

**Meeting Date:** Tuesday 14 November 2017  
**Location:** Council Chambers, Level 1A, 1 Pope Street, Ryde  
**Time:** 5.00pm

**NOTICE OF BUSINESS**

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## **1 ELECTION OF CHAIRPERSON AND DEPUTY CHAIRPERSON**

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**Report prepared by:** Senior Coordinator - Governance

**File No.:** CLM/17/1/3/2 - BP17/1000

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### **REPORT SUMMARY**

The Chairperson and Deputy Chairperson of the Planning and Environment Committee are elected for a one (1) year term and the following procedures are to be followed for the election process:

- (a) Determination of method of voting (ordinary ballot, preferential ballot or open voting).
- (b) Announcement of nominations.
- (c) Conduct of election.

### **RECOMMENDATION:**

- (a) That the Committee determine the method of voting for the election of the Chair and Deputy Chair.
- (b) That the Acting General Manager or his delegate, as Returning Officer, undertake the election of the Chair and Deputy Chair for the ensuing twelve (12) months by announcing the nominations and then conducting the election.

### **ATTACHMENTS**

There are no attachments for this report.

Report Prepared By:

**Amanda Janvrin**  
**Senior Coordinator - Governance**

Report Approved By:

**John Schanz**  
**Manager - Risk, Audit and Governance**

**Roy Newsome**  
**Director - Corporate and Organisational Support Services**

**2 CONFIRMATION OF MINUTES - Meeting held on 8 August 2017**

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**Report prepared by:** Senior Coordinator - Governance**File No.:** CLM/17/1/3/2 - BP17/999

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**REPORT SUMMARY**

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

**RECOMMENDATION:**

That the Minutes of the Planning and Environment Committee 6/17, held on 8 August 2017, be confirmed.

**ATTACHMENTS**

1 MINUTES - Planning and Environment Committee Meeting - 8 August 2017

**ITEM 2 (continued)**

**ATTACHMENT 1**

**Planning and Environment Committee  
MINUTES OF MEETING NO. 6/17**

**Meeting Date:** Tuesday 8 August 2017  
**Location:** Council Chambers, Level 1A, 1 Pope Street, Ryde  
**Time:** 5.00pm

**Councillors Present:** Councillors Yedelian OAM (Chairperson), Laxale, Maggio, Pendleton and Stott.

**Apologies:** Nil.

**Absent:** Councillors Salvestro-Martin and Simon.

**Staff Present:** Acting General Manager, Acting Director – City Planning and Development, Acting Director – Customer and Community Services, Acting Director – Corporate and Organisational Support Services, Acting Manager – Assessment, Acting Manager – City Planning, Senior Coordinator – Development Assessment, Senior Coordinator – Major Development, Senior Coordinator – Development Engineering Services, Planning Consultant (Creative Planning Solutions), Senior Coordinator – Communications, Senior Coordinator – Governance and Administration Officer – Councillor Support.

**DISCLOSURES OF INTEREST**

There were no disclosures of interest.

**1 CONFIRMATION OF MINUTES - Meeting held on 13 June 2017**

**RESOLUTION:** (Moved by Councillors Maggio and Stott)

That the Minutes of the Planning and Environment Committee 5/17, held on 13 June 2017, 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 2 (continued)**

**ATTACHMENT 1**

**2 6 LEXCEN PLACE, MARSFIELD. LOT 70 DP 718680. Development Application – Demolition, new residential apartment building comprising 4 x 3 bedroom apartments over a semi-basement parking level for 6 vehicles - under the State Environmental Planning Policy (Affordable Rental Housing) 2009. LDA2017/0167**

Note: Peter Raptis (objector), Peter Aylett (objector), Gary Pilgrim (objector), Raymond Neal (objector), Joshua Groenestyn (objector) and Raffi Yessaeian (applicant) addressed the meeting in relation to this Item.

Note: A Memorandum from the Acting Director – City Planning and Development dated 8 August 2017 was tabled in relation to this Item and a copy is ON FILE.

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

(a) That Local Development Application No. LDA2017/0167 be refused for the following reasons:

Section 79C(1)(a)(i) of the Act The proposal is considered to be inconsistent with Clause 16A 'Character of the Local Area' of *State Environmental Planning Policy (Affordable Rental Housing) 2009*.

The proposal is unsatisfactory in terms of the following Design Quality Principles Contained within Schedule 1 of *State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development*.

- Principle 1: Context and neighbourhood character
- Principle 2: Built form and scale
- Principle 3: Density
- Principle 5: Landscape
- Principle 6: Amenity
- Principle 8: Housing diversity and social interaction
- Principle 9: Aesthetics

The proposal is unsatisfactory in terms of the following provisions of the *Apartment Design Guide*:

- Part 3D – Communal and Public Open Space
- Part 4C – Floor to Floor Heights
- Part 4D – Apartment Size and Layout
- Part 4H – Acoustic Privacy
- Part 4K – Apartment Mix
- Part 4M – Facades
- Part 4Q – Universal Design

**ITEM 2 (continued)**

**ATTACHMENT 1**

The proposal is unsatisfactory in terms of Development Engineering and Waste Disposal issues regarding the design of the basement carpark, namely:

- drainage disposal (uncertainty as to whether or not a pipe exists within the drainage easement to the rear of the site);
- design of basement car park;
- driveway gradients;
- lack of waste storage areas (both garbage and recycling bins storage areas required).

Section 79C(1)(b) of the Act      The likely impacts of the proposal on the built environment are unsatisfactory due to the proposal introducing a discordant building typology to the street. The resultant impact is a proposal that will unduly impact on the amenity of adjoining property by way of visual and acoustic privacy.

Section 79C(1)(c) of the Act      The significant inconsistencies with the relevant planning controls are considered to be manifestations of the underlying unsuitability of the site for residential use.

Section 79C(1)(e) of the Act      The significant public objection to the proposal, along with unjustifiable non-compliances with the provisions of *State Environmental Planning Policy (Affordable Rental Housing) 2009*, *State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development*, and the *Apartment Design Guide* are evidence the proposal is not in the public interest.

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

On being put to the Meeting, Councillors Stott and Yedelian OAM abstained from voting and accordingly their votes were recorded Against the Motion.

**Record of Voting:**

For the Motion: Councillors Laxale, Maggio and Pendleton

Against the Motion: Councillors Stott and Yedelian OAM

Note: This matter will be dealt with at the Council Meeting to be held on **22 AUGUST 2017** as dissenting votes were recorded and Councillor **SALVESTRO-MARTIN** requested that the matter be referred to the next Council Meeting.

**ITEM 2 (continued)**

**ATTACHMENT 1**

- 3 10 MONASH ROAD, GLADESVILLE. LOT 35A DP 401201, LOT 35B DP 401201. Local Development Application for demolition, new part 3 / part 4 storey mixed use development containing one commercial tenancy and 21 residential apartments over two levels of basement car parking containing 37 spaces. LDA2016/0624**

Note: Jeremy Quek and Russell Olsson (representing HWR Pty Ltd – applicant) addressed the meeting in relation to this Item.

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

- (a) That Local Development Application No. LDA2016/0624 being LOTS 35A and 35B, DP 401201 be approved subject to the **ATTACHED** conditions (**ATTACHMENT 1**).
- (b) That the persons who made submissions be advised of Council's decision.

**Record of Voting:**

For the Motion: Unanimous

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

- 4 SUITE 102 / 25 ANGUS STREET, MEADOWBANK. LOT 174 SP 76502. Development Application – Conversion of existing commercial space to a residential apartment and home office. LDA2016/0189**

Note: Ursula Lang and John Ferres (representing JGF Developments – applicant) addressed the meeting in relation to this Item.

Note: Amended Plans from Ursula Lang (representing JGF Developments) were tabled in relation to this Item and a copy is ON FILE.

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

- (a) That the application be deferred for a mediation meeting with the applicant and the objectors to resolve issues raised in the assessing officers report and specifically to endeavour to improve the amenity of the proposed residential unit.
- (b) That any amended plans or additional information provided by the applicant are renotified.
- (c) That a further report be submitted to Council.

**ITEM 2 (continued)**

**ATTACHMENT 1**

**Record of Voting:**

For the Motion: Unanimous

Note: This matter will be dealt with at the Council Meeting to be held on **22 AUGUST 2017** as substantive changes were made to the published recommendation.

**5 PLANNING PROPOSAL - 197-223 HERRING ROAD MACQUARIE PARK - MACQUARIE SHOPPING CENTRE ADVERTISING SIGN**

Note: Sarah Horsfield (representing AMP Capital – owner) addressed the meeting in relation to this Item.

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

That Council does not support the Planning Proposal relating to the sign at 197-223 Herring Road – Macquarie Shopping Centre (LOT 100 DP 1190494).

**Record of Voting:**

For the Motion: Councillors Laxale, Maggio, Pendleton and Yedelian OAM

Against the Motion: Councillor Stott

Note: This matter will be dealt with at the Council Meeting to be held on **22 AUGUST 2017** as dissenting votes were recorded and substantive changes were made to the published recommendation.

**6 PLANNING PROPOSAL - 3-5 VICENTIA STREET, MARSFIELD**

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

- (a) That Council submit the Planning Proposal relating to part of 3-5 Vicentia Street, Marsfield (Part LOT 3 DP 707390) for Gateway Determination, in accordance with Section 56 of the Environmental Planning and Assessment Act 1979 and that Council request delegation from the Minister to implement the Plan.
- (b) That Council, when the Gateway Determination is issued pursuant to Section 56 of the Environmental Planning and Assessment Act 1979, delegate authority to the Acting General Manager to publicly exhibit the Planning Proposal. A further report will be presented to Council following the completion of the exhibition period.



**ITEM 2 (continued)**

**ATTACHMENT 1**

**Record of Voting:**

For the Motion: Unanimous

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

The meeting closed at 6.15pm.

CONFIRMED THIS 14TH DAY OF NOVEMBER 2017.

Chairperson

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**3 76 MORRISON ROAD, GLADESVILLE. LOT A in DP 343167. Local Development Application for the demolition and construction of a two storey dwelling-house and a secondary dwelling. LDA2016/0377.**

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**Report prepared by:** Senior Coordinator - Development Assessment

**Report approved by:** Acting Manager - Assessment; Acting Director - City Planning and Development

**File Number:** GRP/09/5/6/2 - BP17/1075

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**1. Report Summary**

**Applicant:** Vigor Master Pty Ltd

**Owner:** Betty B. Chen

**Date lodged:** 12 August 2016 (latest amended plans submitted 9 March 2017)

This report considers a development application (DA) for demolition of the existing structures and construction of a two-storey dwelling with an attached single-storey secondary dwelling (as part of the same building).

The DA originally proposed vehicle access off Western Crescent, however this was amended during DA processing to be from the Morrison Road frontage (in a similar location to the existing driveway). This will be discussed throughout this report.

The DA (as originally submitted) was notified to neighbours in accordance with Ryde DCP 2014 and three (3) submissions were received. The neighbours' issues of concern with the original DA plans are summarised as follows:

- Density and scale
- Solar access
- Potential boarding house
- Issues associated with the original proposal for the proposed driveway off Western Crescent
- Insufficient car parking
- Landscape plan
- Privacy impacts
- Construction Traffic/Parking
- Lack of detail on the DA plans
- Height
- Cut and fill
- Rear setbacks
- Drainage disposal
- Asbestos removal.

**ITEM 3 (continued)**

In addition to the issues of concern raised in neighbour's submissions, Council's Senior Development Engineer had also raised concerns regarding the proposed vehicle access off Western Crescent – in particular due to the close proximity to the roundabout, the change in levels that would be involved in providing a new access off Western Crescent, and potential removal of a street tree. In this regard, it should be noted that this is a change from the existing vehicle access which is presently off Morrison Road. There were several sets of amended plans submitted from the applicant; however none of these resolved the fundamental issues of concern regarding vehicle access.

The applicant submitted amended plans on 9 March 2017 which proposed vehicle access from Morrison Road (in a similar position to where the site's current vehicle access location). These amended plans were re-notified to neighbours, and one (1) further submission was received from the immediate neighbour to the south, raising concerns regarding privacy impacts, overshadowing, insufficient on-site car parking, need for a construction traffic management plan, and potential breach of floor space ratio controls.

It is considered that the amended plans have adequately addressed the concerns raised in the neighbours' submissions, as discussed further in the body of this report.

The proposal has been assessed in terms of the planning controls applicable to the development (Ryde LEP 2014; Ryde DCP 2014; and State Environmental Planning Policy (Affordable Rental Housing) 2009 ("SEPP (ARH) 2009"), and the following areas of numerical non-compliance have been identified:

- Deep soil area – Ryde DCP 2014 contains a requirement for a deep soil area of 8m x 8m square to be provided within the rear yard. The proposal provides for a deep soil area of 10.047m x 7m which does not comply.
- Amount of hard paving within front setback – Ryde DCP 2014 prescribes a maximum 40% hard paving within the setback; the development proposes approximately 63% hard paving within the front setback – which is the result of providing a turning area for safe vehicle access to/from Morrison Road.
- Amount of fill within building footprint – Ryde DCP 2014 prescribes a maximum of 900mm of fill within the building footprint; the development proposes up to 1300mm (1.3m) of fill. This is the result of the slope of the site, and although the proposal has been stepped down to follow the natural topography as much as possible, there is still a minor area of non-compliance with the numerical control.

**ITEM 3 (continued)**

- Garage setback – Ryde DCP 2014 contains a requirement that garages should be set back a minimum 1m from the main building façade. The design of the development proposes the garage to be in line with the rest of the wall (on north elevation).
- Rear setback – a rear setback requirement is contained in both Ryde DCP 2014 and SEPP (ARH) 2009. Ryde DCP 2014 requires a rear setback of 8m or 25% of the site length whichever is the greater – which would require a rear setback of between 8m to 8.87m at this site. SEPP (ARH) 2009 also generally requires a setback of 8m. The proposal has a setback of 3m to the secondary dwelling which does not comply.

However, the proposal is considered acceptable despite these non-compliances with the numerical controls, as the proposal meets the objectives of the controls. This is discussed in more detail in the body of the report.

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

**Clause 4.6 Ryde LEP 2014 required?** Not applicable to the proposal

**Estimated value of works:** \$480,000

**RECOMMENDATION:**

- (a) That Local Development Application No. 2016/0377 at No. 76 Morrison Road, Gladesville being LOT A in DP 343167 be approved subject to the **ATTACHED** conditions of consent (**ATTACHMENT 1**).
- (b) That the persons who made submissions be advised of Council's decision.

**ATTACHMENTS**

- 1 Draft Conditions of Consent
- 2 Final DCP Compliance Check
- 3 Map indicating submissions made
- 4 A4 Plans
- 5 A3 Plans - subject to copyright provisions - CIRCULATED UNDER SEPARATE COVER

**ITEM 3 (continued)**

Report Prepared By:

**Chris Young**  
**Senior Coordinator - Development Assessment**

Report Approved By:

**Sandra Bailey**  
**Acting Manager - Assessment**

**Liz Coad**  
**Acting Director - City Planning and Development**

### ITEM 3 (continued)

#### 2. Site

**Address** : 76 Morrison Road, Gladesville

**Site Area** : 523.2 square metres (irregular shaped lot)  
Frontage to Morrison Road = 38.685 metres  
Frontage to Western Crescent = 26.215 metres

**Topography and Vegetation** : The site slopes away from the street by some 2.6m  
: over the 35.495m length (for a gradient of 1:13.6).

There are twelve (12) trees located on the development site, of which five (5) trees will be removed. The trees to be removed are a Cedar tree, a European Olive (exempt), a Mulberry tree (exempt), a Norfolk Island Hibiscus (exempt) and a broad leaf privet (exempt). Also proposed to be removed is one (1) street tree (*Eucalyptus nicholii*)

**Existing Buildings** : The site features an existing single storey fibro cement and metal roof home, attached single lock-up garage to its north-western side.

**Planning Controls Zoning** : R2 Low Density Residential Zone under Ryde Local Environmental Plan 2014

**Other** : Ryde DCP 2014 – Part 3.3 Dwelling Houses and Dual Occupancy (Attached)

State Environmental Planning Policy (Affordable Rental Housing) 2009

**ITEM 3 (continued)**



Air Photo of Subject Site. Source: Council's Land Information Mapping System



Subject site, viewed from Morrison Road on northern side. Source: Google Street View

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

Name of Councillor: Councillor Maggio

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

Date: 8 September, 2016

Form of the representation: Received by e-mail to the Councillor's Help Desk

On behalf of applicant or objector(s): Neighbour at No 67 Western Crescent.

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

**NOTE:** There was also an email sent from a number of Councillors on behalf of the neighbour at No 67 Western Crescent on 31 January 2017 – raising concerns that the property has been previously used as a boarding house. A response was sent to various Councillors on 3 February 2017 that there has been no evidence to suggest that the property has been used for this purpose in the past. In particular, there have been no past complaints and no enforcement actions for the unauthorised use of the premises as a boarding house.

**4. Political Donations or Gifts**

None disclosed in the applicant's DA submission or in any submissions received from neighbours.

**5. The Proposal**

The development proposes demolition of the existing structures, and erection of a two storey dwelling with attached single-storey secondary dwelling. The site is on the south-western corner of Morrison Road and Western Crescent, Gladesville.

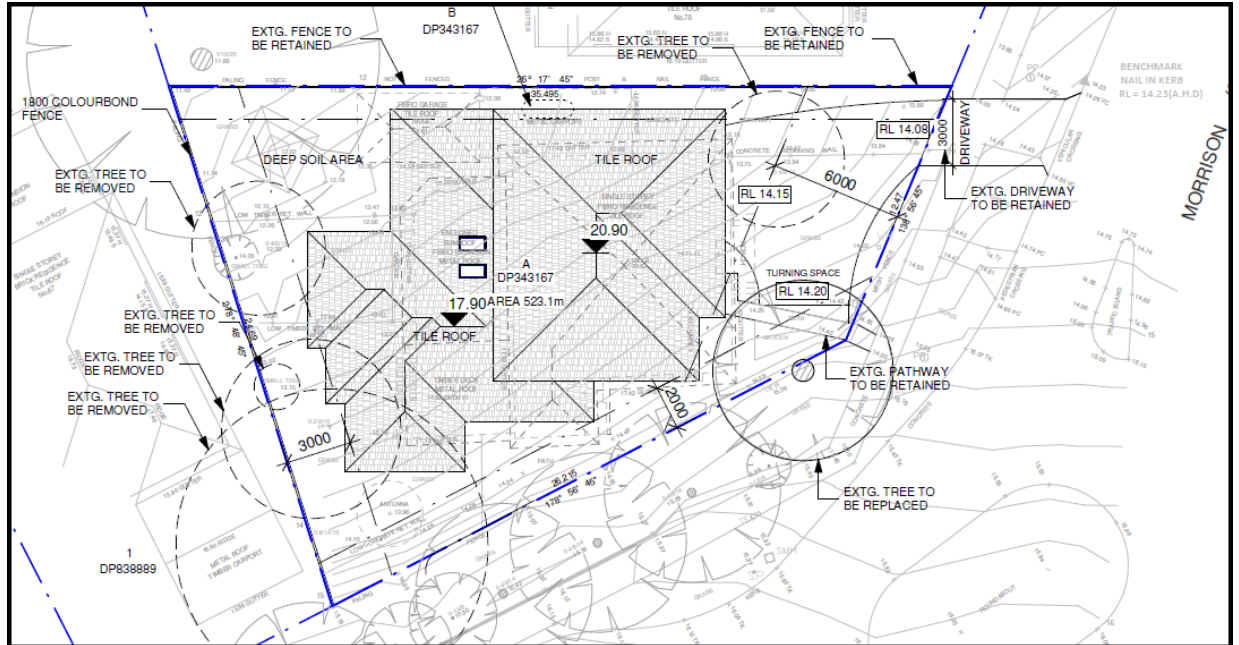
The principal dwelling is to be sited on the northern side of the site, and is to contain 4 bedrooms and a double garage with vehicle access off Morrison Road. The secondary dwelling is on the southern side of the principal dwelling and has two bedrooms and no parking space.

It should be noted that the DA, as originally lodged, proposed vehicle access to/from Western Crescent. However this was required to be amended in response to concerns from adjoining neighbours and Council's Senior Development Engineer regarding vehicle access, site levels, the proximity to the roundabout, and the need to potentially remove trees from the nature strip in Western Crescent. As a result, amended plans were received which retain vehicle access from Morrison Road (as is the existing situation).

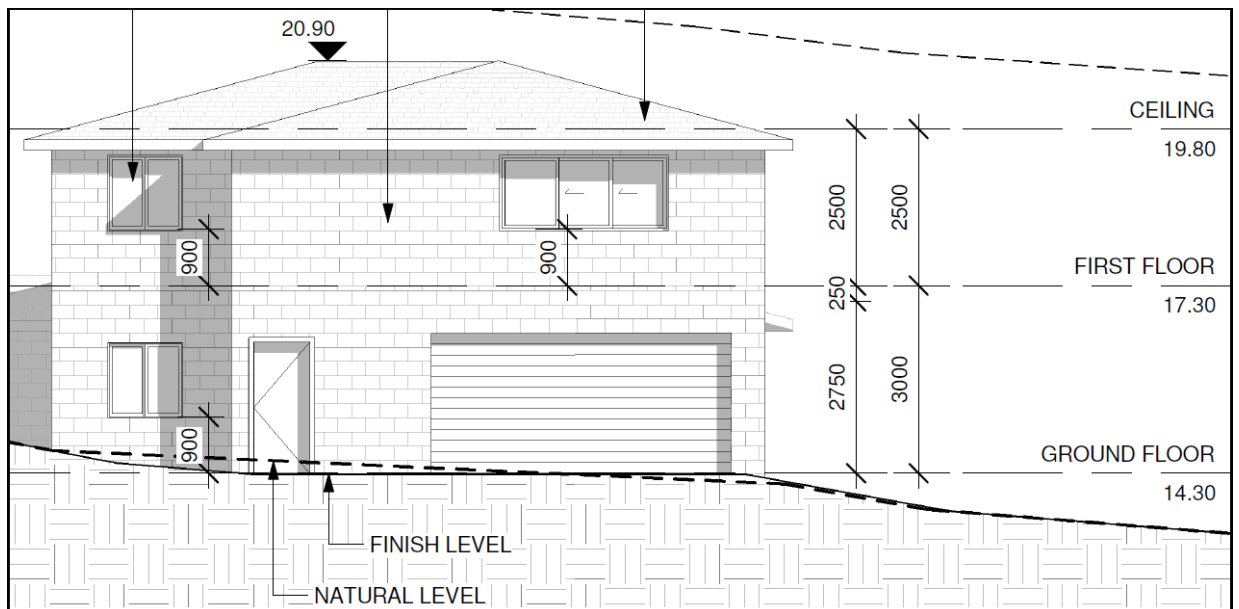


**ITEM 3 (continued)**

These amended plans form the basis for the assessment in this report. The Site Plan and Front Elevation of the amended plans are shown in the following drawings.



**Site Plan. Source: Applicant DA plans**



**North / Front Elevation (facing Morrison Road). Source: Applicant DA plans**

**ITEM 3 (continued)****6. Background**

The DA was lodged on 12 August 2016, and was referred to other officers and notified to neighbours (for a period closing 9 September 2016). Three (3) submissions were received as discussed in the Submissions section of this report below.

On 8 September 2016, the DA was “called up” to Council’s Planning and Environment Committee as noted earlier in this report.

A letter was sent to the applicant on 26 October 2016, requesting additional information / amended plans to address the following issues:

- Fill within the proposed building’s footprint,
- Parking spaces size,
- Accuracy of the BASIX Certificate,
- Landscaping setting and retention of trees along the Western Crescent.

These issues of concern were able to be clarified by email correspondence between the assessment officer and the applicant, and no amended plans were required to address these issues.

On 17 November 2016, following assessment of the proposal by Council’s Senior Development Engineer, an email was sent to the applicant raising a more significant concern regarding vehicle access. Specifically, the applicant was advised:

*The proposed new driveway to the development is located off Western Crescent. It is located very close to the roundabout. There is also a traffic splitter island at the roundabout leg, just opposite the driveway crossing. This splitter island is further extended along Western Crescent as a bubble island creating no right turn into the property from Western Crescent. The driveway as proposed is too close to the roundabout and cannot be supported. The applicant needs to amend plans to provide access to the development via the existing driveway or relocate the proposed driveway adjoining the southern boundary. If access via the existing driveway (most preferred) is proposed, the driveway should be 3.0m with an internal transition to a double or single garage. Plans need to be amended to provide an alternative access to the site.*

*The access off Western Crescent will require removal of the existing trees and also construction of an elevated driveway across the footpath due to steep levels.*

**ITEM 3 (continued)**

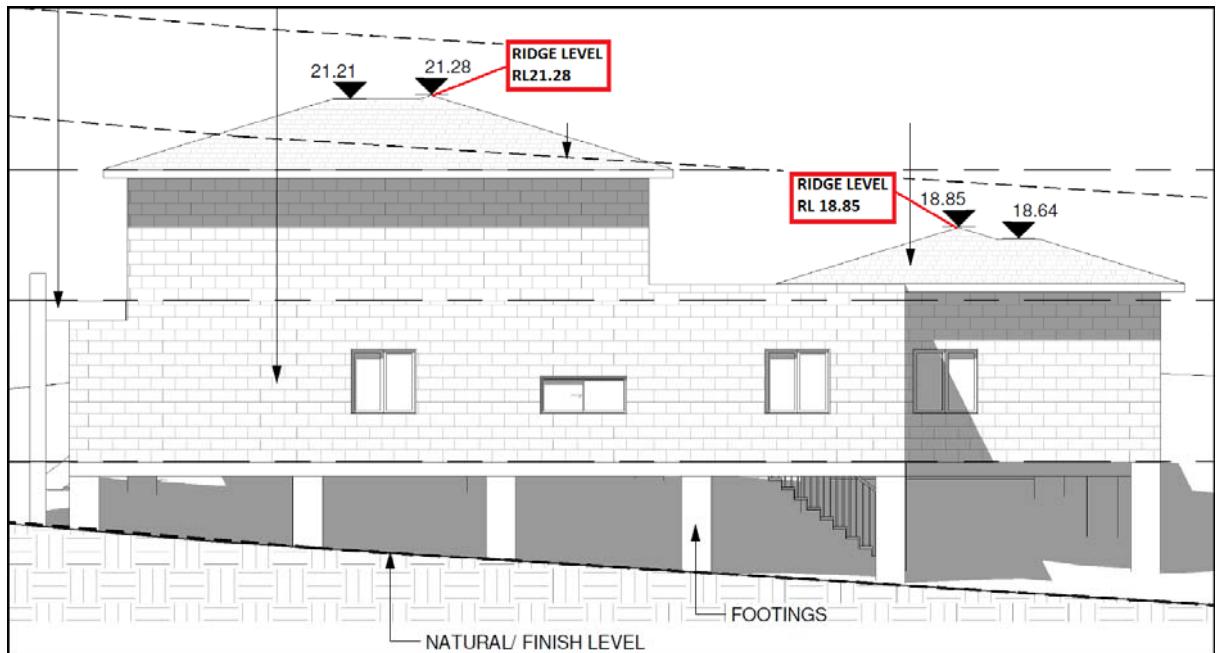
The applicant submitted amended plans on 21 November 2016, which made only minor changes to the design by retaining the driveway in its original position from Western Crescent, but relocating the driveway further from the intersection with Morrison Road. These were referred to Council's Senior Development Engineer for further assessment, and re-notified to neighbours for a period closing 30 January 2017 (extended notification period applied during the Christmas period). One (1) submission was received in response to these amended plans.

Council officers sent an email to the applicant on 13 January 2017, which (in summary), advised that the amended vehicle access arrangement off Western Crescent was still unacceptable due to the close proximity to the roundabout, the need for an elevated footpath (due to the site levels in the road reserve in Western Crescent), and potential street tree removal.

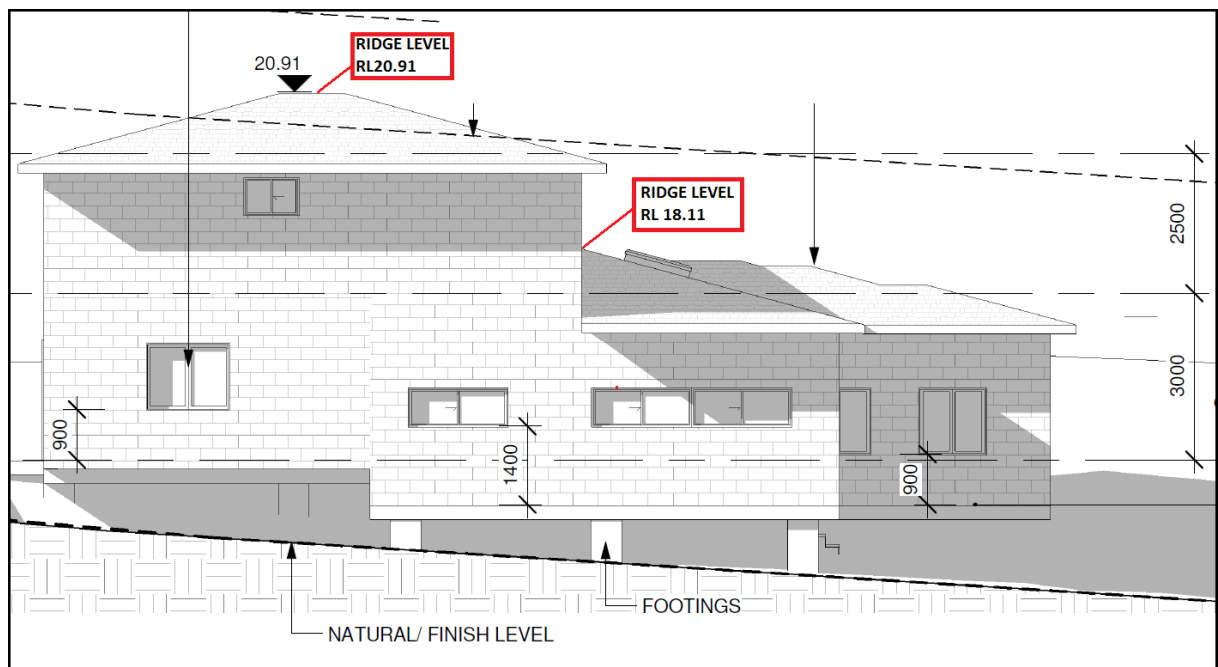
Further amended plans were provided by the applicant (1 February 2017) which retained the vehicle access in Western Crescent, however Council officers advised the applicant that these were unacceptable for the reasons previously indicated. A site meeting was undertaken between the applicant and Council officers (Assessment Officer and Senior Development Engineer) to discuss the issues of concern.

On 9 March 2017, amended plans were received which changed the vehicle access to be from Morrison Road (in a similar location to the existing vehicle access). In addition, the amended plans have reduced floor levels and the overall height of the development – both in terms of the main building (ridge level reduced by 390mm from RL21.28 – to RL20.9); and also the secondary dwelling (ridge level reduced by 740mm from RL18.85 to RL18.11). This is illustrated in the following drawings (east elevation of original and amended DA plans provided for comparison purposes):

**ITEM 3 (continued)**



**West Elevation of Original DA plans – showing ridge height of main dwelling (RL21.28) and secondary dwelling (RL18.85). Source: Applicant DA plans, marked up.**



**West Elevation of Amended DA plans – showing ridge height of main dwelling (RL20.91) and secondary dwelling (RL18.11). Source: Applicant DA plans, marked up.**

**ITEM 3 (continued)**

These amended plans were referred to Council's Senior Development Engineer for assessment, and re-notified to neighbours for a period closing 29 March 2017. One (1) submission was received in response to these amended plans (see discussion in Submissions section of this report below).

**7. Submissions**

The original DA plans were notified to neighbours in accordance with Ryde DCP 2014 - Part 2.1 "Notification of Development Applications" for a period from 24 August to 9 September 2016. Three (3) submissions were received following the notification of these original DA plans – two (2) submissions from/on behalf of the owners of No 67 Western Crescent, and one from the owner of No 69 Western Crescent, both to the south of the subject site.

The amended plans (received 21 November 2016) were re-notified to neighbours for a period from 14 December 2016 to 30 January 2017 (extended period applied due to the Christmas period). One (1) further submission was received following this re-notification, from the owner of No 67 Western Crescent, to the south.

The latest amended plans (received 9 March 2017) – which proposed the change in vehicle access to its current position in Morrison Road – were re-notified to neighbours for a period from 14 to 29 March 2017. One further submission was received following this re-notification, again from No 67 Western Crescent.

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

**A. Density and Scale.** *Concern is raised regarding the density, scale and apparent site coverage of the proposed development.*

Comment: These were issues of concern in relation to the original DA plans. It is noted that amended plans have been submitted which have reduced the height and the overall bulk and scale of the development through stepping the building down to relate better to the natural topography (as discussed in the Background section of this report above).

The principal development controls which relate to the physical bulk and scale applicable for this type of development under Ryde LEP 2014 and DCP 2014 are floor space ratio, height and setbacks. As indicated in the DCP Compliance Assessment (refer to Attachment 2 to this report), the proposal fully complies with the floor space ratio (maximum 0.5:1 – proposal is 0.465:1); and height (overall height is maximum 9.5m – proposal is maximum 7.3m).

**ITEM 3 (continued)**

The development also complies with the requirements for front setbacks (minimum 6m – proposal ranges from 6m to 9.5m) and side setbacks (minimum 1.5m – proposal is 1.5m) and secondary setbacks for a corner lot ie Western Crescent in this instance (minimum 2m – proposal ranges from 2m to 5m). The proposal does not comply with the rear setback requirements of Ryde DCP 2014 or the SEPP (ARH) 2009 (8m to 8.87m required – 3m to 10.047m proposed) – however the proposal is considered to be acceptable as discussed in more detail in the DCP compliance assessment later in this report.

Overall, the development will present as a two-storey dwelling when viewed from the front (Morrison Road), while from the side (Western Crescent frontage), the upper-storey is limited to only the northern side of the building. The amended proposal is now considered to be acceptable in terms of density, bulk and scale.

**B. Solar Access.** *Concern is raised that the proposal will cause excessive solar access impacts on the adjoining property to the south, No 67 Western Crescent.*

Comment: This particular issue of concern was raised both with the original DA plans, and also the re-notification of the amended DA plans.

Ryde DCP 2014 contains the following controls in relation to 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.*

The shadow diagrams for the amended plans are provided at the end of this discussion. These generally show that given the orientation of the land and the form of the proposed building, the proposal would have a significant overshadowing impact on the neighbour's property to the south at 9am, but minimal impact at 12noon, and practically no impact at 3pm.

**ITEM 3 (continued)****Overshadowing of Adjoining Private Open Space at No 67 Western Crescent:**

The principal area of private open space at No 67 Western Crescent is located on the western side of that site (refer to the air photo earlier in this report). The shadow diagrams for the amended plans show the following impacts on the private open space of this adjoining dwelling:

- 9am – shadows would fall onto approximately 30% of the rear yard area;
- 12noon – minimal shadows (less than 5%) onto the rear yard area at No 67, most of the shadows fall onto the area between the dwelling and the side boundary;
- 3pm – no shadows fall onto the rear yard of No 67 due to the site orientation.

Therefore, the proposal would allow over 3 hours of sunlight to the rear yard of No 67 Western Crescent, which fully complies with the above DCP 2014 requirement for overshadowing of the adjoining private open space areas.

**Overshadowing of windows to north-facing living rooms at No 67 Western Crescent:**

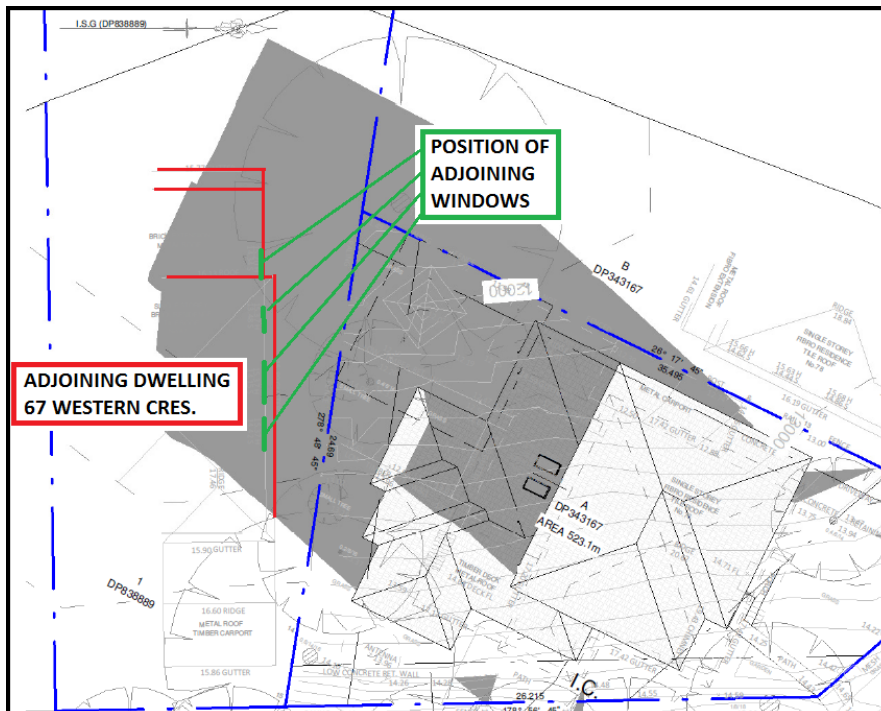
The living rooms of the adjoining dwelling are generally oriented towards the west, however these rooms also contain north-facing windows. The shadow diagrams for the amended plans show the following impacts on the north-facing living room windows of this adjoining dwelling:

- 9am – significant overshadowing of all windows on the northern side of the adjoining dwelling
- 12noon – the three western-most windows are free from shadows, and the eastern-most window would only be partly overshadowed, from the proposed development. Therefore, all north facing windows receive sunlight to a portion of their surface from 12noon onwards;
- 3pm – none of the north-facing windows affected by any shadows from the proposed development, the shadows only fall onto the carport and front setback area of No 67 at 3pm.

