details below) at your earliest convenience.

My contact details are provided below in case you have any further queries.

Regards,

Chris Young | Team Leader - Assessment

F: (02) 9952 8237 (direct line) | F: (02) 9952 8193 (dept. fax)
A: Civic Centre, 1 Devlin Street, Ryde NSW 2112
E: [HYPERLINK "mailto:cyoung@ryde.nsw.gov.au"](mailto:cyoung@ryde.nsw.gov.au) | [HYPERLINK "http://www.ryde.nsw.gov.au"](http://www.ryde.nsw.gov.au)

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ITEM 3 (continued)

ATTACHMENT 3

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ITEM 3 (continued)

ATTACHMENT 4

PREVIOUS REPORT

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.

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

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

Report dated: 22/01/2014

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

1. Report Summary

Applicant: Alec Pappas Architects Pty Ltd

Owner: Graham Perry

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

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

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

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

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

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

ITEM 3 (continued)

ATTACHMENT 4

PREVIOUS REPORT

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

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

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

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

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

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

Clause 4.6 Ryde LEP 2010 objection required? None required.

Value of works: \$1,309,644.75

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

ITEM 3 (continued)

ATTACHMENT 4

PREVIOUS REPORT

RECOMMENDATION:

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

ATTACHMENTS

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

Report Prepared By:

Chris Young
Team Leader - Assessment

Ben Tesoriero Planning Consultant
Creative Planning Solutions

Report Approved By:

Liz Coad
Manager Assessment

Dominic Johnson
Group Manager - Environment & Planning

ITEM 3 (continued)

ATTACHMENT 4

PREVIOUS REPORT

2. Site (Refer to attached map below)

- Address** : 20 Amiens Street, Gladesville (Lot A in DP 27326)
- Site Area** : 1,321.55m² (Deposited Plan 27326)
Site Frontage (Amiens Street): 39.305m (survey)
Western Boundary (articulated): 52.68m (survey)
Southern Boundary: 15.24m (survey)
Eastern Boundary: 43.985m (survey)
- Topography and Vegetation** : The topography of the subject site displays a fall in the land of approximately 7.5m from the front boundary to Amiens Street to the rear of the property. Existing vegetation on the subject site consists of several trees and shrubs in varying size and species. There are no street trees on the nature strip in front of the property.
- Existing Buildings** : There are currently two (2) cottages on the subject site which are approximately 80 years old. The existing buildings are positioned toward the front of the subject site. There is also an above-ground swimming pool located in the rear yard of the subject site. The property is bound at the front and side by an open metal fence, while a timber paling fence aligns the rear boundary.
- Planning Controls Zoning** : R2 – Low Density Residential under Ryde LEP 2010
R2 – Low Density Residential under draft Ryde LEP 2011
- Other** : Ryde DCP 2010, SEPP(Building Sustainability Index: BASIX) 2004



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

ITEM 3 (continued)

ATTACHMENT 4

PREVIOUS REPORT

3. Councillor Representations

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

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

4. Political Donations or Gifts

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

5. Proposal

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

Demolition

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

Construction

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

ITEM 3 (continued)

ATTACHMENT 4

PREVIOUS REPORT

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

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

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

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

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

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

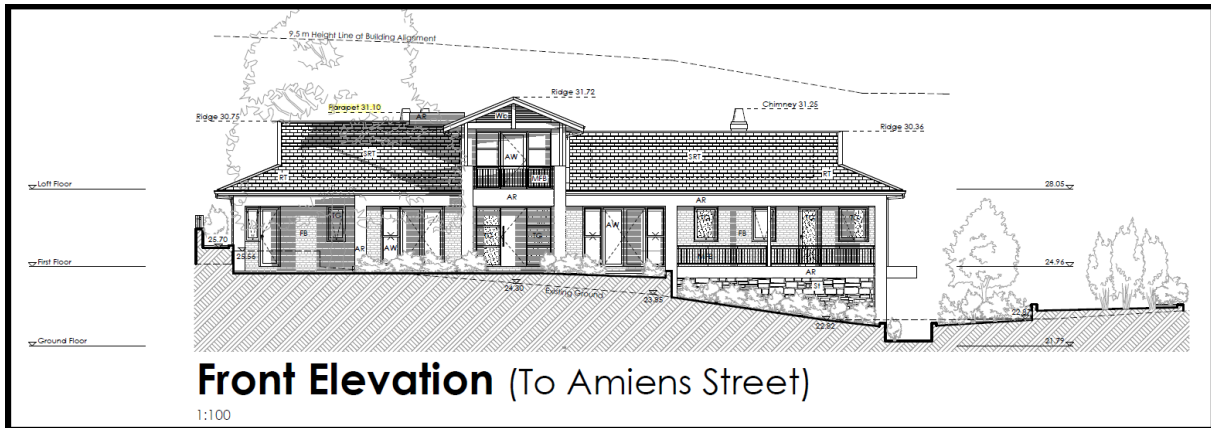
The front yard of the subject site is to include a verandah extending along the front of the dwelling house with a courtyard in the north-eastern corner, and driveway in the north western corner. A new front fence along the Amiens Street boundary is also proposed, along with hard and soft landscaping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

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

ITEM 3 (continued)

ATTACHMENT 4

PREVIOUS REPORT



Front Elevation



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

6. Background

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

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

ITEM 3 (continued)

ATTACHMENT 4

PREVIOUS REPORT

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

ITEM 3 (continued)

ATTACHMENT 4

PREVIOUS REPORT

7. Submissions

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

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

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

A. View loss

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

Assessment Officer's Comment

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

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

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

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

ITEM 3 (continued)

ATTACHMENT 4

PREVIOUS REPORT

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

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

B. Three storey component of the proposed development.

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

Assessment Officer's Comment

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

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

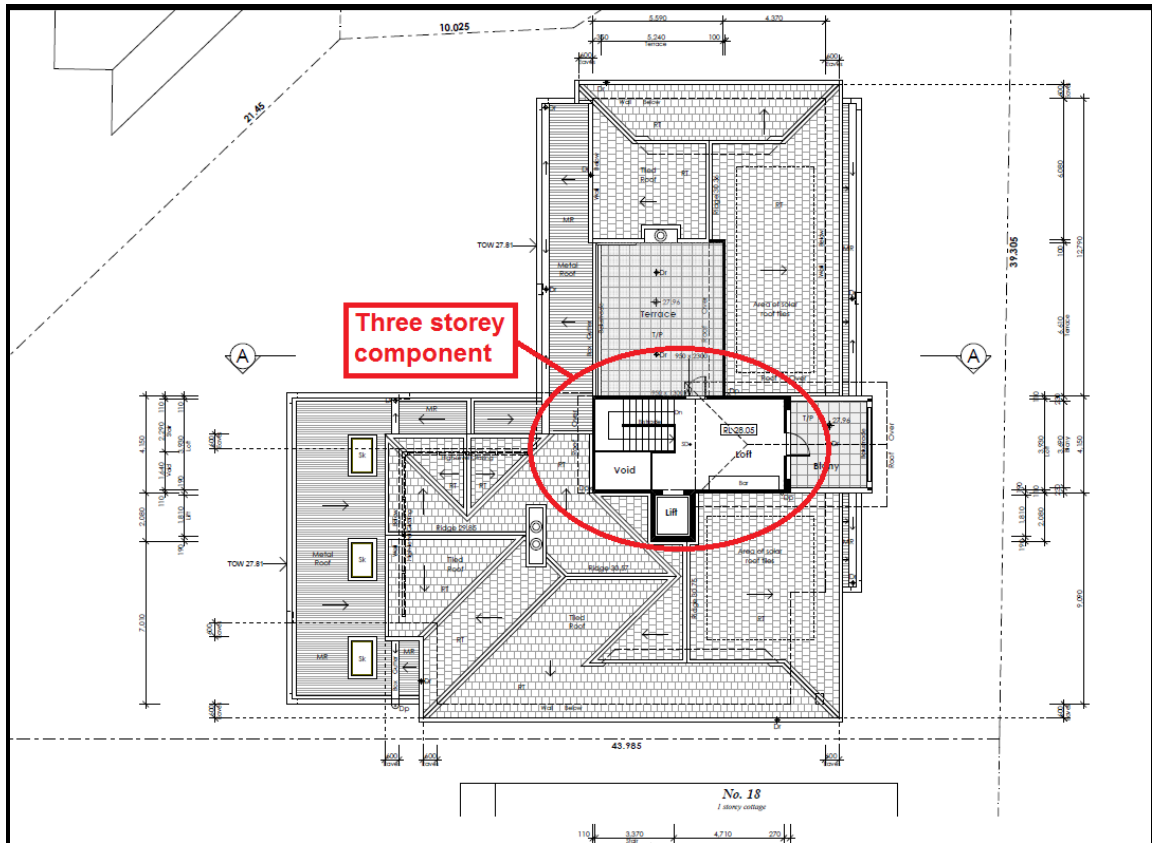
ITEM 3 (continued)

ATTACHMENT 4

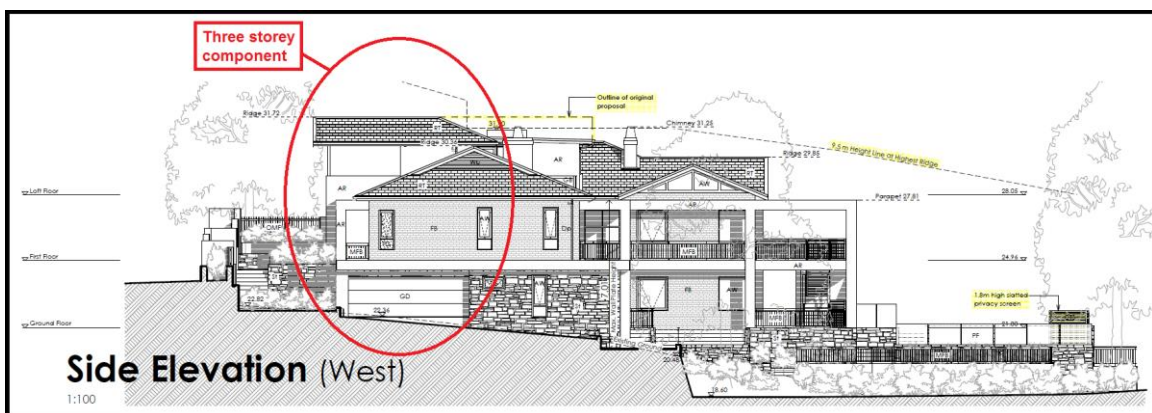
PREVIOUS REPORT

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

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



Roof Plan showing extent of 3 storey component



West Elevation showing extent of 3 storey component

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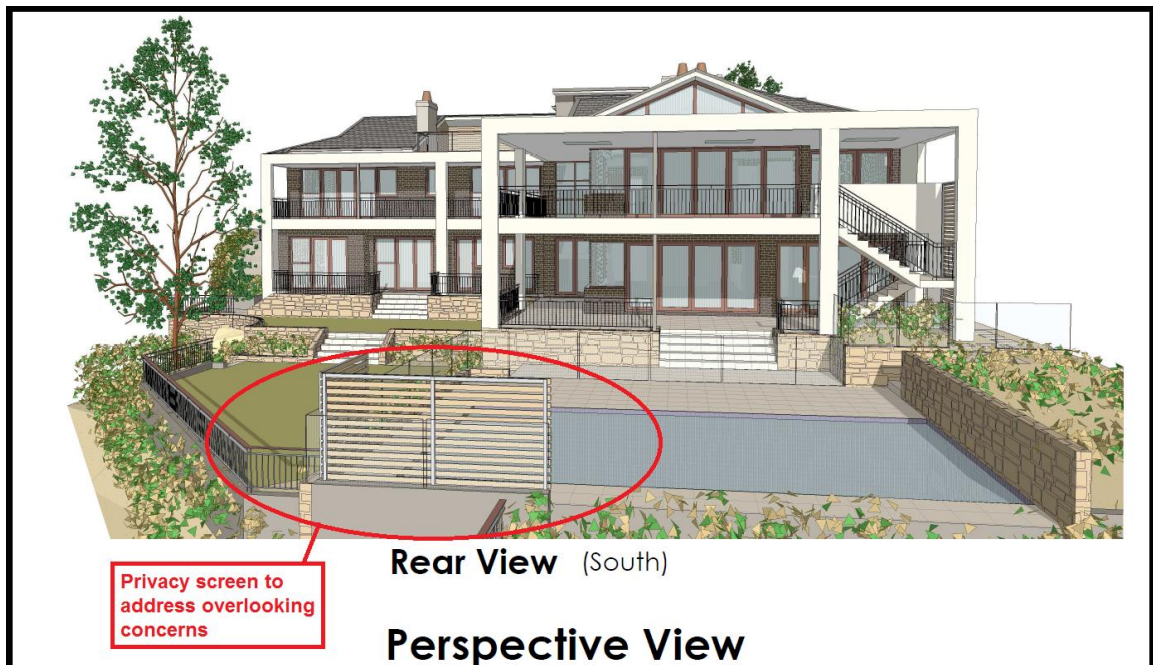
C. Coping height of the proposed swimming pool/privacy impacts.

