

## Item 1

### 495 Blaxland Road, Denistone East

### Alterations and additions to a heritage listed dwelling, proposed additional lower ground floor, ground floor and first floor alterations

**Report prepared by:** Senior Town Planner

**Report approved by:** Senior Coordinator - Development Assessment  
Acting Manager - Development Assessment

## City of Ryde Local Planning Panel Report

<b>DA Number</b>	LDA2024/0145
<b>Site Address &amp; Ward</b>	495 Blaxland Road, Denistone East West Ward
<b>Zoning</b>	R2 Low Density Residential
<b>Proposal</b>	Alterations and additions to a heritage listed dwelling, proposed additional lower ground floor, ground floor and first floor alterations
<b>Property Owner</b>	Lionel Laming & Carolyn Laming
<b>Applicant</b>	Lionel Laming
<b>Report Author</b>	Tony Collier – Senior Town Planner
<b>Lodgement Date</b>	18 July 2024
<b>Notification - No. of Submissions</b>	22 July 2024 to 2 August 2024 No submissions received
<b>Cost of Works</b>	\$2,667,905.00 (excl GST)
<b>Reason for Referral to LPP</b>	<u>Sensitive Development</u> Development involving part demolition of a heritage item.
<b>Recommendation</b>	Approval

<b>Attachments</b>	<ol style="list-style-type: none"><li>1. Draft Conditions of Consent</li><li>2. Proposed plans</li><li>3. Clause 4.6 Request (Building Height)</li><li>4. Statement of Heritage Impact</li></ol>
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## 1. Executive Summary

This report is an assessment of a development application for alterations and additions to a heritage listed dwelling, proposed additional lower ground floor, ground floor and first floor alterations.

The proposal is considered to have been designed to respond sympathetically to the existing, and retained, Arts and Crafts style two-storey heritage listed dwelling.

The application is referred to the Ryde Local Planning Panel as it involves works which require partial demolition at the rear of the existing heritage building.

## Compliance

The development achieves compliance when assessed against the applicable planning instruments and controls with exception to the following matters which are supported:

### Ryde Local Environmental Plan 2014

- Clause 4.3 – Height of Buildings.

The variation to the Height of Buildings development standard equates to 3.7% (0.35m).

The request to vary the development standard pursuant to Clause 4.6 is considered to be well founded, in that the breach is essential to maintain the architectural integrity of the original ridgeline of the heritage item, it is minor, does not result in any notable additional impact, and that to maintain the development standard would be unreasonable or unnecessary in this particular instance. The Clause 4.6 request demonstrates sufficient environmental planning grounds to vary the standard. Refer to detailed assessment later in the report.

### Ryde Development Control Plan 2024

- Clause 2.6.2 – Topography and Excavation.
- Clause 2.8.1 – Building Height.

## Referral Responses

The application was referred to the following external and internal departments:

### External

- Ausgrid.



Internal

- Development Engineer.
- Landscape.

Each of the above departments are supportive of the proposal.

**Public Exhibition and Submissions**

The application was publicly exhibited between 22 July 2024 and 2 August 2024 in accordance with Council's Community Participation Plan.

As a result of the notification, no submissions were received.

**Recommendation**

After consideration of the development against Section 4.15 of the Environmental Planning and Assessment Act 1979 and the relevant statutory and policy provisions, the site is considered suitable for the development and the proposal is in the public interest.

This report subsequently recommends that the application be approved in accordance with the conditions provided in **Attachment 1**.

**2. The Site and Locality**



**Figure 1** – Aerial Image of the Site and Surrounds.

The site is located on the north-eastern side of Blaxland Road and Hopetoun Avenue.

The site has a frontage of 28.05m to Blaxland Road, a frontage of 55.17m to Hopetoun Avenue and a surveyed site area of 1,586.6m<sup>2</sup>.