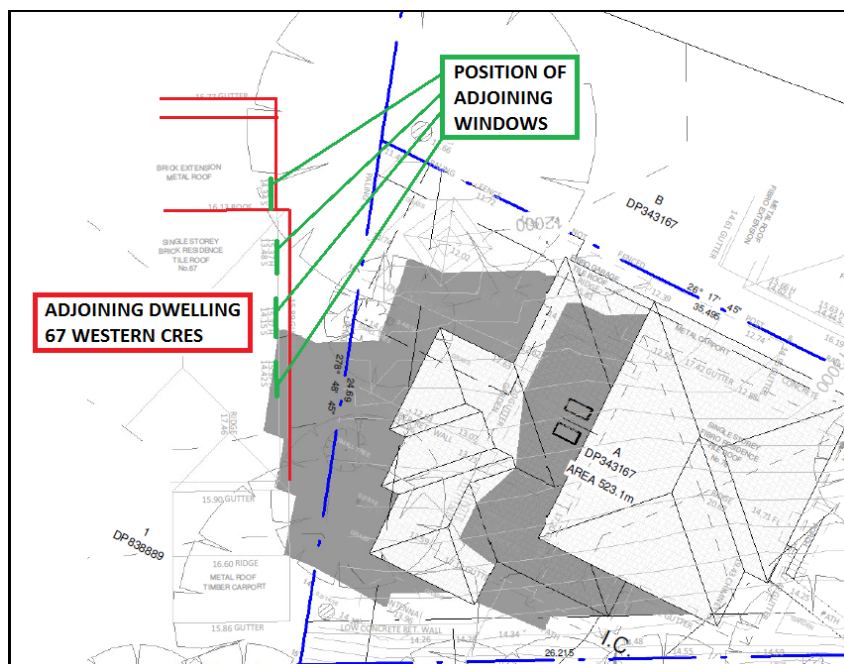
Accordingly, the proposal also fully complies with the DCP requirements for overshadowing of north-facing windows of neighbouring properties, and the proposal is considered to be acceptable in terms of overshadowing of both the rear yard area and the north facing windows of No 67 Western Crescent. It is noted that the building is single-storey (and 4.31m) in height where it adjoins the neighbour's property, and has a setback of 3m to 4.5m from the boundary.

**ITEM 3 (continued)**

The following are the shadow diagrams for the amended plans, showing the impacts on the neighbour at No 67 Western Crescent.



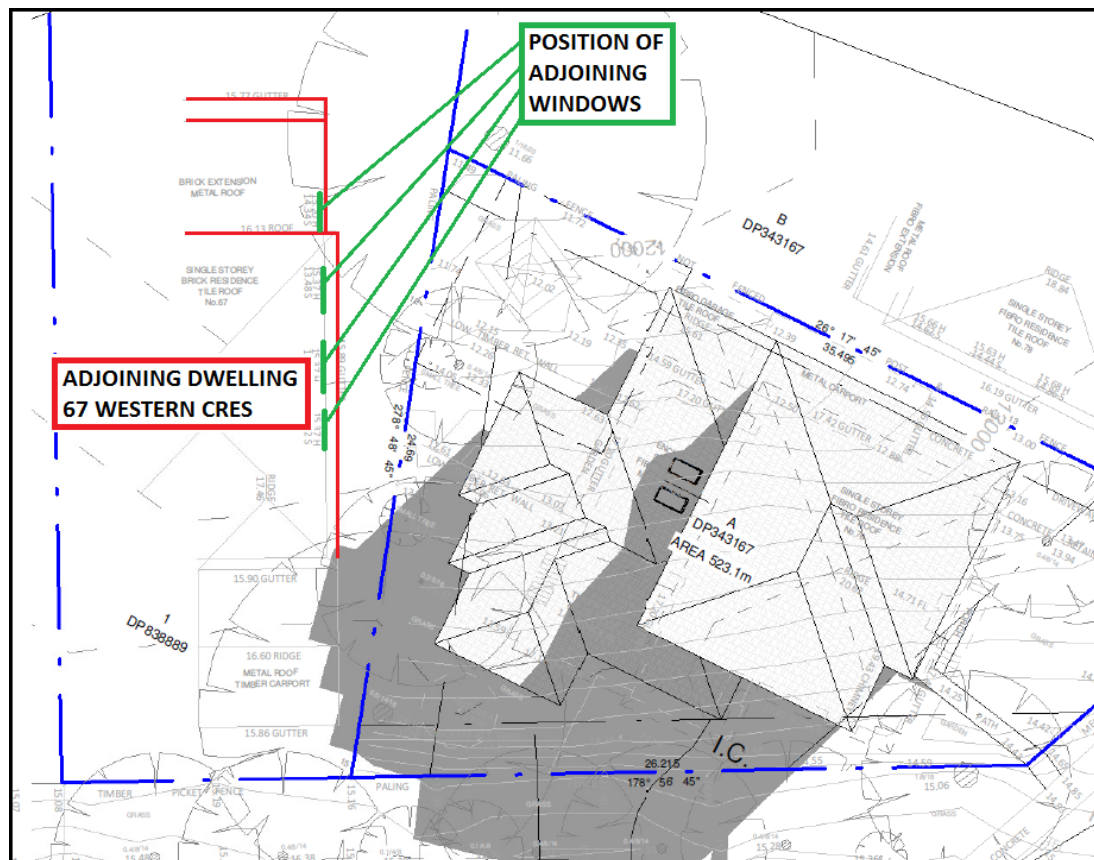
Shadow diagram – 9am 22 June, showing impacts on neighbour at No 67 Western Cres.  
Source: Applicant DA plans, marked up.



Shadow diagram – 12noon 22 June, showing impacts on neighbour at No 67 Western Cres.  
Source: Applicant DA plans, marked up.



**ITEM 3 (continued)**



**Shadow diagram – 3pm 22 June, showing impacts on neighbour at No 67 Western Cres.  
Source: Applicant DA plans, marked up.**

**C. Potential boarding house.** Concern is raised that the existing property has been previously used as a boarding house, and with the number of bedrooms and bathrooms in both the principal dwelling and secondary dwelling, that the proposal could again be used as a boarding house.

Comment: A search of Council's records has been undertaken, and there has been no evidence to suggest that the property has been used for this purpose in the past. In particular, there have been no past complaints and no enforcement actions for the unauthorised use of the premises as a boarding house.

The draft conditions of consent (attached to this report) include the following standard condition to prevent the use of the development as a boarding house. It is noted that any future breach of this condition would constitute an offence under the Environmental Planning & Assessment Act 1979, and Council could take enforcement action if required.

**75. Single dwelling only.** The principal dwelling and secondary dwelling is not to be used or adapted for use as more than two separate domiciles (ie principal dwelling and secondary dwelling only) or a boarding house.

**ITEM 3 (continued)**

**D. Driveway.** *Significant concerns are raised regarding the proposed driveway from Western Crescent – in terms of vehicle safety, proximity to the roundabout and also the height of the driveway where it crosses Council’s footpath (due to change in levels), as well as potential tree removal.*

Comment: These concerns related to the DA plans as originally submitted, and were also raised by Council’s Senior Development Engineer during the processing of this DA. As a result, amended plans have been submitted for vehicle access from Morrison Road (in the same position as the existing driveway) – which has resolved this issue of concern.

**E. Car Parking.** *Concern is raised that the proposal does not provide enough car parking.*

Comment: Under DCP 2014, a single dwelling requires up to 2 spaces per dwelling. The proposal provides a double garage for the principal dwelling, which complies with the DCP requirement. For the secondary dwelling, there is no parking requirement for the secondary dwelling (under the SEPP ARH 2009), and no parking space is provided.

In addition, it is noted that Clause 22 (4) (b) of SEPP ARH 2009 states that “a consent authority (ie Council) must not refuse consent on the grounds of car parking if no additional parking is to be provided on site”. What this means is that the non-provision of car parking for the secondary dwelling cannot be used as a ground for refusal of this DA, given that no car parking is provided for the secondary dwelling.

**F. Landscape Plan.** *Concern is raised regarding the use of *Elaeocarpus eumundii* (quandong) trees as part of the landscaping plan.*

Comment: The neighbour has raised concern regarding the use of *quandong* plants as part of the landscaping, in particular a “quandong” is a type of fruit and the neighbour has raised concerns that this type of plant is not suitable for landscaping in a residential development.

This has been clarified with the applicant, who has confirmed that the *quandong* plants to be used in the landscaping are not the fruiting variety (used to make jams etc), but they are a shrub commonly used along fences where dense screening is required where there is limited space. This type of shrub is endemic to the north-coast of NSW and no objections are raised to it’s use as part of the landscaping for the proposed development. The landscape plan has been assessed by Council’s Consultant Landscape Architect to be satisfactory.

**ITEM 3 (continued)**

**G. Privacy.** *Concern is raised that the proposal will have significant privacy impacts on the neighbour at No 67 Western Crescent, as a consequence of 9 elevated windows that will allow direct downward viewing into that property. Also, the amended plans have not resolved the neighbour's concern regarding potential privacy impacts.*

Comment: Privacy concerns were raised in relation to the original DA plans. As noted elsewhere in this report, the original DA plans had the floor level some 2.4m above natural ground level.

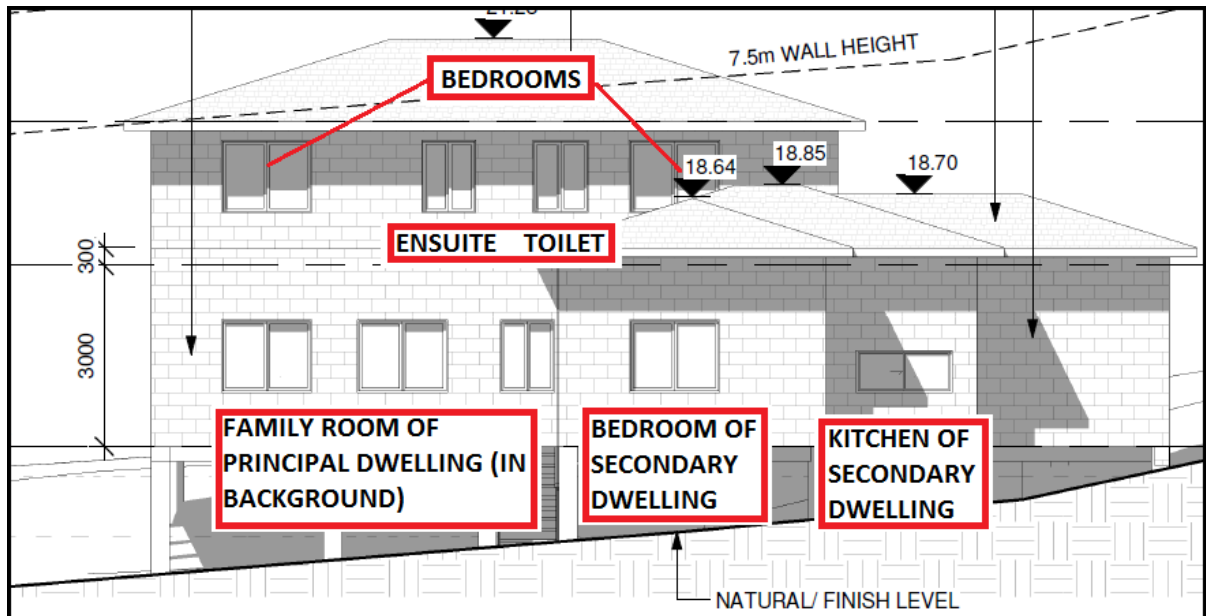
The amended plans have significantly reduced height of the finished floor level above natural ground level, and also reduced the number of windows that face towards the neighbour's property, and as a result it is considered that the privacy impacts have been satisfactorily resolved.

There are now only 6 windows facing south towards the neighbour's property. These are summarised below with a brief comment:

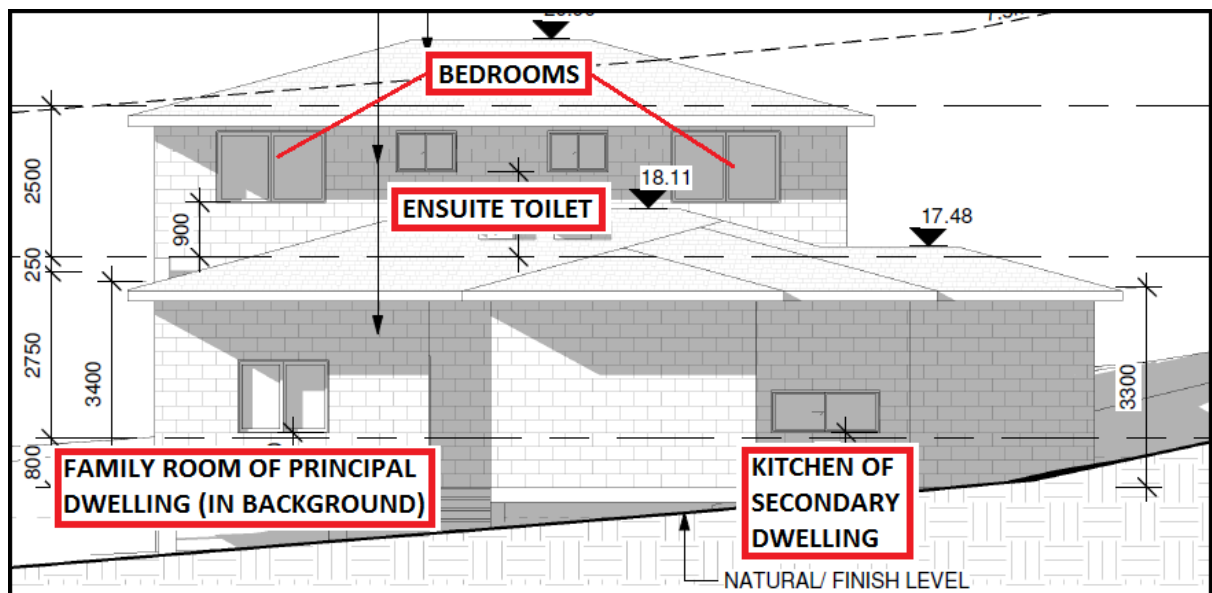
- Kitchen of secondary dwelling: This has been amended to provide only a small (600mm high) window. The small size of this window will serve to prevent any significant overlooking towards the neighbour. It is also considered that privacy impacts will also be prevented by boundary fencing.
- Family room (of principal dwelling): The three (3) windows in the ground floor family room have been replaced with one (1) window in the amended plans. This window is on a wall set well back (8m) from the neighbour's boundary, and although this room is elevated above natural ground level, any privacy impacts will also be prevented by boundary fencing, and the distance of this room from the neighbour's property.
- Bedrooms 3 and 4 of principal dwelling: Bedrooms are not primary living areas and will be used primarily at night when occupants are asleep. Accordingly, it is not considered that these rooms will cause adverse privacy impacts and they are considered acceptable.
- Bathroom and ensuite of principal dwelling: The windows to these rooms are very small in size, and will be frosted. Accordingly there will be no adverse privacy impacts from these rooms.

**ITEM 3 (continued)**

The following are the rear / south elevation drawings for both the original DA plans and amended plans.



**ORIGINAL Plan – rear / south elevation identifying the windows on this elevation.  
Source: ORIGINAL DA plans, marked up.**



**AMENDED Plan – rear / south elevation identifying the windows on this elevation.  
Source: AMENDED DA plans, marked up.**

**ITEM 3 (continued)**

**H. Construction Traffic/Parking.** *Concern is raised regarding issues regarding construction traffic and parking, including workers and delivery vehicles.*

Comment: This issue has been considered by Council's Senior Development Engineer as part of the assessment of the DA. The following standard condition is included in the Draft Conditions

**64. Traffic Management.** *Traffic management procedures and systems must be in place and practised during the construction period to ensure safety and minimise the effect on adjoining pedestrian and vehicular traffic systems. These procedures and systems must be in accordance with AS 1742.3 1996 and City of Ryde, Development Control Plan 2014 Part 8.1 Construction Activities.*

**I. Lack of detail on the DA documents.** *Concern is raised that the DA plans/documents lack detail to enable review by the neighbours, or assessment by Council officers.*

Comment: The DA plans for the proposed principal dwelling and secondary dwelling contain sufficient information for assessment. In particular, the DA plans are prepared by a qualified architect and are sufficiently clear and legible to enable a thorough assessment to be made. These also include a site analysis which has regard for solar access to the site and neighbours, as well as other site features such as existing trees and buildings to be demolished.

**J. Height.** *Proposal has a three storey appearance and does not meet the objectives of the DCP 2014 height control, and also does not meet the desired future character of the area.*

Comment: This was an issue of concern with the original DA plans, which did have a three storey appearance because the ground floor was to be significantly elevated above ground level (by some 2.4m). As discussed in the Background section of this report, the amended plans have significantly lowered the floor level of the dwelling to provide a two storey appearance, although the floor level is still elevated above ground level as a result of the site's topography.

**K. Cut and fill.** *Concern is raised that the original proposal did not step the building down the slope of the site, resulting in the rear of the dwelling being unnecessarily high and bulky when viewed from the neighbour's property.*

Comment: These concerns were supported in relation to the original DA plans, which proposed the ground floor on a single level (ie not split level), and as a result the floor level at the rear of the dwelling was to be some 2.4m above natural ground level. The amended plans have substantially reduced the height of the finished floor above natural ground level, and is considered to be satisfactory. This issue is discussed in more detail in the DCP Compliance section of this report below.

**ITEM 3 (continued)**

**L. Rear Setbacks.** *The proposal does not comply with the rear setback controls in Ryde DCP 2014, resulting in an adverse amenity impacts on the neighbour's property.*

Comment: Issues regarding the rear setback have been discussed in detail in the DCP Compliance section of this report (see below). In summary, Ryde DCP 2014 requires a rear setback of 8m to 8.87m, and SEPP (ARH) 2009 also generally requires a rear setback of 8m. The proposal has a rear setback of 3m (to the closest point) which does not comply. However despite the numerical non-compliance, the proposal is considered to be acceptable as there will be minimal impact on the neighbouring property to the south. This issue is discussed in more detail in the DCP Compliance section of this report (below).

**M. Drainage disposal.** *Concern is raised regarding the proposed use of an on-site absorption pit at the rear of the site, which could potentially impact on the neighbour's property. It is requested that the proposal should be amended to provide a charged on-site detention system or pump system discharging to Morrison Road.*

Comment: An amended stormwater concept plan has been submitted with the amended DA plans. These show that absorption trenches have been provided in the rear yard, as water will flow towards that point with the natural topography (which falls towards the rear). The stormwater will then be discharged to Morrison Road, via a charged system. The proposed method of stormwater disposal has been assessed by Council's Senior Development Engineer to be satisfactory and compliant with the stormwater controls contained in Ryde DCP 2014.

**N. Asbestos.** *Concern is raised that the existing dwelling may contain asbestos.*

Comment: The draft conditions of consent (see **ATTACHMENT 1**) include the following standard conditions regarding the removal and disposal of asbestos:

**11. Asbestos.** *Where asbestos is present during demolition work, the work must be carried out in accordance with the guidelines for asbestos work published by Safework NSW.*

**12. 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.*

**ITEM 3 (continued)****8. Clause 4.6 Request for Variation**

No request for variation under Clause 4.6 of Ryde LEP 2014 is required for this application.

**9. Policy Implications****Relevant Provisions of Environmental Planning Instruments, etc.:****(a) Ryde Local Environmental Plan 2014****Zoning**

The proposed two storey principal dwelling house and secondary dwelling are both permissible within the R2 Low Density Residential zone subject to approval of Council.

The objectives of the R2 Low Density Residential zone are:

- To provide for the housing needs of the community within a low density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To provide for a variety of housing types.

The proposed development is consistent with the objectives of the zone.

**Mandatory Requirements**

The following is a summary of the clauses under Ryde LEP 2014 applicable to the development.

Clause 4.3(2) – Height: Ryde LEP 2014 prescribes a maximum height of 9.5m for the subject site. The proposal has a maximum height of 7.3m which fully complies with this clause in Ryde LEP 2014.

Clause 4.4 – Floor Space Ratio: Ryde LEP 2014 prescribes a maximum floor space ratio (FSR) of 0.5:1. The proposal has a floor space ratio of 0.465:1 which fully complies with this clause in Ryde LEP 2014.

Clause 6.1 – Acid Sulphate Soils: The objective of this clause is to ensure that development does not disturb, expose or drain acid sulphate soils and cause environmental damage.

**ITEM 3 (continued)**

As identified on the Acid Sulphate Soil maps within Ryde LEP 2014, the subject site is identified as within class 5 land. Subclause (2) of clause 6.1 in Ryde LEP 2014 is as follows:

*(2) Development consent is required for the carrying out of works described in the Table to this subclause on land shown on the Acid Sulfate Soils Map as being of the class specified for those works.*

*Class 5 - Works within 500 metres of adjacent Class 1, 2, 3 or 4 land that is below 5 metres Australian Height Datum and by which the watertable is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land.*

Comment: Development consent is sought in the subject DA, to comply with the requirements of this clause. The proposal involves minimal excavation, and therefore it is not expected that the proposal will lower the water table below 1m AHD on adjacent Class 1, 2, 3, or 4 land. Accordingly, no further assessment is required in respect of Acid Sulphate Soils.

**(b) Relevant State Environmental Planning Policies and Regional Environmental Plans**State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

A compliant BASIX Certificate has been submitted and the development satisfies the commitments listed in the schedule. The proposal therefore complies with the requirements of SEPP (BASIX) 2004.

State Environmental Planning Policy (Affordable Rental Housing) 2009

The secondary dwelling component of this development is subject to the controls contained in the SEPP (ARH) 2009. The Compliance Check at **ATTACHMENT 2** contains a full assessment of the controls contained in this SEPP. The proposal fully complies with the SEPP (ARH) 2009 controls, except for rear setback, which is discussed in the DCP Compliance section below.

**(c) Any Draft Local Environmental Plan**

There are no Draft LEPs applicable to this site or this development.



**ITEM 3 (continued)****(d) The provisions of any Development Control Plan applying to the land**Ryde DCP 2014

A full assessment of the proposal under DCP 2014 [Part 3.3 Dwelling Houses and Dual Occupancy (Attached)] is illustrated in the Compliance Table held at **ATTACHMENT 2**. The areas of non-compliance identified in the Compliance Table are further discussed below.

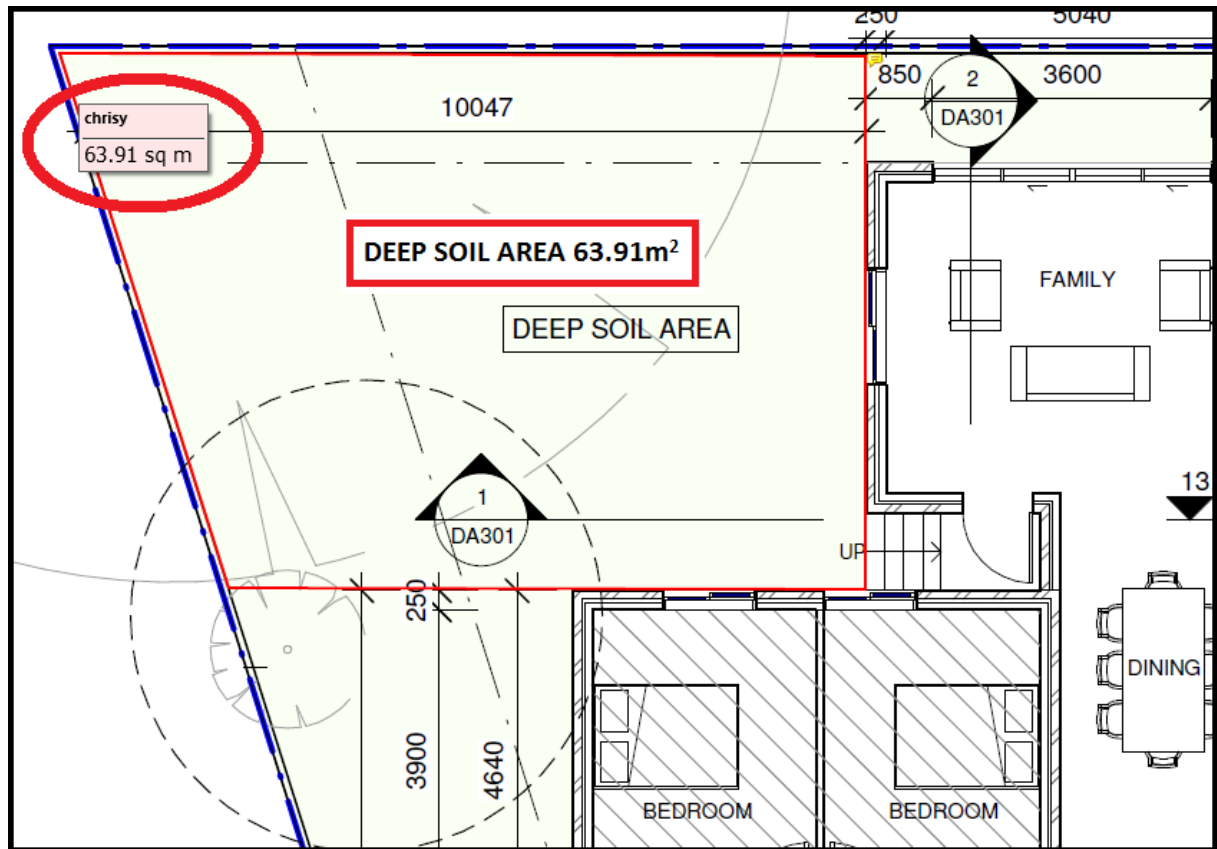
**Deep Soil Area:**

In the “Site Configuration” controls (Part 3.3.2.6) there is a requirement for a deep soil area square with minimum dimensions of 8m x 8m to be provided within the rear yard. The development proposes a rear yard with an angular shape and dimensions of 10.047 x 7m at the widest point (area of 63.91m<sup>2</sup>), which does not strictly comply with the DCP control (see diagram below).

Despite the numerical non-compliance, the proposal is considered to be acceptable for the following reasons:

1. The area identified for rear yard has been calculated at 63.91m<sup>2</sup>, which is very similar to the area that would be available if an 8m x 8m square was provided (ie 64m<sup>2</sup>).
2. In addition to this “main” area of deep soil, the rear yard also includes other spaces not part of the main area which will also be available for deep soil and landscape planting.
3. The development meets the objectives of DCP 2014 for deep soil areas – which includes ensuring that land retains its ability to absorb rain water to reduce stormwater runoff, and provide space for mature tree growth and other vegetation.

**ITEM 3 (continued)**



Extract of Site Plan showing the deep soil area provided for this development.  
Source: DA floor plans, marked up.

**Hard Paving within the Front Setback:**

In the “Landscaping” controls (Part 3.3.2.9) there is a requirement for a maximum 40% hard paving within the front setback. The proposal has been calculated to have a hard paved area of 66.69m<sup>2</sup> or 63.07% within the front setback, which does not comply with the DCP control.

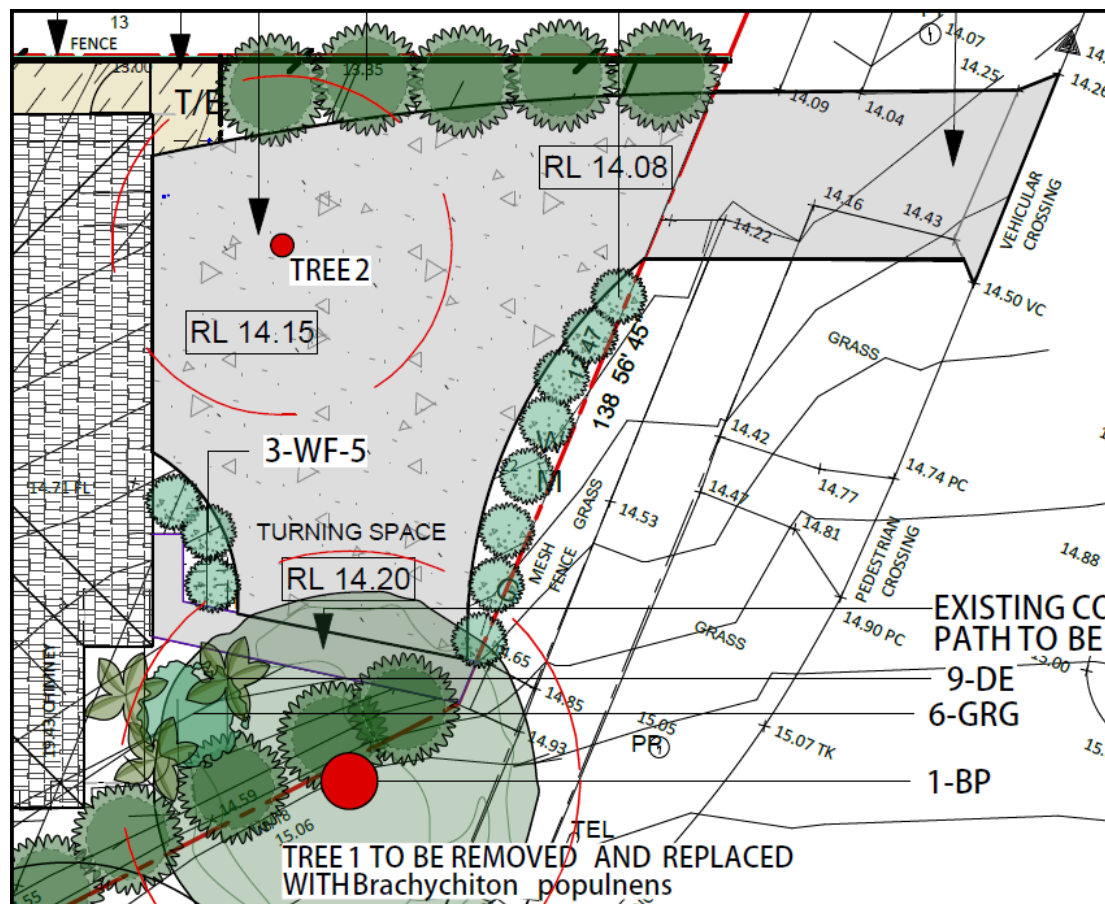
Despite the numerical non-compliance, the proposal is considered to be acceptable for the following reasons:

1. The original proposal did comply with the 40% hard paving within the front setback, however the driveway arrangement (for vehicle access from Western Crescent) was considered to be unacceptable for other reasons identified in this report (ie removal of trees from the footpath area, significant change in level from the street to the property boundary), and so Council officers requested vehicle access to be changed to Morrison Road.

**ITEM 3 (continued)**

2. The reason for the non-compliance in the latest amended plans is the provision of an on-site vehicle turning area within the front setback for safe vehicle access to/from Morrison Road.
3. The existing vehicle access is a driveway off Morrison Road, with no provision of on-site turning (ie vehicles would reverse straight out onto Morrison Road).
4. Therefore, the provision of the driveway in the manner proposed is considered to be a vast improvement both compared to the development as originally proposed, as well as the existing situation of vehicle access at the site.
5. The amended landscaping plan still provides some opportunity for landscaping in front of the vehicle turning space, so as to minimise it's visual impact.

The following is an extract of the landscape plan, showing the location of the vehicle turning space.



**Extract of Landscape Plan showing vehicle turning area within the front setback to Morrison Road.**

**Source: DA Landscape Plan.**

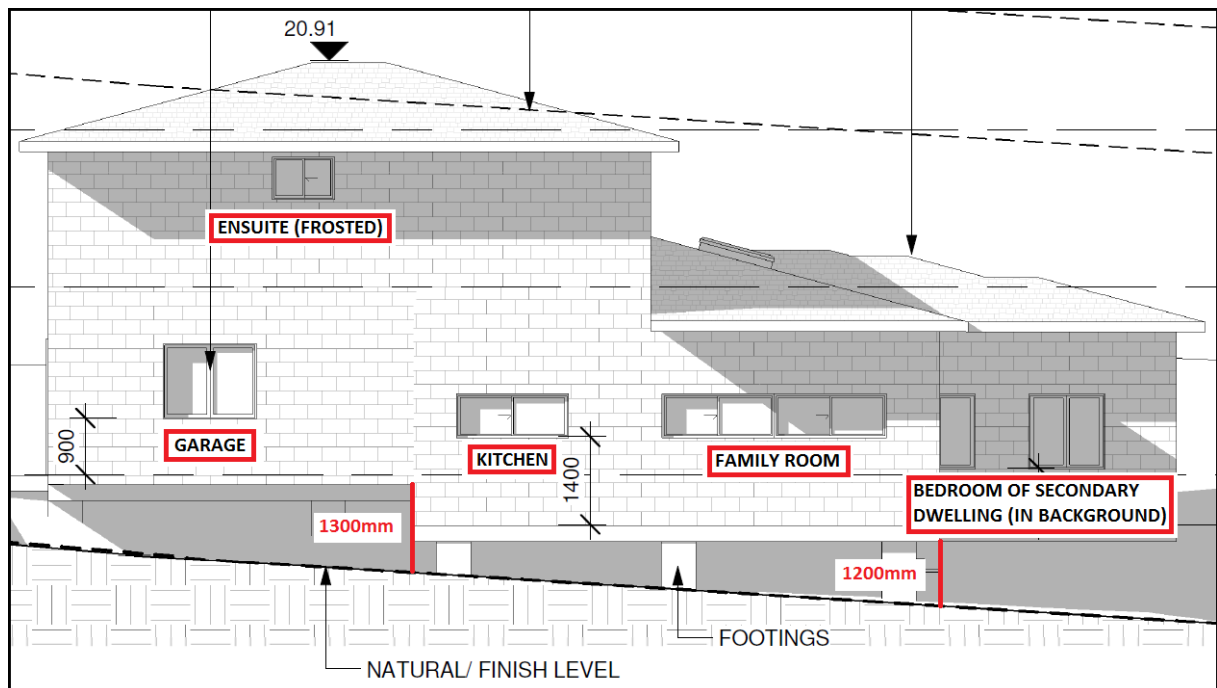
**ITEM 3 (continued)****Maximum Fill within the Building Footprint:**

Ryde DCP 2014 contains Topography and Excavation controls (Part 3.3.2.6) including a requirement for a maximum height of fill of 900mm (or 0.9m). In the amended plans, the development proposes finished floor levels that are elevated by up to 1300mm (1.3m) which does not comply with the DCP 2014 requirement. This is most evident along the west elevation (see diagram at the end of this discussion).

Despite the numerical non-compliance, the proposal is considered to be acceptable for the following reasons:

1. The non-compliance results from the significant slope of the land. In this regard, the site falls away from the street by some 2.6m over the 35.495m length (for a gradient of 1:13.6).
2. The amended proposal has been designed to follow the topography of the site. In this regard, it is noted that the original proposal had a slab at a single level of RL14.5 (ie not split level), which resulted in the ground floor being up to 2.4m above natural ground level at the highest point. The amended proposal has introduced a split level within the ground floor which has significantly reduced this non-compliance.
3. The DCP control states that the “maximum height of fill” shall be 900mm. In this instance, “fill” is not being used, rather the development proposes the use of a suspended slab with raised footings.
4. The objectives of the DCP include ensuring that the excavation and fill does not result in an unreasonable loss of privacy or security for neighbours. It is not considered that the proposal adversely impacts on any neighbour’s privacy (refer to discussion in Submissions section of this report above).

**ITEM 3 (continued)**



**West elevation drawing, showing the height of floor levels above natural ground level at particular locations, as well as the room windows on this side.**

Source: DA plans, marked up.

**Garage Setback:**

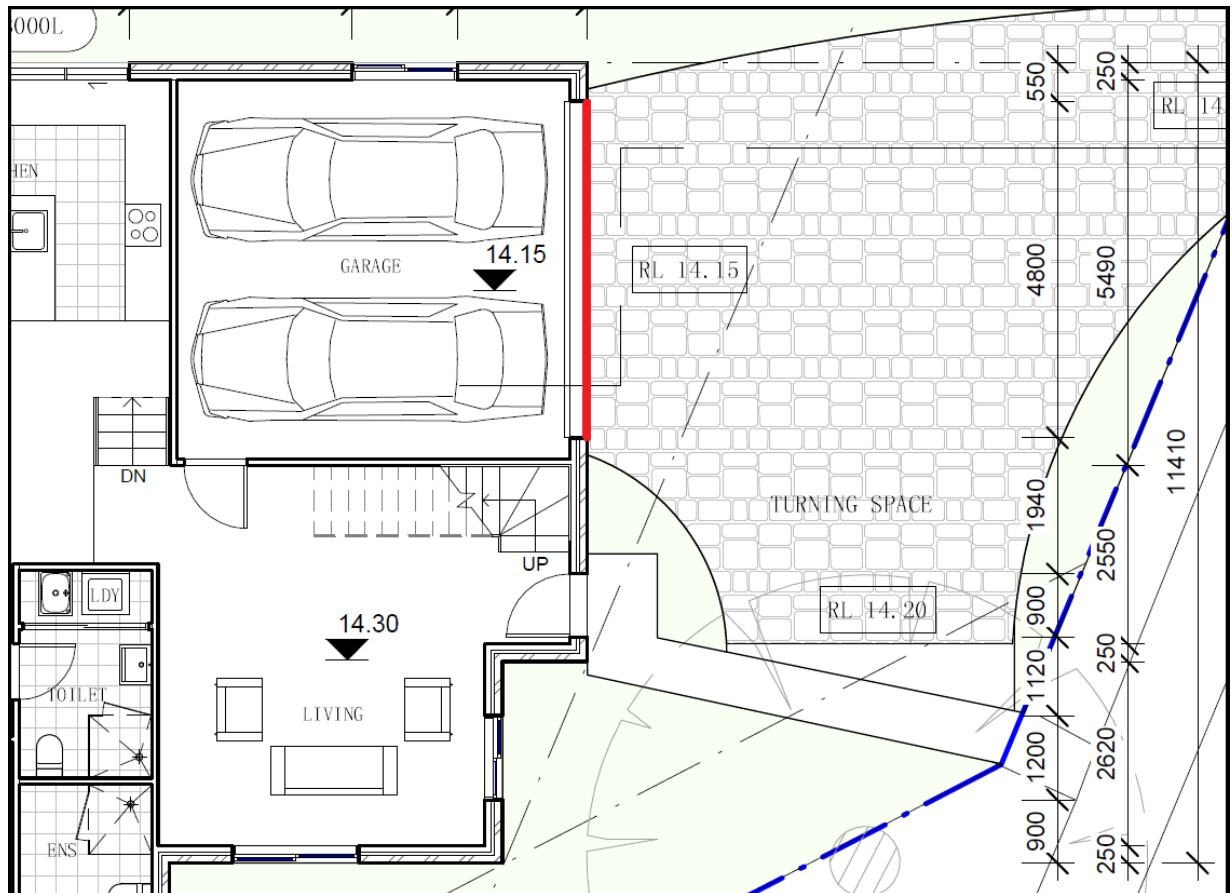
Ryde DCP 2014 contains a requirement (Part 3.3.2.11) that garages are to be located at least 1m behind the front building elevation. The development proposes the double garage to be in line with the front wall of the dwelling (ie not set back from the front building elevation) which does not comply with the DCP 2014 requirement.