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

Assessment Officer's Comment

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

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



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

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

- The installation of a 1.8m 'L' shaped privacy screen in the south-western corner of the proposed pool area is considered to effectively reduce the potential for overlooking of adjoining property to the south.
- The area where the non-compliance with the pool coping height limit occurs is only for a small portion (2m²) of the overall pool area and confined to the south-western corner;
- The area where the pool coping height is exceeded would largely only be utilised for access around the perimeter of the pool rather than for entertainment purposes;
- Existing and proposed vegetation along the southern boundary of the subject site is considered to afford adjoining development to the south with adequate privacy screening to minimise overlooking from the swimming pool coping area.;
- Due to the steep nature of the topography and the multiple terraced levels across the site, it is considered difficult to create a pool that does not require elevated coping heights or alternatively additional excavation;
- An existing above ground swimming pool is located in a similar location to that of the proposed swimming pool. Accordingly the location and nature of the proposed swimming pool would not alter all that significantly over the existing arrangements.

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

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

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

Assessment Officer's Comment

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

It is important to note that the proposed development is to take place on a very large site within the Gladesville area that has area of 1,321.55m² and boundary to Amiens Street of almost 40m. For comparison, other allotments adjacent to

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

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

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

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

E. Impact on heritage

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

Assessment Officer's Comment

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

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

This report concludes the following:

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

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

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

F. Roof terrace

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

Assessment Officer's Comment

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

- The proposed terrace is wholly incorporated into the pitched roof cavity of the dwelling house, and as such is largely indiscernible from the public domain;
- As the proposed roof terrace is incorporated into the pitched roof cavity, it is bordered by three of its four sides effectively limiting the view from the terrace to the south over the Parramatta River area. As such minimal opportunities for overlooking and resultant loss of privacy are envisaged from persons standing or seated on the terrace;
- The trafficable area of the terrace is only approximately 14.7m², which represents less than 10% of the overall roof area;
- The proposed terrace is setback approximately 20m from the rear boundary which provides a satisfactory separation distance from the terrace to adjoining property to minimise privacy impacts from overlooking;
- Balustrading for the terrace is setback 2.5m from the edge of the metal roof which effectively reduces the viewing angle from the terrace so as to constrain views to the distant south over Parramatta River rather than over adjoining property to the rear;
- The floor level of the terrace is set 3.76m below the upper ridge level of the roof of the loft effectively being only approximately 7.2m above the existing ground level on the site. As such the proposed roof terrace would be no higher above existing ground level than a typical balcony or terrace on any other two storey dwelling house complying with the upper building height limit of 9.5m under the Ryde LEP 2010.

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

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G. Impact on vegetation

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

Assessment Officer's Comment

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

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

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

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

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

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H. Loss of solar access

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

Assessment Officer's Comment

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

For neighbouring properties ensure:

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

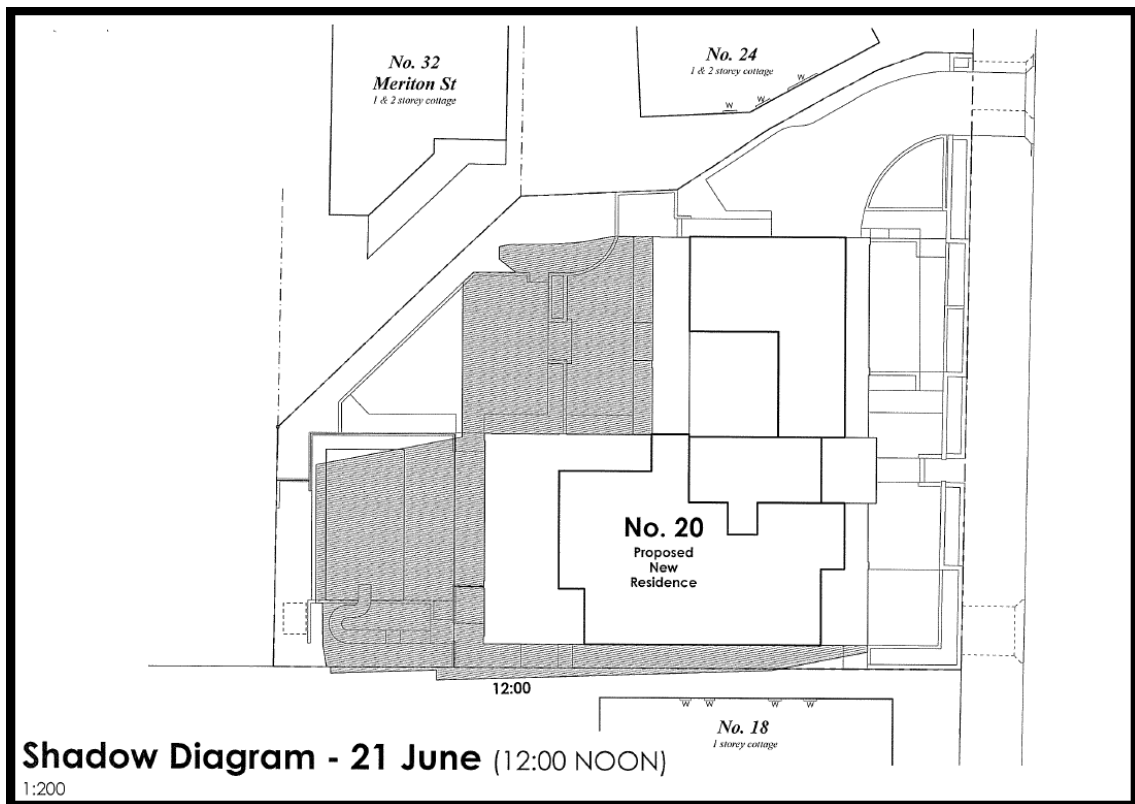
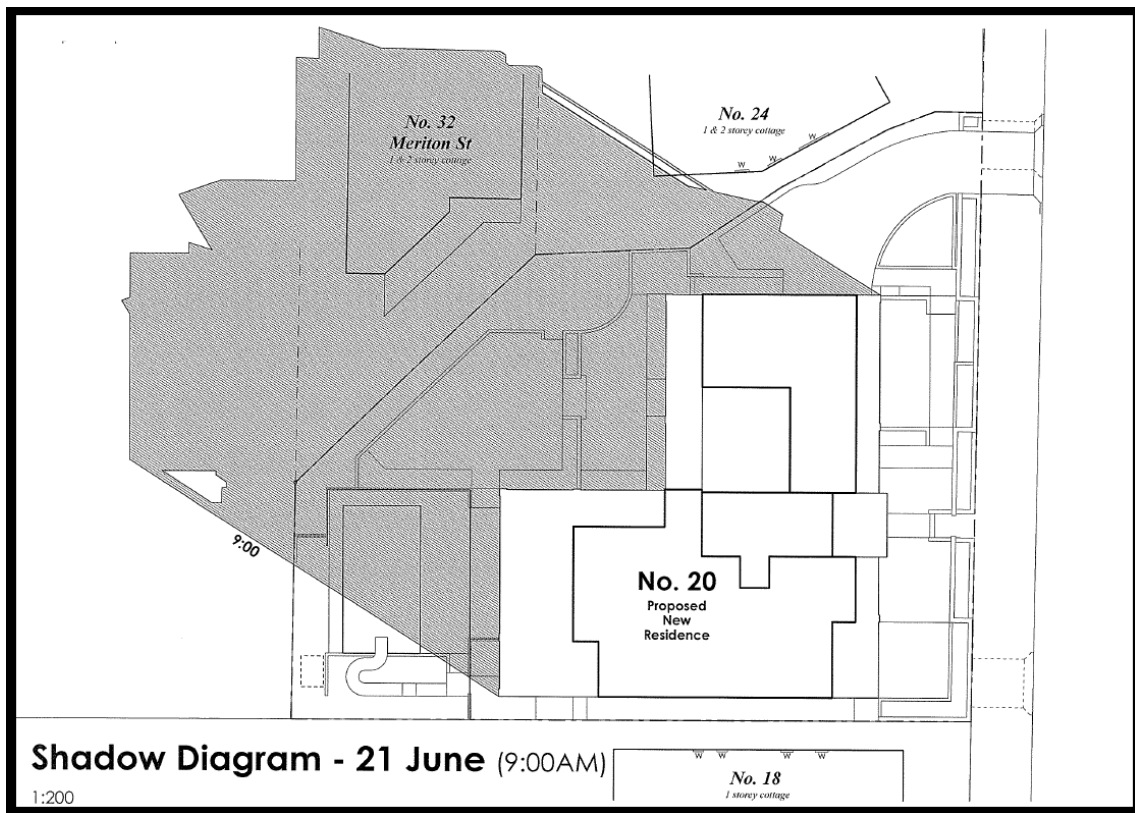
In this regard, shadow diagrams submitted with the subject development application (see below) demonstrate that due to the favourable orientation of the allotment, and compliant setbacks, building height and floor space ratio, neighbouring properties will maintain greater than 3 hours solar access to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

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

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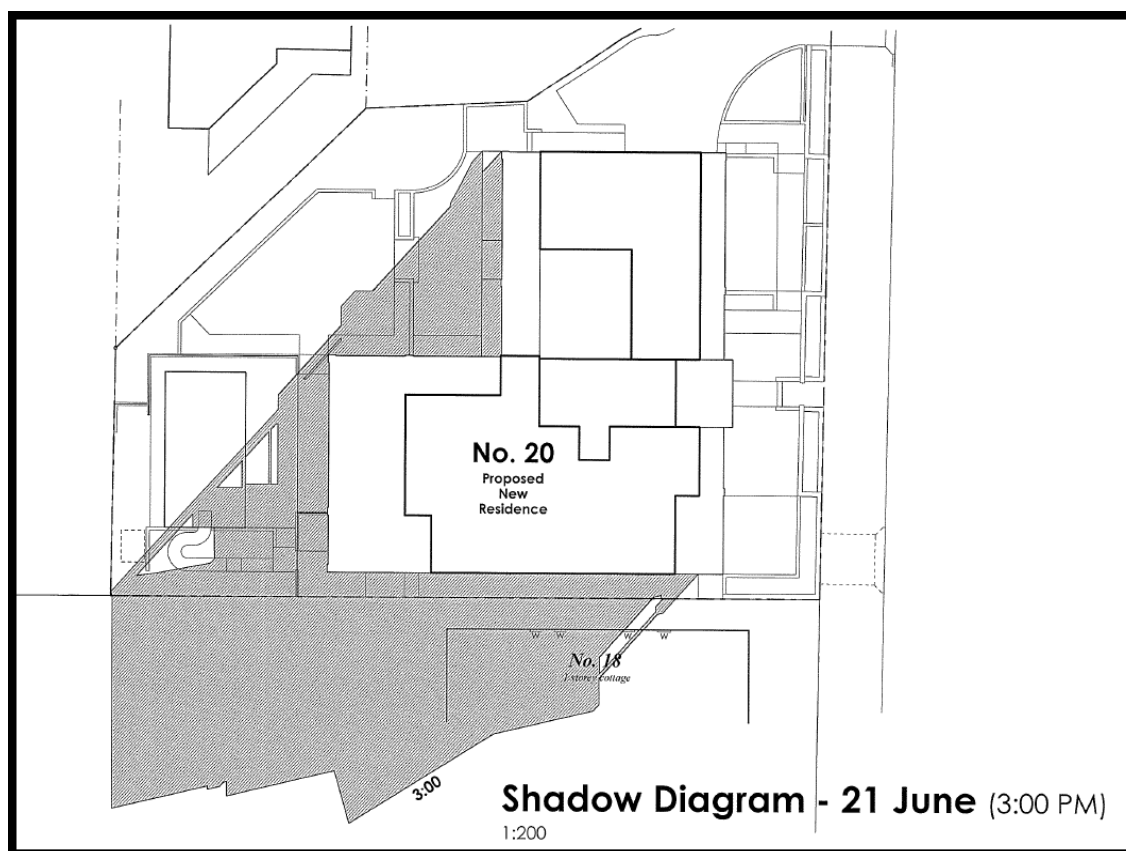
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I. Potential overlooking from proposed waterslide into pool

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

Assessment Officer's Comment

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

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

J. Cut and Fill

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

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Assessment Officer's Comment

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

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

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

K. Front boundary setback distance.

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

Assessment Officer's Comment

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

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

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

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

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

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

8. Clause 4.6 Ryde LEP 2010 objection required?

None required.

9. Policy Implications

Relevant Provisions of Environmental Planning Instruments etc:

(a) Ryde Local Environmental Plan 2010

Zoning

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

Mandatory Requirements

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

Clause 4.3 – Height of buildings

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

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Specifically, this clause states that the height of a building on any land is not to exceed the maximum height shown for the land on the 'Height of Buildings Map' – which is 9.5m for the subject site.