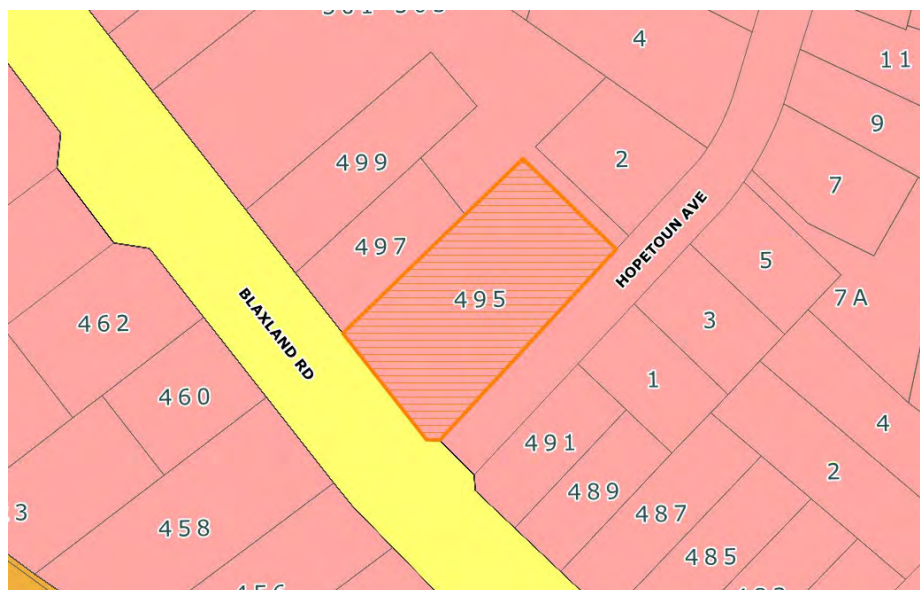
The site currently accommodates a two storey dwelling house with a single storey addition to the rear. Site features include a fountain and seating within the front setback adjacent to Blaxland Road. A small shed is located within the Hopetoun Avenue frontage.

The site is generally rectangular in shape and has a gradual fall of approximately 1.4m from the south-western corner to the north-eastern corner. Notwithstanding, the site is generally flat.

The site accommodates several trees which are not impacted by the proposed development. Trees on the adjoining properties are not impacted by the proposed development.

Surrounding improvements are predominately single and two storey dwelling houses and dual occupancies.

**Figure 2** below shows the site in the R2 Low Density Residential zone.

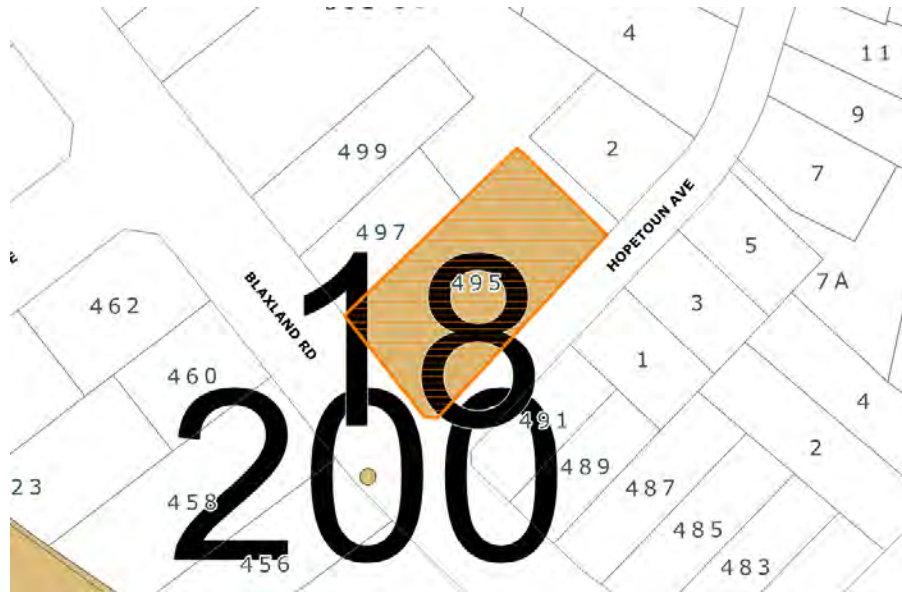


**Figure 2** - Zoning Map.

The dwelling occupying the site is listed under the Ryde Local Environmental Plan 2014 (RLEP) as a local heritage item #18 ('Highbury House').