Despite the numerical non-compliance, the proposal is considered acceptable for the following reasons:

1. The proposal complies with the objective of the DCP control for car parking – which states that car parking structures and garage doors are not to be prominent features in the individual lot or the streetscape. In this regard, the garage door (5.5m) is only 50% of the width of the front wall (11m) on the north elevation, and so it is considered that the garage wall will not be visually dominant.
2. The garage fully complies with the front setback requirement of DCP 2014 (ie 6m required).

The following is an extract of the ground floor plan, showing the position of the garage. It is noted that the front / north elevation of the development has also been provided in the Proposal section of this report (above).

**ITEM 3 (continued)**



Extract of ground floor plan, showing position of garage.  
Source: DA plans, marked up.

**Rear Setback:**

Ryde DCP 2014 (Part 3.3.2.9) prescribes a minimum rear setback of 8m or 25% of the site length (whichever is greater). This site has a length of 26.215m (eastern boundary) and 35.495m (western boundary) – so the required rear setback would be 8m / 8.87m.

Similarly, SEPP (ARH) 2009 contains a rear setback for secondary dwellings. Under the SEPP (ARH) 2009, the method of calculating the rear setback requirement is a little more complex – it is “3m plus an amount that is equal to three times the additional building height above 3.8m, up to a maximum setback of 8m, if the lot is 450 - 900m<sup>2</sup>” – this calculation would require a rear setback of 10.5m so therefore 8m is required as the SEPP (ARH) 2009 states that the maximum rear setback required is 8m.

**ITEM 3 (continued)**

The proposal has a rear setback of 3m (at the closest point) up to 10.447m (furthest point) which does not comply with the above requirements of Ryde DCP 2014 or SEPP (ARH) 2009. A drawing, showing the rear setbacks of the development, is provided at the end of this discussion.

Despite the numerical non-compliance, the proposal is considered acceptable for the following reasons.

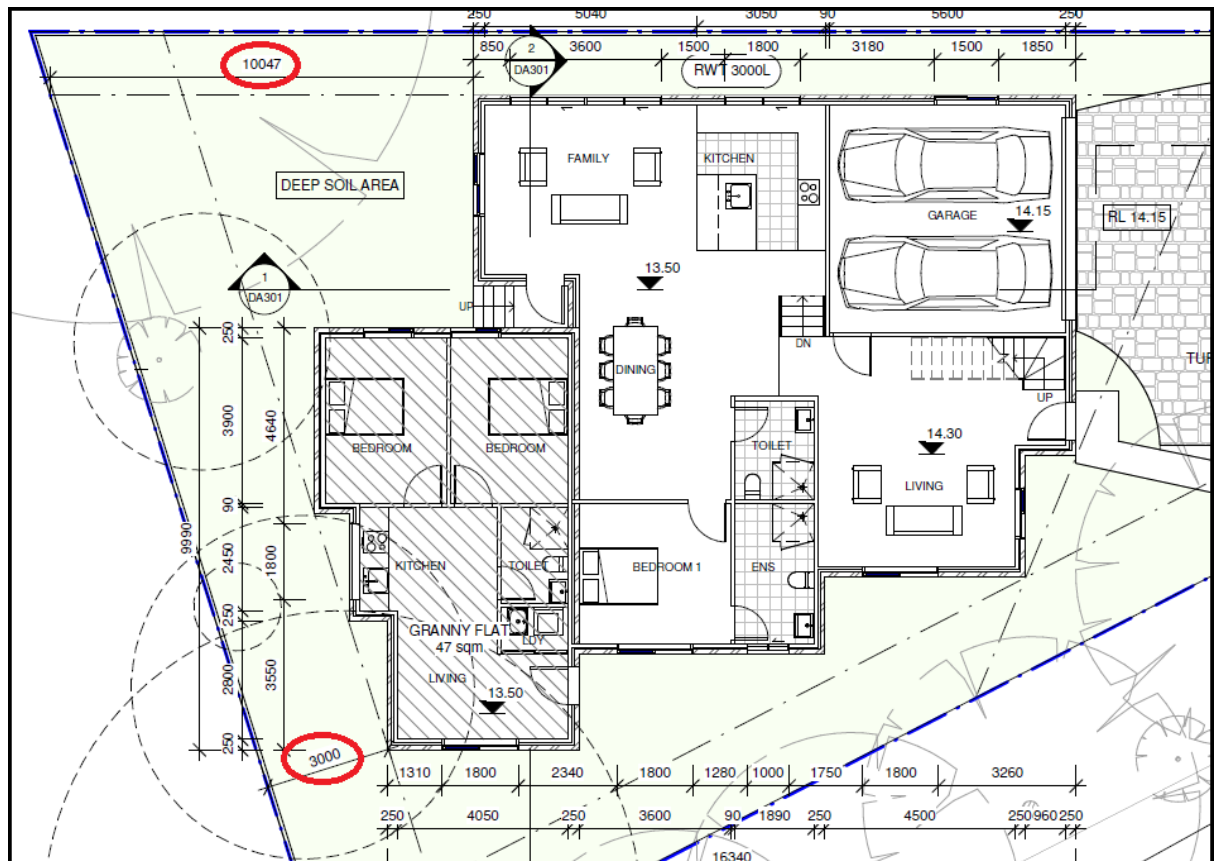
1. The rear setbacks of the proposed building are similar to those of the dwelling that currently exists on the site. The survey plan submitted with the DA documents show that the existing dwelling has a rear setback of 5m to the closest point. Therefore the built form of the proposed development will be very similar to the existing situation.
2. The portion of the building closest to the rear boundary (ie the secondary dwelling) is single storey in height which will ensure the physical impacts on the immediate neighbour (eg bulk, scale, overshadowing etc) are minimised.

It is noted that the rear setback to the upper storey is 10.3m to 13.5m.

3. The site has an unusual shape, in particular a short length along it's eastern boundary of 26.215m, which make full compliance with the rear setbacks difficult to achieve on this side of the building. On the western side (where the boundary is 35.495m long), the rear setback is 10.047m which well exceeds the minimum required by the DCP.
4. The development has been designed to minimise privacy impacts from the secondary dwelling on the immediate neighbour. In this regard, the secondary dwelling only has one window facing the rear, which is a small (600mm high) window to the kitchen. The other windows to the primary dwelling are set much further back from the boundary, so privacy impacts would be minimised from those rooms (see drawing provided in the discussion on Privacy in the Submissions section of this report above).

**ITEM 3 (continued)**

Overall, the development is considered to be acceptable despite the numerical non-compliance with the rear setback controls. The rear setbacks of the proposed development are illustrated in the following drawing illustrated in the following drawing.



**Ground floor plan, showing rear setbacks of proposal.  
Source: DA plans, marked up.**

**Section 94 - Development Contributions Plan – 2007 Interim Update (2014)**

Council's current Section 94 Development Contributions Plan 2007 (Interim Update (2014) effective 10 December 2014) requires a contribution for the provision of various additional services required as a result of increased development density. The contribution is based on the number of additional dwellings there are in the development proposal. The contribution that are payable with respect to the increase housing density on the subject site (being for residential development outside the Macquarie Park Area) are as follows:



**ITEM 3 (continued)**

<b>A – Contribution Type</b>	<b>B – Contribution Amount</b>
Community and Cultural Facilities	\$1,539.51
Open Space & Recreation Facilities	\$3,789.96
Civic & Urban Improvements	\$1,289.04
Roads & Traffic Management facilities	\$175.83
Cycleway	\$109.83
Stormwater Management Facilities	\$349.10
Plan Administration	\$29.61
<b>The total contribution is</b>	<b>\$7,282.88</b>

**10. The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality**

All relevant issues regarding environmental impacts of the development are discussed elsewhere in this report (see Policy Implications and Submissions sections above).

The extent of tree removal in particular is considered to be satisfactory, as only five (5) trees are to be removed within the site, of which four (4) are exempt species. Only one (1) tree is proposed for removal from within the road reserve, and conditions of consent have been recommended by Council's Tree Management Officer. This is discussed in more detail in the Referrals section of this report below.

The development is considered satisfactory in terms of environmental impacts.

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

A review of Council's maps of environmentally sensitive areas indicates the following constraints affecting the subject site.

Acid Sulphate Soils: See comments in relation to Clause 6.1 of Ryde LEP 2014 (see earlier in this report).

Shell Pipeline (now Viva Energy): See comments in the Referrals section of this report below.

**ITEM 3 (continued)****12. The Public Interest**

Having regard to the circumstances of the case, approval of the development is considered to be in the public interest. The addition of a secondary dwelling will add to the housing stock and broadened the range of housing choice and is consistent with the objectives of the AHR SEPP.

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

**Senior Development Engineer:** As noted in the Background section of this report, Council's Senior Development Engineer initially had significant concerns regarding the original DA plans, which proposed vehicle access from Western Crescent. On 17 November 2016, an email was sent to the applicant to advise of those concerns.

Amended plans were submitted, which included changing the vehicle access to Morrison Road. In relation to the amended plans, Council's Senior Development Engineer has provided the following comments:

Stormwater Management

*The applicant has provided a report from a geotechnical engineer who has carried out subsurface investigation to ascertain the suitability of the site to provide absorption trenches. The report from White Geotechnical Group recommends provision of disposal trenches. The distance to the north western boundary from the trenches should be minimum of 3.0m and this would further achieve 5.0m distance to the rear corner. With this increased side setback, the trenches will be closer to the dwelling. Due to this, the foundations of the dwelling should be designed as a pier and beam construction to mitigate the impact.*

***To minimise the runoff towards the rear, the driveway and the turning area should be constructed of permeable paving. (This should be marked on the architectural plans)***

*All roof water has been directed as a charged drainage system to Morrison Road via a water tank. The property is located within OSD exempt area.*

Public Domain

*The driveway needs to be reconstructed and should be located minimum 500mm from the driveway.*

**ITEM 3 (continued)**Vehicle Access and Parking

*The applicant has amended plans to provide access to the development from Morrison Road. A turning area has been proposed within the front yard for all vehicles to exit in a forward direction to the street. This will improve the current situation significantly, if drivers utilised the turning area for vehicles to manoeuvre and exit to the street.*

Recommendation

*There are no objections to the proposed development with respect to the engineering components.*

Assessment Officer's comment: The amended plans have addressed the concerns initially raised regarding the vehicle access. The Senior Development Engineer has provided conditions to be imposed on any consent for the proposed development, and these are included in the conditions at **ATTACHMENT 1**.

**Consultant Landscape Architect:** Has undertaken an assessment both in terms of the original and amended landscape plan submitted with this DA.

The original DA plans proposed the removal of some 5 trees from within the site, namely:

- Tree 2 – Cedar
- Tree 8 – European Olive (exempt)
- Tree 9 – Mulberry (exempt)
- Tree 10 – Norfolk Island Hibiscus (exempt)
- Tree 11 – Broad-leafed privet (exempt).

The Consultant Landscape Architect has supported the proposed tree removal and the replacement planting shown on the landscape plan, as most of the above trees are “exempt species” (exempt from the need to obtain approval), or in the case of the Cedar, this tree was subject to a major level of encroachment with the dwelling construction.

The amended DA plans, propose the same tree removal as originally proposed. However they now propose to retain Tree T5 from the road reserve which was originally proposed to be removed for the driveway from Western Crescent, and remove another tree (Tree T1 from the road reserve).

**ITEM 3 (continued)**

Council's Consultant Landscape Architect has provided the following comments as an addendum to their original comments:

*This addendum comes as the result of amended Architectural and Landscape Plans submitted to Council which respond to comments made by Council as part of the preliminary assessment. As such, modifications have been carried out by the applicant which are subject of this review.*

*With regards to landscaping, the revised landscape plans indicates two changes to the original submitted plan have been made, that being the removal of one tree (Tree 1 – Eucalyptus nicholii) located adjacent to the boundary within the Council verge. This was recommended as part of the original Landscape Assessment dated 18<sup>th</sup> October 2016 given the tree was observed to be in poor structural condition with a short Safe Useful Life Expectancy.*

*It is noted that the plans indicate that this tree is to be replaced by one (1) Brachychiton populneus planted in a similar location. Whilst this is supported from a landscape perspective, as discussed in the original assessment, concurrence should be sought from Council's Public Works team given this tree is located within the Council verge area.*

*In addition to the above, the tree species located within the front setback has been modified to a locally endemic species (Glochidion ferdinandi) which was also recommended as part of the original landscape assessment. As such this is supported and the condition contained within Section 6.0 of the original assessment can be deleted.*

*No other modifications to the landscape arrangements are proposed and as such the amendments are supported. It is noted that all other conditions relating to tree protection within the original assessment remain current and should be imposed as part of any consent granted for the subject development.*

**Assessment Officer's Comment:** The recommended conditions provided by Council's Consultant Landscape Architect have been included in the draft conditions at **ATTACHMENT 1** (see conditions 53-61). Council's Tree Management Officer has undertaken an assessment of the removal of tree T1 from Council's road reserve, as discussed below.

**ITEM 3 (continued)**

**Tree Management Officer:** A referral was sent to Council's Tree Management Officer, for assessment of the proposal to remove one x *Melaleuca stypheloides* (prickly paper bark) tree (identified as Tree T5 on the DA landscape plans) from the road reserve in Western Crescent, and this was associated with the original driveway location. No objections were raised to the removal of this tree, subject to appropriate conditions. However – with the amendments to the design (for vehicle access from Morrison Road instead), this tree no longer needs to be removed.

The amended landscaping plan now proposes to remove a different tree (a *Eucalyptus nicholii*, narrow leaf peppermint – identified as Tree T1 on the DA landscape plans) from the road reserve in Western Crescent near the intersection with Morrison Road. In relation to the amended proposal for the removal of this tree, Council's Tree Management Officer has provided the following comments:

*I have reinspected the narrow leaf peppermint (Eucalyptus nicholii) street tree located adjacent to 76 Morrison Road, Gladesville.*

*It appears, the removal of the tree is for the benefit of the development. The tree's structure does not appear to be compromised and under normal circumstances Council would manage this tree into the future.*

*I have also noted the adverse impact of the development process, from heavy machinery compacting the soil with the Tree Protection Zone the tree will cause the tree to further decline.*

*In light of this information I recommend the tree be removed and replaced in accordance with the existing tree referral conditions and the additional conditions below;*

**Street tree removal.** *Remove 1 x narrow leaf peppermint (Eucalyptus nicholii) indicated as T1, located on the nature strip adjacent to the subject property.*

**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*

**Tree planting – street tree.** *One (1) kurrajong (Brachychiton populneus) tree with a minimum size of 75litres to be planted in the nature strip. Details are to be submitted to and approved by the Principal Certifying Authority prior to the issue of a Construction Certificate.*

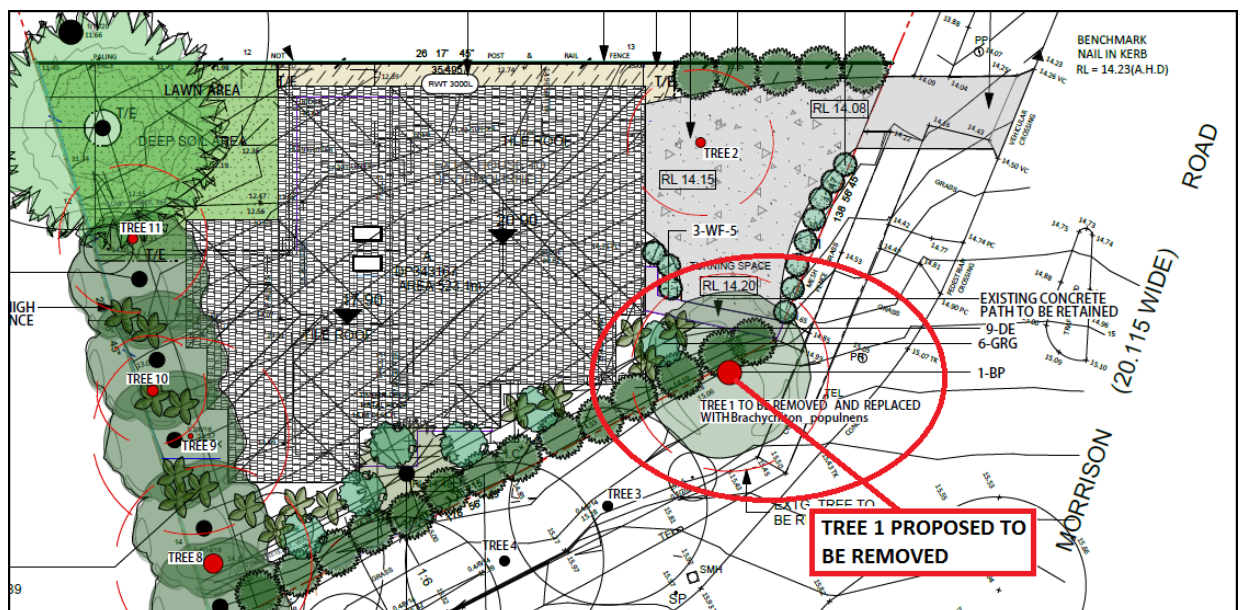
**Security deposit.** *The Council must be provided with security for the purposes in a sum \$750 prior to the release of any Occupation Certificate and be held for a minimum of 12 months to ensure the long term health and condition of the replacement street tree.*

**ITEM 3 (continued)**

Assessment Officer's comments: The above conditions are included in the draft consent (see conditions 53-61). The following drawing shows the location of the tree to be removed.



Image of the narrow leaf peppermint to be removed.



Landscaping Plan, showing the location of tree to be removed from within the road reserve.

Source: DA Landscape Plan

### ITEM 3 (continued)

#### External Referrals

**Viva Energy:** This referral was required because there is a high-pressure fuel pipeline within the road reserve of Morrison Road (at the front of this site). Viva Energy is an external company responsible for the maintenance of this pipeline, and Council refers DAs for sites close to this pipeline to Viva Energy for review and comment.

For the subject DA, Viva Energy have provided the following comments to Council:

*In this instance we have no objections to the development.*

*If there are any utility crossings required in Morrison Rd or works in the road reserve the developer is required to contact our patrolman for assessment. These works can normally be completed under a Right of way permit after a site assessment by our patrolman.*

Assessment Officer's Comment: The conditions provided by Council's Senior Development Engineer include a requirement for a road opening permit to be obtained (for works within the road reserve such as construction of new driveway crossing, footpath paving etc, see condition 17). Prior to obtaining the road opening permit the applicant is required to contact Viva Energy to ensure their requirements are met.

#### 14. Critical Dates

There are no critical dates or deadlines to be met.

#### 15. Financial Impact

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

#### 16. Other Options

The recommendation in this report is approval subject to conditions.

The only practical alternative would be a recommendation of **refusal**. In this regard, the various areas of non-compliance with Ryde DCP 2014 could form the basis for reasons for refusal. However as discussed in the preceding assessment, the areas of non-compliance are relatively minor and are acceptable on merit as they do not result in adverse impacts on neighbouring properties.

**ITEM 3 (continued)****17. Conclusion**

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

Although there are some areas of numerical non-compliance with the applicable planning controls, these are considered to be acceptable on merit for the reasons discussed in the preceding assessment.

The issues of concern raised in the neighbour's submissions have also been largely addressed in the amended plans submitted for this DA. Whilst there are some unresolved issues of concern, these are not considered to warrant refusal of the application or any further design amendments.

Approval of this application is recommended subject to the conditions contained **ATTACHMENT 1**.



**ITEM 3 (continued)**

**ATTACHMENT 1**

**DRAFT CONDITIONS OF CONSENT  
76 MORRISON ROAD, GLADESVILLE  
LDA2016/377**

**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	10.04.2017	DA001 Rev 6
Ground Floor Plan	21.06.2017	DA101 Rev 7
First Floor Plan	10.04.2017	DA102 Rev 6
Roof Plan	10.04.2017	DA103 Rev 6
North Elevation	10.04.2017	DA201 Rev 6
South Elevation	10.04.2017	DA202 Rev 6
East Elevation	10.04.2017	DA203 Rev 6
West Elevation	10.04.2017	DA204 Rev 6
Sections	10.04.2017	DA301 Rev 6
Landscape Plan	10.10.2017	L/01

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 747970M\_02 dated 12 Oct 2017.
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**

5. **Hours of work.** Building activities (including demolition) may only be carried out between 7.00am and 7.00pm Monday to Friday (other than public holidays) and between 8.00am and 4.00pm on Saturday. No building activities are to be carried out at any time on a Sunday or a public holiday.
6. **Hoardings.**
  - (a) A hoarding or fence must be erected between the work site and any adjoining public place.
  - (b) Any hoarding, fence or awning erected pursuant this consent is to be removed when the work has been completed.
7. **Development to be within site boundaries.** The development must be constructed wholly within the boundaries of the premises. No portion of the proposed structure shall encroach onto the adjoining properties. Gates must be installed so they do not open onto any footpath.
8. **Public space.** The public way must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances, without prior approval from Council.
9. **Public Utilities.** Compliance with the requirements (including financial costs) of any relevant utility provider (e.g. Energy Australia, Sydney Water, Telstra, RMS, Council etc) in relation to any connections, works, repairs, relocation, replacements and/or adjustments to public infrastructure or services affected by the development.
10. **Roads Act.** Any works performed in, on or over a public road pursuant to this consent must be carried out in accordance with this consent and with the Road Opening Permit issued by Council as required under section 139 of the Roads Act 1993.
11. **Asbestos.** Where asbestos is present during demolition work, the work must be carried out in accordance with the guidelines for asbestos work published by Safework NSW.
12. **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.

**ITEM 3 (continued)**

**ATTACHMENT 1**

Engineering Conditions

13. **Design and Construction Standards.** All engineering plans and work shall be carried out in accordance with the relevant Australian Standard and City of Ryde Development Control Plan 2014 Section 8 except as amended by other conditions.
14. **Service Alterations.** All mains, services, poles, etc., which require alteration shall be altered at the applicant's expense.
15. **Restoration.** Public areas must be maintained in a safe condition at all times. Restoration of disturbed road and footway areas for the purpose of connection to public utilities will be carried out by Council following submission of a permit application and payment of appropriate fees. Repairs of damage to any public stormwater drainage facility will be carried out by Council following receipt of payment. Restoration of any disused gutter crossings will be carried out by Council following receipt of the relevant payment.
16. **Vehicle Entry & Exit.** All vehicles to the development site shall enter and exit in a forward direction using the turning/manoeuvring area within the front yard.
17. **Road Activity Permits.** To carry out work in, on or over a public road, the Consent of Council is required as per the Roads Act 1993. Prior to issue of a Construction Certificate and commencement of any work, permits for the following activities, as required and as specified in the form "Road Activity Permits Checklist" (available from Councils website) are to be obtained and copies submitted to Council with the Notice of Intention to Commence Work.
  - a) Road Use Permit - The applicant shall obtain a Road Use Permit where any area of the public road or footpath is to be occupied as construction workspace, other than activities covered by a Road Opening Permit or if a Work Zone Permit is not obtained. The permit does not grant exemption from parking regulations.
  - b) Work Zone Permit - The applicant shall obtain a Work Zone Permit where it is proposed to reserve an area of road pavement for the parking of vehicles associated with a construction site. Separate application is required with a Traffic Management Plan for standing of construction vehicles in a trafficable lane. A Roads and Maritime Services Work Zone Permit shall be obtained for State Roads.

**ITEM 3 (continued)**

**ATTACHMENT 1**

- c) Road Opening Permit - The applicant shall apply for a road-opening permit and pay the required fee where a new pipeline is to be constructed within or across the road pavement or footpath. Additional road opening permits and fees are required where there are connections to public utility services (e.g. telephone, telecommunications, electricity, sewer, water or gas) within the road reserve. No opening of the road or footpath surface shall be carried out without this permit being obtained and a copy kept on the site.  
Note. It will be necessary to contact Viva Energy before applying to Council for the Road Opening Permit. The relevant contact at Viva Energy is Tony Carnovale on 0423603895.
- d) Elevated Tower, Crane or Concrete Pump Permit - The applicant shall obtain an Elevated Tower, Crane or Concrete Pump Permit where any of these items of plant are placed on Council's roads or footpaths. This permit is in addition to either a Road Use Permit or a Work Zone Permit.
- e) Crane Airspace Permit - The applicant shall obtain a Crane Over Airspace Permit where a crane on private land is operating in the air space of a Council road or footpath. Approval from the Roads and Maritime Services for works on or near State Roads is required prior to lodgement of an application with Council. A separate application for a Work Zone Permit is required for any construction vehicles or plant on the adjoining road or footpath associated with use of the crane.
- f) Hoarding Permit - The applicant shall obtain a Hoarding Permit and pay the required fee where erection of protective hoarding along the street frontage of the property is required. The fee payable is for a minimum period of 6 months and should the period is extended an adjustment of the fee will be made on completion of the works. The site must be fenced to a minimum height of 1.8 metres prior to the commencement of construction and throughout demolition and/or excavation and must comply with WorkCover (New South Wales) requirements.
- g) Skip Bin on Nature Strip - The applicant shall obtain approval and pay the required fee to place a Skip Bin on the nature strip where it is not practical to locate the bin on private property. No permit will be issued to place skips within the carriageway of any public road.

**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.

18. **Section 94.** A monetary contribution for the services in Column A and for the amount in Column B shall be made to Council as follows:

<b>A – Contribution Type</b>	<b>B – Contribution Amount</b>
Community and Cultural Facilities	\$1,539.51
Open Space & Recreation Facilities	\$3,789.96
Civic & Urban Improvements	\$1,289.04
Roads & Traffic Management facilities	\$175.83
Cycleway	\$109.83
Stormwater Management Facilities	\$349.10
Plan Administration	\$29.61
<b>The total contribution is</b>	<b>\$7,282.88</b>

These are contributions under the provisions of Section 94 of the Environmental Planning and Assessment Act, 1979 as specified in Section 94 Development Contributions Plan 2007 Interim Update (2014), effective from 10 December 2014.

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

The contribution must be paid **prior to the issue of any Construction Certificate**. Payment may be by EFTPOS (debit card only), CASH or a BANK CHEQUE made payable to the **City of Ryde**. Personal or company cheques will not be accepted.

**ITEM 3 (continued)**

**ATTACHMENT 1**

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

19. **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**.
20. **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**.
21. **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)
22. **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
23. **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**.
24. **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**.
25. **Sydney Water – Building Plan Approval.** The plans approved as part of the Construction Certificate must also be approved by Sydney Water prior to excavation or construction works commencing. This allows Sydney Water to determine if sewer, water or stormwater mains or easements will be affected by any part of your development. Please go to [www.sydneywater.com.au/tapin](http://www.sydneywater.com.au/tapin) to apply.

**ITEM 3 (continued)**

**ATTACHMENT 1**

26. **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**.
27. **Tree Planting – Front Yard.** The proposed *Elaeocarpus reticulatus* (Blueberry Ash) located within the front yard of the allotment is to be substituted for a locally endemic tree capable of reaching 10m in height with a spreading canopy planted at a minimum 45 litre pot/container size. Details of compliance are to be demonstrated on the plans for Construction Certificate.
28. **Tree planting – location.** These trees are to be planted a minimum of 3m from any property boundary. Details are to be submitted to and approved by the Principal Certifying Authority prior to the issue of the **Construction Certificate**.

Engineering Conditions

29. **Boundary Levels.** The levels of the street alignment shall be obtained from Council. These levels shall be incorporated into the design of the internal driveway, carparking areas, landscaping and stormwater drainage plans and must be obtained prior to the issue of the construction certificate.
30. **Driveway Location.** The driveway shall be minimum 500mm from the existing power pole.
31. **Driveway Grades.** The maximum grade of all internal driveways and vehicular ramps shall be 1 in 4 and in accordance with the relevant section of AS 2890.1. The maximum change of grade permitted is 1 in 8 (12.5%) for summit grade changes and 1 in 6.7 (15%) for sag grade changes. Any transition grades shall have a minimum length of 2.0m. The driveway design is to incorporate Council's issued footpath and gutter crossing levels where they are required as a condition of consent. A driveway plan, longitudinal section from the centreline of the public road to the garage floor, and any necessary cross-sections clearly demonstrating that the driveway complies with the above details, and that vehicles may safely manoeuvre within the site without scraping shall be submitted with the Construction Certificate application.

**ITEM 3 (continued)**

**ATTACHMENT 1**

32. **Control of Stormwater Runoff.** Stormwater runoff from all roof areas shall be collected and piped by a charged system to a rainwater tank with outlet pipe from the rainwater tank directed to the street gutter. The pipe from the boundary pit to the street gutter across the footpath is to be a gravity pipe. The driveway/paved areas are to be collected and directed to an absorption system in the rear yard. The drainage system shall be designed in accordance with the City of Ryde, Development Control Plan 2014: - Part 8.2; Stormwater & Floodplain Management. The concept drainage design prepared by A & G Consulting Engineers Pty Ltd, Job No 16020 Drw C01.2, C02.2 & C03.2 Rev 2 dated 1/5/17 shall be amended to incorporate but not be limited to the following:
- a. Design of the absorption system as recommended in the White Geotechnical Group dated 26/4/17 with a minimum 3.0m distance to the north-western boundary as marked in red on the drainage plan.
  - b. Provision of permeable pavers to the driveway and the turning area to minimise the runoff towards the rear.
  - c. Demonstration by calculation, including hydraulic grade line calculation that proposed overflow pipe from the BASIX water tank has adequate hydraulic head to convey the 20 year ARI 5 minute runoff to the street. The rainwater tank overflow pipe is to be 150mm minimum diameter or conduit of equivalent capacity.
  - d. Ensure consistency between the architectural plans & the stormwater plans

Amended engineering plans including certification from a chartered civil engineer with NPER registration with Engineers Australia indicating compliance with this condition and the DCP 2014 Part 8.2 are to be submitted for approval with the Construction Certificate application.

33. **Foundation Design Adjoining Absorption Trenches.** The foundations of structures adjoining the on-site dispersal system shall consist of pier and beam construction and the piers shall be extended to a solid stratum. Details from a suitably qualified structural engineer shall be submitted with the construction certificate.
34. **Permeable Paving.** The driveway & turning area at front shall be constructed of permeable paving which is to be strictly in accordance with the manufacturer's specifications & requirements. Certification shall be provided by the manufacturer stating that the proposed construction of the permeable paving is to their requirements prior to issuing the Construction Certificate.
35. **Water Tank First Flush.** A first flush mechanism is to be designed and constructed with the each water tank system. Details of the first flush system are to be submitted with the construction certificate application.



**ITEM 3 (continued)**

**ATTACHMENT 1**

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

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

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

**PRIOR TO COMMENCEMENT OF CONSTRUCTION**

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

37. **Site Sign**

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

**ITEM 3 (continued)**

**ATTACHMENT 1**

38. **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.
39. **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).

40. **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.
41. **Safety fencing.** The site must be fenced prior to the commencement of construction, and throughout demolition and/or excavation and must comply with WorkCover New South Wales requirements and be a minimum of 1.8m in height.

### ITEM 3 (continued)

### ATTACHMENT 1

42. **Project Arborist.** A Project Arborist with minimum AQF level 5 qualifications is to be engaged to ensure adequate tree protection measures are put in place for all trees to be retained on neighbouring allotments in accordance with AS4970-2009 Protection of trees on development sites and the Arboricultural Impact Assessment prepared by Bluegum Tree Care and Consulting dated July 2016. All trees are to be monitored to ensure adequate health throughout the construction period is maintained. Additionally, all work within the Tree Protection Zones is to be supervised by the Project Arborist throughout construction. Details of the Project Arborist are to be submitted to Council prior to the commencement of construction.

#### Engineering Conditions

43. **Sediment and Erosion Control.** The applicant shall install appropriate sediment control devices in accordance with an approved plan **prior** to any earthworks being carried out on the site. These devices shall be maintained during the construction period and replaced where considered necessary. Suitable erosion control management procedures shall be practiced. This condition is imposed in order to protect downstream properties, Council's drainage system and natural watercourses from sediment build-up transferred by stormwater runoff from the site.
44. **Compliance Certificate.** A Compliance Certificate should be obtained confirming that the constructed erosion and sediment control measures comply with the construction plan and City of Ryde, Development Control Plan 2014: - Part 8.1; Construction Activities

#### **DURING CONSTRUCTION**

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

45. **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.
46. **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.
47. **Sediment/dust control.** No sediment, dust, soil or similar material shall leave the site during construction work.

**ITEM 3 (continued)**

**ATTACHMENT 1**

48. **Use of fill/excavated material.** Excavated material must not be reused on the property except as follows:
- Fill is allowed under this consent;
  - The material constitutes Virgin Excavated Natural Material as defined in the Protection of the Environment Operations Act 1997;
  - the material is reused only to the extent that fill is allowed by the consent.
49. **Construction materials.** All materials associated with construction must be retained within the site.
50. **Site Facilities**  
The following facilities must be provided on the site:
- toilet facilities in accordance with WorkCover NSW requirements, at a ratio of one toilet per every 20 employees, and
  - a garbage receptacle for food scraps and papers, with a tight fitting lid.
51. **Site maintenance**  
The applicant must ensure that:
- approved sediment and erosion control measures are installed and maintained during the construction period;
  - building materials and equipment are stored wholly within the work site unless an approval to store them elsewhere is held;
  - the site is clear of waste and debris at the completion of the works.
52. **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".
53. **Tree protection – no unauthorised removal.** This consent does not authorise the removal of trees unless specifically permitted by a condition of this consent or identified as approved for removal on the stamped plans.
54. **Tree protection – during construction.** Trees that are shown on the approved plans as being retained must be protected against damage during construction. Tree protection measures are to be undertaken and construction activity managed in accordance with the arborists's report prepared by Bluegum Tree Care and Consultancy, Arboricultural Impact Study 76 Morrison Road, Gladesville, Alexis Anderson.
55. **Street tree removal.** Remove 1 x narrow leaf peppermint (*Eucalyptus nicholii*) indicated as T1, located on the nature strip adjacent to the subject property.

**ITEM 3 (continued)**

**ATTACHMENT 1**

56. **Tree planting – street tree.** One (1) kurrajong (*Brachychiton populneus*) tree with a minimum size of 75litres to be planted in the nature strip. Details are to be submitted to and approved by the Principal Certifying Authority prior to the issue of a Construction Certificate.
57. **Security deposit.** The Council must be provided with security for the purposes in a sum \$750 prior to the release of any Occupation Certificate and be held for a minimum of 12 months to ensure the long term health and condition of the replacement street tree.
58. **Tree works – arborist supervision.** A Consultant Arborist must be appointed to oversee all works, including demolition and construction, in relation to the trees identified for retention on the site.
59. **Tree works – Australian Standards.** Any works approved by this consent to trees must be carried out in accordance with all relevant Australian Standards, in particular Australian Standard 4790 Protection of trees on development sites.
60. **Absorption Trench Location.** Should the excavation for the stormwater absorption trench conflict with any major structural roots (greater than >40 mm diameter), its location and alignment is to be modified in consultation with the Project Arborist to avoid impact. Under no circumstances should roots be severed or cut without prior approval from the Project Arborist.
61. **Underground Utilities.** Any utility services to be located underground within the TPZ are to be undertaken utilising excavation techniques that prevent or minimise damage to structural roots (roots greater than >40 mm diameter). To prevent soil compaction and root damage these works should be conducted with non-motorised hand tools, air knife or directional drilling.

Engineering Conditions

62. **Drainage Construction.** The stormwater drainage on the site is to be constructed in accordance with plan the Construction Certificate version of Job No 16020 Drw C01.2, C02.2 & C03.2 Rev 2 dated 1/5/17 prepared by A & G Consulting Engineers Pty Ltd and as amended in red by Council and condition with the heading “Control of Stormwater Runoff”.

**ITEM 3 (continued)**

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63. **Sediment and Erosion Control.** The applicant shall install appropriate sediment control devices in accordance with an approved plan **prior** to any earthworks being carried out on the site. These devices shall be maintained during the construction period and replaced where considered necessary. Suitable erosion control management procedures shall be practiced. This condition is imposed in order to protect downstream properties, Council's drainage system and natural watercourses from sediment build-up transferred by stormwater runoff from the site.
64. **Traffic Management.** Traffic management procedures and systems must be in place and practised during the construction period to ensure safety and minimise the effect on adjoining pedestrian and vehicular traffic systems. These procedures and systems must be in accordance with AS 1742.3 1996 and City of Ryde, Development Control Plan 2014 Part 8.1 Construction Activities.

**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.

65. **BASIX.** The submission of documentary evidence of compliance with all commitments listed in BASIX Certificate(s) numbered 747970M\_02 dated 12 Oct 2017.
66. **Sydney Water – Section 73.** A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation. Application must be made through an authorised Water Servicing Co-ordinator. Please refer to the Building Developing and Plumbing section of the web site [www.sydneywater.com.au](http://www.sydneywater.com.au) then refer to “Water Servicing Coordinator” under “Developing Your Land” or telephone 13 20 92 for assistance.