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

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

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

Clause 4.4 – Floor space ratio

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

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

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

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

(b) Relevant State Environmental Planning Policies (SEPPs)

State and Sydney Regional Environmental Planning Policies

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

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

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(c) Any draft LEPs

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

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

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

Ryde Development Control Plan (DCP) 2010.

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

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

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

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

Non-Compliances - Justifiable:

1. Topography and Excavation

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

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

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

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

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

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

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

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

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

Assessing Officer's Comment

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

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

- *To create consistency along streetscapes.*

Assessing Officer's Comment

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

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

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

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

Assessing Officer's Comment

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

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

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

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

Assessing Officer's Comment

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

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

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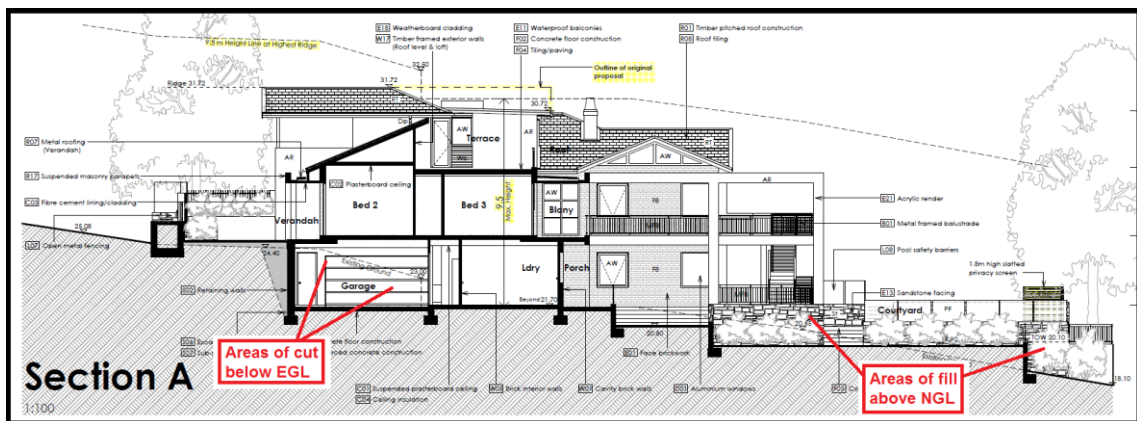
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- Existing vegetation surrounding the subject site is largely proposed to be retained and augmented by new landscape planting which also has the effect of maintaining privacy by reducing overlooking.

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

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

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



2. Maximum number of storeys exceeded

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

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

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

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

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

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

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

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

Assessing Officer's Comment

The proposed dwelling is a free standing dwelling on a single allotment. Furthermore the proposed development includes significant landscaping across the allotment including providing large areas of deep soil planting covering 482.2m² of the site, or 36.49% of the site area.

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

Assessing Officer's Comment

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

- *To be of a low scale.*

Assessing Officer's Comment

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

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

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

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

Assessing Officer's Comment

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

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

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

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

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

ITEM 3 (continued)

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

3. Car parking and access

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

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

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

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

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

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

ITEM 3 (continued)

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- *To provide off-street parking:*

Assessing Officer's Comment

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

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

Assessing Officer's Comment

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

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

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

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

Assessing Officer's Comment

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

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

ITEM 3 (continued)

ATTACHMENT 4

PREVIOUS REPORT

4. Pool coping height

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

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

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

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

- As a result of an additional information request to the applicant, along with a subsequent meeting to discuss the issue of the proposed pool coping height, amended plans were submitted to Council on 2 October 2013 that demonstrate the installation of a 1.8m 'L' shaped privacy screen in the south-western corner of the proposed pool area which is considered to effectively reduce the potential for overlooking of adjoining property to the south.
- The area where the non-compliance with the pool coping height limit occurs is only for a small portion (2m²) of the overall pool area and confined to the south-western corner;
- The area where the pool coping height is exceeded would largely only be utilised for access around the perimeter of the pool rather than for entertainment purposes;
- Existing and proposed vegetation along the southern boundary of the subject site is considered to afford adjoining development to the south with adequate privacy screening to minimise overlooking from the swimming pool coping area.;
- Due to the steep nature of the topography and the multiple terraced levels across the site, it is considered difficult to create a pool that does not require elevated coping heights or alternatively additional excavation;
- An existing above ground swimming pool is located in a similar location to that of the proposed swimming pool. Accordingly the location and nature of the proposed swimming pool would not alter all that significantly over the existing arrangements – see drawings below.

ITEM 3 (continued)

ATTACHMENT 4

PREVIOUS REPORT

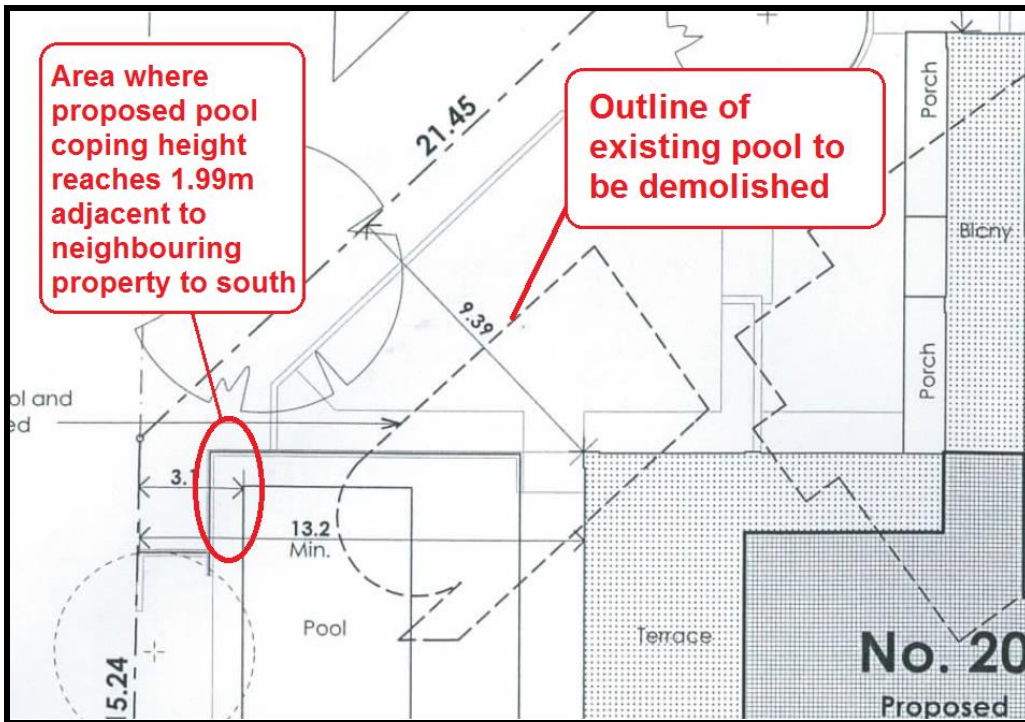


Diagram indicating the location of the existing above ground swimming pool and proposed new swimming pool in similar location. Small area of proposed pool coping that reaches 1.99m above existing ground level due to steeply sloping land.

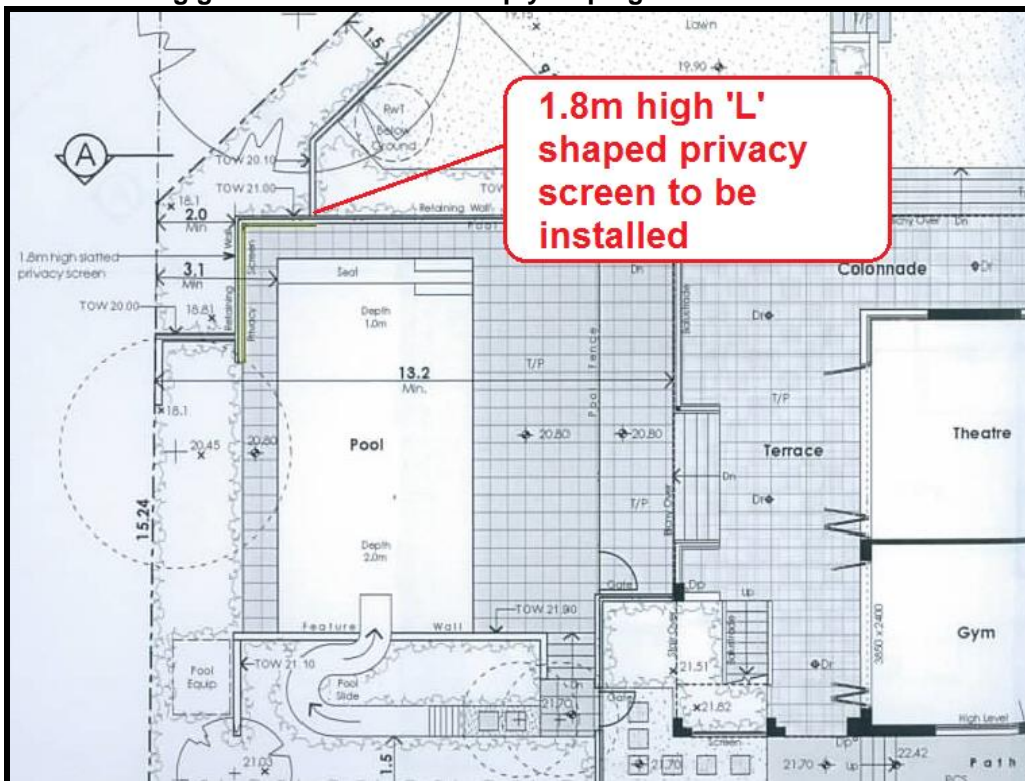


Diagram indicating the proposed 1.8m high 'L' shaped privacy screen to be installed adjacent to the area where the pool coping height extends significantly beyond the maximum amount permitted and where potential for overlooking of neighbouring property could have occurred.

ITEM 3 (continued)

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

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

Assessing Officer's Comment

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

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

Assessing Officer's Comment

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

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

Assessing Officer's Comment

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

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

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

Assessing Officer's Comment

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

ITEM 3 (continued)

ATTACHMENT 4

PREVIOUS REPORT

5. Trafficable roof terrace

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

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

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

- The proposed terrace is wholly incorporated into the pitched roof cavity of the dwelling house, and as such is largely indiscernible to the public domain;
- As the proposed roof terrace is incorporated into the pitched roof cavity, it is bordered by three of its four sides effectively limiting the view from the terrace to the south over the Parramatta River. As such minimal opportunities for overlooking and resultant loss of privacy are envisaged from persons standing or seated on the terrace;
- The trafficable area of the terrace is only approximately 14.7m², which represents less than 10% of the overall roof area;
- The proposed terrace is setback approximately 20m from the rear boundary which provides a satisfactory separation distance from the terrace to adjoining property to minimise privacy impacts from overlooking;
- Balustrading for the terrace is setback 2.5m from the edge of the metal roof which effectively reduces the viewing angle from the terrace so as to constrain views to the distant south over Parramatta River rather than over adjoining property to the rear;
- The floor level of the terrace is set 3.76m below the upper ridge level of the roof of the loft effectively being only approximately 7.2m above the existing ground level on the site. As such the proposed roof terrace would be no higher above existing ground level than a typical balcony or terrace on any other two storey dwelling house complying with the upper building height limit of 9.5m under the Ryde LEP 2010.

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

ITEM 3 (continued)

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

Assessing Officer's Comment

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

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

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

Assessing Officer's Comment

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

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

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

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

Assessing Officer's Comment

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

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

ITEM 3 (continued)

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

- *To provide shading and weather protection.*

Assessing Officer's Comment

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

6. *Maximum front fence pier width*

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

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

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

The proposed development is to take place on a very large site within the Gladesville area that has area of 1,321.55m² and frontage to Amiens Street of almost 40m. For comparison, other allotments adjacent to the site have a frontage to Amiens Street of approximately 13-14m, and as such represent a third of the length of the subject property.