**Figure 3** below shows the heritage designation of the site (note: local heritage item #200 is a stone marker and is not affected by this development).



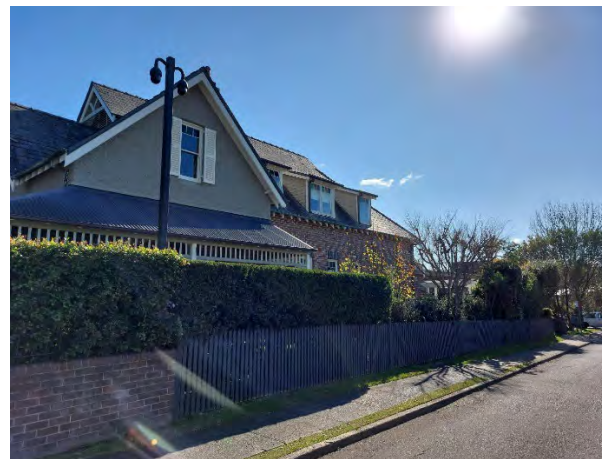


**Figure 3** – Heritage Items Map.

**Figures 4 to 13** below show the site on 6 August 2024.



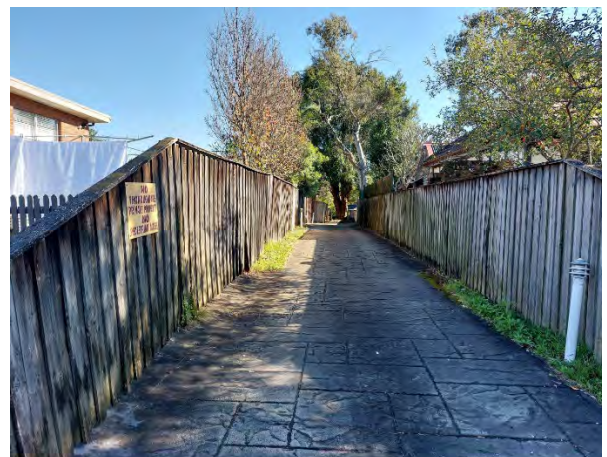
**Figure 4** – Front of the dwelling (facing Blaxland Road).



**Figure 5** – Side elevation (facing Hopetoun Avenue).



**Figure 6** – Side elevation (facing Hopetoun Avenue).



**Figure 7** – Rear boundary (adjacent to neighbouring driveway).





**Figure 8** – Rear of dwelling from Hopetoun Avenue).



**Figure 9** – Rear extension.



**Figure 10** – Rear extension.



**Figure 11** – Side elevation adjacent to 497 Blaxland (looking to the front).



**Figure 12** – Side elevation adjacent to 497 Blaxland (looking to the rear).



**Figure 13** – Side elevation adjacent to 497 Blaxland (looking to the front).

### 3. The Proposal



The applicant seeks consent for alterations and additions to the existing dwelling and grounds.

The submitted Statement of Heritage Impact describes the proposed works as follows:

#### Demolition

- Removal of non-original single storey addition to the north-east rear elevation.
- Removal of a non-original verandah at the north-west side elevation.
- Minor external activities including the removal of a kitchen window at the south-east elevation and a dormer window at the north-east elevation.
- Removal of a part of the hipped roof at the north-east rear elevation.
- Minor alterations to the interiors including the removal of kitchen fittings, removal of later addition partition walls, and the creation of new openings to existing wells.