**ITEM 3 (continued)**

**ATTACHMENT 1**

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

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

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

Engineering Conditions

68. **Disused Gutter Crossing.** All disused gutter and footpath crossings shall be removed and the kerb and footpath reinstated to the satisfaction of Council.
69. **Turning Area for Vehicles.** All vehicle entry and exit to and from the property shall be in a forward direction. The proposed turning area must be made available for vehicle manoeuvring all the time and must not be used for parking of vehicles. It shall be signposted and marked as a turning area for vehicles.
70. **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 location, design and construction shall conform to the requirements of Council. Crossings are to be constructed in plain reinforced concrete and finished levels shall conform with property alignment levels issued by Council’s Public Works Division. Kerbs shall not be returned to the alignment line. Bridge and pipe crossings will not be permitted.
71. **Work-as-Executed Plan.** A Work-as-Executed plan signed by a Registered Surveyor clearly showing the surveyor’s name and the date, the stormwater drainage, including the on-site stormwater detention system if one has been constructed and finished ground levels **is to be submitted to the Principal Certifying Authority (PCA)** and to Ryde City Council if Council is not the nominated PCA.
72. **Compliance Certificates – Engineering.** Compliance Certificates should be obtained for the following and submitted to the PCA:
- Confirming that all vehicular footway and gutter (layback) crossings are constructed in accordance with the construction plan requirements and Ryde City Council’s Development Control Plan 2014: - Part 8.3

**ITEM 3 (continued)**

**ATTACHMENT 1**

- Confirming that the driveway is constructed in accordance with the construction plan requirements and Ryde City Development Control Plan 2014: - Part 8.3; Driveways.
- Confirming that the site drainage system servicing the development complies with the construction plan requirements and City of Ryde, Development Control Plan 2014: - Part 8.2; Stormwater & Floodplain Management
- Confirming that turning area has been signposted and marked.
- Confirming that driveway and the turning area has been constructed using permeable pavers.
- Confirming that after completion of all construction work and landscaping, all areas adjacent the site, the site drainage system (including the on-site detention system), and the trunk drainage system immediately downstream of the subject site (next pit), have been cleaned of all sand, silt, old formwork, and other debris.
- Confirming that the vehicular crossing has been removed and the kerb and gutter have been constructed in accordance with Council's Development Control Plan 2014: - Part 8.3 Driveways.

73. **Positive Covenant, Charged.** The creation of a Positive Covenant under Section 88 of the Conveyancing Act 1919, burdening the property with the requirement to maintain the charged drainage system on the property. The terms of the instruments are to be generally in accordance with the Council's draft terms of Section 88E instrument for Maintenance of Charged Drainage Systems and to the satisfaction of Council.

74. **Positive Covenant, Dispersal.** The creation of a Positive Covenant under Section 88 of the Conveyancing Act 1919, burdening the property with the requirement to maintain the stormwater dispersal system. The terms of the instruments are to be generally in accordance with the Council's draft terms of Section 88E instrument for Maintenance of On- site Dispersal Systems and to the satisfaction of Council.

**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.

75. **Single dwelling only.** The principal dwelling and secondary dwelling is not to be used or adapted for use as more than two separate domiciles (ie principal dwelling and secondary dwelling only) or a boarding house.



**ITEM 3 (continued)**

**ATTACHMENT 2**

**Compliance Check - Quality Certification**

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

<b>LDA No:</b> LDA2016/0377	<b>Date Plans Rec'd:</b> 11 April 2017
<b>Address:</b> 76 Morrison Road Gladesville	
<b>Proposal:</b> Demolition and construction of a 2 storey dwelling and a secondary dwelling.	
<b>Constraints Identified:</b> Acid sulphate soil, Shell pipeline	

**COMPLIANCE CHECK**

<b>Ryde LEP 2014</b>	<b>Proposal</b>	<b>Compliance</b>
<b>4.3(2) Height</b>		
9.5m	7.3m max	Yes
<b>4.4(2) &amp; 4.4A(1) FSR</b>		
0.5:1	0.465:1	Yes

<b>DCP 2014</b>	<b>Proposed</b>	<b>Compliance</b>
<b><i>Part 3.3 - Dwelling Houses and Dual Occupancy (attached)</i></b>		
<b>Desired Future Character</b>		
Development is to be consistent with the desired future character of the low density residential areas.	The proposed development is consistent with the desired future character of the low density residential area as detailed further in this table.	Yes
<b>Dwelling Houses</b>		
- To have a landscaped setting which includes significant deep soil areas at front and rear. - Maximum 2 storeys.	Front and rear gardens proposed.	Yes

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**ATTACHMENT 2**

<b>DCP 2014</b>	<b>Proposed</b>	<b>Compliance</b>
<ul style="list-style-type: none"> <li>- Dwellings to address street</li> <li>- Garage/carports not visually prominent features.</li> </ul>	<p>Two storeys</p> <p>Principal dwelling presents to Morrison Road.</p> <p>Garages not prominent feature and is &lt;50% of frontage to north elevation.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>
<b>Public Domain Amenity</b>		
<b>Streetscape</b>		
<ul style="list-style-type: none"> <li>- Front doors and windows are to face the street. Side entries to be clearly apparent.</li> <li>- Single storey entrance porticos.</li> <li>- Articulated street facades.</li> </ul>	<p>Front doors and windows face street.</p> <p>No formal entrance portico.</p> <p>Articulated street façade.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>
<b>Public Views and Vistas</b>		
<ul style="list-style-type: none"> <li>- A view corridor is to be provided along at least one side allotment boundary where there is an existing or potential view to the water from the street. Landscaping is not to restrict views. Garages/carports and outbuildings are not to be located within view corridor if they obstruct view. Fence 70% open where height is &gt;900mm.</li> </ul>	<p>Adequate view corridors to western and southern sides (no significant views exist in this location)</p>	<p>Yes</p>
<b>Pedestrian &amp; Vehicle Safety</b>		
<ul style="list-style-type: none"> <li>- Car parking located to accommodate sightlines to footpath &amp; road in accordance with relevant Australian Standard.</li> <li>- Fencing that blocks sight lines is to be splayed.</li> </ul>	<p>Car parking has been located to accommodate sightlines to footpath and road in accordance with the relevant Australian Standard.</p> <p>No front fencing is proposed.</p>	<p>Yes</p> <p>Yes</p>

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**ATTACHMENT 2**

DCP 2014	Proposed	Compliance
<b>Site Configuration</b>		
<b>Deep Soil Areas</b>		
- 35% of site area min.	Permeable (deep soil) area: 240.83m <sup>2</sup> approx (46.04% of site area).	Yes
- Min 8x8m deep soil area in backyard.	Deep soil square = 10.047m x 7m	<b>No</b>
- Front yard to have deep soil area (only hard paved area to be driveway, pedestrian path and garden walls).	Front DSA: Driveway and turning area takes up some 63% of the front yard area	<b>No</b>
<b>Topography &amp; Excavation</b>		
Within building footprint:	Within BF	
- Max cut: 1.2m	Max cut: 300mm	Yes
- Max fill: 900mm	Max fill: 1.3m	<b>No</b>
Outside building footprint:	Outside BF	
- Max cut: 900mm	Max cut: Nil	Yes
- Max fill: 500mm	Max fill: Nil	Yes
- No fill between side of building and boundary or close to rear boundary	No fill is proposed between side of building and boundary or close to rear boundary.	Yes
- Max ht retaining wall: 0.9m	No retaining walls are proposed.	Yes
<b>Floor Space Ratio</b>		
Ground floor	186.22m <sup>2</sup>	
First floor	92.81m <sup>2</sup>	
Total (Gross Floor Area)	279.03m <sup>2</sup>	
Less 36m <sup>2</sup> (double) <b>or</b> 18m <sup>2</sup> (single) allowance for parking	243.03m <sup>2</sup>	Yes

**ITEM 3 (continued)**

**ATTACHMENT 2**

DCP 2014	Proposed	Compliance
<b>FSR (max 0.5:1)</b> <b>Note: Excludes wall thicknesses; lifts/stairs; basement storage/vehicle access/garbage area; terraces/balconies with walls &lt;1.4m; void areas.</b>	$\frac{243.03}{523.1}$ $= 0.465:1$	
<b>Height</b>		
- 2 storeys maximum (storey incl basement elevated greater than 1.2m above EGL).	2 storeys maximum	Yes
- 1 storey maximum above attached garage incl semi-basement or at-grade garages.	1 storey maximum above attached garages	Yes
Wall plate (Ceiling Height) - 7.5m max above FGL or - 8m max to top of parapet <i>NB:</i> <i>TOW = Top of Wall</i> <i>EGL = Existing Ground Level</i> <i>FGL = Finished Ground Level</i>	TOW RL: 19.80 FGL below (lowest point): RL: 14.50 TOW Height (max) = 5.4m	Yes
9.5m Overall Height <i>NB:</i> <i>EGL = Existing Ground Level</i>	Max point of dwelling RL: 20.9 (highest point of ridge) EGL below ridge (lowest point): RL: 13.6 Overall Height (max) = 7.3m	Yes
Habitable rooms to have 2.4m floor to ceiling height (min).	2.4m - 3m room height.	Yes
<b>Setbacks</b>		
<b>SIDE</b> <b>Two storey dwelling</b> - 1500mm to wall - Includes balconies etc	<b>Western boundary</b> <u>Ground Floor:</u> 1.5m <u>First Floor:</u> 1.5m	Yes Yes

**ITEM 3 (continued)**

**ATTACHMENT 2**

<b>DCP 2014</b>	<b>Proposed</b>	<b>Compliance</b>
Side setback to <b>secondary frontage</b> (cnr allotments): 2m to façade and garage/carports	<b>Eastern boundary</b> (secondary setback to Western Cres)  Varies between 2m to 5m	Yes
<b>Front</b> - 6m to façade (generally)  - Garage setback 1m from the dwelling façade  - Wall above is to align with outside face of garage below.  - Front setback free of ancillary elements eg RWT, A/C	<b>Northern boundary</b> (setback to Morrison Road) = Varies between 6m to 9.5m  Garage in line with front facade  Wall above garages does not align with outside face of garages below.  Front setback is free of ancillary elements.	Yes  <b>No</b>  <b>No</b>  Yes
<b>Rear</b> - 8m to rear of dwelling <b>OR</b> 25% of the length of the site, whichever is greater. <b>Note: 6.17m - 8.87m is 25% of site length.</b> <b>Rear setback required: 8m to 8.87m</b>	<u>Principal dwelling</u> : 8m to 10.047m  <u>Secondary dwelling</u> : Varies from 3m to 4m  <b>See also assessment re SEPP (ARH) 2009</b>	<b>No</b>  <b>No</b>
<b>Car Parking &amp; Access</b>		
<b>General</b> - Dwelling: 2 spaces max, 1 space min.  - Where possible access off secondary street frontages or laneways is preferable.  - Max 6m wide or 50% of frontage, whichever is less.  - Behind building façade.	Number/location of car spaces: double garage proposed  Access from: Morrison Road, acceptable as per Dev Eng referral  External width: combined external width of both garages is 5.5m  Car parking is provided behind building façade.	Yes  Yes  Yes  Yes

**ITEM 3 (continued)**

**ATTACHMENT 2**

<b>DCP 2014</b>	<b>Proposed</b>	<b>Compliance</b>
<p><b>Garages</b></p> <ul style="list-style-type: none"> <li>- Garages setback 1m from façade.</li> <li>- Total width of garage doors visible from public space must not exceed 5.7m and be setback not more than 300mm behind the outside face of the building element immediately above.</li> <li>- Garage windows are to be at least 900mm away from boundary.</li> <li>- Free standing garages are to have a max GFA of 36m<sup>2</sup></li> <li>- Materials in keeping or complimentary to dwelling.</li> </ul>	<p>Setback from façade: 0m (ie in line with façade, no setback)</p> <p>Width of opening: 2.5m per garage</p> <p>Door setback: ~300mm</p> <p>No garage windows are proposed.</p> <p>Proposed garages are not free standing.</p> <p>Materials: consistent with new dwellings.</p>	<p><b>No</b></p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
<p><b>Parking Space Sizes (AS)</b></p> <ul style="list-style-type: none"> <li>o Single garage: 3m w(min)</li> <li>o Internal length: 5.4m (min)</li> </ul>	<p>Internal width: 2.6m per garage</p> <p>Internal length: &gt;5.6m</p>	<p>Yes</p> <p>Yes</p>
<p><b>Driveways</b></p> <ul style="list-style-type: none"> <li>- Extent of driveways minimised</li> </ul>	<p>Extent of driveways has been minimised, but turning areas provided for safe access from Morrison Road.</p>	<p>Yes</p>
<p><b>Landscaping</b></p>		
<p><b>Trees &amp; Landscaping</b></p> <ul style="list-style-type: none"> <li>- Major trees retained where practicable</li> <li>- Physical connection to be provided between dwelling and outdoor spaces where the ground floor is elevated above NGL eg. stairs, terraces.</li> </ul>	<p>Major trees retained</p> <p>Physical connection has been provided between the dwellings and outdoor spaces where the ground floor is elevated above NGL.</p>	<p>Yes</p> <p>Yes</p>

**ITEM 3 (continued)**

**ATTACHMENT 2**

<b>DCP 2014</b>	<b>Proposed</b>	<b>Compliance</b>
<ul style="list-style-type: none"> <li>- Obstruction-free pathway on one side of dwelling (excl cnr allotments or rear lane access)</li> <li>- Front yard to have at least 1 tree with mature ht of 10m min and a spreading canopy.</li> <li>- Back yard to have at least 1 tree with mature ht of 15m min and a spreading canopy.</li> <li>- Hedging or screen planting on boundary mature plants reaching no more than 2.7m.</li> <li>- OSD generally not to be located in front setback unless under driveway.</li> </ul>	<p>N/A – subject site is a corner allotment.</p> <p>Proposal indicates that front yard will contain one (1) tree with a mature height of 10m minimum and a spreading canopy.</p> <p>Proposal indicates that rear yard will contain one (1) tree with a mature height of 15m minimum and a spreading canopy.</p> <p>OSD is not proposed within front setback.</p>	<p>N/A</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
<ul style="list-style-type: none"> <li>- Landscaped front garden, with max 40% hard paving</li> </ul>	<p>Hard Paving: 66.69m<sup>2</sup> or 63.07%. Does not comply</p>	<p><b>No</b></p>
<p><b>Dwelling Amenity</b></p>		
<p><b>Daylight and Sunlight Access</b></p>		
<p><u>Subject Dwelling:</u></p>		
<ul style="list-style-type: none"> <li>- Subject dwelling north facing windows are to receive at least 3hrs of sunlight to a portion of their surface between 9am and 3pm on June 21.</li> </ul>	<p>Subject dwellings' north facing windows will receive at least three (3) hours of sunlight to a portion of their surface between 9am and 3pm on June 21.</p>	<p>Yes</p>
<ul style="list-style-type: none"> <li>- Private Open space of subject dwelling is to receive at least 2 hours sunlight between 9am and 3pm on June 21.</li> </ul>	<p>Private Open Space of subject dwellings will receive at least two (2) hours of sunlight between 9am and 3pm on June 21.</p>	<p>Yes</p>
<p><u>Neighbouring properties are to receive:</u></p>		
<ul style="list-style-type: none"> <li>- 2 hours sunlight to at least</li> </ul>		

**ITEM 3 (continued)**

**ATTACHMENT 2**

<b>DCP 2014</b>	<b>Proposed</b>	<b>Compliance</b>
<p>50% of adjoining principal ground level open space between 9am and 3pm on June 21.</p> <p>- At least 3 hours sunlight to a portion of the surface of north facing adjoining living area windows between 9am and 3pm on June 21.</p>	<p>Two (2) hours sunlight will be received to at least 50% of adjoining ground level open space between 9am and 3pm on June 21.</p> <p>3 hours sunlight to a portion of the surface of north facing adjoining living area windows of the adjoining property to the south</p>	<p>Yes</p> <p>Yes</p>
<p><b>Visual Privacy</b></p> <p>- Orientate windows of living areas, balconies and outdoor living areas to the front and rear of dwelling.</p> <p>- Windows of living, dining, family etc placed so there are no close or direct views to adjoining dwelling or open space.</p> <p>- Side windows offset from adjoining windows.</p> <p>- Terraces, balconies etc are not to overlook neighbouring dwellings/private open space.</p>	<p>Windows of living areas, balconies and outdoor living areas have been orientated to the front and rear of the dwellings.</p> <p>The family, kitchen and dining windows to ground floor level on the western elevation of the principal dwelling have been sensitively designed with 1.4m high sill heights to minimise overlooking into the neighbouring property.</p> <p>Additionally, the kitchen window to ground floor level on the south elevation of the secondary dwelling have been sensitively designed to minimise overlooking into the neighbouring property.</p> <p>Side windows have been offset from adjoining windows.</p> <p>No terraces, balconies etc. are proposed.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>



**ITEM 3 (continued)**

**ATTACHMENT 2**

<b>DCP 2014</b>	<b>Proposed</b>	<b>Compliance</b>
<b>View Sharing</b> - The siting of development is to provide for view sharing.	The development has been sited to provide for view sharing.	Yes
<b>Cross Ventilation</b> - Plan layout is to optimise access to prevailing breezes and to provide for cross ventilation.	Plan layout optimises access to prevailing breezes and provides for cross ventilation.	Yes
<b>External Building Elements</b>		
<b>Roof</b> - Articulated.	Roof is articulated.	Yes
<b>Fencing</b>		
<b>Front/return:</b> - To reflect design of dwelling. - To reflect character & 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 bdy max 900mm. - No colorbond or paling Max width of piers 350mm.	Return fencing to north-western boundary is proposed. As details are not shown on the architectural drawings, the standard condition regarding fencing is to be placed on the consent.	Yes
<b>Side/rear fencing:</b> - 1.8m max o/a height.	No new side/rear fencing is proposed.	Yes
<b>Part 7.2 – Waste Minimisation &amp; Management</b>		
Submission of a Waste Management Plan in accordance with Part 7.2 of DCP 2014.	The applicant has submitted a Waste Management Plan in accordance with Part 7.2 of DCP 2014.	Yes

**ITEM 3 (continued)**

**ATTACHMENT 2**

DCP 2014	Proposed	Compliance
<b>Part 8.2 – Stormwater Management</b>		
<b>Stormwater &amp; Floodplain Management</b>		
Drainage is to be piped in accordance with Part 8.2 – Stormwater & Floodplain Management.	Drainage is to be piped in accordance with Part 8.2 – Stormwater & Floodplain Management.	Yes
<b>Part 9.5 – Tree Preservation</b>		
Where the removal of tree(s) is associated with the redevelopment of a site, or a neighbouring site, the applicant is required to demonstrate that an alternative design(s) is not feasible and retaining the tree(s) is not possible in order to provide adequate clearance between the tree(s) and the proposed building and the driveway.	Acceptable, refer to Landscape Architect's comments.	Yes

**ITEM 3 (continued)**

**ATTACHMENT 2**

<b>BASIX</b>		
All ticked "DA plans" commitments on the BASIX Certificate are to be shown on plans (list) <b>BASIX Cert 747970M dated 28 July 2016</b> <b>ABSA Cert 0000562980</b> <ul style="list-style-type: none"> <li>• RWT 3000L</li> <li>• Thermal Comfort Commitments – Construction.</li> <li>• 1 x HWS Gas Instantaneous 5.5 star per dwelling</li> <li>• Natural Lighting               <ol style="list-style-type: none"> <li>1. Kitchen – both dwellings</li> <li>2. bathrooms (1) – dwelling 1</li> </ol> </li> <li>• Central Energy Systems – Fixtures</li> </ul>	Shown on plans  Shown on plans  Shown on plans  Shown on plans  Shown on plans  Shown on plans	Yes  Yes  Yes  Yes  Yes
Water Target 40	Water: 40	Yes
Energy Target 40	Energy: 40	Yes
Correct description of property/proposal on 1 <sup>st</sup> page of Certificate.	Correct details	Yes

<b>Demolition</b>		
Plan showing all structures to be removed	Forms part of Demolition Work Plan submitted with application.	Yes
Demolition Work Plan	Submitted with application	Yes
Waste Management Plan	Submitted with application	Yes

**ITEM 3 (continued)**

**ATTACHMENT 2**

**State Environmental Planning Policy (Affordable Rental Housing) 2009**

Schedule 1 – Development standards for secondary dwellings for Complying Applications.

The following development standards apply to complying development and are used as a basis to assess whether the proposal is satisfactory in terms of its likely impact.

<b>Development standards</b>	<b>Proposal</b>	<b>Satisfied</b>
<b>Part 2 - Site Requirements</b>		
<b>2. Lot requirements</b>		
(1) Development for the purposes of a secondary dwelling may only be carried out on a lot that:		
(a) at the completion of the development will have only one principal dwelling and one secondary dwelling, and	Resulting in one principal dwelling and one secondary dwelling.	Yes
(b) if it is not a battle-axe lot, has a boundary with a primary road, measured at the building line, of at least the following:		
<ul style="list-style-type: none"> <li>12m if the lot is 450 - 900m<sup>2</sup></li> </ul>	Frontage: 26.215m (Western Crescent) + 12.47m (Morrison Road) = 38.685m	Yes
(c) if it is a battle-axe lot, has an access of at least 3m in width and measures at least 12m by 12m, excluding the access laneway.	N/A	N/A
(2) Has lawful access to a public road.	Driveway access is from Morrison Road	Yes
<b>3. Maximum site coverage of all development</b>		
(1) The site coverage of the principal dwelling, secondary dwelling and all ancillary development on a lot must not be more than the following:		
<ul style="list-style-type: none"> <li>50% if the lot is 450 – 900m<sup>2</sup></li> </ul>	Proposed site coverage is <50%	Yes
<b>4. Maximum floor area for principal and secondary dwellings – already calculated under Division 2</b>		
	See Division 2	Yes



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**ATTACHMENT 2**

Development standards	Proposal	Satisfied
having a boundary with the same road and located within 40m of the lot on which the dwelling house is erected, or (b) in any case where 2 dwelling houses are not located within 40m of the lot: <ul style="list-style-type: none"> <li>• 4.5m if the is 450 - 900m<sup>2</sup>, or</li> <li>• 6.5m if the lot is 900 - 1500m<sup>2</sup>, or</li> <li>• 10m if the lot is at least 1500m<sup>2</sup>.</li> </ul>		
<b>8. Setbacks from classified roads</b>  The new building or new part of an existing building must be setback from a boundary with a classified road of: (a) The distance stated if another environmental planning instrument applying to the lot establishes a setback for a dwelling house having a boundary with a classified road, or (b) 9m in any other case.	N/A – there is no classified road applicable to the subject site.	N/A
<b>9. Setbacks from side boundaries</b> (1) A new building or a new part of an existing building or any new carport, garage, balcony, deck, patio, pergola, terrace or verandah that is attached to such a building must be set back <ul style="list-style-type: none"> <li>• 900mm if the lot is 450 - 900m<sup>2</sup></li> </ul>	<u>Western boundary:</u> 7m from secondary dwelling component	Yes
<b>10. Setback from rear boundaries</b> (1) A new building or a new part of an existing building or any new carport, garage, balcony, deck, patio, pergola, terrace or verandah that is attached to such a building having a setback from a rear boundary of less than the following: <ul style="list-style-type: none"> <li>• 3m if the lot is 450 - 900m<sup>2</sup></li> </ul> (2) A new building or additions to an existing building where the new or existing building will, at the end of the development, have a building height at any part of more than 3.8m must not result in the new building or any new part of the existing	<u>Proposed:</u> 3m to 4m	Yes

**ITEM 3 (continued)**

**ATTACHMENT 2**

Development standards	Proposal	Satisfied
<p>building or any new carport, garage, balcony, deck, patio, pergola, terrace or verandah that is attached to such a building, having a setback from a rear boundary of less than the sum of:</p> <ul style="list-style-type: none"> <li>• 3m plus an amount that is equal to three times the additional building height above 3.8m, up to a maximum setback of 8m, if the lot is 450 - 900m<sup>2</sup></li> </ul> <p>(3) Despite subclauses (1) and (2), a dwelling on a lot that has a rear boundary with a laneway may have a building line that abuts that boundary for up to 50% of the length of that boundary.</p>	<p><u>Proposed</u>: 3m to 4m  <u>Required</u>: 3m +  <math>(3 \times (7.3 - 3.8)) = 10.5\text{m}</math></p> <p>∴ 8m rear setback is required</p> <p>N/A – there is no rear laneway applicable to the subject site.</p>	<p><b>No</b></p> <p>N/A</p>
<p><b>11. Exceptions to side and rear setbacks</b>          Despite any other clause:</p> <p>(a) A new building or a new part of an existing building must not be setback less than 3m from a boundary with a public reserve, and</p> <p>(b) side and rear setbacks from the boundary with a road do not apply to allowable encroachments permitted under clause 3.7.1.7 of Volume Two of the Building Code of Australia or any eave or roof overhang that has a horizontal width of not more than 0.45m.</p>	<p>N/A – the subject site does not adjoin a public reserve.</p> <p>Noted</p>	<p>N/A</p> <p>Yes</p>
<p><b>13. Articulation zone</b></p>		
<p>(1) Development for the purposes of a secondary dwelling (other than development on a battle-axe lot) must not result in neither the principal dwelling nor the secondary dwelling having a front door and a window to a habitable room in the building wall that faces a primary road</p>	<p>The principal dwelling has both a front door and a window facing a primary road, Morrison Road.</p>	<p>Yes</p>
<p>(2) Development for the purposes of a secondary dwelling (other than development on a battle-axe lot) must not result in neither the principal dwelling nor the secondary dwelling having a window to</p>	<p>N/A – there is no parallel road applicable to the subject site.</p>	<p>N/A</p>

**ITEM 3 (continued)**

**ATTACHMENT 2**

Development standards	Proposal	Satisfied
a habitable room in the building wall that faces a parallel road.		
(3) Development for the purposes of a secondary dwelling may incorporate an articulation zone from the secondary dwelling to a primary road, unless the secondary dwelling has a setback from the primary road of less than 3m.	N/A – the secondary dwelling does not face a primary road.	N/A
<p><b>14. Building elements within the articulation zone</b></p> <p>(1) The following building elements are permitted in an articulation zone:</p> <ul style="list-style-type: none"> <li>a. an entry feature or portico,</li> <li>b. a balcony, deck, patio, pergola, terrace or verandah,</li> <li>c. a window box treatment,</li> <li>d. a bay window or similar feature,</li> <li>e. an awning or other feature over a window,</li> <li>f. a sun shading feature.</li> </ul> <p>(2) A building element must not extend above the eave gutter line, other than a pitched roof to an entry feature or portico that has the same pitch as the roof on the building.</p> <p>(3) The maximum area of all building elements within the articulation zone, other than a building element listed in subclause (1) (e) or (f), must not be more than 25% of the area of the articulation zone, measured through the horizontal plane of the elements.</p>	N/A – encroachment into required building setback includes habitable space.	N/A
<p><b>15. Privacy</b></p> <p>(1) A new window in the principal or secondary dwelling must have a privacy screen if:</p> <ul style="list-style-type: none"> <li>(a) it is a window in a habitable room, other than a bedroom, that has a floor level of more than 1m above ground level (existing), and</li> <li>(b) the wall in which the window is located has a setback of less than 3m from a side or rear boundary, and</li> <li>(c) the window has a sill height of less</li> </ul>	<p>The family, kitchen and dining windows to ground floor level on the western elevation of the principal dwelling have been sensitively designed with 1.4m high sill heights to minimise overlooking into the neighbouring property.</p> <p>Additionally, the kitchen</p>	Yes



**ITEM 3 (continued)**

**ATTACHMENT 2**

Development standards	Proposal	Satisfied
<p>than 1.5m</p> <p>(2) Development for the purposes of a secondary dwelling must not result in a new or altered balcony, deck, patio, pergola, terrace or verandah without a privacy screen if it:</p> <p>(a) has a setback of less than 3m from a side or rear boundary, and</p> <p>(b) has a floor area more than 3m<sup>2</sup>, and</p> <p>(c) has a floor level more than 1m above ground level (existing).</p> <p>(3) A new or altered detached deck, patio, pergola or terrace must not have a floor level more than 0.6m above ground level (existing).</p>	<p>window to ground floor level on the south elevation of the secondary dwelling have been sensitively designed to minimise overlooking into the neighbouring property.</p> <p>No privacy screening is necessary.</p> <p>No new balconies, decks, patios, pergolas, terraces or verandahs are proposed.</p> <p>No new balconies, decks, patios, pergolas, terraces or verandahs are proposed.</p>	<p>Yes</p> <p>Yes</p>
<p><b>Part 4 - Landscaping</b></p>		
<p><b>16. Landscaped area</b></p>		
<p>(1) Must have a landscaped area of at least the following:</p> <p>(a) 20% for lots 450 – 600m<sup>2</sup></p> <p>(2) Minimum 50 % must be located behind the building line to the primary road boundary.</p> <p>(3) Must be at least 2.5m wide.</p>	<p>Permeable (deep soil) area: 240.83m<sup>2</sup> approx (46.04% of site area).</p> <p>Most of the landscaped area within the site is provided behind the building line, in the rear yard area</p> <p>Landscaped area exceeds 2.5m in width.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>

**ITEM 3 (continued)**

**ATTACHMENT 2**

Development standards	Proposal	Satisfied
<p><b>17. Principal private open space</b> (1) Minimum 24m<sup>2</sup></p> <p>(2) principal private open space is: (a) an area that is directly accessible from, and adjacent to, a habitable room, other than a bedroom, and</p> <p>(b) is at least 4m wide</p> <p>(c) is not steeper than 1:50 gradient.</p>	<p>Main area of POS is approx. 90m<sup>2</sup></p> <p>Proposed private open space is directly accessible from, and adjacent to, living and dining rooms.</p> <p>Proposed private open space has dimensions of 10.047m x 7m.</p> <p>Proposed private open space is not steeper than 1:50 gradient.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
<b>Part 5 - Earthworks &amp; Drainage</b>		
<p><b>18. Excavation of sloping sites</b> (1) Excavation must</p> <p>(a) be not more than 1m below ground level (existing)</p> <p>(b) be constructed using a retaining wall or unprotected embankment that meets the standards of subclause (2) or (3)</p> <p>(2) A retaining wall must not extend more than 1m horizontally beyond the external wall of the principal or secondary dwelling.</p> <p>(3) An unprotected embankment must not extend more than 1m horizontally beyond the external wall of the principal or secondary dwelling.</p>	<p>N/A – no excavation is proposed.</p> <p>N/A – no retaining walls are proposed.</p> <p>N/A – no unprotected embankments are proposed.</p>	<p>N/A</p> <p>N/A</p> <p>N/A</p>
<p><b>19. Fill of sloping sites</b> (1) Fill must be contained wholly within the external walls of the principal or secondary dwelling.</p> <p>(2) Despite subclause (1), exposed fill may be constructed using an unprotected embankment if the principal or secondary dwelling has a setback of more than 2m from a side or rear boundary, if: (a) the fill is not more than 600mm above ground level (existing), and</p>	<p>Fill to 1.3m is proposed within the building footprint of the secondary dwelling.</p> <p>No external fill is proposed.</p>	<p>Yes</p> <p>Yes</p>

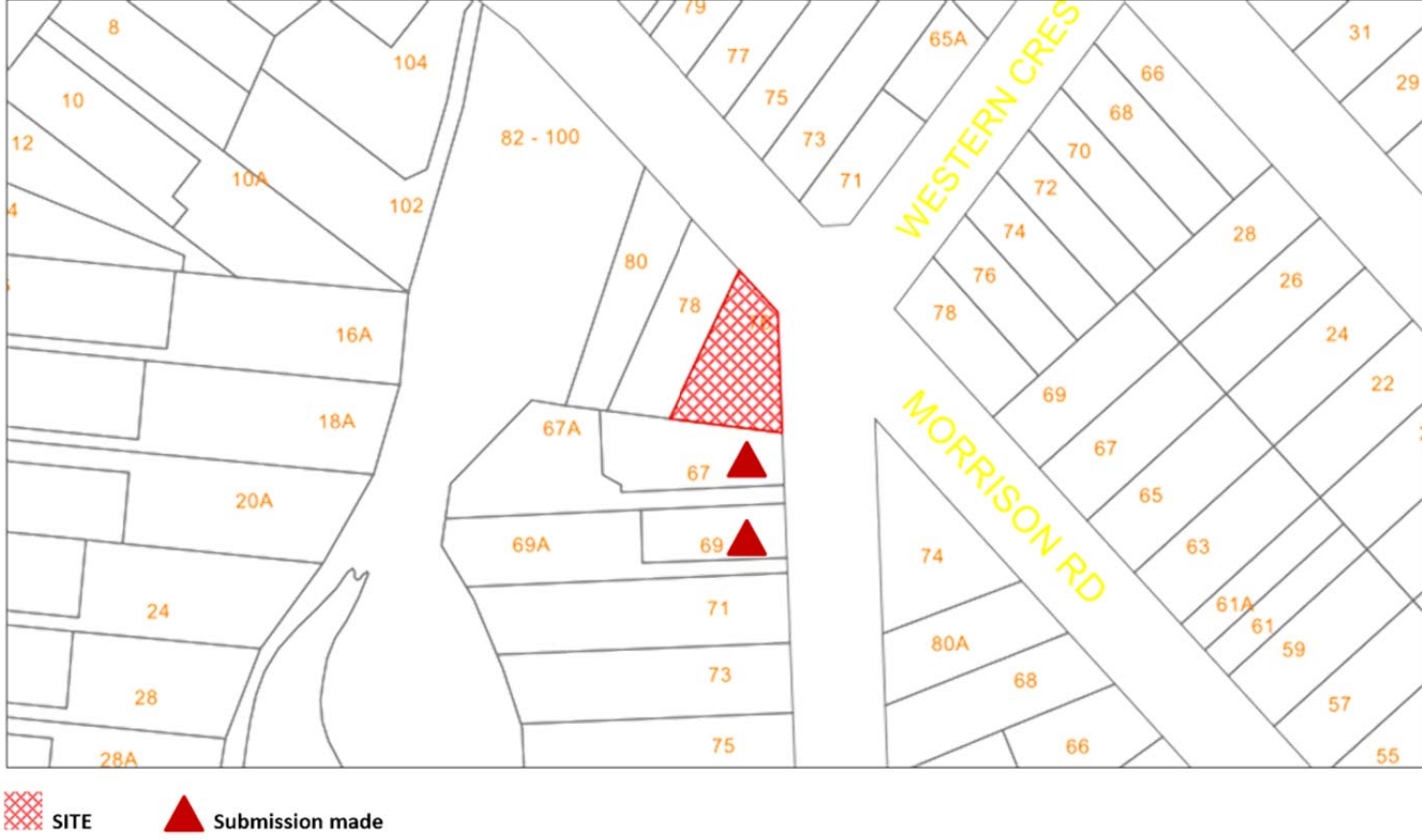
**ITEM 3 (continued)**

**ATTACHMENT 2**

Development standards	Proposal	Satisfied
<p>(b) the fill (but not the embankment) does not extend more than 1m beyond an external wall of the dwelling, and (c) the toe of the unprotected embankment has a setback of at least 400mm from a side or rear boundary.</p>		
<p><b>20. Run-off and erosion controls</b> Must be implemented to prevent soil erosion, water pollution or the discharge of loose sediment on the surrounding land by: (a) diverting uncontaminated run-off around cleared or disturbed areas, and (b) erecting a silt fence to prevent debris escaping into drainage systems and waterways, and (c) preventing tracking of sediment by vehicles onto roads, and (d) stockpiling top soil, excavated materials, construction and landscaping supplies and debris within the lot.</p>	<p>Conditions of consent Conditions of consent Conditions of consent Conditions of consent</p>	<p>Yes Yes Yes Yes</p>
<p><b>21. Drainage</b> (1) All stormwater collecting as a result of the development must be conveyed by a gravity fed or charged system to: (a) a public drainage system, or (b) an inter-allotment drainage system, or (c) an on-site disposal system. (2) All stormwater drainage systems within a lot and the connection to a public or an inter-allotment drainage system must: (a) if an approval is required under s68 of the <u>LGA 1993</u>, be approved under that Act, or (b) if an approval is not required under s68 of the LGA 1993, comply with any requirements for the disposal of stormwater drainage contained in a DCP that is applicable to the land.</p>	<p>All stormwater collected will be drained to the existing drainage system.  N/A  N/A</p>	<p>Yes  N/A  N/A</p>

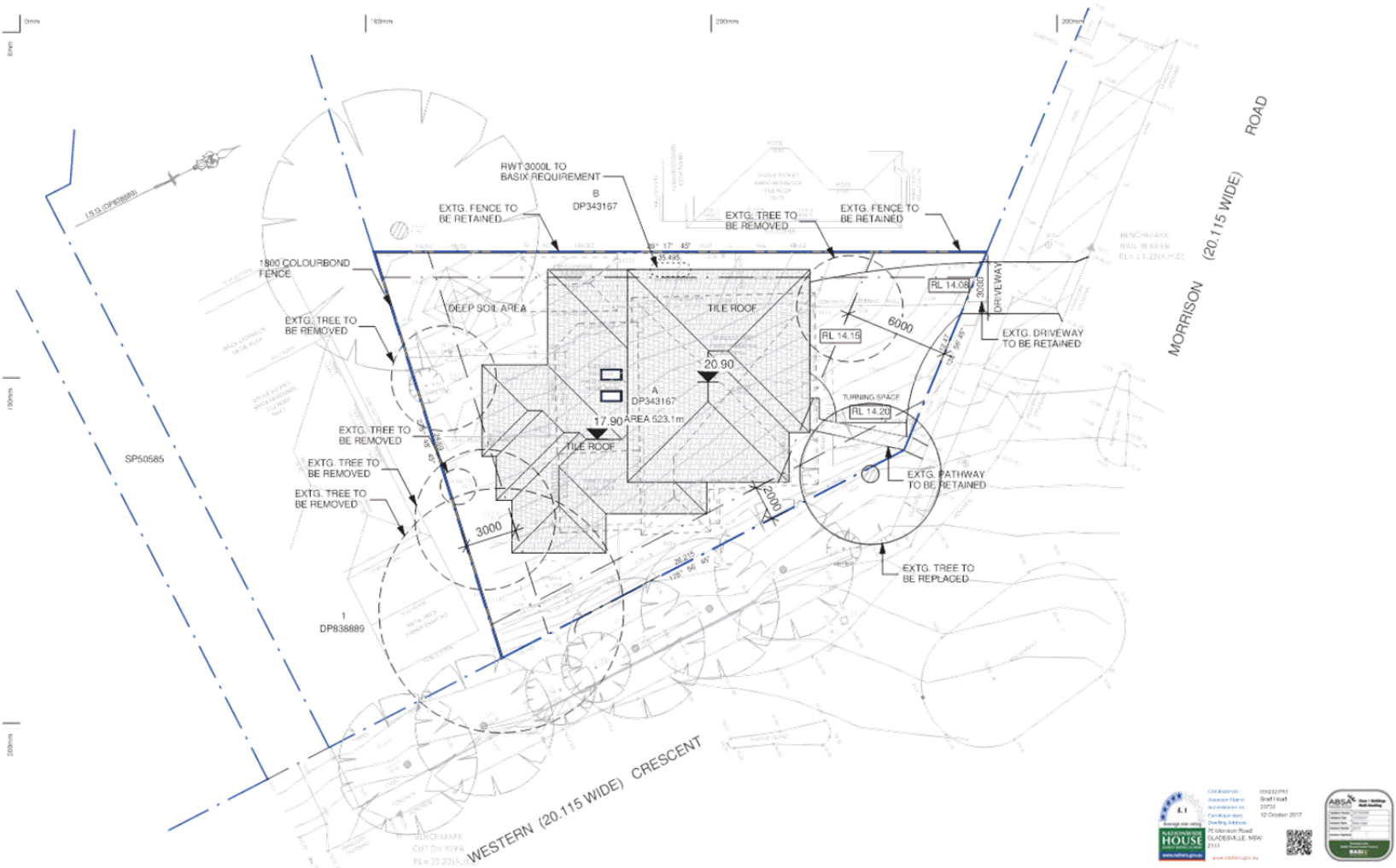
**ITEM 3 (continued)**

**ATTACHMENT 3**



ITEM 3 (continued)