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

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

ITEM 3 (continued)

ATTACHMENT 4

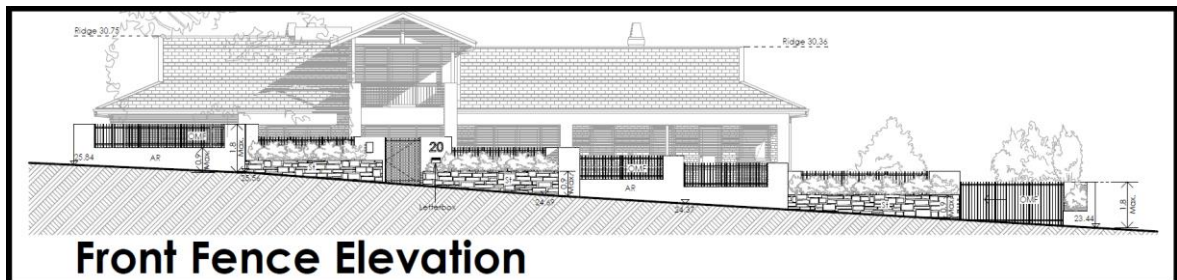
PREVIOUS REPORT

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

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

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

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



10. Likely impacts of the Development

(a) Built Environment

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

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

(b) Natural Environment

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

ITEM 3 (continued)

ATTACHMENT 4

PREVIOUS REPORT

11. Suitability of the site for the development

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

100m from Heritage Items

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

Urban Bushland

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

12. The Public Interest

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

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

13. Consultation – Internal and External

Internal Referrals

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

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

ITEM 3 (continued)

ATTACHMENT 4

PREVIOUS REPORT

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

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

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

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

Recommendations

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

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

ITEM 3 (continued)

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

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

Assessment Officer's Comments

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

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

Development Engineers

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

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

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

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

Assessment Officer's Comments

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

ITEM 3 (continued)

ATTACHMENT 4

PREVIOUS REPORT

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

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

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

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

1. Access & Parking

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

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

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

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

ITEM 3 (continued)

ATTACHMENT 4

PREVIOUS REPORT

External Referrals

Landscape Architects

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

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

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

- **Tree protection**

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

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

- **Tree works – arborist supervision**

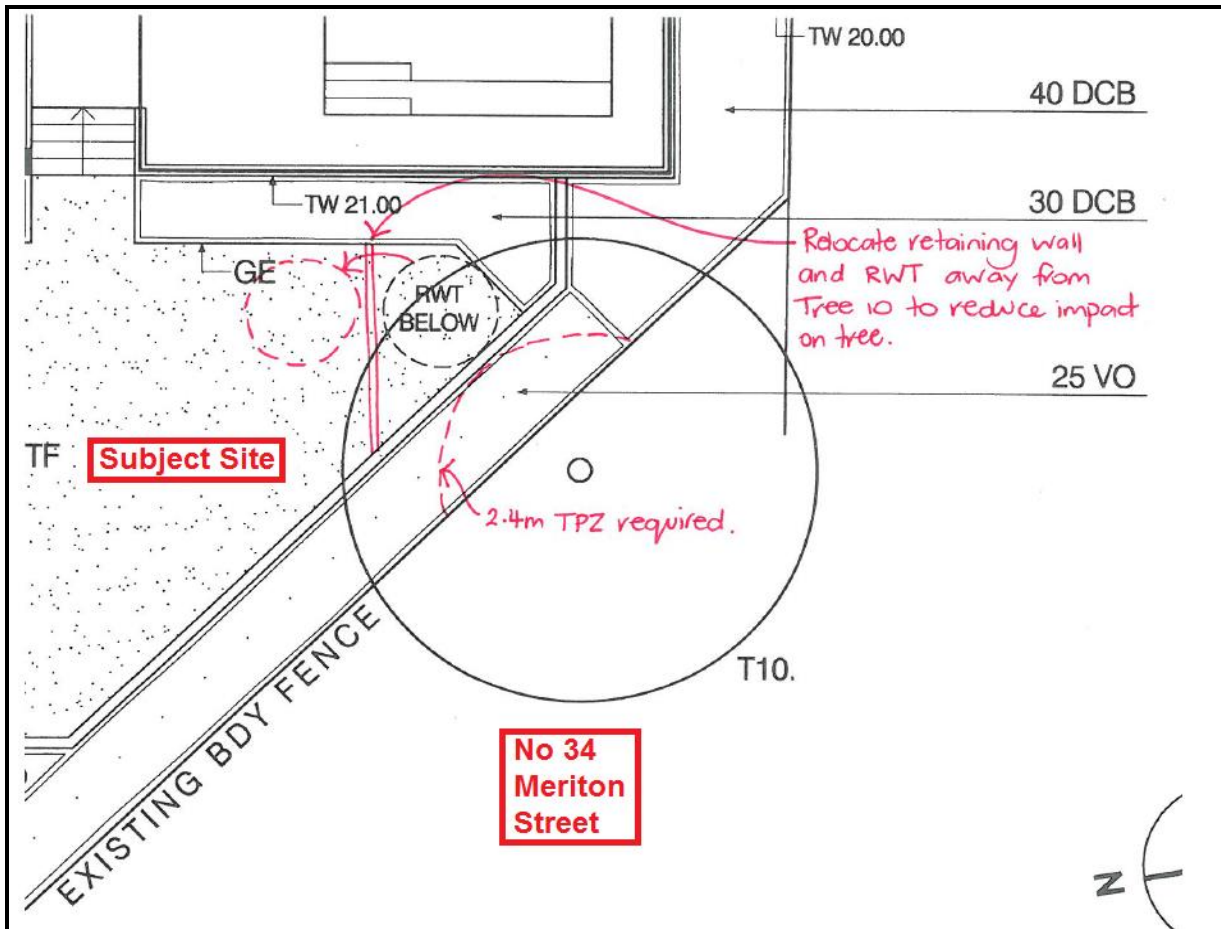
A Project Arborist with AQF Level 5 qualifications is to be engaged to ensure compliance with the tree protection measures and oversee all works including demolition and construction, in relation to the trees identified for retention on the site.

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

ITEM 3 (continued)

ATTACHMENT 4

PREVIOUS REPORT



14. Critical Dates

There are no critical dates or deadlines to be met.

15. Financial Impact

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

16. Other Options

None relevant.

ITEM 3 (continued)

ATTACHMENT 4

PREVIOUS REPORT

17. Conclusion

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

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

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

ITEM 3 (continued)

ATTACHMENT 4

PREVIOUS REPORT

ATTACHMENT 1

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

DEFERRED COMMENCEMENT

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

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

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

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

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

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

ITEM 3 (continued)

ATTACHMENT 4

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ATTACHMENT 1

GENERAL

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

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

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

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

ITEM 3 (continued)

ATTACHMENT 4

PREVIOUS REPORT

ATTACHMENT 1

Protection of Adjoining and Public Land

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

Works on Public Road

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

Swimming Pools/Spas

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

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14. **Stormwater disposal.** Stormwater runoff from all impervious areas of the site is to be collected and piped to the existing or new underground stormwater drainage system in accordance with Council's DCP 2010, Part 8.2 "Stormwater Management".
15. **Design and Construction Standards.** All engineering plans and work shall be carried out in accordance with the requirements as outlined within Council's publication *Environmental Standards Development Criteria 1999 and City of Ryde Development Control Plan 2010 Section 8* except as amended by other conditions.
16. **Service Alterations.** All mains, services, poles, etc., which require alteration to facilitate the development shall be altered at the applicant's expense. Written approval and signed off at completion from the relevant Public Authority shall be submitted to Council.
17. **Restoration.** To ensure public areas will be safely maintained at all times all disturbed public areas must be restored to Council satisfaction. All restoration of disturbed road, footway areas, kerb and gutters, redundant vehicular crossings etc arising from the proposed development works will be carried out by Council subject to the lodgement of a Road Opening Permit application to Council with payment of fees in accordance with Council's Management Plan, prior to commencement of works.
18. **Road Opening Permit.** To ensure all restoration works within the public road reserve will be completed and restored to Council satisfaction, the applicant shall apply for a Road Opening permit where excavation works are proposed within the road reserve. No works shall be carried out on the road reserve without this permit being paid and a copy kept on the site.
19. **Council's Approval.** To ensure all engineering works within the public road and/or drainage reserve, including Council's parkland will be completed to Council satisfaction, engineering approval and compliance certificates must be obtained from Council for the following works at the specified stage where applicable and **submitted to the Principal Certifying Authority prior to the issue of any Occupation Certificate.** Fees applicable to the proposed works in accordance with Council's Management Plan are to be paid to Council prior to approval being given by Council:
 - Approval for drainage connection(s) to Council's stormwater drainage systems and inspection of the stormwater connection by council prior to backfilling.
 - Approval shall be obtained for the construction of any structure on Council's road and drainage reserve, including parkland. The inspection(s) for these structures, during construction shall be made by Council e.g.

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prior to casting & backfilling of Council's pits and other drainage structures including kerb & gutter, access ways, aprons, pathways, vehicular crossings, dish crossings and pathway steps etc.

- Final inspection by Council after completion of all external works with all disturbed areas satisfactorily restored.

DEMOLITION CONDITIONS

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

A Construction Certificate is not required for Demolition.

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

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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.

Imported fill

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

PRIOR TO CONSTRUCTION CERTIFICATE

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

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

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

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

32. **Compliance with Australian Standards.** The development is required to be carried out in accordance with all relevant Australian Standards. Details demonstrating compliance with the relevant Australian Standard are to be submitted to the Principal Certifying Authority prior to the issue of the **Construction Certificate**.
33. **Structural Certification.** The applicant must engage a qualified practising structural engineer to provide structural certification in accordance with relevant BCA requirements prior to the release of the **Construction Certificate**.
34. **Security deposit.** The Council must be provided with security for the purposes of section 80A(6) of the *Environmental Planning and Assessment Act 1979* in a sum determined by reference to Council's Management Plan prior to the release of the **Construction Certificate**. (category: dwelling houses with delivery of bricks or concrete or machine excavation)
35. **Fees.** The following fees must be paid to Council in accordance with Council's Management Plan prior to the release of the **Construction Certificate**:
 - (a) Infrastructure Restoration and Administration Fee
 - (b) Enforcement Levy
36. **Alignment Levels.** The applicant is to apply to Council, pay the required fee, and have issued site specific alignment levels by Council prior to the issue of the **Construction Certificate**.
37. **Long Service Levy.** Documentary evidence of payment of the Long Service Levy under Section 34 of the Building and Construction Industry Long Service Payments Act 1986 is to be submitted to the Principal Certifying Authority prior to the issuing of the **Construction Certificate**.
38. **Dilapidation Survey.** A dilapidation survey is to be undertaken that addresses all properties (including any public place) that may be affected by the construction work namely 18 and 24 Amiens Street, Gladesville. A copy of the survey is to be submitted to the PCA (*and Council, if Council is not the PCA*) prior to the release of the **Construction Certificate**.
39. **Sydney Water – quick check.** The approved plans must be submitted to a Sydney Water Quick Check agent or Customer Centre, prior to the release of the **Construction Certificate**, to determine whether the development will affect any Sydney Water assets, sewer and water mains, stormwater drains and/or

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easements, and if further requirements need to be met. Plans will be appropriately stamped.

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

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

Or telephone 13 20 92.

40. **Reflectivity of materials.** Roofing and other external materials must be of low glare and reflectivity. Details of finished external surface materials, including colours and texture must be provided to the Principal Certifying Authority prior to the release of the **Construction Certificate**.
41. **Fencing.** Fencing is to be in accordance with Council's Development Control Plan and details of compliance are to be provided in the plans for the **Construction Certificate**.
42. **Pool fencing.** The pool fence is to be erected in accordance with the approved plans and conform with the provisions of the *Swimming Pools Act 1992* and *Swimming Pools Regulation 2008*. Details of compliance are to be reflected on the plans submitted with the **Construction Certificate**.
43. **Relocation of retaining wall and rain water tank.** To ensure adequate protection of the tree's roots covered in the following condition, the proposed rainwater tank and retaining wall adjacent to the rainwater tank is to be relocated away from the 2.4m tree protection zone area. Details of the revised rainwater tank and retaining wall location are to be submitted to Council for approval prior to the issue of the **Construction Certificate**.
44. **Tree protection.** The *Glochidion ferdinandi* (Cheese Tree) located on the adjoining property at 34 Meriton Street is to be retained and protected as part of the proposed development through establishment of a 2.4m Tree Protection Zone (TPZ).

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

Engineering Conditions

45. **Site Stormwater Drainage System.** To ensure satisfactory stormwater disposal and minimise downstream stormwater impacts, stormwater runoff from

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the site shall be collected and piped by gravity flow to the public road in accordance with the requirements of DCP 2010: Part 8.2- Stormwater Management. Accordingly, detailed engineering plans with certification indicating compliance with this condition are to be submitted with the Construction Certificate application.

46. **Boundary Levels.** The levels of the street alignment shall be obtained from Council. These levels shall be incorporated into the design of the internal driveways, carparking areas, landscaping and stormwater drainage design where applicable to ensure smooth transition.
47. **Driveway Grades.** The driveway access and footpath crossing(s) shall be designed to fully comply with the relevant section of AS 2890.1.-2004 and Council's issued alignment levels. Engineering certification indicating compliance with this condition is to be submitted with the Construction Certificate application.
48. **Vehicle Footpath Crossings.** Concrete footpath crossings shall be constructed at all locations where vehicles cross the footpath, to protect it from damage resulting from the vehicle traffic. The crossing(s) are to be constructed in plain reinforced with location, design and construction shall conform to Council requirements. Accordingly, prior to issue of Construction Certificate an application shall be made to Council's Public Works division for driveway crossing alignment levels. These issued levels are to be incorporated into the design of the driveway access and clearly delineate on plans submitted with the Construction Certificate application.