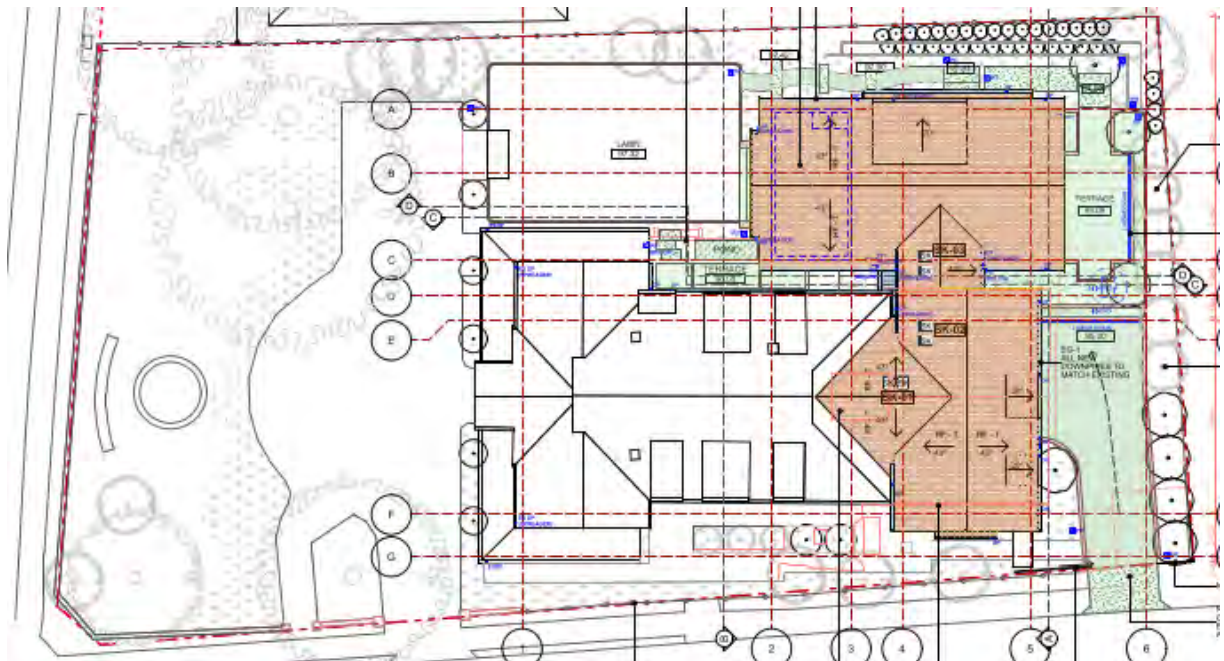
#### Additions

- Introduction of a new basement (at) semi-basement level to accommodate car parking and a gymnasium.
- Introduction of a new major addition to the east and north-east portion of the building.
- Minor internal additions including new partitions and fittings.

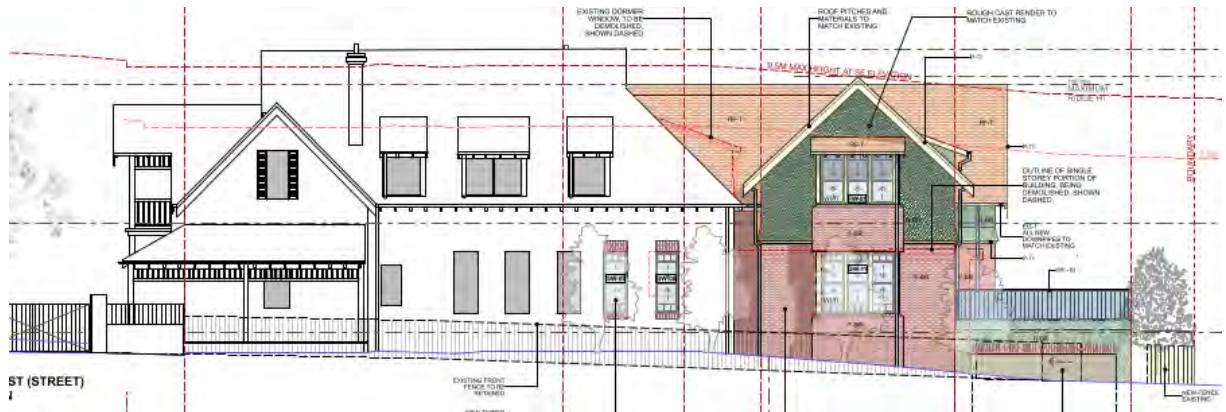
#### Landscaping

- Introduction of a new driveway ramp from Hopetoun Avenue.
- Introduction of new landscaped areas including a new lawn, terrace spaces and decorative pool.