ATTACHMENT 4



Date	Rev	Amendment
JUL 2016	1	ISSUE FOR DA
NOV 2016	2	AMENDED TO INCORPORATE COUNCIL FEEDBACK
NOV 2016	3	AMENDED DRIVEWAY
JUN 2017	4	AMENDED DRIVEWAY TO SOUTHERN BOUNDARY
MAR 2017	5	DRIVEWAY RELOCATED
APR 2017	6	AMENDED TO INCORPORATE COUNCIL FEEDBACK

Project  
PROPOSE SINGLE DWELLING  
DA  
76 MORRISON RD, GLADESVILLE

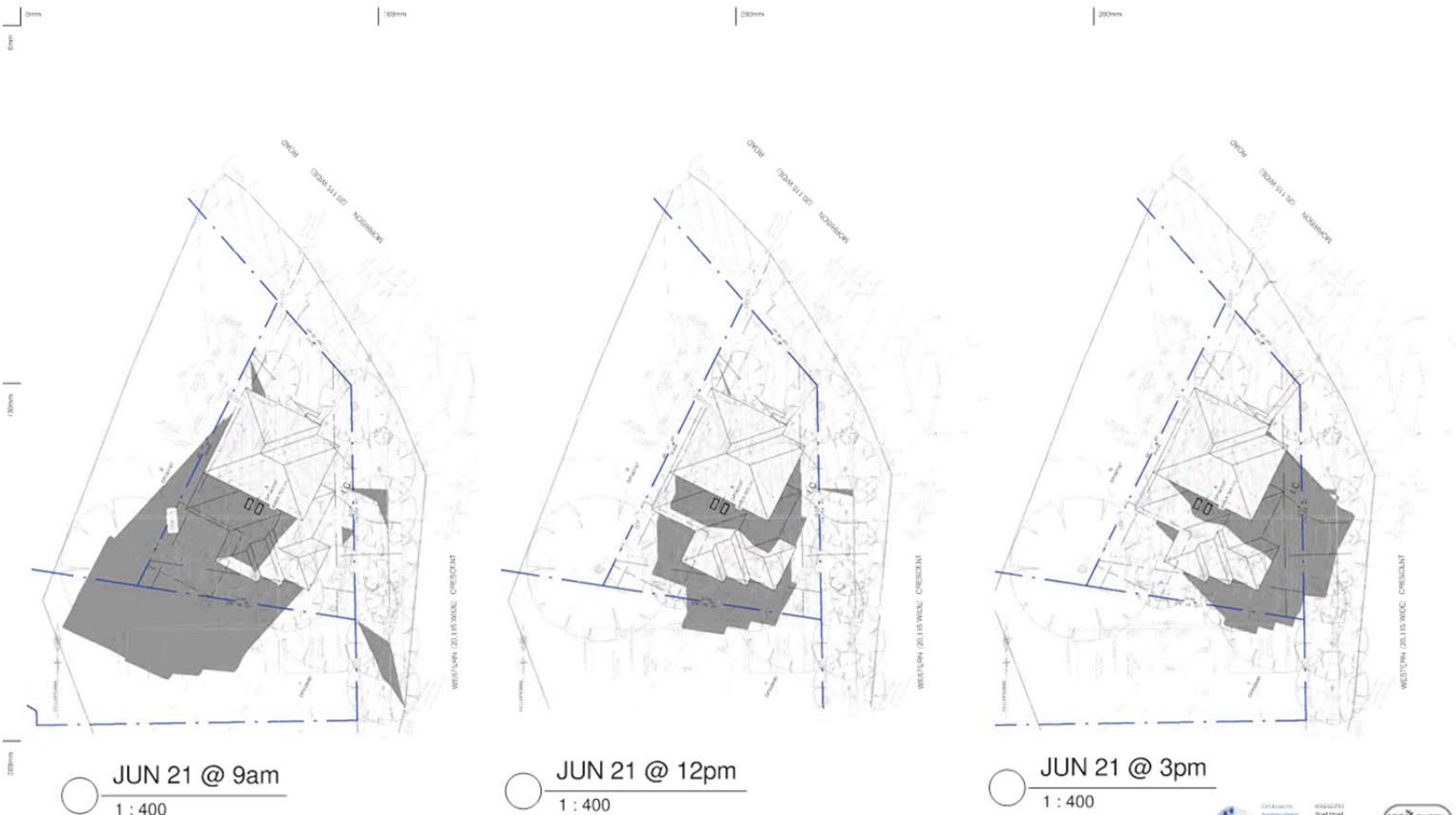
**VIGOR MASTER**  
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Suite 207A, 24 Truman St  
Cheshwood NSW 2067  
Tel: 02 9411 3985  
Fax: 02 9413 3983  
Email: info@vigor-master.com.au

Drawn by: RT  
Checked by: MW  
Title: **SITE PLAN**  
Job Number: 76MR0716  
Date: 10.04.2017  
Scale @ A1: 1: 200  
Scale @ A3: 1: 200  
Drawing no: DAD01  
Rev: 6

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**ITEM 3 (continued)**

**ATTACHMENT 4**



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Date	Rev	Amendment
JUL 2016	1	ISSUE FOR DA
NOV 2016	2	AMENDED TO INCORPORATE COUNCIL FEEDBACK
APR 2017	4	AMENDED TO INCORPORATE COUNCIL FEEDBACK

**Project**  
PROPOSE SINGLE DWELLING  
DA  
76 MORRISON RD, GLADESVILLE



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Drawn by: RT  
Checked by: MW

**Title: SHADOW DIAGRAMS**

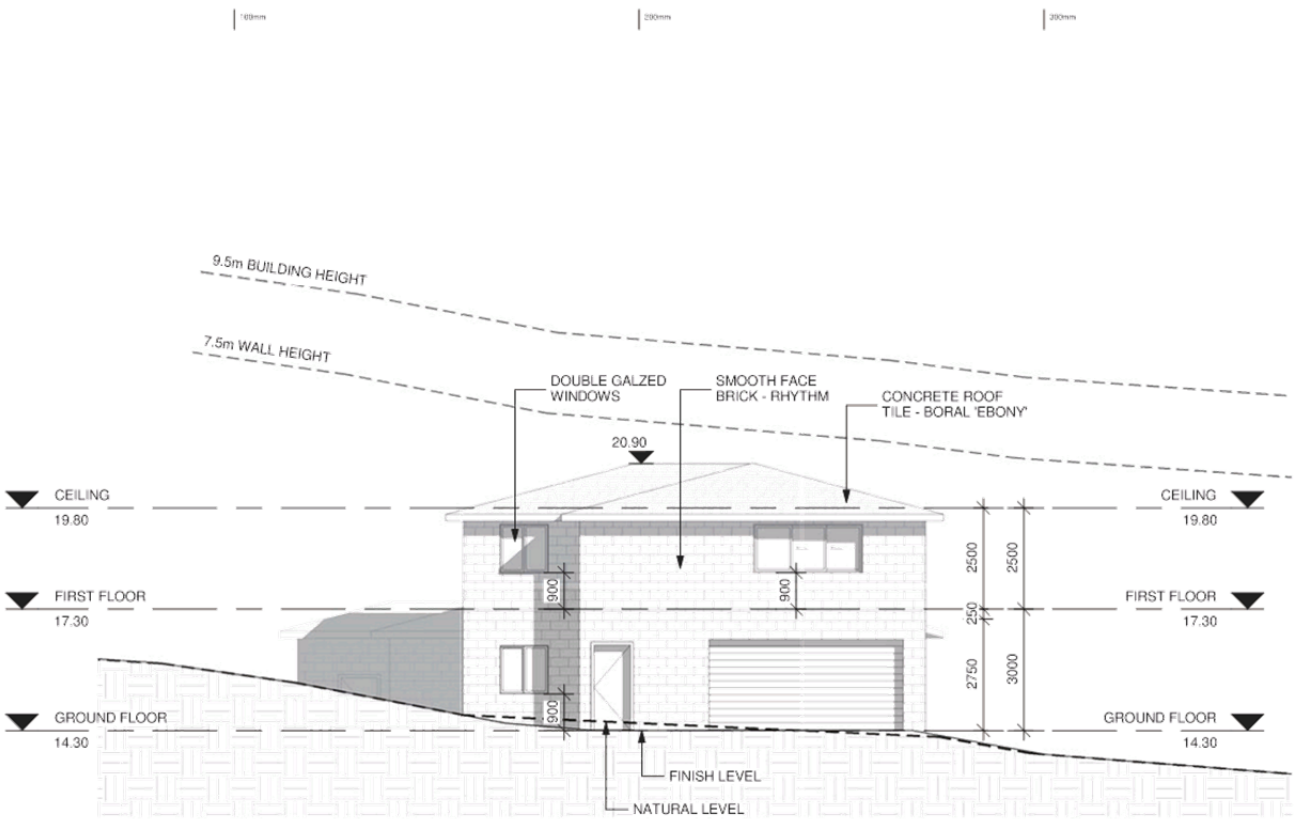
Job Number: 76MR0716  
Date: 10.04.2017

Scale @ A1:  
Scale @ A3: 1:400  
Drawing no: DA003 Rev: 6



ITEM 3 (continued)

ATTACHMENT 4



Date	Rev	Amendment
JUL 2016	1	ISSUE FOR DA
MAR 2017	5	DRIVEWAY RELOCATED
APR 2017	6	AMENDED TO INCORPORATE COUNCIL FEEDBACK

Project  
PROPOSE SINGLE DWELLING  
DA  
76 MORRISON RD, GLADESVILLE

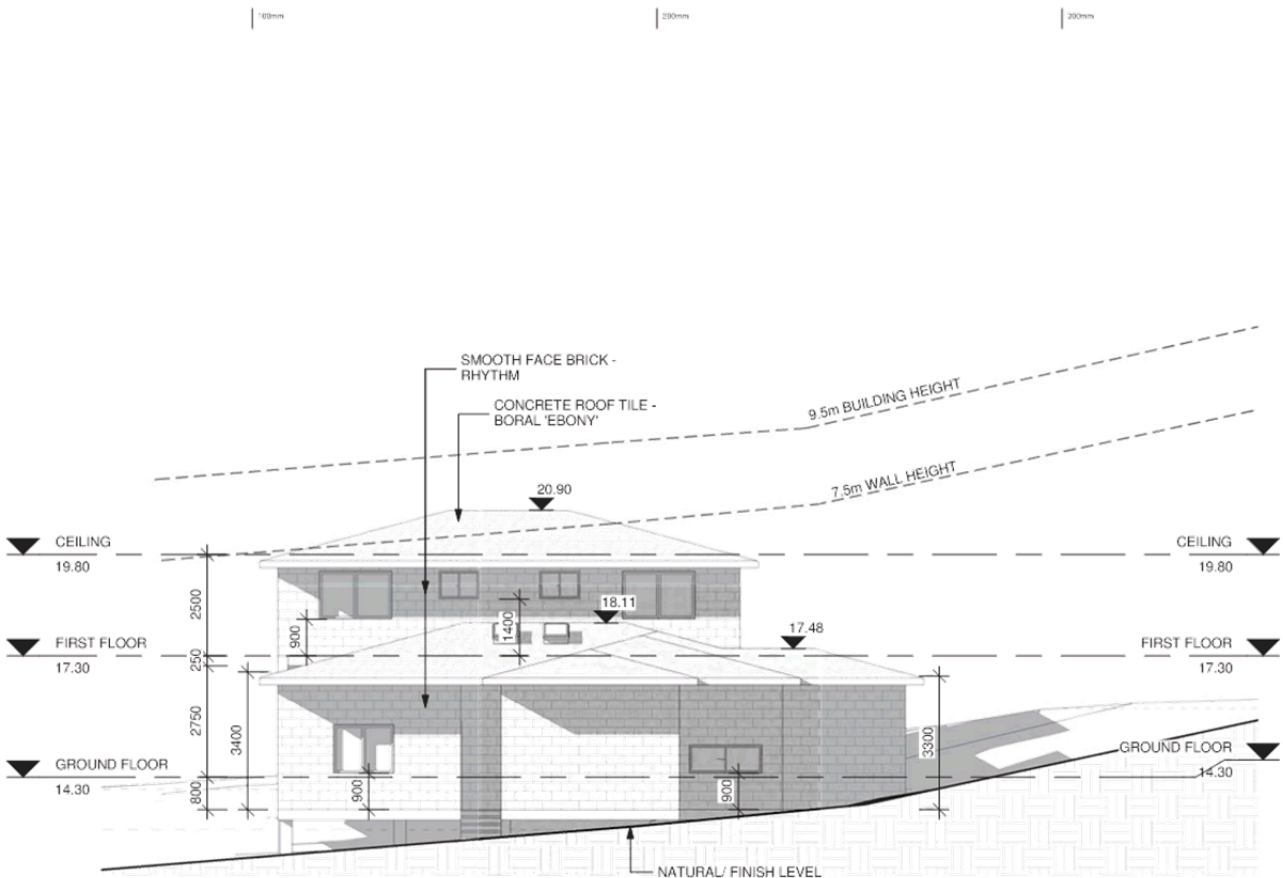
**VIGOR MASTER**  
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Drawn by: RT  
Checked by: Checker  
Title: NORTH ELEVATION  
Job Number: 76MR0716  
Date: 10.04.2017  
Scale @ A1:  
Scale @ A3: 1: 100  
Drawing no: DA201  
Rev: 6

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ITEM 3 (continued)

ATTACHMENT 4



Date	Rev	Amendment
JUL 2016	1	ISSUE FOR D.A
NOV 2016	2	AMENDED TO INCORPORATE COUNCIL FEEDBACK
MAR 2017	3	DRIVEWAY RELOCATED
APR 2017	4	AMENDED TO INCORPORATE COUNCIL FEEDBACK

Project  
PROPOSE SINGLE DWELLING  
DA  
76 MORRISON RD, GLADESVILLE



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Drawn by: RT  
Checked by: Checker

Title: SOUTH ELEVATION

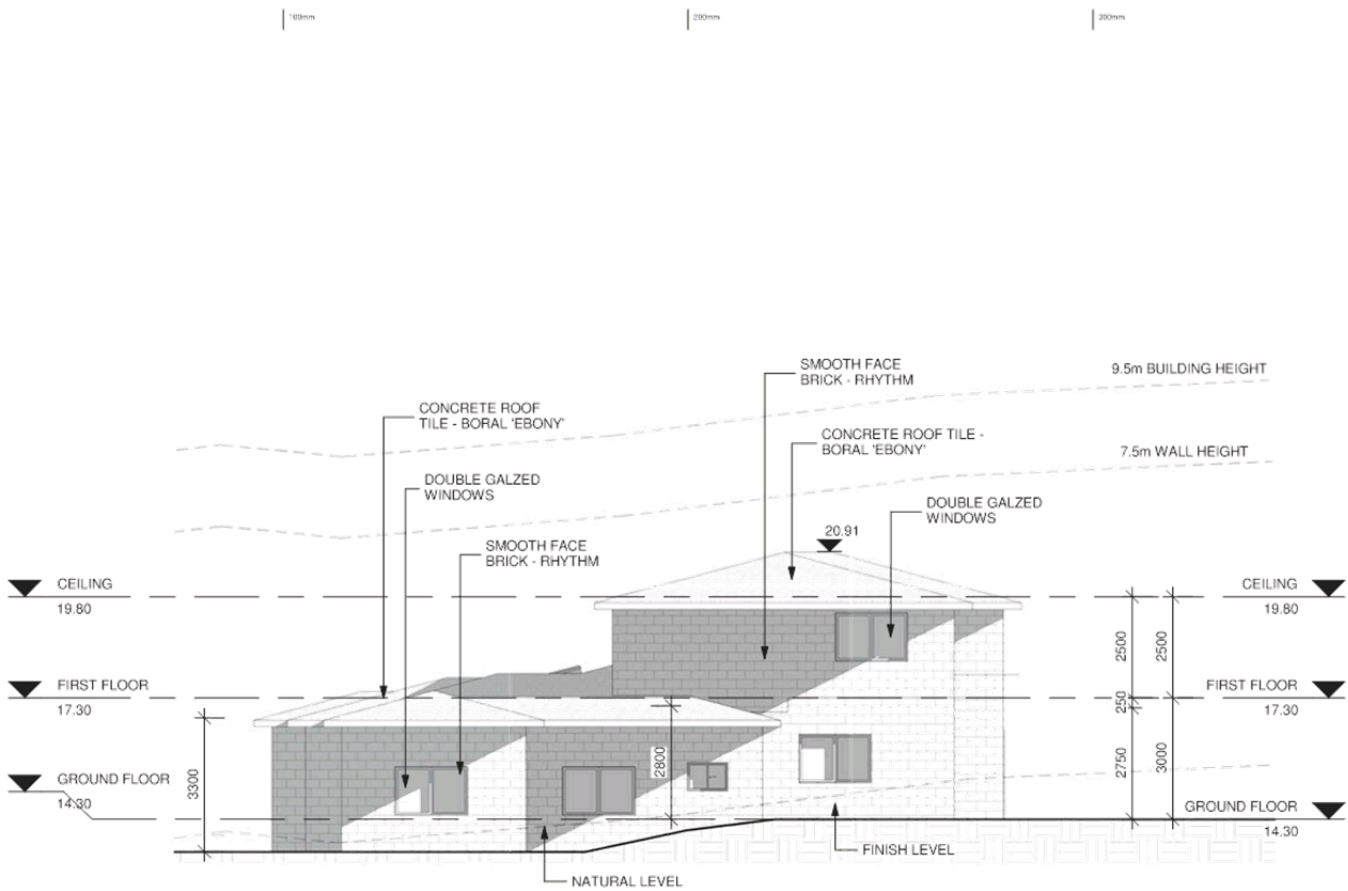
Job Number: 76MR0716  
Date: 10.04.2017  
Scale @ A1: 1: 100  
Scale @ A3: 1: 100  
Drawing no: DA202  
Rev: 6

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ITEM 3 (continued)

ATTACHMENT 4



Date	Rev	Amendment
JUL 2016	1	ISSUE FOR D.A
NOV 2016	2	AMENDED TO INCORPORATE COUNCIL FEEDBACK
NOV 2016	3	AMENDED DRIVEWAY
JAN 2017	4	AMENDED DRIVEWAY TO SOUTHERN BOUNDARY
MAR 2017	5	DRIVEWAY RELOCATED
APR 2017	6	AMENDED TO INCORPORATE COUNCIL FEEDBACK

Project  
PROPOSE SINGLE DWELLING  
DA  
76 MORRISON RD, GLADESVILLE



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Drawn by: RT  
Checked by: MW

Title: EAST ELEVATION

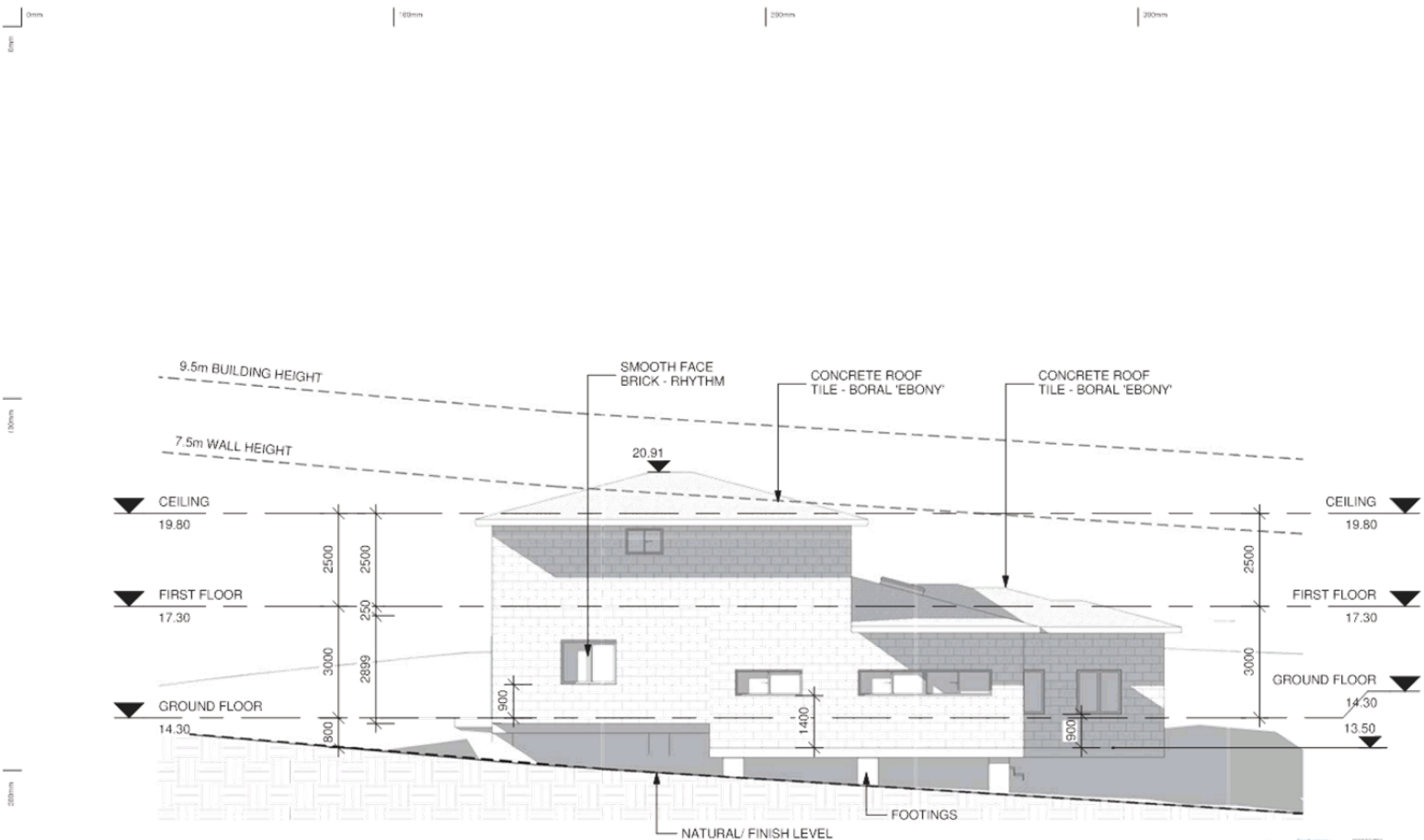
Job Number: 76MR0716  
Date: 10.04.2017

Scale @ A1:  
Scale @ A3: 1: 100  
Drawing no: DA203 Rev: 6

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ITEM 3 (continued)

ATTACHMENT 4



Date	Rev	Amendment
JUL 2016	1	ISSUE FOR DA
NOV 2016	2	AMENDED TO INCORPORATE COUNCIL FEEDBACK
MAR 2017	3	DRIVEWAY RELOCATED
APR 2017	4	AMENDED TO INCORPORATE COUNCIL FEEDBACK

Project  
**PROPOSE SINGLE DWELLING**  
DA  
76 MORRISON RD, GLADESVILLE



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Drawn by: RT  
Checked by: MW  
Title: **WEST ELEVATION**  
Job Number: 76MR0716  
Date: 10.04.2017

Scale @ A1:  
Scale @ A3: 1 : 100  
Drawing no: DA204  
Rev: 6

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- 
- 4 30 FARNELL STREET, WEST RYDE. LOT 1 DP 219137. Local Development Application for construction of a multi-dwelling development containing 3 dwellings - 2 x two storey dwellings at the front and 1 x single storey dwelling at the rear and strata subdivision. LDA2016/0618**
- 

**Report prepared by:** Assessment Officer - Town Planner

**Report approved by:** Acting Manager - Assessment; Acting Director - City Planning and Development

**File Number:** LDA2016/618/3 - BP17/1113

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## 1. Report Summary

**Applicant:** Skycorp Properties

**Owner:** G J McCredden, K G McCredden

**Date lodged:** 21 December 2016 (latest amended plans 3 May 2017)

This report considers a proposal for a multi-dwelling housing development containing three dwellings. Two of the dwellings face Farnell Street and are two storeys in height with each dwelling containing five (5) bedrooms. The third dwelling is situated to the rear of the site, is single storey and comprises four (4) bedrooms. The development comprises two separate buildings with a centrally located driveway.

A single storey dwelling house with a semi-basement garage and an in ground swimming pool currently exists on the site and will be subject to a separate application for demolition.

The DA (as originally submitted) was notified to neighbours in accordance with Ryde DCP 2014 and eight (8) submissions were received. The submissions objected to the development on the basis of the following issues:-

- Building setbacks
- Density
- Desired future character of the area
- Quality of documentation
- Location and width of private open space
- Vehicle manoeuvring and swept path analysis
- Tree retention
- Solar access
- View loss by properties along Marsden Road
- Privacy impacts
- West Ryde Special Character Area

**ITEM 4 (continued)**

In addition to the above concerns, the applicant was advised that the development as submitted raised issues in respect to the front setback, side setbacks, solar access, the location of private open space, vehicle manoeuvring and swept path analysis, tree retention and an inadequate landscape concept. The applicant was also advised that the quality of the plans was inadequate as they failed to demonstrate site contours, existing and proposed finished ground levels, location of existing trees and front setbacks.

Amended architectural plans were submitted to Council on 3 May 2017 in response to the issues. These plans were subsequently re-notified to neighbouring properties. The re-notification resulted in six (6) submissions (three of which were submitted by a single objector) all of which objected to the amended development. The submission raised the following issues:

- Front setback.
- Scale of development.
- Tree removal.
- Extent of retaining walls.
- Design of fencing.
- Lack of detail relating to building height and the number of windows.

Following an assessment of the amended plans it was revealed that the submitted information failed to address all of the planning and engineering issues that had been raised in Council's letter dated 20 February 2017. The applicant was advised on 27 July 2017 to address all issues or withdraw the development application.

A complete set of amended documentation was submitted to Council on 31 August 2017 which included the submission of amended landscape and stormwater plans.

These amended plans were not required to be re-advertised or re-notified as the changes were relatively minor and did not result in the footprint of the development being closer to the adjoining boundaries.

The development application has been assessed in respect to the controls contained in the Ryde Local Environmental plan 2014 (RLEP 2014) and Ryde Development Control Plan 2014 (RDCP 2014). The development results in the following non-compliances:

- Change in levels outside of the building footprint – Ryde DCP 2014 specifies that ground levels outside a building footprint should not be altered by more than 300mm. The development proposes a change in levels outside the building footprint amounting to approximately 510mm.

**ITEM 4 (continued)**

- Solar amenity - Ryde DCP 2014 requires at least 50% of private outdoor space to have access to sunlight for at least 2 hours a day between 9.00am and 3.00pm. The private outdoor space associated with Dwelling One does not achieve compliance with this control. The courtyard is overshadowed between the period of 9am and 3pm midwinter.

Following an assessment of the development application, it is considered that these non-compliances are relatively minor and are acceptable on planning grounds as the proposal meets the objectives of the controls. For these reasons along with the detailed responses covered in this report, the proposal is recommended for approval.

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

**Clause 4.6 RLEP 2014 required?** Not required.

**Value of works:** \$900,000

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

**RECOMMENDATION:**

- (a) That Local Development Application No. 2016/618 at No. 30 Farnell Street, West Ryde being LOT 1 in DP 219137 be approved subject to the **ATTACHED** conditions of consent (**ATTACHMENT 2**).
- (b) That the persons who made submissions be advised of Council's decision.

**ATTACHMENTS**

- 1 RDCP Compliance Table
- 2 Draft Conditions of Consent
- 3 Heritage Referral Response
- 4 Map indicating submissions made
- 5 A4 Plans dated 10 August 2017
- 6 A3 Plans - subject to copyright provisions - **CIRCULATED UNDER SEPARATE COVER**

**ITEM 4 (continued)**

Report Prepared By:

**Roy Wong**  
**Assessment Officer - Town Planner**

Report Approved By:

**Sandra Bailey**  
**Acting Manager - Assessment**

**Liz Coad**  
**Acting Director - City Planning and Development**

**ITEM 4 (continued)****2. Site**

**Address** : 30 Farnell Street, West Ryde

**Site Area** : 1,182sqm  
Frontage 28.26 metres  
Depth 42.64 metres (southern boundary), 42.35  
(northern boundary)

**Topography and Vegetation** : There is a slight cross fall from the north west corner to the middle of the site which begins to fall uniformly towards the front boundary. The change in level from the rear to the front of the site amounts to approximately 5.51m.

A total of seven (7) onsite trees are proposed to be removed. Two (2) onsite trees and one (1) street tree are proposed to be retained.

**Existing Buildings** : A single storey dwelling house with a semi-basement garage and an in ground swimming pool in the courtyard currently exists on the site.

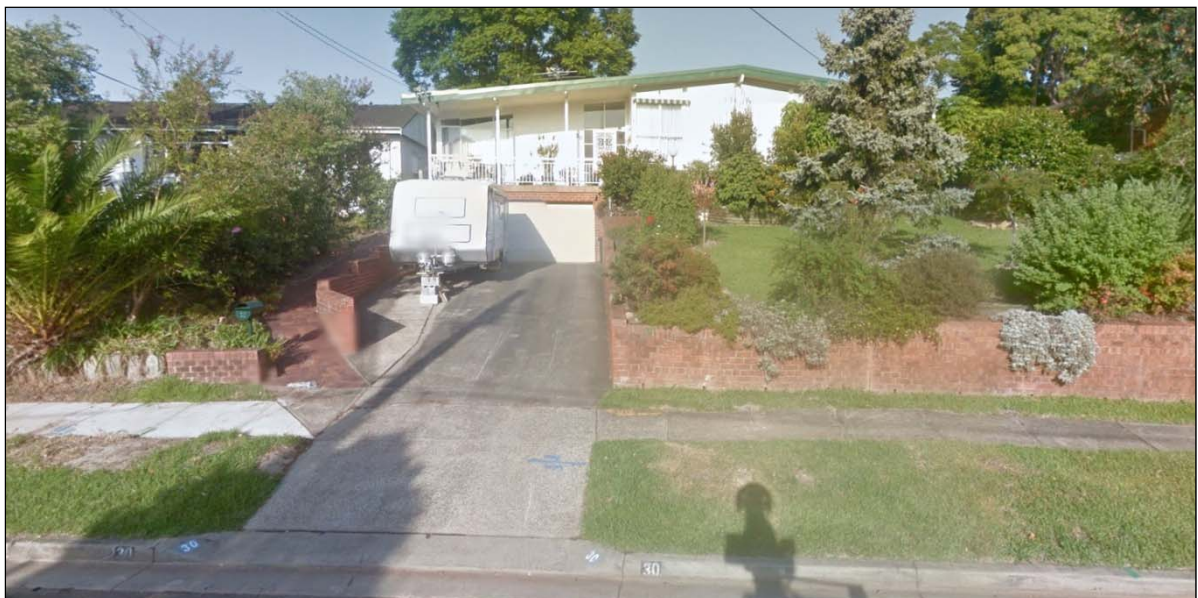
**Planning Controls Zoning** : R2 Low Density Residential Zone under Ryde LEP 2014

**Other** : Ryde DCP 2014  
- Part 3.4 Multi dwelling housing  
- Part 9.3 Parking controls

**ITEM 4 (continued)**



**Figure 1. Air photo of the subject site. Source: Google Maps 2017.**



**Figure 2. Subject site viewed from Farnell Street. Source Google Maps 2017.**



**ITEM 4 (continued)****3. Councillor Representations**

**Name of Councillor:** former Councillor Perram

Nature of the representation: Request that the application be referred to the Planning and Environment Committee for determination.

**Date:** 20 February 2017

**Form of the representation:** Received by e-mail to the Councillor's Help Desk.

**On behalf of applicant or objectors?** Objectors

**Any other persons (eg consultants) involved in or part of the representation:**  
None

**4. Political Donations or Gifts**

None disclosed.

**5. Proposal**

The development proposes the construction of a multi-dwelling development containing three (3) dwellings and strata subdivision. The dwellings comprise 2 x double storey street facing dwellings and a single storey dwelling at the rear of the site. A single driveway provides vehicle and pedestrian access to each dwelling and is located centrally within the site.

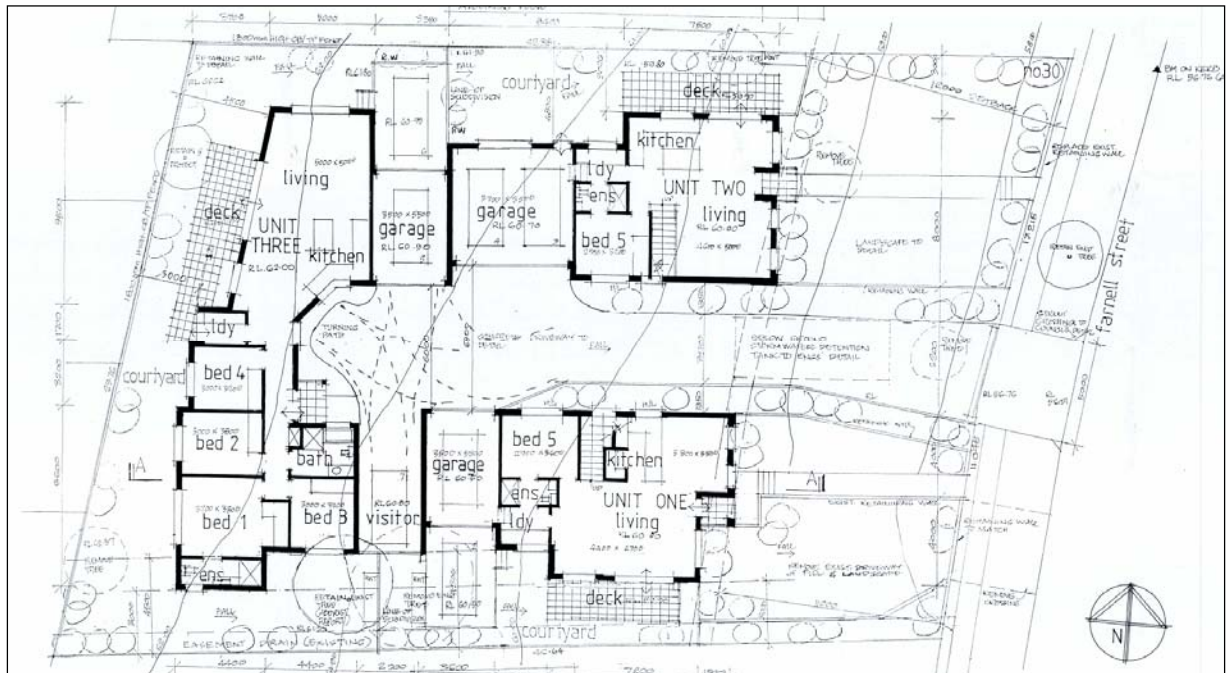
The two street facing dwellings each contain five (5) bedrooms while the single storey dwelling at the rear contains four (4) bedrooms.

Dwelling One is located on the southern side of the site, is two storeys in height and contains a double garage and private open space within the southern side setback. The ground floor contains a combined living, dining and kitchen area, a bedroom, an ensuite, a laundry and a deck in the courtyard. The first floor of the dwelling contains four (4) bedrooms, an ensuite, a bathroom, a 'retreat' area and a street facing balcony.

Dwelling Two is situated on the northern side of the site and also faces the street. The dwelling comprises two storeys, a tandem garage/open car space and a courtyard located within the northern side setback. The ground floor of the dwelling contains a combined living, dining and kitchen area, a bedroom, an ensuite, a laundry and a deck opening to the courtyard. The first floor contains four (4) bedrooms, an ensuite, a bathroom and a street facing balcony.

**ITEM 4 (continued)**

Dwelling Three is single storey in height and is located at the rear of the site. It contains a combined living and kitchen area, four (4) bedrooms, a bathroom, an ensuite, a laundry and a rear deck facing the western (rear) boundary. The dwelling is provided with two parking spaces arranged in tandem comprising a single garage and open air parking space.



**Figure 3 Proposed ground floor.**

Seven (7) onsite trees (numbered in 'red') will require removal to accommodate the development and are identified in Figure 4 below. Trees '5' and '8' and '10' identified in 'green' are proposed to be retained. The trees to be removed and retained are as follows:

Tree removal

- Tree 1 – *Picea pungens* (Blue Spruce)
- Tree 2 – *Elaeocarpus reticulatus* (Blueberry Ash)
- Tree 3 – *Camellia japonica* "Great Eastern Red" (Camellia)
- Tree 4 – *Brachychiton acerifolius* (Illawarra Flame Tree)
- Tree 6 – *Viburnum tinus lauristinus* (Viburnum; used as hedge)
- Tree 7 – *Callistemon viminalis* (Weeping bottlebrush)
- Tree 9 – *Jacaranda mimosifolia* (Jacaranda)

Tree retention

- Tree 5 – *Syzygium leuhmannii* (Small leaved Lilly Pilly)
- Tree 8 – *Acer buergerianum* (Chinese trident maple)
- Tree 10 – *Prunus cerasifera* (Purple leafed plum).