PRIOR TO COMMENCEMENT OF CONSTRUCTION

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

49. **Site Sign**

- (a) A sign must be erected in a prominent position on site, prior to the commencement of construction:
- (i) showing the name, address and telephone number of the Principal Certifying Authority for the work,
 - (ii) showing the name of the principal contractor (if any) or the person responsible for the works and a telephone number on which that person may be contacted outside working hours, and
 - (iii) stating that unauthorised entry to the work site is prohibited.

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- (b) Any such sign must be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

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

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

52. **Excavation adjacent to adjoining land**
- (a) If an excavation extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation must, at their own expense, protect and support the adjoining premises from possible damage from the excavation, and where necessary, underpin the adjoining premises to prevent any such damage.
 - (b) The applicant must give at least seven (7) days notice to the adjoining owner(s) prior to excavating.
 - (c) An owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this condition, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

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

DURING CONSTRUCTION

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

54. **Critical stage inspections.** The person having the benefit of this consent is required to notify the Principal Certifying Authority during construction to ensure that the critical stage inspections are undertaken, as required under clause 162A(4) of the *Environmental Planning and Assessment Regulation 2000*.
55. **Survey of footings/walls.** All footings and walls within 1 metre of a boundary must be set out by a registered surveyor. On commencement of brickwork or wall construction a survey and report must be prepared indicating the position of external walls in relation to the boundaries of the allotment.
56. **Sediment/dust control.** No sediment, dust, soil or similar material shall leave the site during construction work.
57. **Use of fill/excavated material.** Excavated material must not be reused on the property except as follows:
- (a) Fill is allowed under this consent;
 - (b) The material constitutes Virgin Excavated Natural Material as defined in the *Protection of the Environment Operations Act 1997*;
 - (c) the material is reused only to the extent that fill is allowed by the consent.
58. **Construction materials.** All materials associated with construction must be retained within the site.
59. **Site Facilities**
- The following facilities must be provided on the site:
- (a) toilet facilities in accordance with WorkCover NSW requirements, at a ratio of one toilet per every 20 employees, and
 - (b) a garbage receptacle for food scraps and papers, with a tight fitting lid.

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60. Site maintenance

The applicant must ensure that:

- (a) approved sediment and erosion control measures are installed and maintained during the construction period;
- (b) building materials and equipment are stored wholly within the work site unless an approval to store them elsewhere is held;
- (c) the site is clear of waste and debris at the completion of the works.

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

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

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

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

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

66. Tree works – provision of arborist details. Council is to be notified, in writing, of the name, contact details and qualifications of the Consultant Arborist appointed to the site. Should these details change during the course of works, or the appointed Consultant Arborist alter, Council is to be notified, in writing, within seven working days.

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

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

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PRIOR TO OCCUPATION CERTIFICATE

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

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

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

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

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

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

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

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Engineering Conditions

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

OPERATIONAL CONDITIONS

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

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

End of consent

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ATTACHMENT 2

Quality Certification

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

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

COMPLIANCE CHECK

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

DCP 2010	PROPOSED	COMPLIANCE
Part 3.3 – Dwelling Houses and Dual Occupancy (attached)		
Desired Future Character		
Development is to be consistent with the desired future character of the low density residential areas.	The proposed development is consistent with the desired future character of the low density residential area as detailed further in this table.	Yes
Dwelling Houses		
<ul style="list-style-type: none"> - To have a landscaped setting which includes significant deep soil areas at front and rear. - Maximum 2 storeys. 	<p>Front and rear gardens proposed.</p> <p>Partly three storeys, however due to the site's topography the proposed building appears to be single storey with a loft / dormer from Amiens Street and reflects the surrounding streetscape. The third storey only includes a small amount of floor space being 20.15m² providing access to upper level terrace.</p>	<p>Yes</p> <p>No - Justified</p>

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DCP 2010	PROPOSED	COMPLIANCE
<ul style="list-style-type: none"> - Dwellings to address street - Garage/carports not visually prominent features. 	<p>Dwelling presents to street Double garage is located at lower ground level at an RL below that of Amiens Street additionally the proposed garage is orientated away from the street and accessed by a curved driveway, which reduces its visual prominence.</p>	<p>Yes Yes</p>
Alterations and Additions		
<ul style="list-style-type: none"> - Design of finished building appears as integrated whole. - Development to improve amenity and liveability of dwelling and site. 	<p>Proposal is for a new dwelling house.</p>	<p>NA</p>
Public Domain Amenity		
<ul style="list-style-type: none"> • Streetscape <ul style="list-style-type: none"> - Front doors and windows are to face the street. Side entries to be clearly apparent. - Single storey entrance porticos. - Articulated street facades. - Corner buildings to address both frontages 	<p>Front doors and windows face street.</p> <p>Although the entrance portico may appear to be two storey the upper level component actually services as a trafficable balcony and accordingly should be considered as a single storey entrance portico only.</p> <p>Articulated street facade Not on corner</p>	<p>Yes</p> <p>Yes</p> <p>Yes NA</p>
<ul style="list-style-type: none"> • Public Views and Vistas <ul style="list-style-type: none"> - A view corridor is to be provided along at least one side allotment boundary where there is an existing or potential view to the water from the street. Landscaping is not to restrict views. - Garages/carports and outbuildings are not to be located within view corridor if they obstruct view. - Fence 70% open where height is >900mm 	<p>No water views available from Amiens Street across subject site.</p> <p>NA see above.</p> <p>NA see above.</p>	<p>NA</p>

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ATTACHMENT 2

DCP 2010	PROPOSED	COMPLIANCE
<ul style="list-style-type: none"> • Pedestrian & Vehicle Safety - Car parking located to accommodate sightlines to footpath & road. - Fencing that blocks sight line is to be splayed. 	<p>Proposed car parking is located within an integrated garage that allows entry and egress from the site in a forward direction, accordingly satisfactory sightlines are anticipated to be provided.</p> <p>The proposed dwelling includes a front fence along the Amiens Street frontage which generally complies with fencing controls under Section 2.15, Part 3.3 of the Ryde DCP 2010 and accordingly does not block sight lines.</p>	<p>Yes</p> <p>Yes</p>
Site Configuration		
<ul style="list-style-type: none"> • Deep Soil Areas - 35% of site area min. - Min 8x8m deep soil area in backyard. - Front yard to have deep soil area (only hard paved area to be driveway, pedestrian path and garden walls). - Dual occupancy developments only need 1 of 8 x 8m area (doesn't have to be shared equally). 	<p>482.23m² approx (36.49% of site area).</p> <p>8m x 8m not provided, however equivalent provided with satisfactory with satisfactory dimensions.</p> <p>100% permeable area in front yard= 171.3m². Hard surface areas have been kept to a minimum.</p> <p>Proposal does not include dual occupancy development</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>NA</p>
<ul style="list-style-type: none"> • Topography & Excavation Within building footprint: - Max cut: 1.2m - Max fill: 900mm Outside building footprint: - Max cut: 900mm 	<p>Max cut: between approximately 2.61m (plant room) and 3.05m (games room).</p> <p>Max fill: approximately 1.08m in the area of the proposed theatre.</p> <p>Maximum cut for the</p>	<p>No</p> <p>No</p> <p>No</p>

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ATTACHMENT 2

DCP 2010	PROPOSED	COMPLIANCE
<ul style="list-style-type: none"> - Max fill: 500mm - No fill between side of building and boundary or close to rear boundary - No fill in overland flow path - Max ht retaining wall 900mm 	<p>construction of the Garage is approximately 2.7m, however it is noted on the plans that this intends to be back filled therefore the maximum level of cut outside of the building footprint that will remain once construction is completed would be that cut proposed on the western side of the proposed dwelling house adjacent to the courtyard which is approximately 1.88m. Max fill: approximately 2.19m at the retaining wall of the swimming pool and turfed courtyard.</p> <p>Fill occurs 2m from rear boundary.</p> <p>Not in overland flow path Highest retaining wall proposed is at the swimming pool and is approximately 2.19m in height.</p>	<p>No</p> <p>No</p> <p>NA</p> <p>No</p>
Floor Space Ratio		
<ul style="list-style-type: none"> - Lower Ground Floor - Ground floor - First floor (loft) - Total (Gross Floor Area) - Less 36m² (double) or 18m² (single) allowance for parking <p>FSR (max 0.5:1)</p> <p>Note: Excludes wall thicknesses, lifts/stairs; basement storage/vehicle access/garbage area; terraces/balconies with walls <1.4m; void areas.</p>	<p>336.58m²</p> <p>332.54m²</p> <p>22.17m²</p> <p>691.29m²</p> <p>655.29m²</p> <p>0.4958:1 (area from DP27326 - 1,321.55m²)</p> <p>0.4950:1 (area from Site Survey - 1,323.8m²)</p>	<p>Yes</p>
Height		
<ul style="list-style-type: none"> - 2 storeys maximum (storey) incl basement elevated greater than 1.2m above EGL). 	<p>Three storey proposed.</p>	<p>No</p>

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ATTACHMENT 2

DCP 2010	PROPOSED	COMPLIANCE
<ul style="list-style-type: none"> - 1 storey maximum above attached garage incl semi-basement or at-grade garages. 	<p>Due to articulation of the building there is only one storey directly above the attached garage. The buildings second storey (i.e. the loft) is spaced approximately 12m away from the entrance of the attached garage.</p>	<p>Yes</p>
<p>Wall plate (Ceiling Height)</p> <ul style="list-style-type: none"> - 7.5m max above FGL or - 8m max to top of parapet. 	<p>TOW RL: 27.81 FGL below (lowest point): RL:20.11 TOW Height =7.7m (This is the height to parapet of the column in the south west corner of the proposed building and is below the maximum 8m height allowable for continuous parapets). Max point of dwelling RL:31.1 EGL below ridge (lowest point) RL: 21.70 Overall Height = 9.4m</p>	<p>Yes</p>
<p>NB: <i>TOW = Top of Wall</i> <i>EGL = Existing Ground Level</i> <i>FGL = Finished Ground Level</i></p> <ul style="list-style-type: none"> - 9.5m Overall Height 	<p>Overall Height = 9.4m</p>	<p>Yes</p>
<p>NB: <i>EGL – Existing ground Level</i></p> <ul style="list-style-type: none"> - Habitable rooms to have 2.4m floor to ceiling height (min). 	<p>2.6m min room height (loft)</p>	<p>Yes</p>
Setbacks		
<ul style="list-style-type: none"> • Side <ul style="list-style-type: none"> ○ Single storey dwelling <ul style="list-style-type: none"> - 900mm to wall, includes balconies etc. ○ First floor addition <ul style="list-style-type: none"> - 150mm to wall, includes balconies etc. ○ Two storey dwelling <ul style="list-style-type: none"> - 1500mm to wall, includes balconies etc. ○ Side setback to secondary frontage (cnr allotments): 2m to façade and garage/carports • Front <ul style="list-style-type: none"> - 6m to façade (generally) 	<p>1.5m to wall min</p> <p>1.5m to wall min</p> <p>1.5m to wall min</p> <p>Not a corner allotment</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>NA</p>
	<p>The proposed development is generally setback 6m from the front boundary to the support</p>	<p>Yes</p>

ITEM 3 (continued)

ATTACHMENT 4

PREVIOUS REPORT

ATTACHMENT 2

DCP 2010	PROPOSED	COMPLIANCE
<ul style="list-style-type: none"> - 2m to secondary street frontage - Garage setback 1m from the dwelling facade - Wall above is to align with outside face of garage below. - Front setback free of ancillary elements e.g. RWT,A/C • Rear - 8m to rear of dwelling OR 25% of the length of the site, whichever is greater. Note: 10.996m is 25% of site length. •Sites wider than they are long - One side setback of 8m or 20% of allotment width, whichever is greater. NB: Side setback on irregular allotments can be measured at the centre line of the site (must have 8x8 DSA). - Rear setback 4m min (in addition to 8m side setback) 	<p>posts of the balcony and 7m to the dwelling façade. A minor encroachment at front porch by 390mm results in setback of 5.6m to entry porch, however the general setback distance is still considered to comply with the 6m control.</p> <p>Not on a corner site.</p> <p>The proposed garage is orientated toward the western side boundary and in a semi-basement configuration, as such the proposed garage is not a prominent element in the streetscape and accordingly this control is considered not applicable in this instance. It is noted that the garage door is set back 1.2m from the western side elevation of the dwelling and any minor view of the garage door from the streetscape is minimised through the design.</p> <p>Wall above aligns with outside face of garage wall</p> <p>Front setback is free of ancillary elements</p> <p>The rear setback to the terrace is 11m at the shortest point which is at the south western corner of the porch adjacent to bedroom 5 and the drying area.</p>	<p>NA</p> <p>NA</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>NA</p> <p>NA</p>

ITEM 3 (continued)