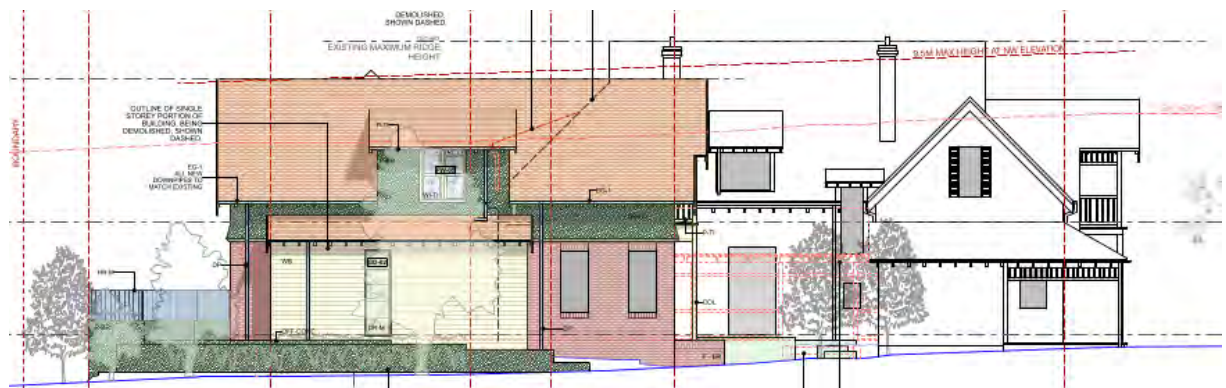
**Figures 14 to 18** below show the proposed development.



**Figure 14** – Proposed site layout.



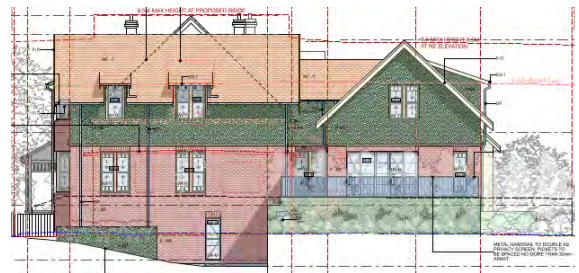
**Figure 15** – Secondary front elevation (Hopetoun Avenue).



**Figure 16** – Side elevation (facing 497 Blaxland Road).



**Figure 17** – Front elevation (Blaxland Road).



**Figure 18** – Side elevation (facing 2 Hopetoun Avenue)

## 4. Background

### History of the site

According to the Statement of Heritage Impact submitted with the application, the two-storey Federation period Arts and Crafts style dwelling was constructed in the early 1915 following the Blaxland Estate subdivision circa 1902.

The rear single-storey flat-roofed addition (which is proposed to be demolished) is post-war and, as noted in the Statement, is not considered to be meaningful or significant in a heritage context.

### State Heritage Inventory

Although not a State listed item, the dwelling is listed under the Ryde Local Environmental Plan 2014 (Schedule 3) as local heritage item 18 'Highbury House'.

The Statement of Significance below is extracted from the State Heritage Inventory which includes local heritage items.

The Statement of Significance describes the item as:

*The circa 1915 dwelling Hopetoun House has historical significance as one of the first houses built on the Blaxland Estate subdivision at the beginning of the twentieth century, for a retired grazier. The house is illustrative of the beginning of changing land tenure in Denistone from rural to suburban and is important for gifting its name to one of the adjacent streets (Hopetoun Avenue). Hopetoun House has historical association with George Henderson Snr., retired grazier, for whom the house was built and the Henderson family, an important local family of the Denistone area, who continued to own the property from circa 1915 till the late 1920s. Hopetoun House has aesthetic significance as a fine, representative example of a Federation Arts & Crafts style dwelling, an architectural style which is rare in the Ryde area.*

In terms of physical description, the Inventory states:

*A large two storey Federation Arts & Crafts style house, situated on a corner allotment on the corner of Hopetoun Avenue at the crest of a hill on Blaxland Road. The house is set well back from Blaxland Road, and the front garden features several mature trees with a low face brick fence with clipped hedge above. The brick and roughcast stuccoed house has an unusual symmetrical form, comprising a gabled wing with a wraparound verandah at the lower end and double height central gable over the entry. A wing with a hipped roof, abuts at the rear. The roof is clad in slate and features exposed eaves, eyelid dormers (to the rear wing), and rendered brick chimneys. Walls are face brickwork at the lower level and roughcast stuccoed above. The verandah is roofed in corrugated sheet metal and partially infilled with weatherboard. The imposing entry is marked by a projecting balcony at first floor level. The panelled entry door has stained glass side and highlights and is flanked by a pair of double hung sash windows. The name 'Hopetoun House' appears in leadlight above the entry in a panel clad in diagonal timber boarding. Verandah detail includes turned timber posts simple square balusters and fringe detail with fretwork brackets. The house, of double brick construction, consists of 8 bedrooms, 6 bathrooms, 2 dressing rooms, guest powder room, formal living, formal dining, kitchen, laundry, office, sunroom and family room. Original internal features include the staircase, beautiful pressed metal ceilings, old iron ceilings in the kitchen, office and one bedroom. Also retained are the deep skirting boards, wood floors throughout, 3 working fireplaces, one with original marble surround and tiles and two with original wood surrounds, and many multipaned sash windows.*

The single storey extension at the rear (to be demolished) is not referred to in the above description but is merely referred to as a 'rear brick addition' under Modifications in the Statement.

The building has been used as a dwelling, nursing home, bed & breakfast establishment during its history.

### **Application History**

Date	Event
18 July 2024	Application lodged.
22 July 2024 to 7 August 2024	Application notified (no submissions received).
6 August 2024	Site inspection conducted.
7 August 2024	Ausgrid referral response received (supported).
23 July 2024	Landscape referral response received (supported).
24 September 2024	Development Engineer referral response received (supported).

## **5. Planning Assessment**

The following planning policies and controls are of relevance to the development:

- State Environmental Planning Policy (Biodiversity and Conservation) 2021.
- State Environmental Planning Policy (Resilience and Hazards) 2021.
- State Environmental Planning Policy (Sustainable Buildings) 2022.
- State Environmental Planning Policy (Transport and Infrastructure) 2021.
- Ryde Local Environmental Plan 2014; and
- Ryde Development Control Plan 2014:
  - Part 7.2 Waste Minimisation and Management; and
  - Part 9.3 Car Parking.

### **5.1 Environmental Planning and Assessment Act**

All relevant matters for consideration under Section 4.15 have been addressed in the assessment of this application.

### **5.2 State Environmental Planning Instruments**

#### **State Environmental Planning Policy (Sustainable Buildings) 2022**

The SEPP aims to encourage the design and delivery of sustainable buildings. Chapter 2 of the SEPP relates to residential development. Pursuant to Clause 27 of the Environmental Planning and Assessment Regulations 2021, the proposed development is a 'BASIX Development'.

The applicant has submitted a BASIX certificate No. A1744226 dated 18 April 2024 which is considered to meet the requirements of the SEPP.

#### **State Environmental Planning Policy (Resilience and Hazards) 2021**

### **Chapter 4 – Remediation of Land**



The object of this Chapter is to provide for a Statewide planning approach to the remediation of contaminated land. Pursuant to Clause 4.6(1) considerations, the subject site has been historically used for residential purposes. As such, it is unlikely to contain any contamination and further investigation is not warranted in this case. Precautionary condition towards identification of any unexpected contamination is recommended to be imposed on any consent granted.

Standard conditions are imposed relating to the disposal of asbestos if found in the demolition of the existing dwelling and any associated structures.

## **State Environmental Planning Policy (Biodiversity and Conservation) 2021**

### **Chapter 2 – Vegetation in Non-rural Areas**

The objective of the SEPP is to protect the biodiversity values of trees and other vegetation and to preserve the amenity of the area through the preservation of trees and other vegetation.

The proposal does not include removal of any trees or vegetation.

## **State Environmental Planning Policy (Transport and Infrastructure) 2021**

### **Chapter 2 Infrastructure – Subdivision 2**

#### **Clause 2.48 - Determination of Development Applications - Other Development**

This clause applies to development comprising or involving any of the following:

- a) *the penetration of ground within 2m of an underground electricity power line or an electricity distribution pole or within 10m of any part of an electricity tower,*
- b) *development carried out:*
  - i. *within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists), or*
  - ii. *immediately adjacent to an electricity substation, or*
  - iii. *within 5m of an exposed overhead electricity power line.*

The front corner of the site is located adjacent to an electricity power line. No development is proposed in proximity to this power line.