**ITEM 4 (continued)**

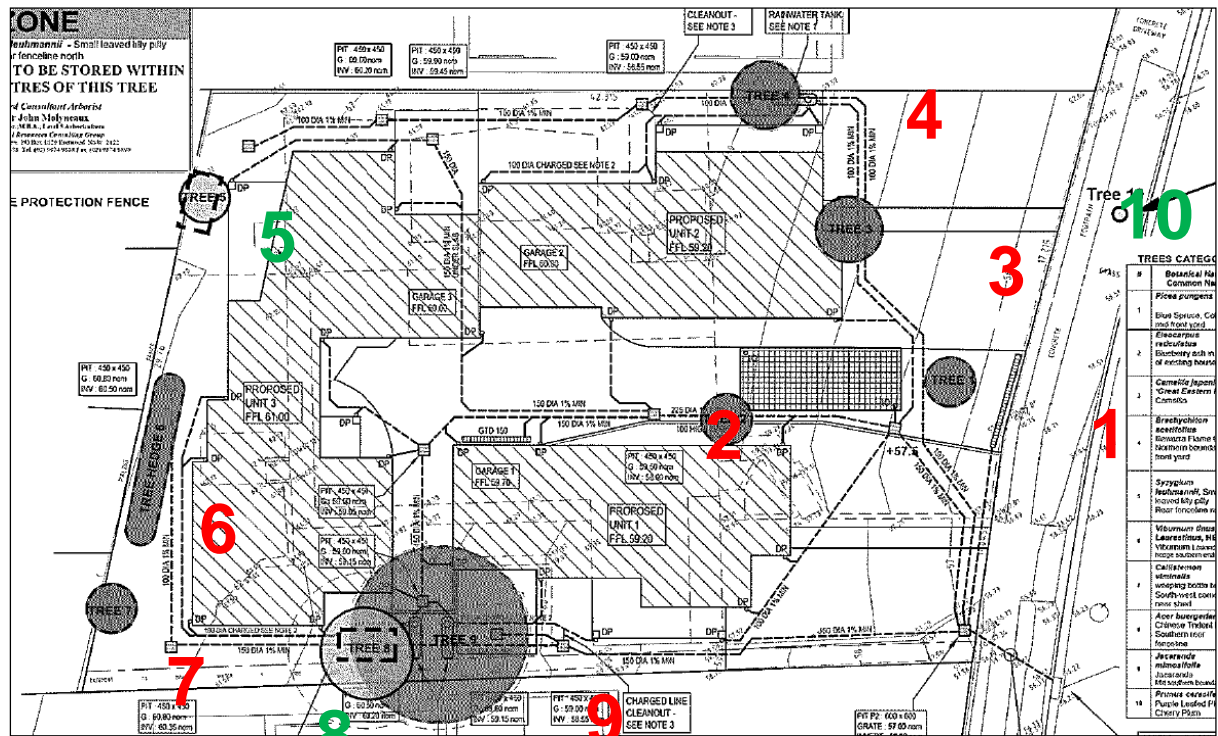


Figure 4. Site plan and key identifying the proposed tree removal and retention.

**6. Background**

On 21 December 2016, the application was lodged with Council.

From 20 January 2017 to 15 February 2017, surrounding properties were notified of the development. The notification resulted in eight (8) submissions objecting to the development.

On 17 February 2017, a letter was sent to the applicant raising a number of planning, landscaping and engineering issues which are summarised as follows:

Planning

- Inadequate front setback
- Deficient side setbacks
- Deficient private outdoor space
- Inadequate access to sunlight
- Quality of the plans submitted – not to scale, inadequate dimensions provided
- Location and width of private open space
- Vehicle manoeuvring and swept path analysis
- Tree retention
- Solar access

**ITEM 4 (continued)**

Landscaping

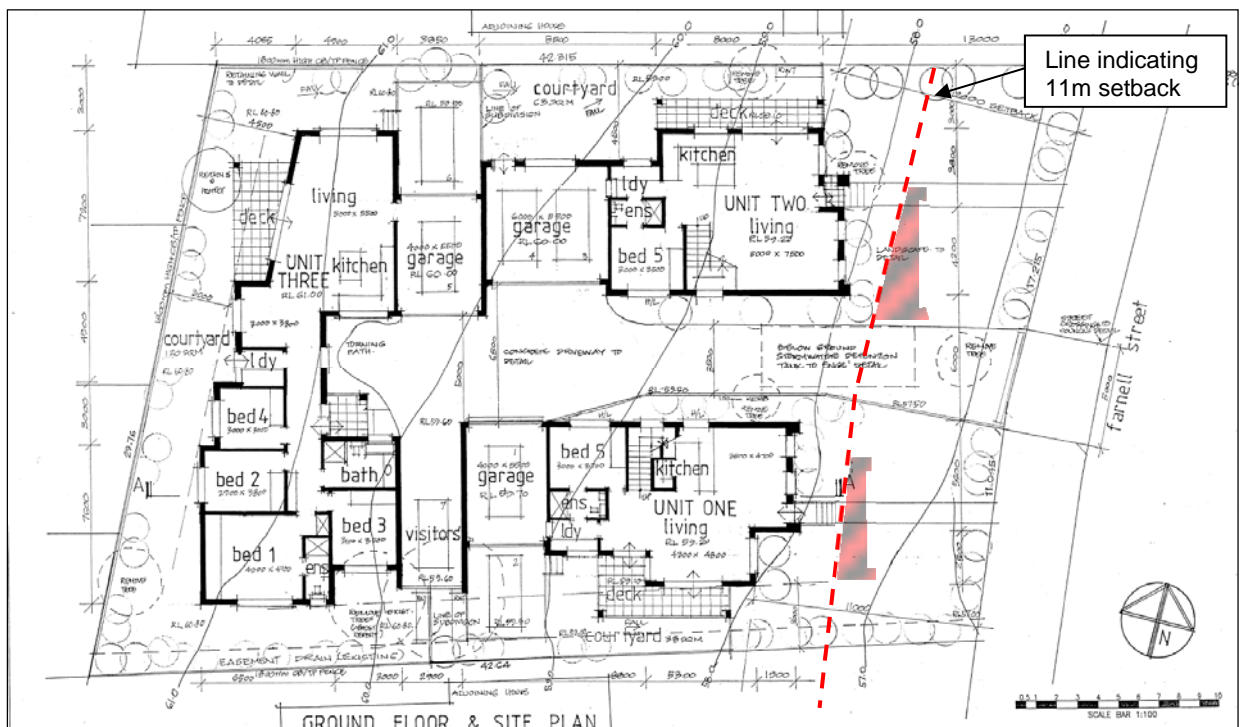
- Inadequate front setback
- Deficient side setbacks
- Inadequate landscape concept
- Retaining wall details

Structural engineering

- Site contours are inaccurately indicated on the architectural plans

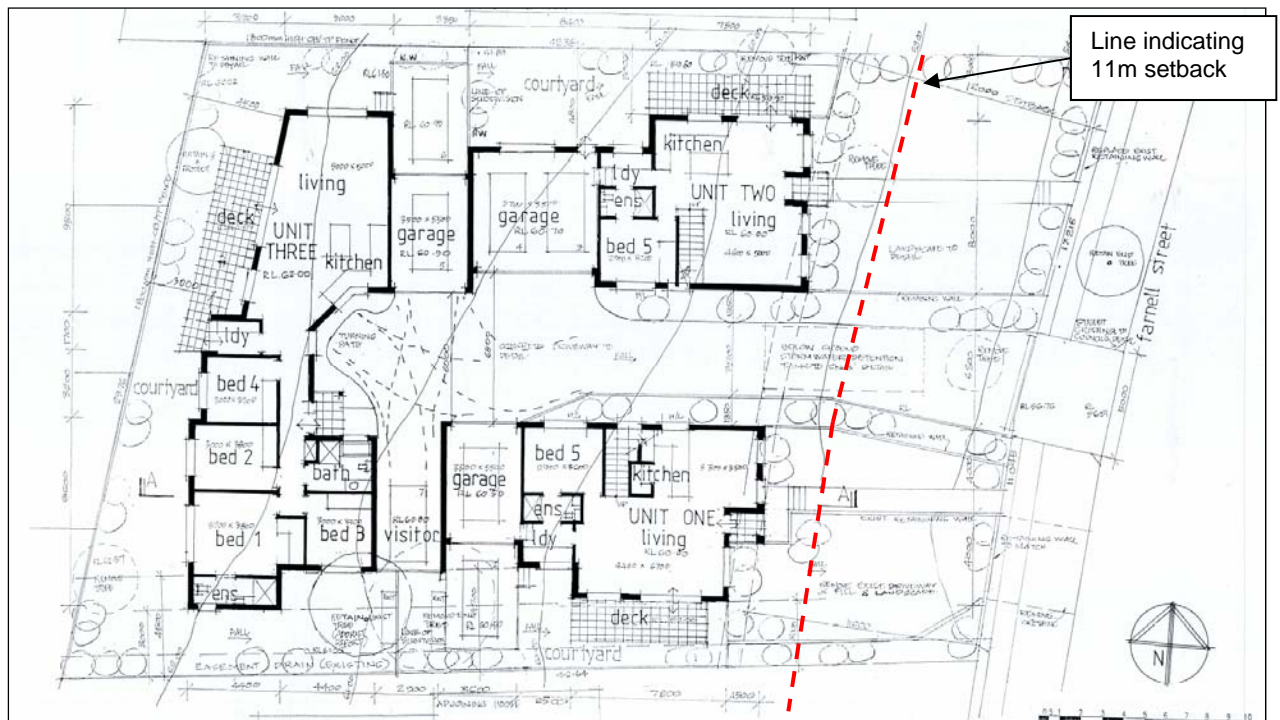
On 20 February 2017, an e-mail was sent to the applicant advising of further engineering issues relating to stormwater management and vehicle access and parking.

On 3 May 2017, additional information was submitted to Council comprising a revised Arborist report and amended architectural plans. In particular, the amended plans have addressed the previous concerns raised by Council regarding front setbacks.



**Figure 5. Originally submitted site plan of the development showing a significant portion of the building footprint encroaching the 11m setback to the front boundary. 'Red' hatching indicates extent of encroachment.**

**ITEM 4 (continued)**



**Figure 6. Amended site plan of the development showing an overall increase in the front setback.**

From 5 May 2017 to 22 May 2017, the amended application was re-notified to surrounding properties. A further six (6) submissions were received by Council as discussed in the submission section of this report below.

On 27 July 2017, a final request for additional information was sent to the applicant to address all of the issues raised in the Council's previous requests for information.

On 10 August 2017, updated plans were submitted to Council to clarify the side and rear setbacks. Vehicle swept paths were also shown on the site plan. These did not substantially change the proposal and therefore re-notification of these plans was not required.

**7. Submissions**

The proposal was notified in accordance with Development Control Plan 2014 - Part 2.1, Notification of Development Applications. Notification of the proposal was from 20 January 2017 until 15 February 2017 generating eight (8) submissions. The issues raised in the submissions are summarised below:

**ITEM 4 (continued)**Submissions regarding original DA plan notification:

**A. Building setbacks.** *The front, side and rear setbacks do not comply with the controls contained in RDCP 2014.*

Comment: The front, side and rear setbacks of the development were amended in response to Council's request for additional information to the applicant dated 17 February 2017. The amended setbacks demonstrate compliance with the relevant setback controls of RDCP 2014. Front setback was an issue raised in respect of the amended plans. This has been addressed in greater detail under point 'A' of the re-notification section below.

**B. Density.** *The proposed application for 3 houses totalling 14 bedrooms constitutes a massive overdevelopment.*

Comment: This issue is discussed in detail under point 'B' of the re-notification section below.

**C. Desired future character of the area.**

Comment: This issue is discussed in detail under point 'B' of the re-notification section below.

**D. Quality of documentation.** *The plans placed on exhibition were not to scale and dimensions across the site plan did not scale properly. The site analysis plan is inadequate and the architectural plans should be computer generated for the sake of accuracy and certainty.*

Comment: It is noted that a scale bar was provided on the plans and elevations to enable accurate measurements of the development to be obtained.

Any information that was unable to be obtained from the site analysis plan was detailed on the submitted survey plan.

Council does not prohibit manually drafted architectural documentation to be submitted for development applications subject to the details being sufficient to enable a full and thorough assessment to be undertaken. Council raised issue with regard to the quality of the originally submitted documentation in a letter to the applicant dated 17 February 2017 (including a lack of dimensions and details including ground levels, building heights, extent of shadows, tree locations and the setbacks of neighbouring properties). Amended architectural documentation was subsequently submitted to Council which adequately addressed the aforementioned deficiencies.

**ITEM 4 (continued)**

***E. Location and width of private open space.*** *Principal private open space should be directly off the living room of each dwelling. The private open space of dwellings 1 and 2 is contained within a 3m side setback which is meant to accommodate landscaping. Private open space of dwelling 1 is compromised by overshadowing.*

Comment: The 'private open spaces' of the development are accessed from the principal living areas contained within each dwelling. The siting of private open spaces associated with multi dwelling housing development is commonly proposed within the side setback due to the elongated arrangement of dwellings which is typical of this development type.

It is acknowledged that the private open space associated with Dwelling One will be overshadowed. The degree of this impact is considered to be acceptable due to the dimensions and orientation of the site which results in a level of impact that cannot be avoided. The issue of solar amenity is discussed in detail under the DCP section of this report.

***F. Vehicle manoeuvring and swept path analysis.*** *The development should be refused based on a review of car parking and manoeuvrability on-site and the provision of measurements to garages.*

Comment: The applicant submitted an amended site plan of the development on 10 August 2017 which depicted vehicle turning paths to and from the garages and visitor parking space of the development. This information was assessed by Council's Senior Coordinator Development Engineering Services who has raised no issue with vehicle manoeuvrability subject to the imposition of a standard condition in any consent. This condition ensures that the development will be constructed in accordance with AS2890 (refer to condition 39). Vehicle manoeuvring is therefore deemed to be satisfactory.

***G. Tree retention.*** *The development has been designed with disregard to site features. A tree may have to be removed due to the minimal rear setback.*

Comment: This issue is discussed in detail under point 'C' of the re-notification section below.

***H. Solar access.*** *The open space to dwelling 1 receives inadequate solar access.*

Comment: This issue is addressed under point 'E' of the notification section above and in Part (d) of this report.

**ITEM 4 (continued)**

***I. View loss by properties along Marsden Road. The development obstructs our views of the hills from our ground floors.***

Comment: It is noted that the subject site and surrounding properties are not located in proximity to any land features (such as a water body) that would warrant the consideration of view loss as part of the assessment. The views enjoyed by the properties along Marsden Road are not significant district views or water views, rather they are more of a “leafy outlook” because these properties are elevated relative to the subject site.

Notwithstanding, the development (as amended) is not considered to result in a bulk and scale that would result in any substantial loss of views from properties located on Marsden Road for the following reasons:

- The rearward dwelling on the subject site is single storey and complies with the maximum permitted height requirements of RLEP 2014 (5m). The street facing dwellings are two storeys and also comply with the building height controls of RLEP 2015.
- The siting of the development complies with the setback controls of RDCP 2014. In this regard, sufficient view corridors are maintained though the side setbacks of the development towards Farnell Street.
- The existing ground level of the subject site is situated significantly lower than that of the Marsden Road facing properties and the development has been designed to conform to the lower topography.
- It is anticipated that views towards the north, east and west would still be achieved from the first floor rear balconies of the dual occupancy developments identified as 89, 91, 93 and 95 Marsden Road. The following photos are an example of the views currently available from the rear yard of properties along Marsden Road (taken from the rear of No 91 Marsden Road) – see Figure 8 and Figure 9 below.



**ITEM 4 (continued)**



**Figure 8. View from rear of No 91 Marsden Road, looking towards the subject site. Note this photo is taken from ground level. Source: Assessment Officer Site Inspection Photo**



**Figure 9. View from rear of No 91 Marsden Road, looking towards the subject site. Note this photo is taken from the level of an elevated rear deck. Source: Assessment Officer Site Inspection Photo**

**ITEM 4 (continued)**

**J. Privacy impacts.** *The U-shaped design concept on smaller sits is contrary to convention and presents issues of heightened adverse acoustic and visual privacy impacts within the development.*

The development proposes a centrally located driveway with dwellings that are separated by a distance of 6.2m. However it is noted that the development does not contain habitable windows of one dwelling that faces habitable windows of another. The habitable windows of each dwelling within the development are directed towards Farnell Street and associated private outdoor spaces (courtyards). In this regard, the development (as amended) is considered to result in acceptable internal privacy between dwellings.

**K. West Ryde Special Character Area.** *A site plan acknowledging the West Ryde Special Development Area front setback provisions should be submitted.*

Comment: Part 3.0 of Council's 'Dwelling Houses and Dual Occupancy DCP' requires the front setback of new development to be consistent with existing setbacks and may be up to 12m to ensure this consistency.

This development has been assessed under the provisions of Part 3.4 of the DCP which is applicable for multi dwelling housing. Under this DCP, the development is required to provide the same setback as the adjoining development. Although assessed under a different part of the DCP that contains the West Ryde Special Development Area provisions, the intent of the controls is to achieve a similar result. That is, to provide a development that reflects the setbacks of the adjoining developments and in this case those front setbacks are typically greater than other areas of the City of Ryde.

The development (as amended) achieves the intent of this requirement by proposing a front setback ranging from 11m to 13m. The range is consistent with the neighbouring properties to the north (recently approved with an 11m front setback) and to the south (13m front setback).

Submissions Regarding Amended Plan Re-Notification:

A second notification was undertaken due to a number of design changes to the development from 5 May 2017 to 22 May 2017 generating six (6) submissions (three of which were prepared by the same individual). The issues raised in the submissions are summarised below:

**A. Front setback.** *The development proposes a non-complying front setback. In particular, strong concerns are raised that the West Ryde Special Development area requires front setbacks to be consistent with the setbacks of adjoining dwellings however the front setbacks of this development are in front of the adjacent dwellings which does not comply.*

**ITEM 4 (continued)**

Comment: A front setback for multi dwelling housing should be consistent with neighbouring development. RDCP 2014 requires that the front setback of a multi dwelling housing development to be the same as an adjoining allotment if the difference between the setbacks of the building on two adjoining allotments is not more than 2m. Alternatively, if the difference is more than 2m, the front setback of the development must be the average of the front setbacks of the two neighbouring developments.

The front setback of the development has been assessed in relation to the recently approved multi dwelling housing development on the property to the north at 28 Farnell Street (LDA2017/196 which was approved under delegation on 22 September 2017) and an existing dwelling house located to the south at 32 Farnell Street.

The multi dwelling housing development at 28 Farnell Street was approved with a front setback that deviates from 11m to 12.45m. The deviation in setback arises from a 'stepping' of the front building line to accommodate the angular front boundary of the site. The existing dwelling house at 32 Farnell Street has a front setback that deviates from 13m to 17.53m.

As the difference in the front setbacks of the two neighbouring properties is not more than 2m (based on a setback of 11m and 13m), the subject development must maintain the same setback as one of the neighbouring buildings. The subject development proposes a front setback that is generally 11m to 13m and is therefore compliant with this control in RDCP 2014.

Given that the immediately adjoining development to the north (No 28) has recently been approved with front setbacks of 11m to 12.45m, and the adjoining development to the south (No 32) has a front setback of 13m (measured to the porch), the proposed front setbacks of this development – ranging from 11m at the closest point, up to 13m – are considered to be reasonable. The front setbacks of the approved development (at No 28) and the existing development (at No 32) are shown in Figure 10 below.

**ITEM 4 (continued)**

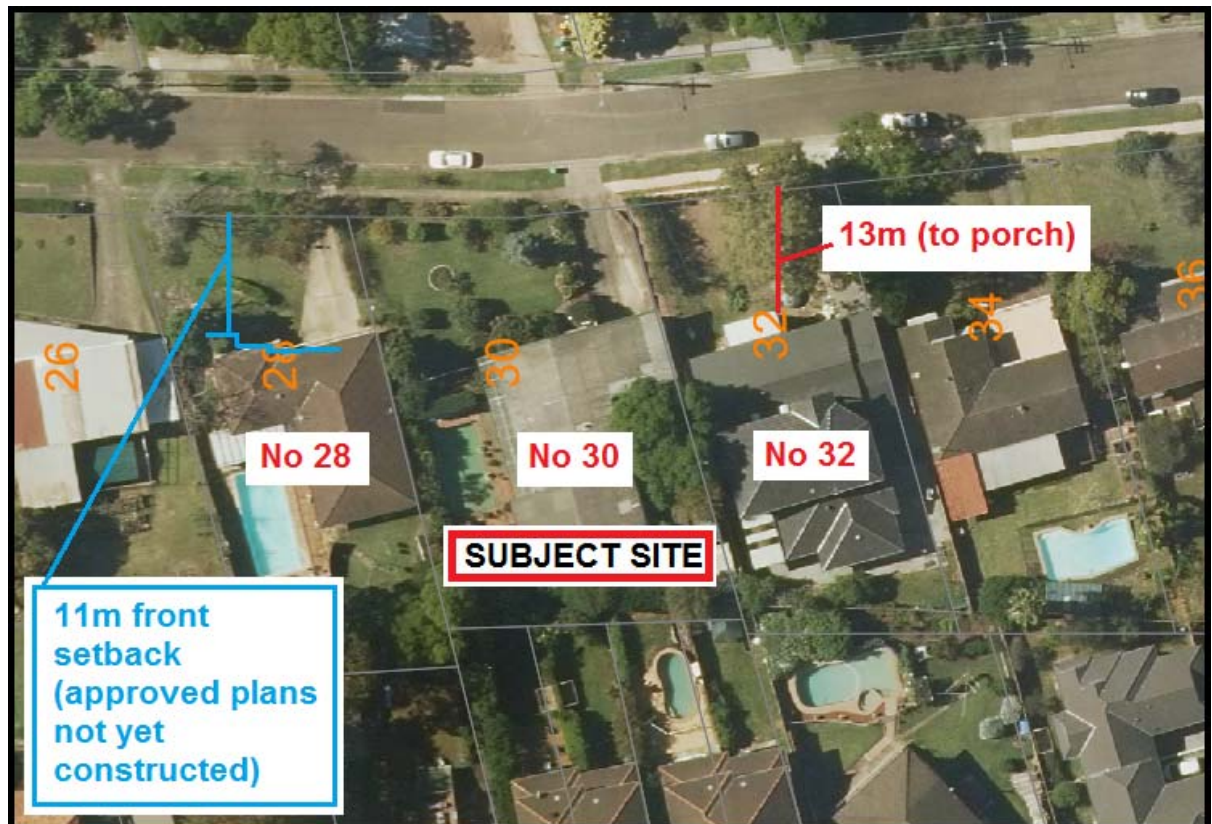


Figure 10. Air Photo showing the existing front setbacks in this section of Farnell Street.

***B. The proposal is an overdevelopment of the site and is not in keeping with the area.***

Comment: The principal development controls which relate to a multi dwelling housing development are building height, density, lot size, site coverage and setbacks. The development is acceptable in terms of those controls as discussed throughout this report. The development is not considered to be an overdevelopment of the subject site or the area at large for the following reasons:

- The development proposes a development type ('multi dwelling housing') that is a permissible form of development within in the prescribed land use zone as dictated by RLEP 2014.
- The proposal is generally compliant with the building height, density and setback requirements of RLEP 2014 and RDCP 2014.
- Farnell Street contains typically larger than average lots. The subject site is an example of such a lot with a road frontage measuring over 20m and a site area of 1,182sqm.

**ITEM 4 (continued)**

- There are numerous examples of existing and approved multi dwelling housing developments within Farnell Street and more broadly, throughout the City of Ryde Local Government Area. The following are photos of recently approved and completed multi-dwelling housing developments in Farnell Street. See Figure 11 and 12 below.



**Figure 11. Multi-dwelling housing development at No 46 Farnell Street (approx. 150m south of the subject site) Source: Google Street View**



**Figure 12. New developments at No 48 Farnell (single dwelling), No 50 Farnell (multi-dwelling housing) and No 52 Farnell (multi-dwelling housing). These properties are approximately 200m south of the subject site. Source: Google Street View.**

**ITEM 4 (continued)**

On the basis of the above reasons, the proposed development is considered to be consistent with the scale and type of development envisioned for the site and the area.

**C. Tree removal.** Concern is raised with regard to the possible removal of the Lilly Pilly located at the rear of the development site.

Comment: The ‘Lilly Pilly (identified as ‘Tree 5’ in the submitted Arborist Report) is located in between a rear deck and the rear boundary of the subject site and is proposed to be retained by the development (see Figure 4 for the location of these trees). The tree is mature measuring 5m in height and is described in the Arborist Report as being of ‘excellent form and condition’. In acknowledgment of the proximity of the tree to the rear deck of the development, it is recommended that a condition be included in the consent to ensure tree protection measures are undertaken to protect against damage during the construction phase.

The applicant has submitted an additional plan to clarify the extent of development work in proximity to the Lilly Pilly tree. This plan shows that the maximum height of the retaining wall will be 220mm along the rear boundary. In addition, the size of the deck has been significantly reduced so that it has a width of 1.2m. This will provide a distance of 2.5m from the edge of the deck to the Lilly Pilly tree, which will be sufficient to ensure that this Lilly Pilly tree can be retained. This information is included in the plan below (See Figure 13).

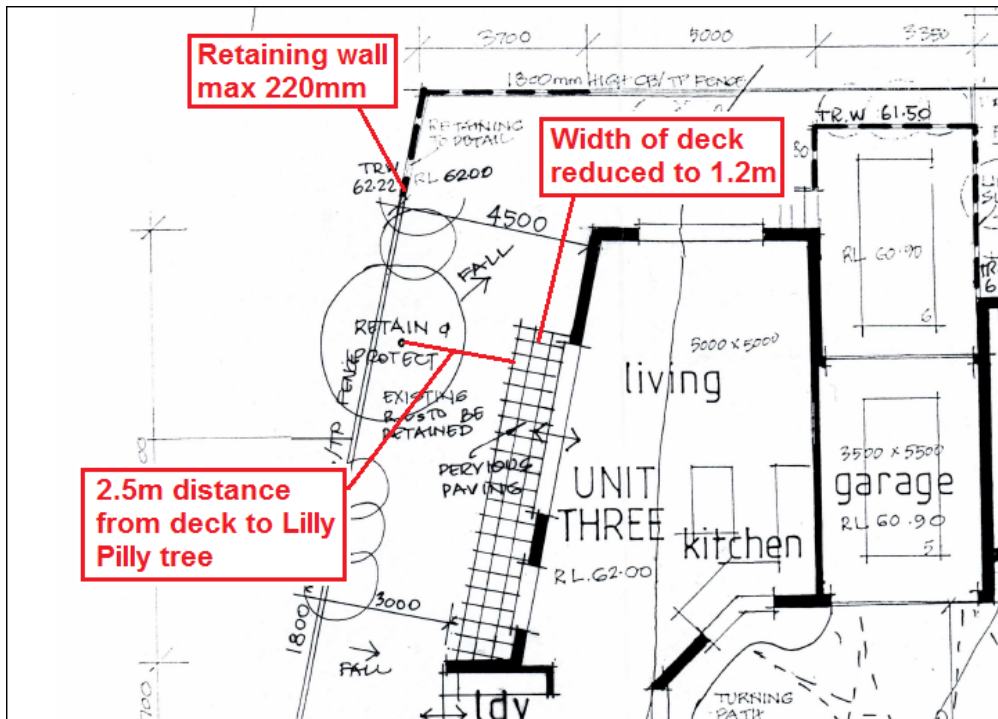


Figure 13. Plan showing retaining wall detail along rear boundary, and distance of Lilly Pilly from rear deck.

**ITEM 4 (continued)**



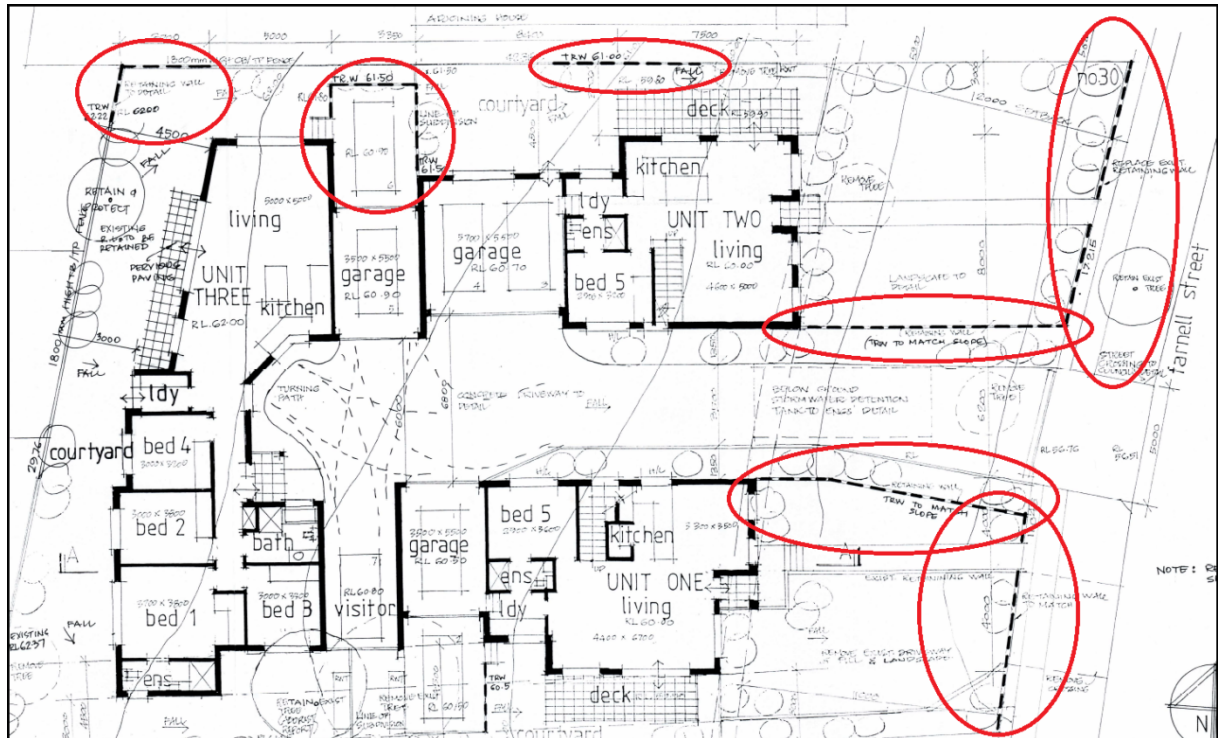
**Figure 14. Photo of Tree 5 – Lilly Pilly. Source: Assessment Officer Site Inspection Photo**

***D. Clarify the extent of retaining walls.***

Comment: The submitted architectural plans of the development indicates the establishment of retaining walls along the front portion of the site which is hi-lighted in 'red' in the site plan shown below.

It is acknowledged that due to the sloping topography of the site, the establishment of additional retaining walls may be required. In this regard, it is recommended that a condition be included in the consent to ensure further details showing the extent, height and where required, structural details is submitted to the Principal Certifying Authority for approval prior to the issue of the Construction Certificate (refer to condition 22).

**ITEM 4 (continued)**



**Figure 15. Site Plan showing the location of retaining walls.**

**E. Design of side and rear boundary fencing.** The builder wants to erect colorbond fencing across the rear of the site. We would like to retain lapped and capped timber fencing.

Comment: It is acknowledged that notation on the architectural plans indicates that side and rear fencing is to be colorbond. Clause 4.5.3 (b) in Part 3.4 of Ryde DCP 2014 requires any fencing other than boundary fencing that faces a street to be comprised of timber to lapped and capped standard. It is recommended that any consent for the development is conditioned to comply with this requirement (refer to condition 25).

**8. Clause 4.6 Request for Variation**

No request for a variation under clause 4.6 of RLEP 2014 is required for this application.



**ITEM 4 (continued)****9. Policy Implications****Relevant Provisions of Environmental Planning Instruments etc:****(a) Ryde Local Environmental Plan 2014 (RLEP 2014)****Zoning**

The site is zoned R2 Low Density Residential. The proposed multi dwelling housing development is permissible with Council's Development Consent.

The objectives of the R2 Low Density Residential zone are:

- To provide for the housing needs of the community within a low density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To provide for a variety of housing types.

The proposed development is consistent with the objectives of the zone.

**Mandatory Requirements**

The following is a summary of the clauses under RLEP 2014 applicable to the development.

**Clause 4.1B - Minimum lot sizes for dual occupancies and multi dwelling housing:**

RLEP 2014 specifies minimum lot size requirements for multi dwelling housing developments including a road frontage equal to or greater than 20m and a site area of 900sqm. The subject development site has a road frontage measuring 28.26m and a site area of 1,182sqm which complies with the requirements of this clause.

**Clause 4.3(2) and 4.3A(2) – Building height:** RLEP 2014 prescribes a maximum height of 9.5m for the subject site. The proposal has a maximum height of 7.27m which fully complies with this clause in Ryde LEP 2014.

Clause 4.3A(2) requires dwellings that do not face a road frontage to maintain a building height of no more than 5m. The building height of the rear dwelling of the development is 5m, which complies with this control.

#### ITEM 4 (continued)

Clause 4.5A – Density: RLEP 2014 prescribes a minimum lot size for multi dwelling housing development on land in Zone R2 Low Density Residential based on the number of bedrooms proposed in each dwelling. The development proposes three dwellings containing 2 x 5 bedroom dwellings and 1 x 4 bedroom dwelling. The minimum required site area for the development equates to 1,095sqm. The subject site is large enough to accommodate the proposed density of the development at 1,182sqm.

Clause 5.10 - Heritage conservation: Clause 5.10 (5)(a) requires a consent authority to require a heritage management document to be prepared for a development if it is on land that is within the vicinity land containing a heritage item. The subject site is located within the vicinity of a site that contains an item of heritage significance listed in Schedule 5 of RLEP 2014. The location of the subject site in relation to the heritage item, and also a photo of the heritage item, is shown in Figure 16 and 17 below.

The preparation of a heritage management document is considered to be unnecessary in this instance as Council's Heritage Officer has reviewed the proposal and has raised no issue with the development on the basis that the subject site is not located in direct line of sight of the heritage item and therefore shares no visual relationship. Furthermore, the development will not result in any unreasonable visual or physical impacts on the heritage item. For these reasons Council's Heritage Officer has raised no objections to the development.



Figure 16. Air Photo showing proximity of subject site to the Heritage Item in Marsden Road.

**ITEM 4 (continued)**



**Figure 17. Photo of the Heritage Item in Marsden Road.**

**(b) Relevant State Environmental Planning Policies and Regional Environmental Plans**

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

A compliant BASIX Certificate has been submitted and the development satisfies the commitments listed in the schedule. The proposal therefore complies with the requirements of SEPP (BASIX) 2004.

State Environmental Planning Policy 55 – Remediation of land

The requirements of SEPP 55 were considered in the assessment of the application. The site has historically been used for residential purposes and is not located in close proximity to any known contaminated land. The proposed development seeks to continue a low density residential land use. Council's officers consider that an appropriate level of investigation has been carried out and the site is suitable to accommodate the proposed development with respect to the relevant requirements of the SEPP.

#### **ITEM 4 (continued)**

##### Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

The site is located within the designated hydrological catchment of Sydney Harbour and therefore is subject to the provisions of the above SREP. However, the site is not located on the foreshore or adjacent to the waterway and therefore, the objectives of the SREP are not applicable to the proposed development.

#### **(c) Any Draft Local Environmental Plan**

There are no draft planning instruments that apply to the subject site.

#### **(d) The provisions of any Development Control Plan applying to the land**

##### Ryde Development Control Plan 2014 (RDCP 2014)

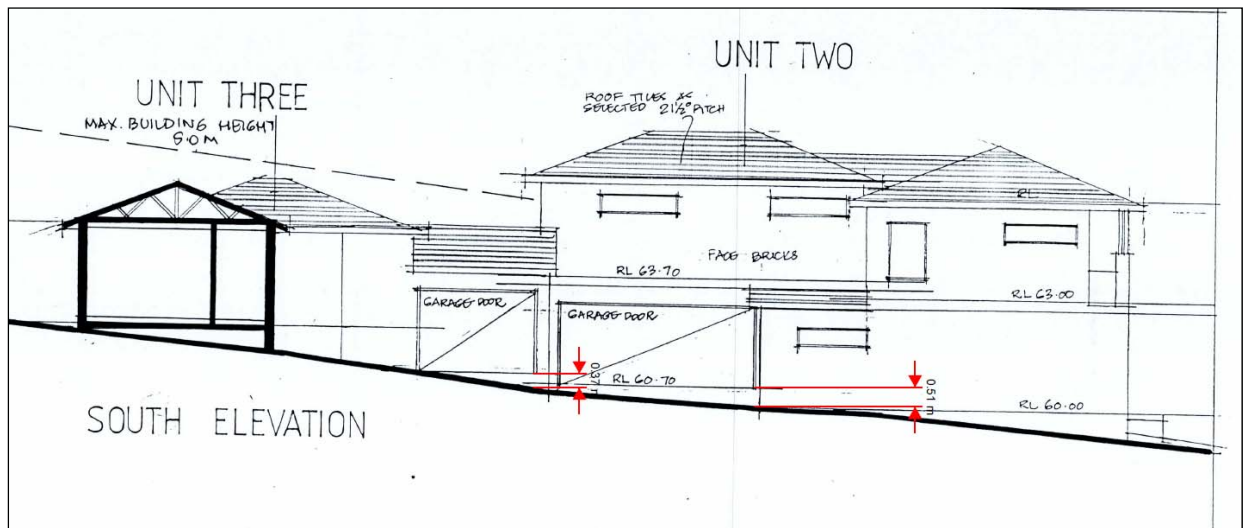
A full assessment of the proposal under RDCP 2014 is illustrated in the compliance table held at **ATTACHMENT 1**. The non-compliances identified in the table are assessed below.

##### Altering of levels of the site

RDCP 2014 contains a requirement (Part 3.4.3.2) relating to the altering of levels of a site. The DCP states that the levels of the site should not be altered by more than 300mm outside of the building footprint.