ATTACHMENT 4

PREVIOUS REPORT

ATTACHMENT 2

DCP 2010	PROPOSED	COMPLIANCE
Car Parking & Access		
<ul style="list-style-type: none"> • General <ul style="list-style-type: none"> - Dwelling: 2 spaces max, 1 space min. - Dual Occupancy (attached): 1 space max per dwelling. - Where possible access off secondary street frontages or laneways is preferable. - Garage or carport may be in front If no other suitable position, no vehicular access to side or rear - Max 6m wide or 50% of frontage, whichever is less. - Behind building façade. • Garages <ul style="list-style-type: none"> - Garages setback 1m from façade. - Total width of garage doors visible from public space must not exceed 5.7m and be setback not more than 300mm behind the outside face of the building element immediately above. 	<p>Four (4) spaces in garage plus one (1) outdoor visitor space as per submitted SEE and plans.</p> <p>NA</p> <p>Access from Amiens Street only, no secondary access possible.</p> <p>Proposed garage faces western side boundary.</p> <p>Proposed garage faces western side boundary.</p> <p>Garage entrance to the side of the building facade.</p> <p>The proposed garage is orientated toward the western side boundary and in a semi-basement configuration, as such the proposed garage is not a prominent element in the streetscape and accordingly this control is considered not applicable in this instance. It is noted that the garage door is set back 1.2m from the western side elevation of the dwelling and any minor view of the garage door from the streetscape is minimised through the design.</p> <p>Width of opening: 5.7m</p> <p>It is noted that the garage door is set back 1.2m from the western side elevation of the dwelling and the building element immediately above, however as the proposed garage is orientated toward</p>	<p>No</p> <p>NA</p> <p>Yes</p> <p>NA</p> <p>NA</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>NA</p>

ITEM 3 (continued)

ATTACHMENT 4

PREVIOUS REPORT

ATTACHMENT 2

DCP 2010	PROPOSED	COMPLIANCE
<ul style="list-style-type: none"> - Garage windows are to be at least 900mm away from boundary. 	<p>the western side boundary and in a semi-basement configuration, the proposed garage is not a prominent feature with regard to the individual lot or streetscape. No garage windows proposed.</p>	<p>NA</p>
<ul style="list-style-type: none"> - Free standing garages are to have a max GFA of 36m². 	<p>The proposed garage is attached and is not free standing.</p>	<p>NA</p>
<ul style="list-style-type: none"> - Solid doors required 	<p>Solid doors proposed</p>	<p>Yes</p>
<ul style="list-style-type: none"> - Materials in keeping or complementary to dwelling. 	<p>Materials: consistent with new dwelling.</p>	<p>Yes</p>
<ul style="list-style-type: none"> • Carpports - Sides 1/3 open (definition in BCA) - Design and materials compatible with dwelling. 	<p>None proposed</p>	<p>NA</p>
<ul style="list-style-type: none"> • Parking Space Sizes (AS) 	<p>6m</p>	<p>Yes</p>
<ul style="list-style-type: none"> - Double garages: 5.4m w (min) 	<p>NA</p>	<p>NA</p>
<ul style="list-style-type: none"> - Single garage: 3m w(min) 	<p>11.5m</p>	<p>Yes</p>
<ul style="list-style-type: none"> - Internal length: 5.4m (min) 		
<ul style="list-style-type: none"> • Driveways - Extent of driveways minimised 	<p>Driveway minimised</p>	<p>Yes</p>
<ul style="list-style-type: none"> • Semi-basement Car Parking - Ramps must start 2m from the boundary (not on public land). 	<p>Ramp begins less than 2m from the boundary.</p>	<p>Yes</p>
<ul style="list-style-type: none"> - Walls are not to extend beyond walls of dwelling above. 	<p>Development Engineer to comment.</p>	<p>No</p>
<ul style="list-style-type: none"> - Walls are not to extend beyond walls of dwelling above. 	<p>Walls do not extend beyond walls of dwelling above</p>	<p>Yes</p>
<ul style="list-style-type: none"> - Only allowed where appropriate to site topography 	<p>Appropriate considering topography of site.</p>	<p>Yes</p>
<p>Swimming Pools & Spas</p>		
<ul style="list-style-type: none"> - Must comply with all relevant Acts, Regulations and Australian Standards. 	<p>Assessed before issuing Construction Certificate</p>	<p>Yes</p>
<ul style="list-style-type: none"> - 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 	<p>Pool is to be surrounded by child resistant barrier, fencing isolates pool area from dwelling and adjoining land.</p>	<p>Yes</p>
<ul style="list-style-type: none"> - 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 		<p>Yes</p>

ITEM 3 (continued)

ATTACHMENT 4

PREVIOUS REPORT

ATTACHMENT 2

DCP 2010	PROPOSED	COMPLIANCE
<p>from adjoining land.</p> <ul style="list-style-type: none"> - No openable windows, door or other openings in a wall that forms part of barrier - Spa to have lockable lid if not fenced or covered - Pools not to be in front setback <p>Pool coping height</p> <ul style="list-style-type: none"> - 500mm maximum above existing ground level <p><i>(only if no impact on privacy)</i></p> <ul style="list-style-type: none"> • Pool Setback <ul style="list-style-type: none"> - 900mm min from outside edge of pool coping, deck or surrounds to allow sufficient space for amenity screen planting - Screen planting required for pools located within 1500mm, min bed width of 900mm for the length of the pool. Min ht 2m, min spacing 1m. - Pool setback 3m+ from tree >5m height on subject or adjacent property. - Pool filter located away from neighbouring dwellings, and in an acoustic enclosure. 	<p>Gate location/swing illustrated on plans.</p> <p>There are no openable windows/doors within close proximity of the pool area.</p> <p>No Spa proposed</p> <p>Pool located at rear. Pool coping RL:20.80</p> <p>EGL (lowest point below coping): RL:18.81</p> <p>Coping Height =1.99m</p> <p>Setback (min):2m</p> <p>Located more than 1.5m from boundary.</p> <p>Existing tree within 3m to be removed.</p> <p>Pool equipment located at sufficient distance away from neighbouring dwellings a standard condition to ensure that the equipment including pool filter is stored in an appropriate acoustic enclosure.</p>	<p>Yes</p> <p>NA</p> <p>Yes No</p> <p>Yes</p> <p>NA</p> <p>Yes</p> <p>Yes</p>
Landscaping		
<ul style="list-style-type: none"> • Trees & Landscaping <ul style="list-style-type: none"> - Major trees retained where practicable. 	<p>Three (3) major trees are to be retained. The major trees proposed to be removed cannot practicably be retained during construction and the submitted arborist report identifies them as being either</p>	<p>Yes</p>

ITEM 3 (continued)

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PREVIOUS REPORT

ATTACHMENT 2

DCP 2010	PROPOSED	COMPLIANCE
<ul style="list-style-type: none"> - If bushland adjoining use native indigenous species for 10m from boundary 	<p>poor in condition, low in vigour or exempt under Council's tree preservation order. The arborist report therefore recommends that eleven (11) trees are to be removed and replaced with alternate plantings.</p> <p>Not bushland adjoining</p>	<p>NA</p>
<ul style="list-style-type: none"> - Physical connection to be provided between dwelling and outdoor spaces where the ground floor is elevated above NGL e.g. stairs, terraces. 	<p>Proposal includes physical connection between dwelling and outdoor spaces.</p>	<p>Yes</p>
<ul style="list-style-type: none"> - Obstruction-free pathway on one side of dwelling (excl cnr allotments or rear lane access). 	<p>Obstruction free pathway provided.</p>	<p>Yes</p>
<ul style="list-style-type: none"> - Front yard to have at least 1 tree with mature ht of 10m min and a spreading canopy. 	<p>Existing tree (Jacaranda mimosifolia) in north east front corner of site is to be retained which has a mature height of 10m with spreading canopy.</p>	<p>Yes</p>
<ul style="list-style-type: none"> - Backyard to have at least 1 tree with mature ht of 15m min and a spreading canopy. 	<p>Existing tree (Black Bean) in rear of site is to be retained which has a mature height above 15m with spreading canopy. A second Jacaranda is also proposed for the north west front corner of the subject site.</p>	<p>Yes</p>
<ul style="list-style-type: none"> - Hedging or screen planting on boundary mature plants reaching no more than 2.7m. 	<p>The submitted landscape plan includes planting along the boundaries of Viburnum Odoratissimum and Murraya Paniculata which can reach mature heights above 2.7m.</p>	<p>No</p>
<ul style="list-style-type: none"> - OSD generally not to be located in front setback unless under driveway. 	<p>OSD located at rear of site</p>	<p>Yes</p>
<ul style="list-style-type: none"> - Landscaped front garden, with max 40% hard paving. 	<p>Hard Paving: 30.99%</p>	<p>Yes</p>

ITEM 3 (continued)

ATTACHMENT 4

PREVIOUS REPORT

ATTACHMENT 2

DCP 2010	PROPOSED	COMPLIANCE
<ul style="list-style-type: none"> • Landscaping for lots with Urban Bushland or Overland Flow constraints - Where lot is adjoining bushland protect, retain and use only native indigenous vegetation for distance of 10m from building adjoining bushland. - No fill allowed in overland flow areas. - Fences in Overland Flow areas must be of open construction so it doesn't impede the flow of water. 	<p>No Urban Bushland or Overland Flow constraints identified.</p>	<p>NA</p>
<p>Dwelling Amenity</p>		
<ul style="list-style-type: none"> • Daylight and Sunlight Access - Living areas to face north where orientation makes this possible. - Increase side setback for side living areas (4m preferred) where north is the side boundary. <p>Subject Dwelling:</p> <ul style="list-style-type: none"> - 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. - Private Open space of subject dwelling is to receive at least 2 hours sunlight between 9am and 3pm on June 21. 	<p>Where possible living areas have been given a northern orientation, however as north is the street boundary and there is an obvious amenity benefit derived from providing living areas adjoining principle private open space areas a number of living areas within the proposed dwelling are orientated to the south.</p> <p>North is the front boundary</p> <p>North facing windows will receive at least 3hrs of sunlight between 9am and 3pm on June 21</p> <p>The submitted shadow diagrams indicate that approximately a quarter of the private open space area receives sunlight at 12pm and approximately half of the private open space area at 3pm, which is sufficient considering the orientation of the site.</p>	<p>Yes</p> <p>NA</p> <p>Yes</p> <p>Yes</p>

ITEM 3 (continued)

ATTACHMENT 4

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ATTACHMENT 2

DCP 2010	PROPOSED	COMPLIANCE
<p><u>Neighbouring properties are to receive:</u></p>		
<ul style="list-style-type: none"> - 2 hours sunlight to at least 50% of adjoining principal ground level open space between 9am and 3pm on June 21. 	<p>The submitted shadow diagrams indicate that more than 2 hours of sunlight to at least 50% of adjoining principal open space between 9am and 3pm on June 21.</p>	<p>Yes</p>
<ul style="list-style-type: none"> - 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>The submitted shadow diagrams indicate that more than 3 hours of sunlight to adjoining living area windows between 9am and 3pm on June 21.</p>	<p>Yes</p>
<ul style="list-style-type: none"> • Visual Privacy 		
<ul style="list-style-type: none"> - Orientate windows of living areas, balconies and outdoor living areas to the front and rear of dwelling. 	<p>Windows of living areas, balconies and outdoor living areas are orientated to the front and rear of the proposed dwelling.</p>	<p>Yes</p>
<ul style="list-style-type: none"> - Windows of living, dining, family etc. placed so there are no close or direct views to adjoining dwelling or open space. 	<p>The majority of windows are placed so there are no close or direct views towards neighbouring properties. Those windows which are orientated towards the eastern side boundary include high level sill heights to ensure privacy is maintained and overlooking is minimised.</p>	<p>Yes</p>
<ul style="list-style-type: none"> - Side windows offset from adjoining windows. 	<p>The proposed Kitchen Window is in line and at a similar level to a window of adjoining property No. 18 Amiens Street, however the size and sill height of this window is considered to result in minimal opportunities for overlooking.</p>	<p>Yes</p>
<ul style="list-style-type: none"> - Terraces, balconies etc. are not to overlook neighbouring dwellings/private open space. 	<p>As such, visual privacy is considered to be maintained. Terraces and balconies are orientated towards the front and rear of the site. The eastern side of the first floor terrace includes a screen to prevent overlooking and the western side is setback 3m from the neighbouring boundary.</p>	<p>Yes</p>

ITEM 3 (continued)