The survey diagram submitted with the application does not indicate the presence of an easement for electricity purposes within or immediately adjacent to the development.

The application was therefore required to be referred to Ausgrid for consideration under clause 2.48(1)(b)(iii) of this SEPP.

Ausgrid have not raised any objection to the development subject to standard conditions.

## **Clause 2.119 – Development with a Frontage to a Classified Road**

### Section 2.119(2)

Section 2.119(2)(c) requires that:

*“The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that:*

*the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.”*

The alterations and additions to the existing dwelling occur at the rear of the property (and the existing dwelling). No change is proposed to the existing dwelling which faces Blaxland Road.

In this regard, Council is satisfied that the development is of a type that is not sensitive to traffic noise or vehicle emissions than that which already exists.

## **Clause 2.120 – Impact of Road Noise or Vibration on Non-Road Development**

The alterations and additions to the existing dwelling occur at the rear of the property (and the existing dwelling).

No change is proposed to the existing dwelling which faces Blaxland Road.

In this regard, Council is satisfied that the development will not be impacted by road noise or vibration beyond that already experienced.

## **Clause 2.122 – Traffic Generating Development**

This clause applies to the enlargement of an existing premises of the relevant size or capacity which means *“in relation to development on a site that has direct vehicular or pedestrian access to any road-the size or capacity specified opposite that development in Column 2 of the Table to Schedule 3.”*

Schedule 3 of the SEPP requires that following applicable development is referred to Transport for NSW (TfNSW) as Traffic Generating Development:

Column 1	Column 2	Column 3
<b>Purpose of Development</b>	<b>Size or Capacity</b> Site with access to any road	<b>Size or Capacity</b> Site with access to classified road or to a road that connects to classified road if access is within 90m of connection, measured

Column 1	Column 2	Column 3
		along alignment of connecting road
Any other purpose	200 or more motor vehicles per hour	50 or more motor vehicles per hour

The application is for alterations and additions to an existing dwelling which does not generate a size of capacity contained in Columns 2 or 3.

The application was therefore not required to be referred to TfNSW.

### 5.3 Ryde Local Environmental Plan 2014

Under the provisions of RLEP the subject site is zoned R2 Low Density Residential and the proposed alterations and additions to a dwelling house is permissible with Council's consent.

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 proposal continues to provide for a variety of housing types and provides for the housing needs of the community within a low-density residential environment.

The second objective is not of relevance to the proposed development. The proposal satisfies the relevant objectives for residential developments.

Relevant clauses of RLEP are discussed below:

Clause	Proposed	Compliance
<b>4.3 - Height of Buildings</b>		
9.5m	8.6m to 9.85m	No
<b>4.4 - Floor Space Ratio (FSR)</b>		
0.5:1 (793.3m <sup>2</sup> )	0.45:1 (713.23m <sup>2</sup> )	Yes
<b>4.6 Exceptions to Development Standards</b>		
See commentary following this table	Clause 4.3 – Height of Buildings (3.7%)	Yes

### Clause 4.6 – Exceptions to Development Standards

Clause 4.3 relates to maximum height for buildings and prescribes a maximum height of 9.5m on a lot in the R2 Low Density Residential zone.

The proposal seeks a building height of 9.85m that exceeds the maximum height standard by 0.35m (3.7%).

**Figure 19** below shows the areas of non-compliance (note the non-compliant elements the subject of this application are within the extension only and not part of the retained existing roof ridge).