Some levelling outside of the building footprint will be required to accommodate the internal driveway and private open space areas of the development. It is anticipated that the alteration of levels will be approximately 510mm at points along the proposed driveway which is illustrated in the image below. Noting the degree of slope present on the subject site, a minor deviation of this control is considered justified in this instance. Moreover, as the change in levels is located centrally within the site and not at the interface to the surrounding properties, there will be no impact to the neighbours.

**ITEM 4 (continued)**

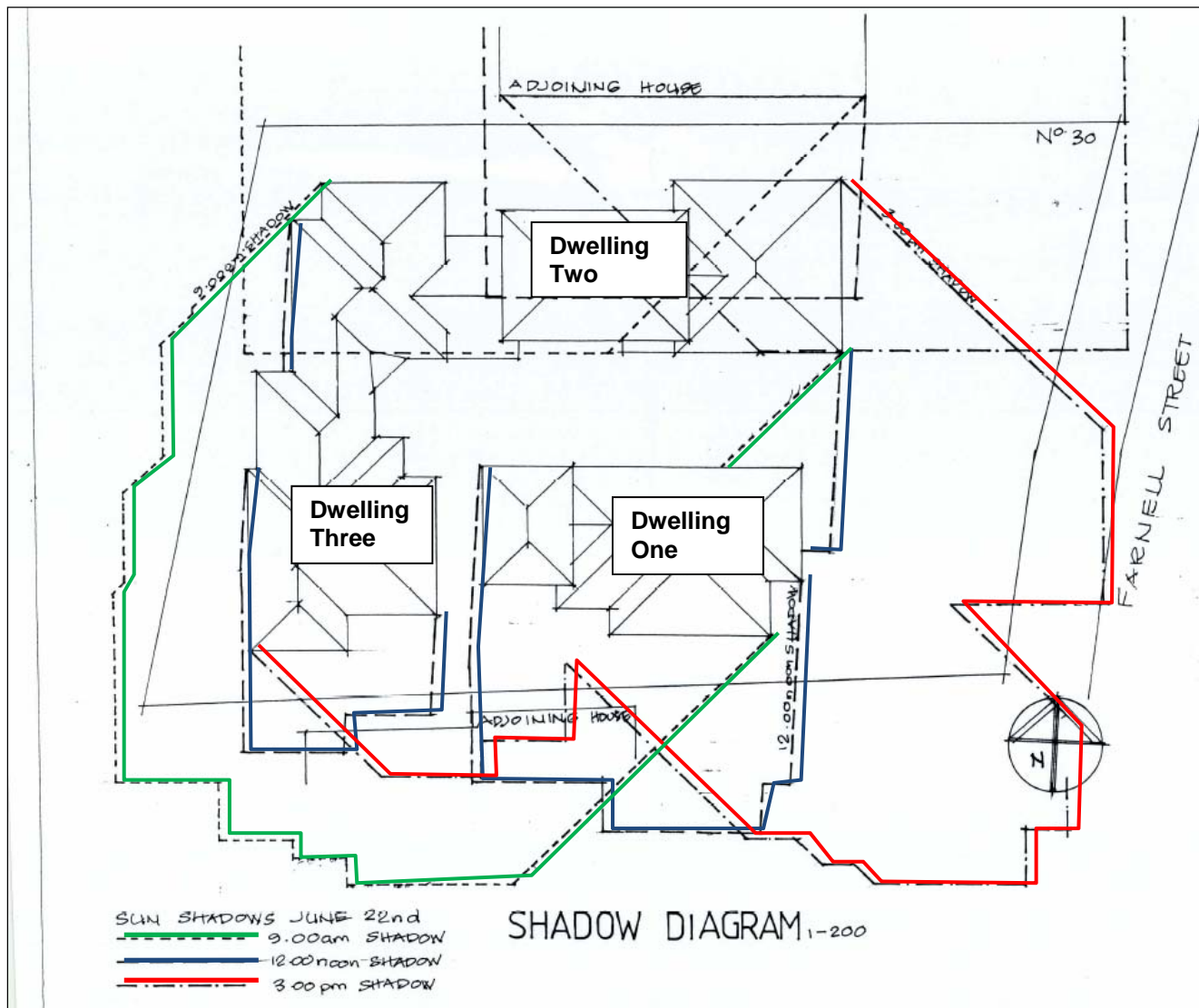


**Figure 18. Section through the driveway showing change in levels proposed on the site.**

Solar amenity to private outdoor space

RDCP 2014 requires at least 50% of private outdoor space to have access to sunlight for at least 2 hours of the day from 9.00am to 3.00pm midwinter. The private outdoor space to Dwelling One of the development is located south of the building footprint and would not achieve compliance with this control. The shadow diagram (shown in Figure 19) indicates the majority of the private outdoor space to Dwelling One will be overshadowed from 9.00am to 3.00pm during midwinter.

**ITEM 4 (continued)**



**Figure 19. Shadow diagram of the proposed development.**

The non-compliance is considered to be acceptable in this instance on the basis of the following:

- The extent of shadow is mainly attributed to the orientation of the site with the development having a west/east orientation.
- The width of the frontage of the site results in two dwellings and the driveway being orientated to Farnell Street.
- Regardless of the building height of Dwelling One, the private outdoor space will be significantly overshadowed at midwinter.
- During the equinox, the courtyard will receive at least 2 hours of solar access.

**ITEM 4 (continued)**
**(e) Section 94 Contributions Plan 2007 (as amended)**

Council's current Section 94 Development Contributions Plan 2007 (effective 1 August 2017) adopted 16 March 2011 requires a contribution for the provision of various additional services required as a result of increased development density/ floor area. The contribution is based on the number of additional dwellings there are in the development proposal.

The contributions that are payable with respect to the additional dwellings (being for residential uses outside the Macquarie Park area) are as follows:

<b>A</b>	<b>B</b>
Community & Cultural Facilities	\$8,455.48
Open Space & Recreation Facilities	\$20,815.70
Civic & Urban Improvements	\$7,079.82
Roads & Traffic Management Facilities	\$965.72
Cycleways	\$603.24
Stormwater Management Facilities	\$1,917.40
Plan Administration	\$162.64
<b>The total contribution is</b>	<b>\$40,000.00</b>

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

All relevant issues have been addressed either under the DCP or Submissions headings.

**(b) Natural Environment**

Seven (7) onsite trees will require removal to accommodate the development and two (2) onsite trees and one (1) street tree are proposed to be retained (refer to site plan under the 'Proposal' section of this report).

All the onsite trees proposed for removal conflict with the proposed building envelope and the submitted Arborist report identifies that Trees 7 and 9 are in poor health. Council's consultant Landscape Architect has raised no issue with the proposed tree removal and has endorsed the submitted Landscape Plan as detailed in the 'Consultation' section of this report.

The development is considered to preserve the natural environment where reasonable and adequately accommodates the removal of trees through replacement plantings throughout the site.

## ITEM 4 (continued)

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

A review of Council's map of Environmentally Sensitive Areas indicates that the site is affected by the following constraints:

Landslip/Slope Instability: The DA has been referred to Council's Consultant Structural Engineer as indicated in the Referrals section of this report. The Consultant Structural Engineer has advised that although no geotechnical report was submitted with the application, as the site slopes are modest and as the amount of cut and fill proposed is also modest, consideration could be given to not requiring a geotechnical risk assessment report provided that all buildings are supported on piers to the underlying shale. This is addressed by the following condition of consent (see condition 21):

***Construction method of foundations to buildings. All buildings shall be supported on piers drilled to the underlying shale. Details demonstrating compliance with this method of construction shall be submitted to the PCA for approval prior to the issue of the Construction Certificate.***

### 12. The Public Interest

Having regard to the assessment contained in this report, it is considered that approval of the development would not be contrary to the public interest, subject to compliance with the recommended conditions of consent.

### 13. Consultation – Internal and External

#### Internal Referrals

**Senior Co-ordinator – Development Engineering:** Memo dated 12 October 2017: *The development was referred to Councils development engineer for comment. No issue has been raised with regard to stormwater management, parking provision and vehicle access subject to the imposition of conditions in any consent for the development.*

Comment: The recommended conditions of consent have been included in Attachment 2 (see condition numbers 16, 17, 18, 19, 36, 37, 38, 39, 40, 41, 49, 50, 51, 64, 65, 66, 72, 73, 74, 75 and 76).

**Heritage Officer:** Memo dated 18 January 2017: *The development has been referred for heritage consideration as the subject site is within the vicinity of 75 Marsden Road, which is an item of heritage significance listed in Schedule 5 of Ryde LEP 2014.*



**ITEM 4 (continued)**

*The dwelling is attributed to the early 1960s period and has some architectural value, though is considered a typical example of the vernacular, of which there are numerous extant examples throughout the locality. For this reason, demolition of the dwelling is supported.*

*While the subject site is within physical proximity of the heritage item at 75 Marsden Road, the intervening built forms obscure any direct line of sight and as such, no visual relationship exists. Consequently, and combined with the relatively low scale of the proposed development, the proposal will not result in any unreasonable visual or physical impacts on the heritage item and is supported.*

*There are no conditions recommended.*

**External Referrals**

**Consultant Structural Engineer:** Memo dated 12 May 2017: *Amended architectural plans were submitted to Council to address the mislabelling of contours across the front of the block. It was deemed that the revised architectural drawings indicate that the proposed floor levels roughly match the contours and the cut and fill under the units will both be about 0.8m maximum.*

*It was noted that no geotechnical report was submitted with the application. As the site slopes are modest and as the amount of cut and fill proposed is also modest, consideration could be given to not requiring a geotechnical risk assessment report provided that all buildings are supported on piers to the underlying shale.*

**Comment:** Any consent can be conditioned to ensure details of the abovementioned construction method are submitted to the PCA for approval prior to the issue of the Construction Certificate (see condition number 21).

**Consultant Landscape Architect:** Memo dated 21 June 2017: *Generally the Landscape Plan prepared by Horticultural Resources Consulting Group is considered acceptable however the following items are to be addressed prior to the issue of the Construction Certificate:*

*Proposed tree planting – Given the amount of proposed tree removal, it is recommended that at least two (2) trees capable of reaching 10m are planted as a replacement for lost habitat and shade.*

*Tree removal – The location of Tree 8 is in conflict with the proposed location of the stormwater pipes and pit. It is recommended that the stormwater concept be amended to enable retention of the tree.*

#### **ITEM 4 (continued)**

Comment: The amended landscape concept plan and stormwater plans of the development adequately address the concerns raised by Council's landscape architect by proposing the following:

- The landscape concept plan indicates the planting of two replacement trees within the front setback of the development.
- The stormwater management plan has been amended to enable retention of Tree 8 by repositioning the stormwater pipe and pits. A tree protection condition shall be included in any consent of the development to ensure Tree 8 and all other trees proposed for retention are appropriately protected during the course of site works (See conditions numbered 2, 61, 62 and 63).

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

There are no critical dates or deadlines to be met.

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

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

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

The recommendation in this report is approval subject to conditions.

The only practical alternative would be a recommendation of **refusal**. In this regard, the various areas of non-compliance with Ryde DCP 2014 could form the basis for reasons for refusal. However as discussed in the preceding assessment, the areas of non-compliance are relatively minor and are acceptable on merit as they do not result in adverse impacts on neighbouring properties.

#### **17. Conclusion**

The proposal has been assessed using the heads of consideration listed in Section 79C of the Environmental Planning & Assessment Act 1979 and is generally considered to be satisfactory for approval. The resulting non-compliances are minor in scale and present a negligible impact.

Although there are some areas of numerical non-compliance with the applicable planning controls, these are considered to be acceptable on merit for the reasons discussed in the preceding assessment.

**ITEM 4 (continued)**

The issues of concern raised in the neighbour's submissions have also been largely addressed in the amended plans submitted for this DA. Whilst there are some unresolved issues, these are able to be addressed by conditions in any consent and are not considered to warrant refusal of the application or any further design amendments.

Approval of this application is recommended subject to the conditions contained **ATTACHMENT 2.**

**ITEM 4 (continued)**

**ATTACHMENT 1**

**COMPLIANCE TABLE**

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

<b>DCP 2014</b>	<b>Proposed</b>	<b>Compliance</b>
<b>2.2 Minimum allotment size</b>		
Frontage and site area not less than 20m and 900sqm respectively.	Frontage = 28.26m Site area = 1182sqm	Yes
'Hatchet Shaped' lots considered unsuitable.	n/a	
<b>2.3 Non-Preferred Locations</b>		
Is the proposed development within a non-preferred location?	The site is not located in a 'non-preferred' location.	
<b>2.4 Retention of Existing Dwellings</b>		
Retention of existing dwg as part of a MDH will not be approved	Existing dwelling to be removed in its entirety as part of separate application.	Yes
<p>Exception may occur if heritage item or contributing item where:</p> <p>a. The site can be subdivided so that the development is on a separate lot to the item.</p> <p>In this circumstance, the multi dwelling lot must have:</p> <p>i. Width not less than 20m beyond access handle;</p> <p>ii. Minimum area of 900sqm excl access handle;</p> <p>iii. Width of access handle not less than 4m for 3 or more dwellings.</p> <p>b. New development must complement item;</p> <p>c. Schedule of conservation and restoration works for item lodged with DA for subdivision.</p> <p>d. The item is not to be demolished.</p>	No issue to the removal of the existing dwelling on the site has been raised by Council's heritage consultant.	Yes

**ITEM 4 (continued)**

**ATTACHMENT 1**

<b>DCP 2014</b>	<b>Proposed</b>	<b>Compliance</b>
<b>2.5 Density controls in R2 zone</b>		
Clause 4.5A RLEP 2014 (a) Site Area not less than: i) 300sqm for 1, 2, 3 bedders, and ii) 365sqm for 4 or more bedder. (b) Each dwelling to have own contiguous private open space.	2 x 5 bed and 1 x 4 bed are proposed which requires a minimum of 1095sqm.  Site area = 1182sqm  Provided.	Yes   Yes
<b>2.6 Number of Dwellings</b>		
Not more than 12 x Dwellings	Three (3) dwellings are proposed on the subject site.	Yes
<b>2.7 Type of Dwellings</b>		
1. a) If 4 or more dwellings on site, not more than 75% should have same number of bedrooms. (Round down) b) Slope, proposed levels, building height, site coverage, landscaping, setbacks, accessibility and shadowing to be considered when assessing: i. will development complement existing neighbourhood, and ii. will development meet needs of householders including older persons with disabilities.	n/a	

**PART 3.0 Site Planning**

<b>DCP 2014</b>	<b>Proposed</b>	<b>Compliance</b>
<b>3.1 Slope of Site</b>		
a. Dwellings present to street. At least one entrance visible.	Main entrances to street facing dwellings are well articulated.	Yes
b. Sites with slope greater than 1:6 unacceptable.	n/a	
c. Site that slope up from street more than 1:6	Approximate slope up from the street equates to 1:1.	Yes

**ITEM 4 (continued)**

**ATTACHMENT 1**

DCP 2014	Proposed	Compliance
unacceptable. d. Cross fall more than 1:14 not acceptable.	Generally uniform fall from rear to front of site.	
<b>3.2 Altering the Levels of the Site</b>		
a. No imported Fill. b. No altering of levels of site (not covered by building envelope) more than 300mm.  c. No basement garages and minimal retaining walls. d. Private open space provided at ground level.	Compliant. Some levelling outside of the building footprint will be required to accommodate the internal driveway and private open space areas of the development which is anticipated to be up to 510mm along the proposed driveway. Noting the extent of the sloping topography from the rear to the front of the site a minor deviation of this control is considered justified in this instance. No basement garages proposed.  Private open space associated with each unit is provided at ground level.	Yes No, but acceptable.  Yes  Yes
<b>3.3 Storey and Height</b>		
<b>3.3.1 Storeys</b>		
a. Street facing dwelling may be two storeys provided: i. Two storey dwelling not attached to any other two storey dwelling. ii. Two storey dwelling is suitable within streetscape. b. Corner lots, one dwelling can be two storeys on shortest street frontage. c. Corner lots to be sensitively designed.	Two street facing dwellings are proposed. The scale is consistent with the prevailing and future development within Farnell Street and is compliant with the building height controls under Ryde LEP 2014.  n/a  n/a	Yes
<b>3.3.2 Height</b>		
a. As per Clause 4.3 and 4.3A (2) of RLEP 2014.	Street facing dwellings = 7.27m approximately Rearward dwelling = 5m	Yes  Yes

**ITEM 4 (continued)**

**ATTACHMENT 1**

DCP 2014	Proposed	Compliance
<b>3.4 Site Coverage</b>		
Site coverage < 40%	Site coverage = 33% (388.96sqm)	Yes
Pervious area > 35%	Pervious area = 49% (578.83sqm)	Yes
<b>3.5 Setbacks</b>		
<b>3.5.1 Front Setbacks</b>		
<p>a. Development must be</p> <p>i. same as adjoining if difference between setbacks of adjoining dwellings is &lt;2m</p> <p>ii. Average of setback between the two if &gt;2m</p> <p>b. Setback of 1m less than the above std for not more than 50% of the front elevation.</p> <p>c. May vary this requirement if streetscape is likely to change: not less than 7.5m for 50% of frontage, not less than 6.5m for 50% of frontage.</p>	<p>Front setback = 11m to 13m</p> <p>Northern property setback = 11m (approved under LDA2017/196)</p> <p>Southern property setback = 13m</p> <p>The proposed front setback is consistent with the recently approved development on 28 Farnell Street.</p> <p>n/a</p> <p>Achieved.</p> <p>The development immediately adjoining the subject site is generally under developed and comprises older housing stock. Notwithstanding, the subject development maintains a setback that is consistent with the prevailing 'excessive' setbacks within the street.</p>	<p>Yes</p> <p>Yes</p>
<b>3.5.2 Hatchet Shaped Allotment</b>		
a. Vehicles enter and leave in forward direction.	n/a	
<b>3.5.3 Setback from secondary frontage</b>		
Min 4.5m	n/a	
<b>3.5.4 Side and Rear Setbacks</b>		
a. Min 4.5m unless vehicular access is included in this area, then min 6m.	Side setback Northern boundary = 3m to 4.5m	Yes

**ITEM 4 (continued)**

**ATTACHMENT 1**

<b>DCP 2014</b>	<b>Proposed</b>	<b>Compliance</b>
b. Must be adequate to provide appropriate solar access. c. Ensure existing substantial trees not within proposed courtyard areas. d. Min 3m up to 50% permitted.	Southern boundary = 3m to 4.5m Achieved.  Achieved.  Generally compliant for the side and rear setbacks.	Yes  Yes  Yes
<b>3.5.5 Internal Setbacks</b>		
a. Habitable windows do not overlook habitable windows of another dwelling. b. Min 9m separation provided between habitable windows within development.	Achieved.  No habitable windows face other habitable windows within the development.	Yes  Yes
<b>3.6 Private Outdoor Space</b>		
a. Minimum: i. 30sqm for 2 bed. ii. 35sqm for 3 or more bed.  b. POS min 4m dimensions. c. At least 50% access to sunlight for 2 hours.  d. Courtyards do not contain existing substantial trees.  e. Access other than through dwelling to POS and not less than 1m wide. f. Private outdoor space securely enclosed and visible from living area. g. Must be one area. h. Courtyards not in front	2 x 5 bed and 1 x 4 bed are proposed. Unit 1 = 46.34sqm Unit 2 = 63.75sqm Unit 3 = 173sqm Achieved. Private open space to 'Unit One' is located south of the building footprint and would not receive the minimum required access to sunlight. This non-compliance is considered to be an acceptable compromise orientation of the site which significantly impacts solar access to open areas located on the southern portion of the site. Courtyards do not contain existing significant trees. Access provided via parking tandem parking facilities. Living areas of each unit face private outdoor spaces.  Achieved.	Yes          Yes No but acceptable.          Yes    Yes   Yes



**ITEM 4 (continued)**

**ATTACHMENT 1**

<b>DCP 2014</b>	<b>Proposed</b>	<b>Compliance</b>
setback. i. Min 1.2m wide landscape privacy strip between courtyard and adjoining property.	Achieved.  Provided. Any consent can be conditioned to ensure screening of a suitable height is provided along both sides of the development.	Yes Yes  Yes
<b>3.7 Landscaping</b>		
a. Landscape plan submitted. b. Landscaping completed prior to occupation. c. Existing trees retained and buildings setback appropriately.  d. Existing substantial trees not located within courtyards.  e. Tree location must not cause damage to building. f. Arboriculture assessment where significant tree/s impacted. g. Landscape strips for privacy not more than 1.2m wide and be 3 to 4m high. Trees 5 to 6m high. h. Landscape strip not less than 1.2m wide between driveway and boundary. Shrubs 2 to 2.5m high. Trees 5 to 6m high. i. Landscape strip not less than 1m between driveway and wall of dwellings. j. Edge between driveway and paths edged with concrete, not timber.	Submitted.  Can be conditioned.  Five (5) are proposed to be removed from the site to accommodate the development. Council's landscape architect has raised no issue to the removal of the trees. An arboricultural assessment has been submitted in support of the proposed tree removal noted above. Achieved.  Provided.  Provided along side and rear boundaries.  Landscape strips measure 1.2m wide.  Landscape strips aligning driveway measures 1.2m wide.	Yes  Yes  Yes  Yes  Yes  Yes  Yes  Yes

**ITEM 4 (continued)**

**ATTACHMENT 1**

DCP 2014	Proposed	Compliance
k. Rolled edge between driveway and garden/lawn areas. l. Trees within footpath to be protected. m. OSD tanks and above ground OSD not located in front setback. Driveway preferable. In landscape area, min 300mm soil cover.	n/a  Can be conditioned.  Street tree to be protected during the course of works as a condition of approval. An OSD tank is proposed within the under the driveway.	  Yes  Yes  Yes
<b>3.8.1 Car Parking</b>		
<b>Car Parking</b>		
a. Number of parking spaces, refer to Part 9.3 of DCP: - 1 space per 1 or 2 B dwelling, - 2 spaces per 3+B dwelling, - 1 visitor space per 4 dwellings. b. At least 1 space per dwg must be lockable garage (round up). c. Additional onsite parking to be provided for hatchet-shaped lots. d. Hatchet shaped lots require 1 additional space for every 4 dwellings and be accessible to all residents. e. Garages not located between dwellings and street frontage. f. Garages and parking spaces do not dominate streetscape. g. Garage (doors) should be designed to reduce visual prominence.	2 x 5 bed and 1 x 4 bed unit is proposed. 6 onsite parking spaces provided plus 1 visitor space.  Provided.  n/a  n/a  Achieved.  Achieved.  Achieved.	Yes  Yes    Yes  Yes  Yes

**ITEM 4 (continued)**

**ATTACHMENT 1**

<b>DCP 2014</b>	<b>Proposed</b>	<b>Compliance</b>
h. Tandem parking not permitted in front of a garage. i. Garages and parking areas convenient.  j. Garages separate dwellings.	Achieved.  Vehicle manoeuvrability in and out of garages and visitor spaces is compliant and Council's development engineer has raised no issue in this regard. Achieved.	Yes  Yes  Yes
<b>3.8.2 Manoeuvrability</b>		
a. Vehicles enter and leave in a forward direction. b. Corner lots, reversing out permitted depending on traffic conditions. c. Corner lot, vehicle access point not less than 6m from property boundary at intersection of 2 roads. d. Tandem arrangement permitted where no impact on manoeuvrability. e. Enter and leave parking spaces in a single 3 point turn. f. Comply with AS 2890.1.	No issue has been raised by Council's development engineer with regard to vehicle manoeuvrability.	Yes
<b>3.8.3 Driveways</b>		
a. Driveways paved and extent minimised appropriately.	Achieved.	Yes
<b>3.8.4 Driveway crossings</b>		
a. Up to 10 spaces – 4m More than 10 – not more than 6m If width of driveway crossings more than 30% of frontage, two crossings not permitted.	Can be conditioned.	Yes
<b>3.9 Overshadowing and Access to Sunlight</b>		
	The amenity requirements have been assessed with regard to the approved multi dwelling housing development at 28	

**ITEM 4 (continued)**

**ATTACHMENT 1**

<b>DCP 2014</b>	<b>Proposed</b>	<b>Compliance</b>
<p>a. Habitable room windows face courtyard or other outdoor space open to the sky, no closer than 1.5m to facing wall.</p> <p>b. Sunlight to at least 50% of each courtyard, and principal ground level open space &gt;2hrs between 9am and 3pm on June 21 <b>or</b></p> <p>Where existing overshadowing by buildings and fences is greater than this on adjoining properties, sunlight must not be further reduced by more than 20%.</p> <p>c. Shadow diagrams must indicate extent of shadowing within development and adjoining properties.</p>	<p>Farnell Street (north of the site) and an existing dwelling house to at 32 Farnell (south).</p> <p>Living room windows of each unit face outdoor private space.</p> <p>No, refer to comment under Clause 3.6.</p> <p>Provided.</p>	<p>Yes</p> <p>No, but acceptable.</p> <p>Yes</p>
<b>3.10 Visual and Acoustic Privacy</b>		
<p>a. Min 9m separation between facing habitable room windows.</p> <p>b. No direct views between living area windows or adjacent dwellings (otherwise screening or obscuring necessary).</p>	<p>The amenity requirements have been assessed with regard to the approved multi dwelling housing development at 28 Farnell Street (north of the site) and an existing dwelling house to at 32 Farnell (south).</p> <p>No facing habitable room windows exist within the development.</p> <p>No direct views into living area windows or adjacent dwellings.</p>	<p>Yes</p> <p>Yes</p>

**ITEM 4 (continued)**

**ATTACHMENT 1**

<b>DCP 2014</b>	<b>Proposed</b>	<b>Compliance</b>
c. Direct views from living areas to private open space of other dwellings should be screened or obscured within privacy sensitive zone of 12m radius.	No direct views from living area windows to POS on neighbouring properties would occur.	Yes
d. No balconies. Elevated landings (or similar associated with stairs into courtyard) max 1m wide	No balconies proposed.	Yes
e. Living and sleeping areas protected from high levels of external noise?	Achieved.	Yes
f. Noise levels of air con pool pumps etc must not exceed background noise level by more than 5dB(A)	Achieved.	Yes
<b>3.11 Accessibility</b>		
<b>3.11.1 Pedestrian Access</b>		
a. Safe access achieved for pedestrians.	Pedestrian access provided along driveway.	Yes
b. Continuous access path provided and separate from vehicle access.	Not separated but is acceptable given the scale of development proposed.	Yes
<b>3.11.2 Access for People with Disabilities – Devts of 6 or more dwellings</b>		
a. 6 or more dwelling developments have min 35% of dwellings provide access to all indoor areas and outdoor living areas for people with disabilities (street, car parking and common areas accessed in one continuous path of travel)	Not applicable as the development proposes 3 dwellings.	
b. Dwgs designed as per AS4299 must be able to access street, car pkg and common areas using continuous path of travel.	n/a	

**ITEM 4 (continued)**

**ATTACHMENT 1**

<b>DCP 2014</b>	<b>Proposed</b>	<b>Compliance</b>
<b>3.11.3 Access Audits</b>		
a. Access audit must be submitted for 6 or more dwellings.	Not applicable.	

**PART 4.0 Building Form**

<b>DCP 2014</b>	<b>Proposed</b>	<b>Compliance</b>
<b>4.1 Appearance</b>		
a. Complement streetscape.	Achieved.	Yes
b. Includes pitched roof, eaves, vertically oriented windows, verandahs, rendered and face brick.	Achieved.	Yes
c. At least 1 dwg must face street.	Achieved.	Yes
<b>4.2 Ceiling Height</b>		
a. Floor to Ceiling min 2.7m	Achieved.	Yes
<b>4.3 Roofscape and Roof Materials</b>		
a. Pitch 22-30 degrees where visible from a public place. b. Pitch increase to 35% where second storey contained in roof. c. Eaves of at least 300mm. d. Gables fronting street is required and hip roofs generally not permitted. e. Variation in roof line. f. Use materials consistent with traditional materials.	A traditional hipped roof form is proposed which complies with the requirements of this part.	Yes
<b>4.4 Building materials for Walls</b>		
a. Exterior walls use materials consistent in form and colour of existing development.	Achieved.	Yes
b. Windows have vertical proportion of between 2:1 and 3:1.	Achieved.	Yes

**ITEM 4 (continued)**

**ATTACHMENT 1**

DCP 2014	Proposed	Compliance
<b>4.5 Fences</b>		
<b>4.5.1 Front fence</b>		
a. Front fences not higher than 1m and must be at least 70% visually permeable. b. Front fences constructed of materials including: i. Wooden pickets (open), ii. Masonry (sand stone or facebrick); and iii. Wrought iron or similar.	No front fencing is proposed however it is noted on the plans that the existing retaining wall at the front of the site is to be replaced by new retaining walls which will essentially serve the same purpose (it is also noted that retaining walls are proposed along the internal driveway, the side boundaries and the rear boundary).  As no elevation details have been provided, a condition can be imposed in any consent to require the submission of these details to the PCA for assessment prior to the issue of the Construction Certificate.	
<b>4.5.2 Other Boundary Fences which Face a Street – not applicable</b>		
<b>4.5.3 Other boundary fences</b>		
a. Fences other than boundary fences facing street must be a min of 1.8m high. b. Side, return and rear boundary fencing constructed of timber to lapped and capped standard.	The requirements of this part can be conditioned in any consent of the development.	Yes
<b>4.6 Clotheslines and drying area</b>		
a. Clothes drying facility provided to each dwelling in appropriate location. b. Laundry within each dwelling.	Adequate areas area provided in the private open spaces associated with each dwelling.	Yes
<b>4.7 Lighting</b>		
a. Front yard lighting and front of dwelling provided. b. External lighting must not adversely affect adjoining properties. c. Spot lights discouraged.	The requirements of this part can be conditioned.	Yes

**ITEM 4 (continued)**

**ATTACHMENT 1**

DCP 2014	Proposed	Compliance
<b>4.8 Location of bin enclosures</b>		
<p>a. A. Waste and recycling storage areas and facilities provided in accordance with Part 7.2 of Waste DCP.</p> <p>b. Up to 5 dwellings, not steeply sloping and wide road frontage:</p> <p>i. Each dwelling provided with storage area.</p> <p>ii. Storage area not visible from public spaces, habitable rooms or common areas within development or other properties.</p> <p>c. 6 or more dwellings, or steeply sloping or have narrow frontage:</p> <p>i. Central bin enclosure provided.</p> <p>ii. Enclosure is behind building line and suitably screened.</p>	<p>Individual waste bin storage areas are provided to each dwelling.</p> <p>Three (3) dwellings are proposed.</p>	<p>Yes</p> <p>Yes</p>
<p>For developments of 6 or more dwellings or where sites are steeply sloping or have a narrow street frontage:</p> <ul style="list-style-type: none"> <li>- A central garbage bin enclosure shall be provided</li> <li>- Behind the building line and suitably screened by landscaping. A plan indicating the design and location of the garbage bin enclosure must be submitted with the DA.</li> </ul>	<p>n/a</p>	



**ITEM 4 (continued)**

**ATTACHMENT 1**

**PART 5.0 – Engineering**

DCP 2014	Proposed	Compliance
<b>Drainage</b>		
<p>a. Refer to Part 8.2 Stormwater &amp; Floodplains Management DCP 2014.</p> <p>b. Runoff from roofs and hard surfaces must not cause nuisance or damage to other private properties.</p> <p>c. Runoff from roofs, driveways and hard surfaces collected and drained via gravity to on-site stormwater detention system before discharge to street gutter or council pipe or watercourse.</p> <p>d. Interallotment easement acquired where runoff cannot be directed to street or a suitable pipeline.</p> <p>e. Pump out systems not permitted.</p> <p>f. Surface on-site detention basis not permitted.</p> <p>g. Pervious area must not be less than 35%.</p> <p>h. On-site detention system must be provided.</p> <p>i. Use of porous paving for patios and pathways encouraged.</p> <p>j. Porous paving considered to be 25% impervious. Use for driveways not permitted.</p> <p>k. Rainwater tanks encouraged.</p> <p>l. Details of tanks in Part 8.2 of Stormwater Management DCP.</p> <p>m. Consideration given to overland flow.</p> <p>n. If water entering property</p>	<p>Council's development engineer has raised no issue with the proposed stormwater concept subject to conditions of consent.</p> <p>The development is considered to comply with the relevant requirements of this part.</p>	<p>Yes</p>

**ITEM 4 (continued)**

**ATTACHMENT 1**

<b>DCP 2014</b>	<b>Proposed</b>	<b>Compliance</b>
<p>is sizeable, demonstrate proposed development complies with minimum design standards.</p> <p>o. If overland flow is small, hydraulic study generally unnecessary</p> <p>p. Overland flow must not:</p> <p>ii. Be redirected in a manner which increases the quantity or concentration of flows through adjoining properties;</p> <p>iii. Enter buildings, lockup garages or sheds;</p> <p>iv. Enter the piped drainage system unless that system has been designed to accept those flows;</p> <p>v. Enter the on-site detention system.</p> <p>q. Overland flow must:</p> <p>i. Be conveyed through the site in a safe manner,</p> <p>ii. Be conveyed in a manner which will not result in scour.</p> <p>r. Details of the method of dealing with stormwater are to be submitted with the Development Application to Council's satisfaction.</p>		
<b>6.1 Local Open Space Facilities</b>		
<p>a. Increased demand for local open space facilities is to be satisfied through the acquisition and embellishment of certain land for open space purposes identified in Council's Open Space and Recreation Facilities Plan. Multi dwelling housing developments which create an increased demand for local open space are required to make an appropriate cash contribution</p>	<p>A contribution will be provided as part of the S94 contributions and will be conditioned in the consent.</p>	<p>Yes</p>

**ITEM 4 (continued)**

**ATTACHMENT 1**

<b>DCP 2014</b>	<b>Proposed</b>	<b>Compliance</b>
toward the local open space acquisition and embellishment program.		
<b>6.2 Local Road Facilities</b>		
a. The construction of kerb and gutter, paved road shoulder, foot paving and landscaping where such facilities do not exist across the entire frontage of the land adjacent to the proposed development will be requested to be undertaken as part of the development. This work is to be carried out in accordance with the requirements of Council.	This requirement will be conditioned in any consent of the development.	Yes

**ITEM 4 (continued)**

**ATTACHMENT 2**

**PROPOSED CONDITIONS OF CONSENT**

**GENERAL**

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

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

<b>Document Description</b>	<b>Date</b>	<b>Plan No/Reference</b>
Ground Floor Plan East Elevation (with amendments in red)	27/10/17	6061 D01C
First Floor Plan South Elevation	26/4/17	6061 D02A
Roof Plan North Elevation West Elevation Section A-A	26/4/17	6061 D03A
Subdivision Plan Shadow Diagram	26/4/17	6061 D04A
Landscape Concept Plan (with amendments in red)	18.05.2017	Issue C Dwg No 1
Landscape Concept Plan	18.05.2017	Issue C Dwg No 2
Legend, Notes, Details, Calculations	08.05.2017	Issue B Job No. 301130 Dwg No D1
Stormwater Management Plan	08.05.2017	Issue B Job No. 301130 Dwg No D2
Erosion and Sediment Control Plan	08.05.2017	Issue B Job No. 301130 Dwg No E1

**NOTE:** (a) In order to preserve the privacy of the neighbour to the south, the eastern end of the deck for unit 1 (adjacent to the living room) shall be provided with a 1.5m high privacy screen on the southern side. Details shall be provided with the **Construction Certificate**.

**ITEM 4 (continued)**

**ATTACHMENT 2**

2. **Tree protection.** This consent does not authorise the removal of trees unless specifically authorised by a condition of this consent. The following trees shown in the approved plans as being retained must be protected (in accordance with the Arborist Report prepared by Horticultural Resources Consulting Group Rev B) against damage during construction:
  - Tree 5 *Syzigium leuhmanii* (Lilly Pilly)
  - Tree 8 *Acer buergerianum* (Trident Maple)
  - Tree 10 *Prunus cerasifera* (Purple Leafed Plum)
3. **Tree removal.** This consent authorises the removal of the following trees identified in the Arborist Report prepared by Horticultural Resources Consulting Group, Rev B and dated 9 March:
  - Tree 1 *Picea pungens* (blue Spruce)
  - Tree 2 *Elaeocarpus reticulatus* (Blue Ash)
  - Tree 3 *Camelia japonica* "Great Western Red" (Camellia)
  - Tree 4 *Brachychiton acerifolius* (Illawarra Flame Tree)
  - Tree 6 *Viburnum tinus laurustinus* (Viburnum)
  - Tree 7 *Callistemon viminalis* (Weeping Bottlebrush)
  - Tree 9 *Jacaranda mimosifolia* (Jacaranda)
4. **Separate application for demolition.** This development consent does not approve demolition of the existing structures on the site. A separate application shall be obtained for any demolition works on the site.
5. **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.
6. **BASIX.** Compliance with all commitments listed in BASIX Certificate numbered 782319M, dated 05 December 2016.
7. **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.
8. **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.

**ITEM 4 (continued)**

**ATTACHMENT 2**

9. **Hoardings.**
  - (a) A hoarding or fence must be erected between the work site and any adjoining public place.
  - (b) Any hoarding, fence or awning erected pursuant this consent is to be removed when the work has been completed.
10. **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.
11. **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.
12. **Public Utilities.** Compliance with the requirements (including financial costs) of any relevant utility provider (e.g. Energy Australia, Sydney Water, Telstra, RMS, Council etc) in relation to any connections, works, repairs, relocation, replacements and/or adjustments to public infrastructure or services affected by the development.
13. **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.
14. **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.
15. **Imported fill – type.** All imported fill must be Virgin Excavated Natural Material as defined in the *Protection of the Environment Operations Act 1997*.
16. **Design and Construction Standards.** All engineering plans and work shall be carried out in accordance with the relevant Australian Standard and *City of Ryde Development Control Plan 2014 Section 8* except as amended by other conditions.
17. **Service Alterations.** All mains, services, poles, etc., which require alteration shall be altered at the applicant's expense.
18. **Restoration.** Public areas must be maintained in a safe condition at all times. Restoration of disturbed road and footway areas for the purpose of connection to public utilities will be carried out by Council following submission of a permit application and payment of appropriate fees. Repairs of damage to any public stormwater drainage facility will be carried out by Council following receipt of payment. Restoration of any disused gutter crossings will be carried out by Council following receipt of the relevant payment.