ATTACHMENT 4

PREVIOUS REPORT

ATTACHMENT 2

DCP 2010	PROPOSED	COMPLIANCE
<ul style="list-style-type: none"> • Acoustic Privacy - Layout of rooms in dual occupancies (attached) are to minimise noise impacts between dwellings e.g.: place adjoining living areas near each other and adjoining bedrooms near each other. • View Sharing - The siting of development is to provide for view sharing. • Cross Ventilation - Plan layout is to optimise access to prevailing breezes and to provide for cross ventilation. 	<p>Not dual occupancy. Acoustic privacy of neighbouring properties unlikely to be affected.</p> <p>Siting of the development does not affect view sharing.</p> <p>Plan layout optimises cross ventilation.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>
External Building Elements		
<ul style="list-style-type: none"> • Roof - Articulated. - 450mm eaves overhang minimum. - Not to be trafficable Terrace. - Skylights to be minimised and placed symmetrically. - Front roof plane is not to have both dormer windows and skylights. - Attic to be within roof space • Attic Dormer Windows - Max 2 dormer windows with a max total width of 3m. - Highest point to be 500mm min below roof ridge and 1m min above the top of gutter. - Total roof area of attic dormer: 8m². - Front face to be setback 1m min back from external face of wall below. - Balconies set into roof not permitted. 	<p>Articulated roof 600mm overhang</p> <p>Trafficable roof terrace provided in main roof.</p> <p>Minimal and symmetrical skylights.</p> <p>Front roof plane include dormer / balcony without skylights.</p> <p>Attic is within roof space Extra roof level proposed – technically not a dormer window</p> <p>Balconies and terraces set in main roof</p>	<p>Yes</p> <p>Yes</p> <p>No</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>No</p>

ITEM 3 (continued)

ATTACHMENT 4

PREVIOUS REPORT

ATTACHMENT 2

DCP 2010	PROPOSED	COMPLIANCE
Fencing		
<ul style="list-style-type: none"> • Front/return: <ul style="list-style-type: none"> - To reflect design of dwelling. - To reflect character and height of neighbouring fences. - Max 900mm high for solid (picket can be 1m). - Max 1.8m high if 50% open (any solid base max 900mm). - Retaining walls on front building max 900mm. - No colourbond or paling - Max pier width 350mm. • Side/rear fencing: <ul style="list-style-type: none"> - 1.8m max o/a height. 	<p>Reflects design of dwelling Reflects character and height of neighbouring fences 900mm solid base wall with rail above, 50% open and 1.8m max. in height. As above No retaining walls over 900mm as part of front or return fence. No colourbond or paling proposed. Pier widths vary between approximately 800-1200mm. Screen planting proposed.</p>	<p>Yes Yes Yes Yes Yes No Yes</p>
Part 7.1 – Energy Smart, Water Wise (only if BASIX not required)		
• Insulation		
<ul style="list-style-type: none"> - Walls: R1.5 - Ceiling: R3.0 	BASIX provided	NA
• Hot Water System		
<ul style="list-style-type: none"> - Any hot water system/s installed as part of a development or as a replacement must consider the most efficient option available to minimise greenhouse gas emissions. 		NA
• Water Fixtures, Fitting and Appliances		
<ul style="list-style-type: none"> - 3 star shower heads; 4 star dual flush toilet; 4 star taps (other than bath outlets and garden taps); aerators to bathroom/kitchen taps. 		NA
• External Clothes Drying Area		
<ul style="list-style-type: none"> - External yard space or sheltered ventilated space for clothes drying. 		NA
• Water Efficient Labelling & Standards (WELS)		
<ul style="list-style-type: none"> - Minimum WELS rating of 4.5 stars for new or replacement 		NA

ITEM 3 (continued)

ATTACHMENT 4

PREVIOUS REPORT

ATTACHMENT 2

DCP 2010	PROPOSED	COMPLIANCE
dishwashers and washing machines.		
Part 7.2 – Waste Minimisation & Management		
Submission of a Waste Management Plan	The applicant has submitted a Waste Management Plan	Yes
Part 8.2 – Stormwater Management		
<ul style="list-style-type: none"> • Stormwater 		
- Drainage is to be piped in accordance with Part 8.2 – Stormwater Management.	Drainage plans submitted and referred to Development Engineer for comment.	Yes
Part 9.2 – Access for People with Disabilities		
Accessible path required from the street to the front door, where the level of land permits.	Accessible path provided	Yes
Part 9.4 – Fencing		
<ul style="list-style-type: none"> • Front & Return Fences 		
- Front and return fences that exceed 1m in height are to be 50% open.	Front and return fences exceeding 1m in height are 50% open.	Yes
Part 9.6 – Tree Preservation		
<p>Where the removal of tree(s) is associated with the redevelopment of a site, or a neighbouring site, the applicant is required to demonstrate that an alternative design(s) is not feasible and retaining the tree(s) is not possible in order to provide adequate clearance between the tree(s) and the proposed building and the driveway.</p> <p>Note: A site analysis is to be undertaken to identify the site constraints and opportunities including trees located on the site and neighbouring sites. In planning for a development, consideration must be given to building/site design that retains healthy trees, as Council does not normally allow</p>	Submitted arborist report includes justification for the proposed removal of trees.	Yes

ITEM 3 (continued)

ATTACHMENT 4

PREVIOUS REPORT

ATTACHMENT 2

DCP 2010	PROPOSED	COMPLIANCE
<p>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) BASIX Cert # dated ABSA Cert #</p>	<p>BASIX Certificate No. 484676S 17 June 2013 ABSA Certificate No. 1005423338 17 June 2013</p>	<p>Yes</p>
<ul style="list-style-type: none"> • RWT 5000L 	<p>Underground 5000L RWT rear of site</p>	<p>Yes</p>
<ul style="list-style-type: none"> • Swimming Pool 1. <28kL 2. outdoors 	<p>Yes Yes</p>	<p>Yes Yes</p>
<ul style="list-style-type: none"> • Thermal Comfort Commitments: - Construction - TCC – Glazing. 	<p>Masonry insulated Double glazed</p>	<p>Yes Yes</p>
<ul style="list-style-type: none"> • Solar Gas Boosted HWS 2/41-45 RECS+ 		
<ul style="list-style-type: none"> • HWS Gas Instantaneous 5 star. 	<p>Yes</p>	<p>Yes</p>
<ul style="list-style-type: none"> • Natural Lighting - kitchen - bathrooms () 	<p>Yes Yes</p>	<p>Yes Yes</p>
<p>Water Target 40</p>	<p>Water:40</p>	<p>Yes</p>
<p>Energy Target 40</p>	<p>Energy:40</p>	<p>Yes</p>
<p>Correct description of property/proposal on 1st page of</p>	<p>Correct details shown</p>	<p>Yes</p>

ITEM 3 (continued)

ATTACHMENT 4

PREVIOUS REPORT

ATTACHMENT 2

BASIX	PROPOSAL	COMPLIANCE
Certificate.		

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

Summary of Issues/Non compliances:

Non justifiable

- Nil

Justifiable

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

Can be dealt with by condition

- Location of pool filter
- Screen planting height

Certification

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

Name Ben Tesoriero

Signature



Date 15 January 2014

ITEM 3 (continued)

ATTACHMENT 4

PREVIOUS REPORT

ATTACHMENT 3

View Impact Assessment

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

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

History

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

Comment

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

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

Objectives

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

ITEM 3 (continued)

ATTACHMENT 4

PREVIOUS REPORT

ATTACHMENT 3

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

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

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

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

Planning Principles

The First Step

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

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

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

ITEM 3 (continued)

ATTACHMENT 4

PREVIOUS REPORT

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

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

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

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

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

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

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

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

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considered to be even more obscured than those from 31 Amiens Street, and also virtually indiscernible from the existing vegetation and development.

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

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

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

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

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

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

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

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

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

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

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

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Views from No.31 Amiens Street, Gladesville



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



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

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



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

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



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

Views from No.29 Amiens Street, Gladesville

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



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

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



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

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



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

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



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

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



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

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

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Views from No.27 Amiens Street, Gladesville



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



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

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



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

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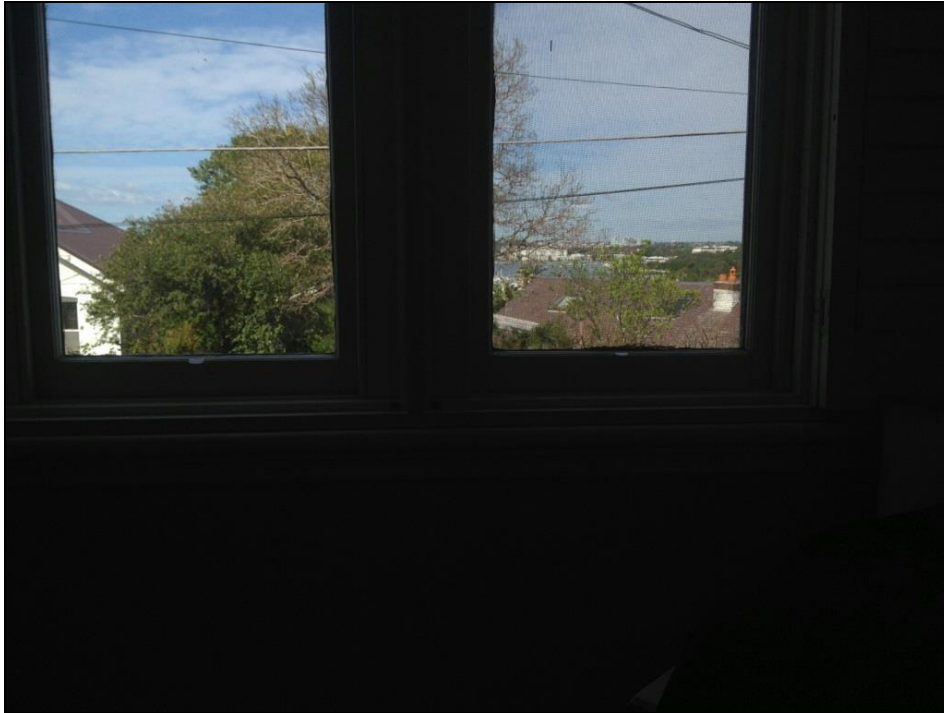


Figure 22 – Seated view from the front second bedroom of No.27 Amiens Street, Gladesville looking toward the south over 20 Amiens Street – note heavily obscured and distant partial views only of Parramatta River

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The Second Step

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

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

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



Figure 22 – Diagram demonstrating the area of Parramatta River which is currently viewable in a partial and highly obscured form from the dwelling houses on the northern side of Amiens Street. It is noted that the immediate foreshore area of

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Parramatta River is not viewable from the subject site due to the fall of the land along with existing vegetation and development.

The Third Step

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

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

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

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

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

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

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

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

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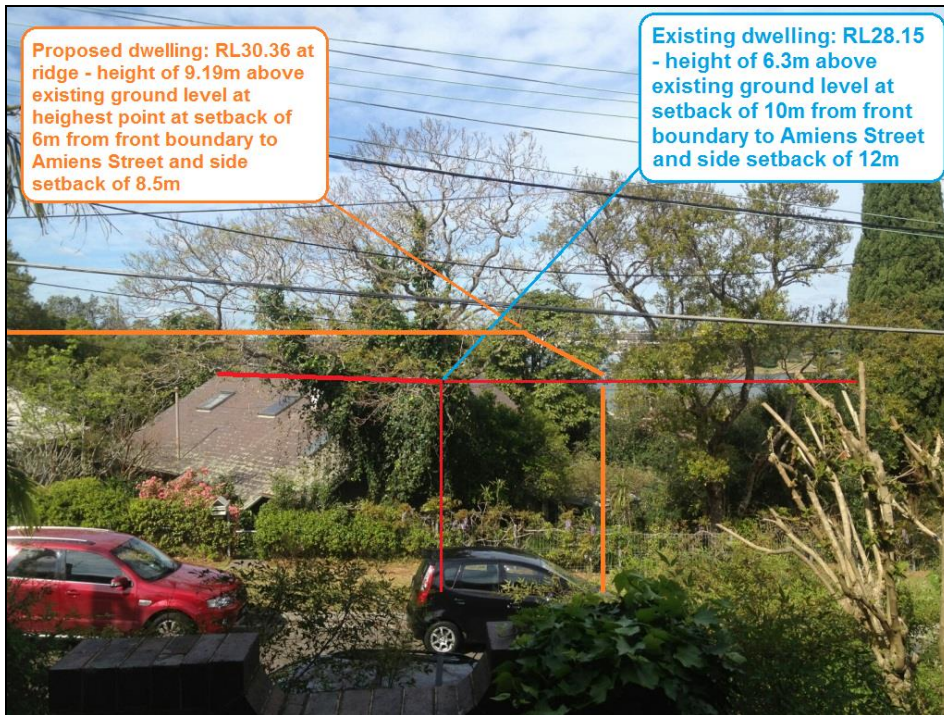


Figure 23 – Diagram indicating the estimated outline of the proposed development at 20 Amiens Street when compared with that of the existing development on the subject site along with anticipated view loss to be expected from the front porch areas of the dwelling houses on the northern side of Amiens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



Figure 24 – Diagram indicating the estimated outline of the proposed development at 20 Amiens Street and anticipated view loss from the upper level of 29 Amiens Street.