**ITEM 4 (continued)**

**ATTACHMENT 2**

19. **Road Opening Permit.** The applicant shall apply for a road-opening permit where a new pipeline is proposed to be constructed within or across the footpath. Additional road opening permits and fees may be necessary where there are connections to public utility services (e.g. telephone, electricity, sewer, water or gas) required within the road reserve. No works shall be carried out on the footpath without this permit being paid and a copy kept on the site.

**PRIOR TO CONSTRUCTION CERTIFICATE**

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

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

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

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

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

<b>A – Contribution Type</b>	<b>B – Contribution Amount</b>
Community & Cultural Facilities	\$8,455.48
Open Space & Recreation Facilities	\$20,815.70
Civic & Urban Improvements	\$7,079.82
Roads & Traffic Management Facilities	\$965.72
Cycleways	\$603.24
Stormwater Management Facilities	\$1,917.40
Plan Administration	\$162.64
<b>The total contribution is</b>	<b>\$40,000.00</b>

These are contributions under the provisions of Section 94 of the Environmental Planning and Assessment Act, 1979 as specified in Section 94 Development Contributions Plan 2007 Interim Update, effective from 1 August 2017.

**ITEM 4 (continued)**

**ATTACHMENT 2**

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

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

21. **Construction method of foundations to buildings.** All buildings shall be supported on piers drilled to the underlying shale. Details demonstrating compliance with this method of construction shall be submitted to the PCA for approval prior to the issue of the **Construction Certificate**.
22. **Details of retaining walls.** Details of the retaining walls proposed on the subject site shall be submitted to the PCA for approval prior to the issue of the Construction Certificate. The details shall include the extent (shown on plan), the heights (shown on elevations/cross sections) and structural details (where required).
23. **Privacy – extent of screen plantings.** The species and location of screen plantings aligning the side and rear boundaries of the development site shall be in accordance with the approved Landscape Concept Plan of the development.
24. **Edges between driveway and lawn areas.** The edges between the driveway and lawn areas within the subject development site shall be comprised of 'rolled edges' as required by Ryde DCP 2014.
25. **Fencing.** Fencing is to be in accordance with Council's DCP 2014: Part 3.4 –Multi Dwelling Housing (for Low Density Residential Zone) – Section 4.5 - Fences. In this regard, any side or rear fencing must be constructed of timber to lapped and capped standard. New fencing is to be at the full cost of the developer. Details of compliance are to be provided in the plans for the **Construction Certificate**.
26. **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. 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**.
27. **Compliance with Australian Standards.** The development is required to be carried out in accordance with all relevant Australian Standards. Details demonstrating compliance with the relevant Australian Standard are to be submitted to the Principal Certifying Authority prior to the issue of the **Construction Certificate**.



**ITEM 4 (continued)**

**ATTACHMENT 2**

28. **Structural Certification.** The applicant must engage a qualified practising structural engineer to provide structural certification in accordance with relevant BCA requirements prior to the release of the **Construction Certificate**.
29. **Security deposit.** The Council must be provided with security for the purposes of section 80A(6) of the *Environmental Planning and Assessment Act 1979* in a sum determined by reference to Council's Management Plan prior to the release of the **Construction Certificate**. (category: dwelling houses with delivery of bricks or concrete or machine excavation)
30. **Fees.** The following fees must be paid to Council in accordance with Council's Management Plan prior to the release of the **Construction Certificate**:
  - (a) Infrastructure Restoration and Administration Fee.
  - (b) Enforcement Levy.
31. **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**.
32. **Sydney Water – Building Plan Approval.** The plans approved as part of the Construction Certificate must also be approved by Sydney Water prior to excavation or construction works commencing. This allows Sydney Water to determine if sewer, water or stormwater mains or easements will be affected by any part of your development. Please go to [www.sydneywater.com.au/tapin](http://www.sydneywater.com.au/tapin) to apply.
33. **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**.
34. **Lighting of common areas (driveways etc).** Details of lighting for internal driveways, visitor parking areas and the street frontage shall be submitted for approval prior to issue of the **Construction Certificate**. The details to include certification from an appropriately qualified person that there will be no offensive glare onto adjoining residents.
35. **Clotheslines and Drying Area.** Clothes drying facilities are to be in accordance with Council's DCP 2014: Part 3.4 –Multi Dwelling Housing (for Low Density Residential Zone) – Section 4.6 – Clotheslines and Drying Area. Details of compliance are to be provided in the plans for the **Construction Certificate**.
36. **Driveway Access Levels.** The applicant is to apply to Council, pay the required fee, and have issued site specific driveway access levels by Council prior to the issue of the Construction Certificate.

**ITEM 4 (continued)**

**ATTACHMENT 2**

37. **External Engineering Works.** To facilitate satisfactory and safe access to and from the proposed development, the following public infrastructure works shall be constructed at no cost to Council along the entire public road frontage of the site.
- Construction of concrete footpath paving and replacement of all damaged kerb and gutter etc.
  - Construction of any other associated structures across the footway if required by Council's Civil Infrastructure & Integration Department.
  - Relocation or adjustments of any services within the footpath area if required due to proposed works

Detailed engineering plans prepared by a qualified and experienced civil engineer in accordance with Development Control Plan 2014 Part 8.5 - Public Civil Works are to be submitted to, and approved by Council.

Engineering plans assessment and inspections fee associated with this work are payable in accordance with Council's Management Plan prior to approval being issued by Council.

38. **Vehicle Footpath Crossing(s).** Concrete footpath crossings and associated gutter crossovers must be constructed fronting the approved vehicle access location(s), no greater than 5.5m in width. The crossing(s) must be constructed in plain reinforced concrete with location, design and construction shall conform to Council requirements and AS 2890.1 – 2004 (Offstreet Parking). Accordingly, prior to issue of Construction Certificate an application shall be made to Council 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.
39. **Vehicle Access & Parking.** All internal driveways, vehicle turning areas, garages and vehicle parking space/ loading bay dimensions must be designed and constructed to comply with the relevant section of AS 2890 (Offstreet Parking standards).

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

- To facilitate vehicle access and preventing vehicles having to stand on a public roadway in the event of conflicting flow, the driveway must be 5.5m wide for the 6m into the property.

These amendment(s) must be clearly marked on the plans submitted to the Accredited Certifier prior to the issue of a Construction Certificate.

40. **Stormwater Management.** Stormwater runoff from the development shall be collected and piped by gravity flow to the existing kerb inlet pit in Farnell Street, generally in accordance with the plans by StormCivil Consulting Engineers (Refer to Job no. 301130 Dwgs D1 and D2 Rev B dated 8 May 2017).

**ITEM 4 (continued)**

**ATTACHMENT 2**

The detailed plans, documentation and certification of the drainage system must be submitted with the application for a Construction Certificate and are to be prepared by a chartered civil engineer and comply with the following;

- The certification must state that the submitted design (including any associated components such as pump/ sump, absorption, onsite dispersal, charged system) are in accordance with the requirements of AS 3500.3 (2003) and any further detail or variations to the design are in accordance with the requirements of City of Ryde DCP 2014 Part 8.2 (Stormwater and Floodplain Management) and associated annexures.
- The submitted design is consistent with the approved architectural and landscape plan and any revisions to these plans required by conditions of this consent.

41. **Stormwater Management – Connection to Public Drainage System.** The connection to the public inground stormwater drainage infrastructure located in Farnell Street will require the assessment and inspection by Council's Civil Infrastructure & Integration Department (Stormwater Section) to ensure the integrity of this asset is maintained. Engineering plans detailing the method of connection complying with Council's DCP and Technical Standards and an inspection fee in accordance with Council's current fees and charges must be paid to Council prior to the issue of the Construction Certificate. Council must be notified when the connection has been made to the pit / pipe and an inspection must be made by a Council officer prior to restoration/ backfill at the point of connection for approval.

**PRIOR TO COMMENCEMENT OF CONSTRUCTION**

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

42. **Site Sign**

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

**ITEM 4 (continued)**

**ATTACHMENT 2**

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

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

45. **Excavation adjacent to adjoining land**
- (a) If an excavation extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation must, at their own expense, protect and support the adjoining premises from possible damage from the excavation, and where necessary, underpin the adjoining premises to prevent any such damage.
  - (b) The applicant must give at least seven (7) days notice to the adjoining owner(s) prior to excavating.
  - (c) An owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this condition, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.
46. **Safety fencing.** The site must be fenced prior to the commencement of construction, and throughout demolition and/or excavation and must comply with WorkCover New South Wales requirements and be a minimum of 1.8m in height.
47. **Sediment and Erosion Control.** The applicant shall install appropriate sediment control devices in accordance with an approved plan **prior** to any earthworks being carried out on the site. These devices shall be maintained during the construction period and replaced where considered necessary. Suitable erosion control management procedures shall be practiced. This condition is imposed in order to protect downstream properties, Council's drainage system and natural watercourses from sediment build-up transferred by stormwater runoff from the site.

**ITEM 4 (continued)**

**ATTACHMENT 2**

48. **Compliance Certificate.** A Compliance Certificate should be obtained confirming that the constructed erosion and sediment control measures comply with the construction plan and City of Ryde, Development Control Plan 2014: - Part 8.1; Construction Activities.
49. **Development to be within site boundaries.** The development must be constructed wholly within the boundaries of the premises. No portion of the proposed structure shall encroach onto the adjoining properties. Any doors/ gates on the boundary must be installed so they do not open onto any footpath.
50. **Footpath Works.** The applicant shall, at no cost to Council, excavate and/or fill the footpath adjacent to the subject property so the levels of the footpath comply with the levels specified by Council's Civil Infrastructure & Integration Department. All work which is necessary to join the new footpath levels with the levels in front of the adjoining properties in a satisfactory manner shall be carried out by the applicant. The cost of reconstructing footpath paving or adjusting any services that may be affected shall be borne by the applicant.
51. **Footpath Paving Construction.** The applicant shall, at no cost to Council, construct standard concrete footpath paving across the frontage of the property. Levels of the footpath paving shall conform with levels issued by Council's Civil Infrastructure & Integration Department.

**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.

52. **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*.
53. **Construction noise.** The L<sub>10</sub> noise level measured for a period of not less than 15 minutes while demolition and construction work is in progress must not exceed the background noise level by more than 20 dB(A) at the nearest affected residential premises.
54. **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.

**ITEM 4 (continued)**

**ATTACHMENT 2**

55. **Sediment/dust control.** No sediment, dust, soil or similar material shall leave the site during construction work.
56. **Use of fill/excavated material.** Excavated material must not be reused on the property except as follows:
- Fill is allowed under this consent;
  - The material constitutes Virgin Excavated Natural Material as defined in the *Protection of the Environment Operations Act 1997*;
  - the material is reused only to the extent that fill is allowed by the consent.
57. **Construction materials.** All materials associated with construction must be retained within the site.
58. **Site Facilities**  
The following facilities must be provided on the site:
- toilet facilities in accordance with WorkCover NSW requirements, at a ratio of one toilet per every 20 employees, and
  - a garbage receptacle for food scraps and papers, with a tight fitting lid.
59. **Site maintenance**  
The applicant must ensure that:
- approved sediment and erosion control measures are installed and maintained during the construction period;
  - building materials and equipment are stored wholly within the work site unless an approval to store them elsewhere is held;
  - the site is clear of waste and debris at the completion of the works.
60. **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".
61. **Project Arborist.** A project Arborist with minimum AQF level 5 qualifications is to be engaged to ensure adequate tree protection measures are put in place for all trees to be retained on the subject site and neighbouring allotments in accordance with AS4970-2009 Protection of trees on development sites. All trees are to be monitored to ensure adequate health throughout the construction period is maintained. Additionally, all work within the Tree Protection Zones is to be supervised by the Project Arborist throughout construction. Details of the Project Arborist are to be submitted to Council prior to the commencement of construction.
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 identified as approved for removal on the stamped plans.

**ITEM 4 (continued)**

**ATTACHMENT 2**

63. **Tree works – Australian Standards.** Any works approved by this consent to trees must be carried out in accordance with all relevant Australian Standards. Tree removal shall be carried out in accordance with NSW Workcover Code of Practice (2007) and be undertaken by an Arborist with minimum AQF Level 3 qualifications.
64. **Traffic Management.** Any traffic management procedures and systems must be in accordance with AS 1742.3 1996 and City of Ryde, Development Control Plan 2014: - Part 8.1; Construction Activities. This condition is to ensure public safety and minimise any impacts to the adjoining pedestrian and vehicular traffic systems.
65. **Erosion and Sediment Control.** The applicant shall install erosion and sediment control measures in accordance with the approved plan by StormCivil Consulting Engineers (Refer to Job no. 301130 Dwgs E1 Rev B dated 8 May 2017) at the commencement of works on the site. Suitable erosion control management procedures in accordance with the manual “Managing Urban Stormwater: Soils and Construction“ by the NSW Department – Office of Environment and Heritage, must be practiced at all times throughout the construction. Where construction works deviate from the plan, soil erosion and sediment control measures are to be implemented in accordance with the above referenced document.
66. **Stormwater Management - Construction.** The stormwater drainage system on the site must be constructed in accordance with the Construction Certificate version of the Stormwater Management Plan by StormCivil Consulting Engineers (Refer to Job no. 301130 Dwgs D1 and D2 Rev B dated 8 May 2017) submitted in compliance to the condition labelled “Stormwater Management”.

**PRIOR TO OCCUPATION CERTIFICATE**

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

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

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

67. **BASIX.** The submission of documentary evidence of compliance with all commitments listed in BASIX Certificate(s) numbered 782319M, dated 5 December 2016.

**ITEM 4 (continued)**

**ATTACHMENT 2**

68. **Landscaping.** All landscaping works approved by condition 1 are to be completed prior to the issue of the final **Occupation Certificate**.
69. **Sydney Water – Section 73 Compliance Certificate.** A compliance certificate must be obtained from Sydney Water, under Section 73 of the Sydney Water Act 1994. Sydney Water will determine the availability of water and sewer services, which may require extension, adjustment or connection to Sydney Water mains. A Section 73 Compliance Certificate must be completed before the issue of any Occupation Certificate. Sydney Water will assess the development and if required will issue a Notice of Requirements letter detailing all requirements that must be met. Applications can be made either directly to Sydney Water or through a Sydney Water accredited Water Servicing Coordinator.
- Go to [www.sydneywater.com.au/section73](http://www.sydneywater.com.au/section73) or call 1300 082 746 to learn more about applying through an authorised WSC or Sydney Water.
70. **Public domain – work-as-executed plan.** A works as executed plan for works carried out in the public domain must be provided to and endorsed by Council prior to the issue of any **Occupation Certificate**.
71. **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.
72. **Redundant Footpath Crossing.** The existing footpath crossing(s) and associated gutter crossover(s) which are not accessing approved vehicle access points must be removed and restore kerb and gutter, verge and footway to match existing adjoining sections. All new levels and materials must be flush and consistent with adjoining sections and all costs are to be borne by the applicant. The works must be completed to Councils satisfaction, prior to the issue of any Occupation Certificate.
73. **Stormwater Management - Work-as-Executed Plan.** A Work-as-Executed plan (WAE) of the as constructed Stormwater Management System must be submitted with the application for an Occupation Certificate. The WAE must be prepared and certified (signed and dated) by a Registered Surveyor and is to clearly show the constructed stormwater drainage system (including any onsite detention, pump/ sump, charged/ siphonic and onsite disposal/ absorption system) and finished surface levels which convey stormwater runoff.



**ITEM 4 (continued)**

**ATTACHMENT 2**

74. **Stormwater Management – Positive Covenant(s).** A Positive Covenant must be created on the property title(s) pursuant to the relevant section of the Conveyancing Act (1919), providing for the ongoing maintenance of the onsite detention components incorporated in the approved Stormwater Management system. This is to ensure that the drainage system will be maintained and operate as approved throughout the life of the development, by the owner of the site(s). The terms of the instrument are to be in accordance with the Council's terms for these systems as specified in City of Ryde DCP 2014 - Part 8.4 (Title Encumbrances) - Section 7, and to the satisfaction of Council, and are to be registered on the title prior to the release of the Occupation Certificate for that title.
75. **Compliance Certificates – Engineering.** To ensure that all engineering facets of the development have been designed and constructed to the appropriate standards, Compliance Certificates must be obtained for the following items and are to be submitted to the Accredited Certifier prior to the release of any Occupation Certificate. All certification must be issued by a qualified and practising civil engineer having experience in the area respective of the certification unless stated otherwise.
- a) Confirming that all components of the parking areas contained inside the site comply with the relevant components of AS 2890 and the City of Ryde DCP 2014, Part 9.3 “Car Parking”.
  - b) Confirming that the Stormwater Management system (including any constructed ancillary components such as onsite detention) servicing the development complies with the City of Ryde DCP 2014 Part 8.2 (Stormwater and Floodplain Management) and associated annexures, and has been constructed to function in accordance with all conditions of this consent relating to the discharge of stormwater from the site.
  - c) Confirming that after completion of all construction work and landscaping, all areas adjacent the site, the site drainage system (including any on-site detention system), and the trunk drainage system immediately downstream of the subject site (next pit), have been cleaned of all sand, silt, old formwork, and other debris.
  - d) Confirming that erosion and sediment control measures were implemented during the course of construction and were in accordance with the manual “*Managing Urban Stormwater: Soils and Construction*” by the NSW Department – Office of Environment and Heritage and the City of Ryde DCP 2014, Part 8.1 “Construction Activities”.
  - e) Compliance certificate from Council confirming that all external works in the public road reserve have been completed to Council’s satisfaction.
76. **On-Site Stormwater Detention System - Marker Plate.** To ensure the constructed On-site detention will not be modified, a marker plate is to be fixed to each on-site detention system constructed on the site. The plate construction, wordings and installation shall be in accordance with City of Ryde DCP 2014 Part 8.2 (Stormwater and Floodplain Management) and associated annexures. The plate may be purchased from Council's Customer Service Centre at Ryde Civic Centre (Devlin Street, Ryde).

**ITEM 4 (continued)**

**ATTACHMENT 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.

77. **Garbage collection.** Safe access must be provided for waste collection vehicles to service the waste containers at the kerbside to the site. Garbage and recycling bins must always be stored on-site between collections.

**PRIOR TO SUBDIVISION CERTIFICATE**

The following conditions in this Part of the consent apply to the Subdivision component of the development.

All conditions in this Part of the consent must be complied with prior to the issue of a Subdivision Certificate.

78. **Final plan of subdivision.** The submission of a final plan of subdivision plus 3 copies suitable for endorsement by the Authorised Officer of Council.
79. **Final plan of subdivision – title details.** The final plan of subdivision shall contain detail all existing and/or proposed easements, positive covenants and restrictions of the use of land.
80. **Section 88B Instrument.** The submission of an Instrument under Section 88B of the Conveyancing Act 1919 plus 3 copies, creating Easements, Positive Covenants and Restrictions on Use. This Instrument shall nominate the City of Ryde as the authority empowered to release, vary or modify the terms of the Instrument.
81. **Occupation Certificate.** A final occupation certificate in relation to this Development Consent must be in force.
82. **Positive Covenant, OSD.** The creation of a Positive Covenant under Section 88 of the Conveyancing Act 1919, burdening the property with the requirement to maintain the stormwater detention system on the property. The terms of the instruments are to be generally in accordance with the Council's draft terms of Section 88E instrument for Maintenance of Stormwater Detention Systems and to the satisfaction of Council.
83. **Certification of Building Works.** If Council is not the PCA then certification that all building, landscaping and drainage works **as detailed** in Local Development Consent No 2016/618 and all related S96 applications if any, have been completed in accordance with that consent and final Occupation Certificate is ready to be issued.

**ITEM 4 (continued)**

**ATTACHMENT 2**

84. **Section 73 Certificate.** A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation. A copy of Sydney Water's Notice of Requirements must be submitted to the Principal Certifying Authority prior to the Subdivision Certificate being issued. The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to issue of the Subdivision Certificate.
85. **Utility provider** - compliance with the requirements (including financial costs) of any relevant utility provider (e.g. Energy Australia, Sydney Water, Telstra, Council etc).

**ITEM 4 (continued)**

**ATTACHMENT 3**

## **Heritage Referral Response**

To: Rebecca Lockart  
From: Michael Edwards  
Application No.: LDA2016/0618  
Date: 18 January 2017  
Address: 30 Farnell Street, West Ryde

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### **Consideration of the proposal:**

The development proposal seeks Council's approval for the demolition of the existing building on the site and construction of part single and part two-storey attached multi-dwellings (2x five bedroom dwellings (two-storey) and 1x four bedroom dwelling (single storey)).

### **Reason for the Heritage Referral:**

The development proposal has been referred for heritage consideration as the subject site is within the vicinity of 75 Marsden Road, which is an item of heritage significance, listed on Schedule 5 of the *Ryde LEP 2014*.

### **Statement of Cultural Significance – 'Federation Queen Anne style weatherboard dwelling':**

*The house has historical significance as one of the early farm houses associated with the Spurway family orchardists in the Ryde area, one of three such houses in Marsden Road.*

*The house has historical association with Frederick Ernest Spurway (1867-1953), who built the house circa 1903, and his son Frederick Thomas Spurway. Frederick Ernest Spurway was a son of James Spurway (1837-1912) and Maria A. Smith, a prominent local orchardist, who continued the family orcharding business in this area. He was an alderman on Dundas Council and at one time Mayor of Dundas Council (1918). His son, Frederick Thomas Spurway (died 1967), continued the Spurway orcharding and nursery business.*

*The house has aesthetic significance as a fine representative example of a modest circa 1903 weatherboard Federation Queen Anne style house.*

**ITEM 4 (continued)**

**ATTACHMENT 3**

**Consideration of the heritage impacts:**

The subject site contains a single-storey, detached style dwelling house which displays the principal characteristics which are loosely attributed to the Sydney Regional architectural style of the 1960s, though displays some influences of the Post-War Melbourne Regional architectural style.

The dwelling is attributed to the early 1960s period and has some architectural value, though is considered a typical example of the vernacular, of which there are numerous extant examples throughout the locality.

For this reason, demolition of the dwelling is supported.

While the subject site is within physical proximity of the heritage item at 75 Marsden Road, the intervening built forms obscure any direct line of sight and as such, no visual relationship exists.

Consequently, and combined with the relatively low scale of the proposed development, the proposal will not result in any unreasonable visual or physical impacts on the heritage item and is supported.

**Recommended conditions**

There are no conditions recommended.

Regards,

Michael Edwards  
Heritage Advisor

**ITEM 4 (continued)**

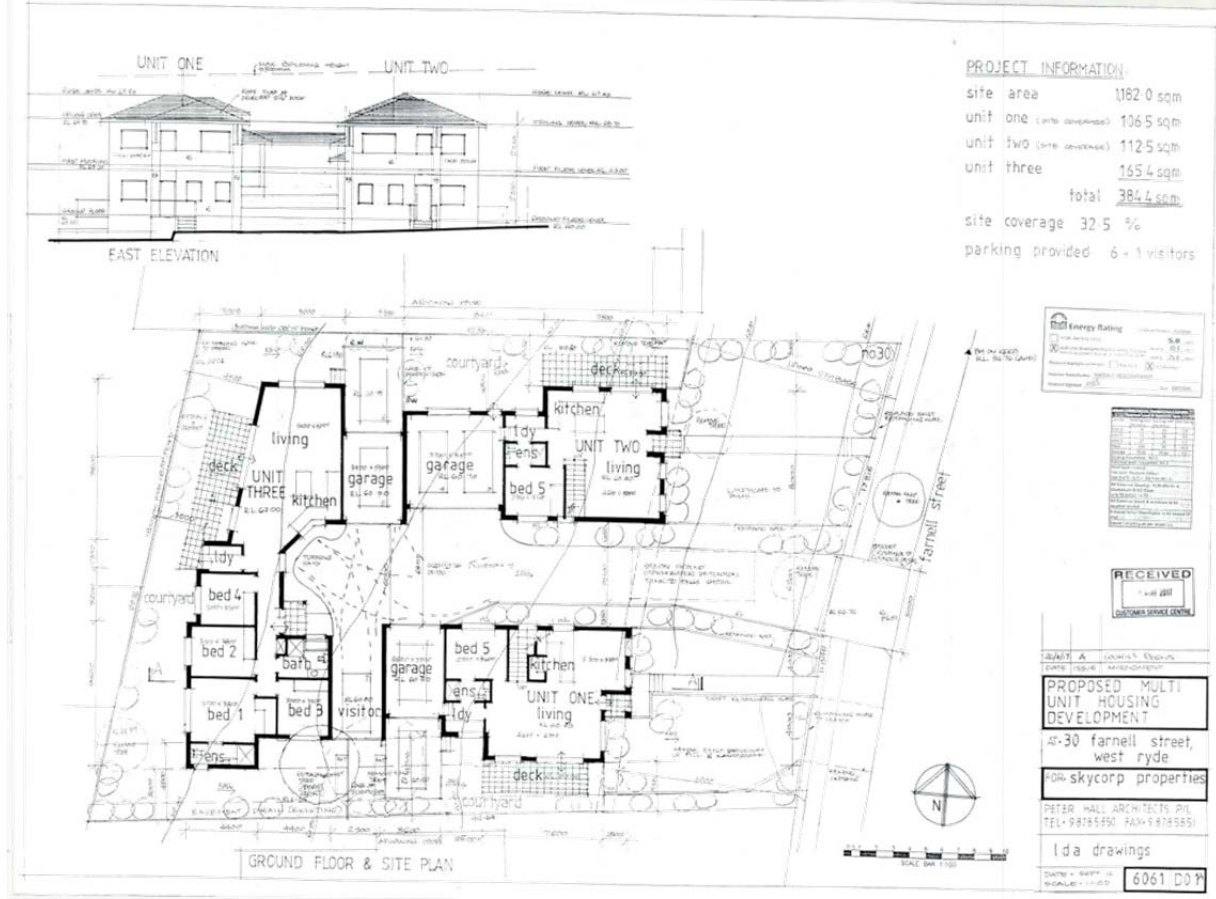
**ATTACHMENT 4**



**ITEM 4 (continued)**

**ATTACHMENT 5**

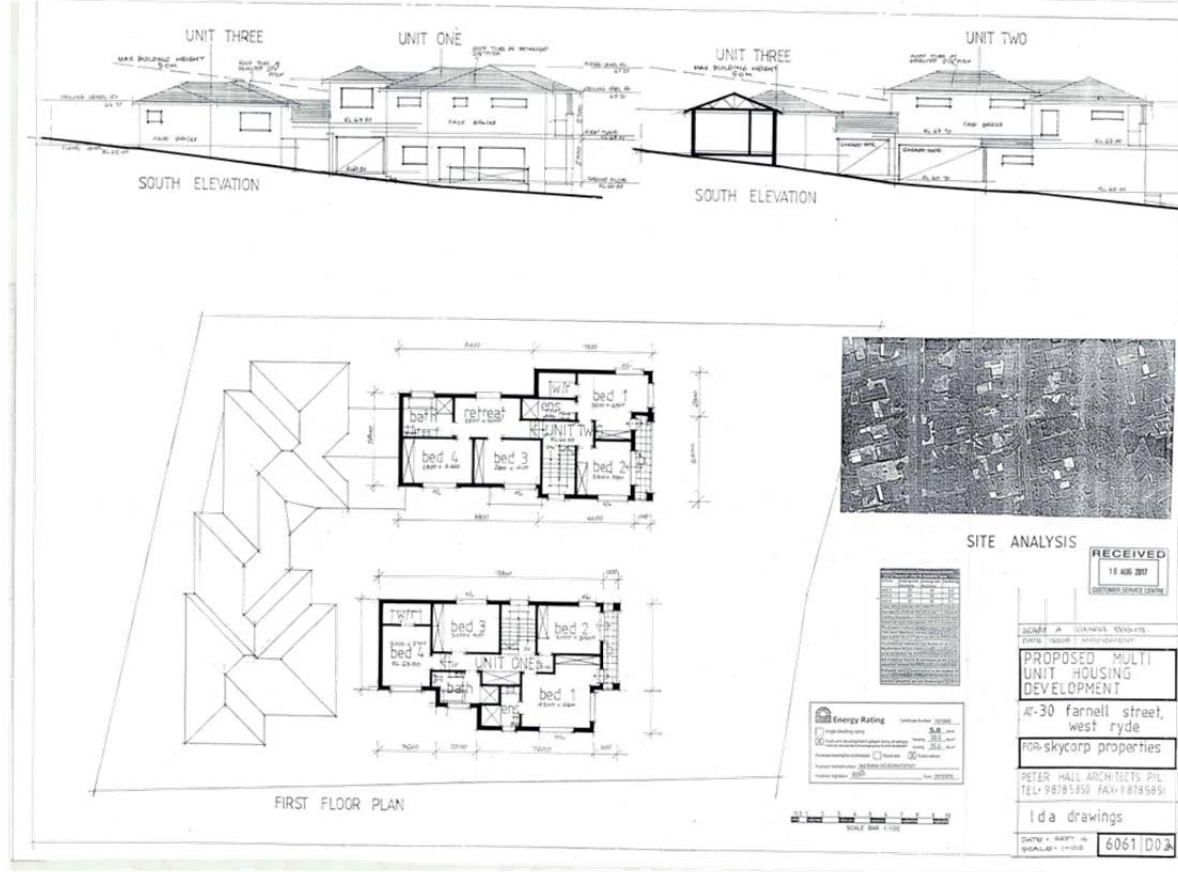
**ATTACHMENT 4 - 30 FARNELL ST, WEST RYDE – LDA2016/0618 A4 PLANS DATED 10 AUGUST 2017**



**ITEM 4 (continued)**

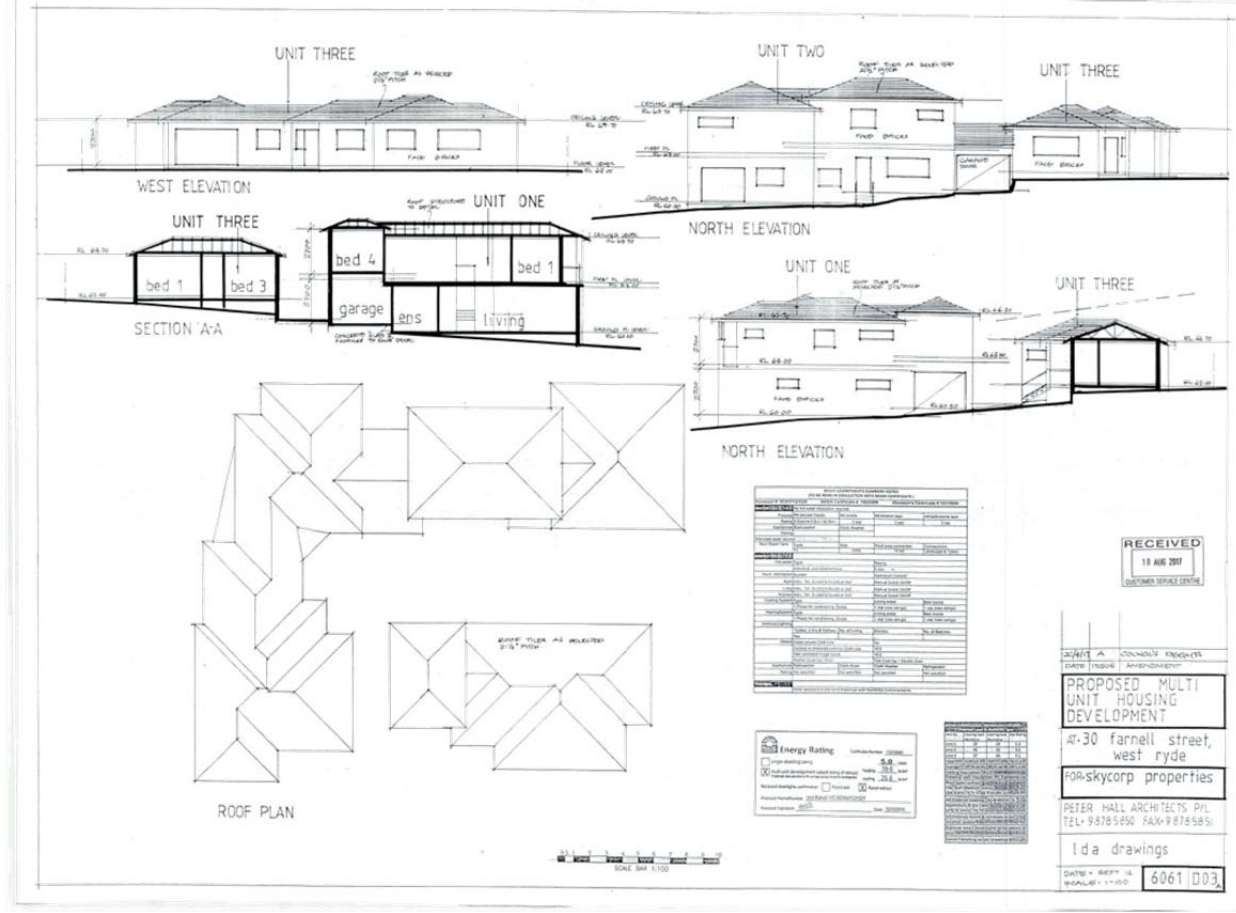
**ATTACHMENT 5**

**ATTACHMENT 4 - 30 FARNELL ST, WEST RYDE – LDA2016/0618 A4 PLANS DATED 10 AUGUST 2017**





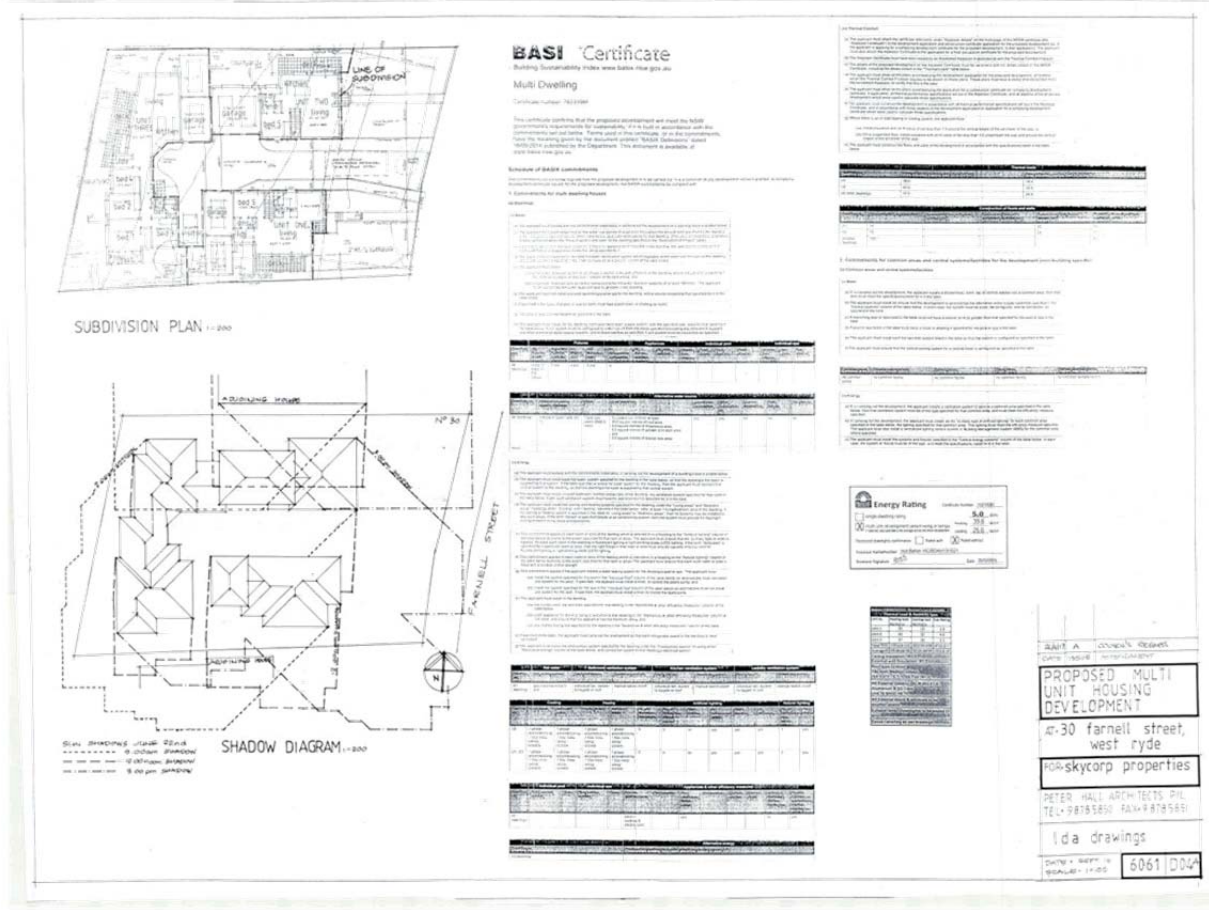
ATTACHMENT 4 - 30 FARNELL ST, WEST RYDE – LDA2016/0618 A4 PLANS DATED 10 AUGUST 2017



**ITEM 4 (continued)**

**ATTACHMENT 5**

**ATTACHMENT 4 - 30 FARNELL ST, WEST RYDE – LDA2016/0618 A4 PLANS DATED 10 AUGUST 2017**



**SUBDIVISION PLAN 1:1000**

**SHADOW DIAGRAM 1:1000**

**BASI Certificate**  
 Building Sustainability Index score below this line give you  
 Multi Dwelling  
 Certificate Number: 7433300

The certificate certifies that the proposed development will meet the BASI (Building Sustainability Index) requirements for a minimum BASI score of 60. The certificate is issued by the Department of Planning and Infrastructure (DPI) on behalf of the Government of New South Wales. The certificate is valid for the life of the development. The certificate is subject to the terms and conditions of the BASI (Building Sustainability Index) requirements.

**Summary of BASI contributions**

1. Exemptions for each building feature

2. Exemptions for common areas and central systems for the BASI (Building Sustainability Index) requirements

**Energy Rating**

Energy Rating: 5.0 stars  
 Energy Rating: 5.0 stars  
 Energy Rating: 5.0 stars

**PROPOSED MULTI UNIT HOUSING DEVELOPMENT**  
 30 farnell street, west ryde  
 FOR skycorp properties  
 PETER HALL ARCHITECTS P/L  
 TEL: 94785550 FAX: 94785551  
 lida drawings  
 Scale: 1:1000  
 3061 D04