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In this image, the amount of view loss is considered to be higher due to its coincidence with the pitched roof over the loft of the proposed dwelling

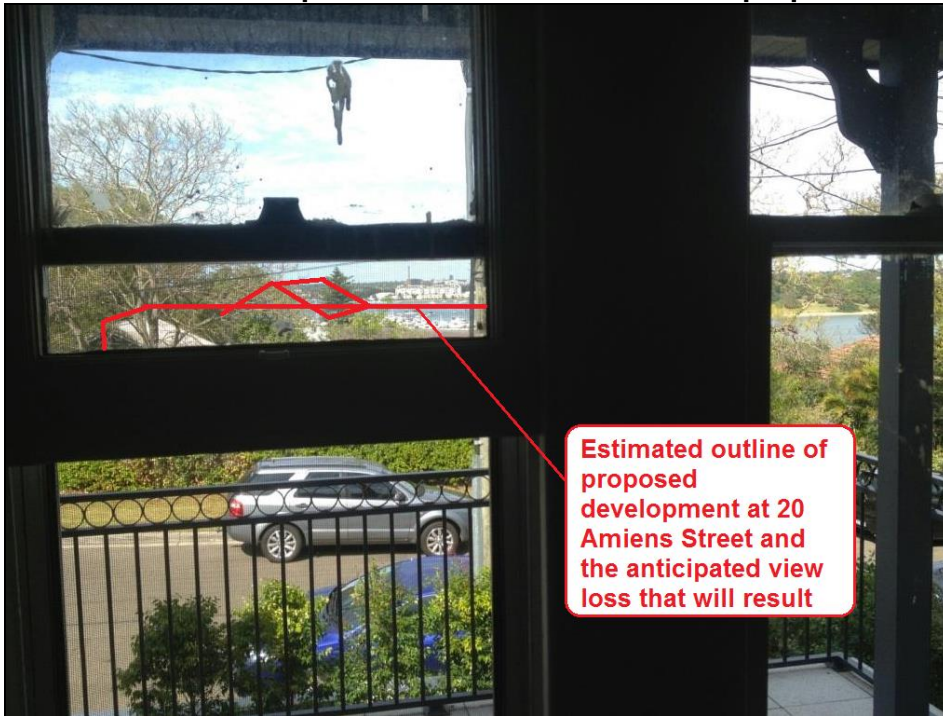


Figure 25 – Diagram indicating the estimated outline of the proposed development at 20 Amiens Street and the anticipated view loss to be expected from the front bedrooms within the dwelling houses on the northern side of Amiens Street. In this image the amount of view loss is considered to be moderate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

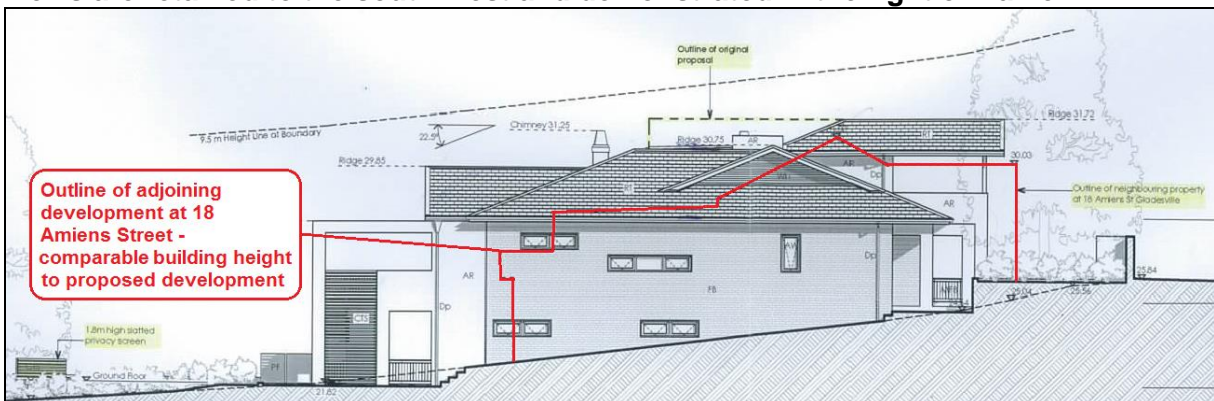


Figure 26 – Diagram showing the proposed development and the outline of adjoining development to the east of the subject site at 18 Amiens Street, Gladesville. It is noted that the building height of the proposed development is considered to be comparable when utilizing the definitions for building height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

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The Fourth Step

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

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

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

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

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

1. Partial water and land views have still been afforded to the dwelling houses on the northern side of Amiens Street to the south-west where the intersection of Amiens Street and Merton Street provides relief in the dense vegetation and dwelling house development to offer retained small views of Parramatta River.
2. The dwelling house complies with the bulk and scale provisions of the Ryde LEP 2010 and the Ryde DCP 2010 which effectively impact on view sharing.

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3. The design of the dwelling is considered to be consistent with the desired future character of the low density residential zone and that of the emerging waterfront character of the Gladesville area.

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

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

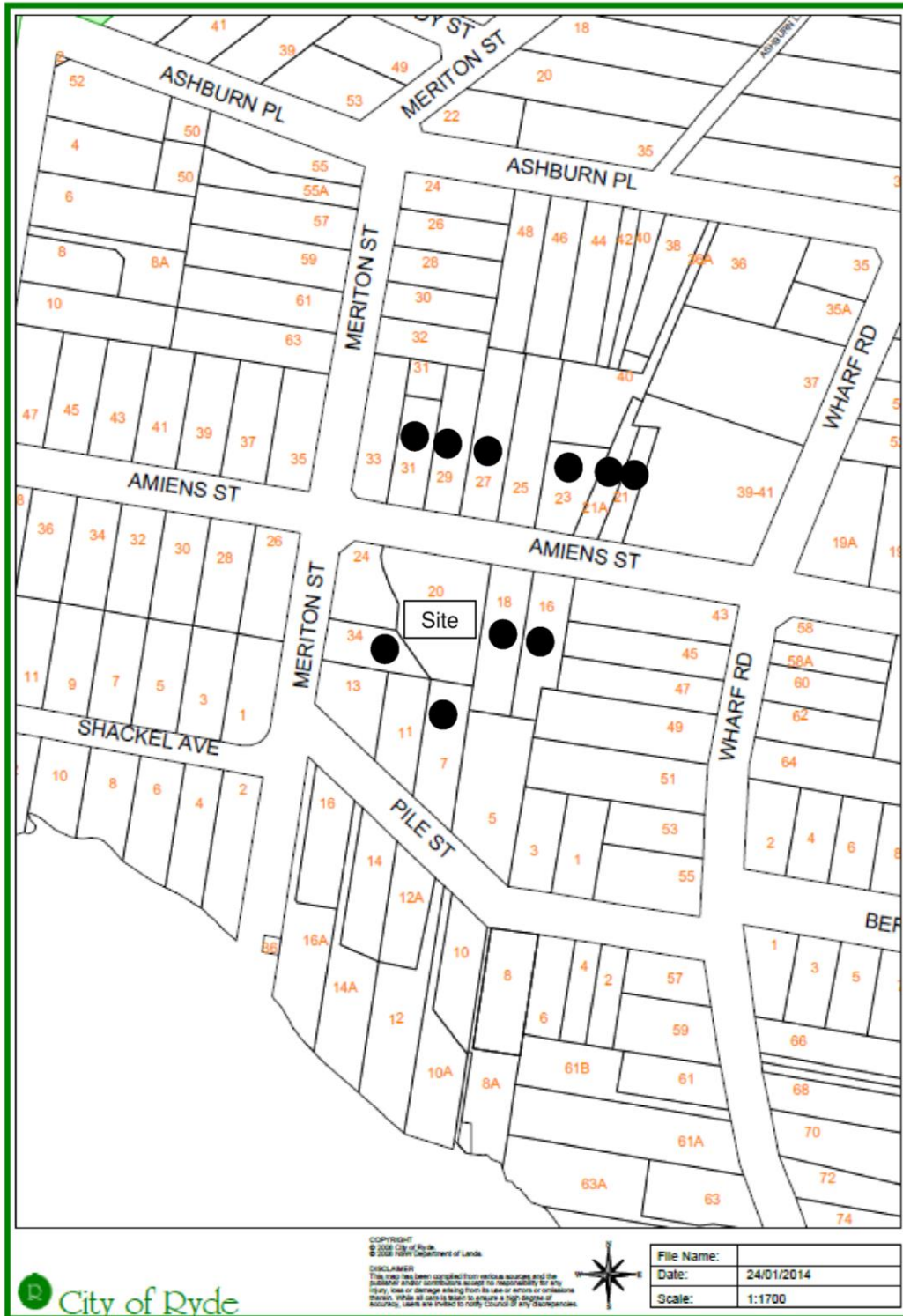
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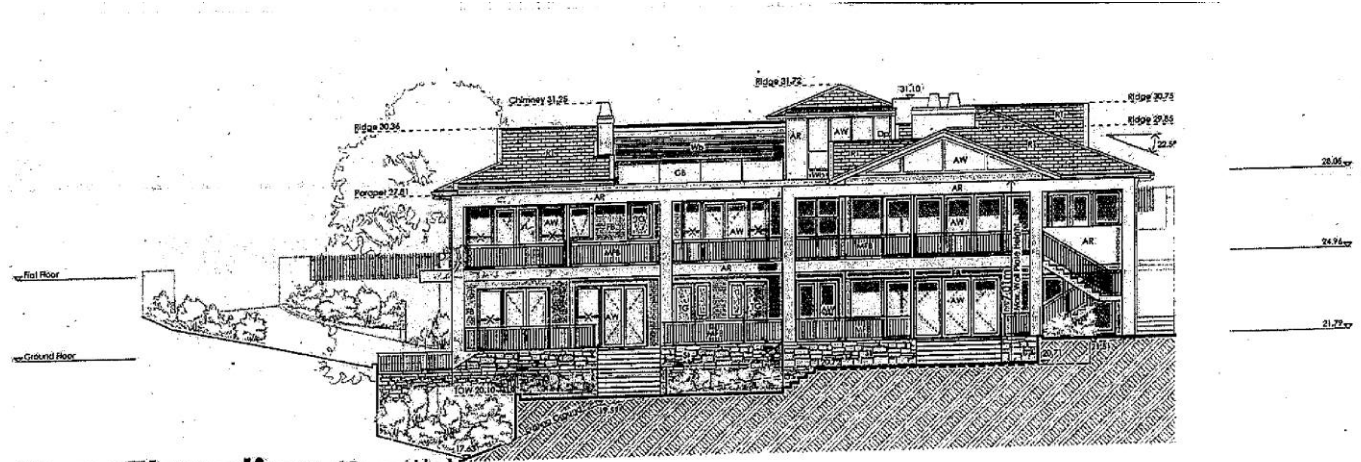
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● Indicates submissions received.

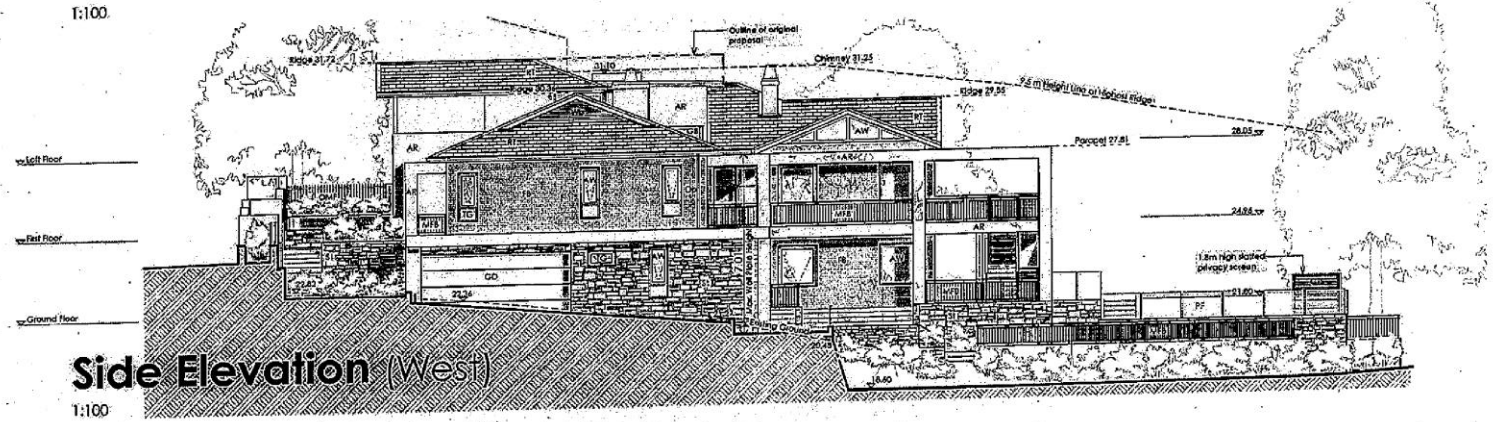


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Rear Elevation (South)
1:100



Side Elevation (West)
1:100

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Rev. #	Description	Date																
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