**Figure 19** – Elements of building height non-compliance.

Clause 4.6 of the RLEP 2014 provides flexibility in the application of planning controls by allowing Council to approve a development application that does not comply with a development standard. The proposed development contravenes Clause 4.3(2) of the RLEP 2014. Clause 4.6(3) prescribes the following prerequisite to support a variation request:

- (3) *Development consent must not be granted to development that contravenes a development standard unless the consent authority is satisfied the applicant has demonstrated that*
  - (a) *compliance with the development standard is unreasonable or unnecessary in the circumstances, and*
  - (b) *there are sufficient environmental planning grounds to justify the contravention of the development standard.*

The applicant submitted a Clause 4.6 variation request prepared by Vaughan Milligan Development Consulting Pty Ltd. In response to the standard being 'unreasonable and unnecessary' applicant's main argument are as follows:

**Unreasonable or Unnecessary**

- (a) *This request relies upon the 1st way identified by Preston CJ in Wehbe.*
- (b) *The first way in Wehbe is to establish that the objectives of the standard are achieved.*
- (c) *Each objective of the maximum building height standard and reasoning why compliance is unreasonable or unnecessary is set out below:*

- (a) ***to ensure that street frontages of development are in proportion with and in keeping with the character of nearby development.***

*The proposal will not see any significant change to the primary elements of the building facing Blaxland Road and Hopetoun Avenue.*

*The proposed new rear additions are subservient in height and scale to the existing heritage building and by adopting key building features such as setbacks, materials and roof ridge and gable end roof pitch, the proposed additions will complement the existing building and its contribution to the immediate area.*

*This objective is achieved.*

- (b) ***to minimise overshadowing and to ensure that development is generally compatible with or improves the appearance of the area.***

*The proposed new works to the existing dwelling will not result in any unreasonable impacts on adjoining properties in terms of views, privacy or overshadowing.*

*Consistent with the decision of Roseth SC in Project Ventures Developments v Pittwater Council [2005] NSWLEC 191, it is my opinion that “most observers would not find the proposed building offensive, jarring or unsympathetic”.*

*Further, the modulation of the front façade and building elevations where visible from the public domain minimises the visual impact of the development.*

*The proposal presents a compatible height and scale to the existing development within the site and the articulation to the building facades and the compatible building form to complement the existing heritage item will suitably distribute the bulk of the new floor area.*

*The shadow analysis prepared by James Design Studio Pty Ltd comprises plan views of the proposed shadow impacts at hourly intervals between 9am & 3pm.*

*The assessment confirms that the primary living areas of the adjoining properties will maintain suitable solar access throughout the day and in accordance with Council’s DCP requirements.*

- (c) ***to encourage a consolidation pattern and sustainable integrated land use and transport development around key public transport infrastructure.***

*The proposal involves additions and alterations to an existing single dwelling. The works will not require any consolidation of the lot and whilst the building is on Blaxland Road, which is a busy traffic thoroughfare in the locality, the works will not have any impact on the public infrastructure.*

*This objective is achieved.*

**(d) to minimise the impact of development on the amenity of surrounding properties.**

*As discussed, the proposed additions & alterations maintain generous setbacks to the neighbouring properties, and the shadow analysis prepared to support the application confirms that the neighbouring property will maintain their existing amenity.*

*The proposal will maintain the existing local views and outlook for neighbouring properties and views to the public areas for the adjoining neighbours are not adversely affected.*

*The proposal will not require the removal of any significant vegetation, with only exempt species to be removed, and will see the retention of the extensive landscaped area surrounding the dwelling.*

*This objective is achieved.*

**(e) to emphasise road frontages along road corridors.**

*The works to the dwelling will respect the height, scale and form of the existing heritage building, topography and surrounding residential development.*

*The proposal will not adversely affect the appearance of the site from the road frontages or the Blaxland Road Corridor.*

*This objective is achieved.*

Officer's comments

The above arguments are considered well founded and strict application of the development standard is considered unreasonable and unnecessary in this instance.

**Sufficient Environmental Planning Grounds**

The applicant's 4.6 statement offers following environmental planning grounds in support of proposed variation:

*There are sufficient environmental planning grounds to justify contravening the development standard.*

*The requirements of clause 2.2.2 of Ryde DCP 2014 suggest that "Alterations and additions should be integrated with the existing building so that the finish building appears to be as a consistent whole when viewed from the public domain".*

*In this instance, the minor breach of the height of building standard is a direct result of the necessity for the new works to integrate cohesively and smoothly with the existing heritage building to maintain its significance and contribution to the immediate area and to the heritage shock within the wider Council area.*

*Consistent with this objective, the particular element of the development which breaches the height development standard, is driven by the form and architectural features of the existing dwelling and in order to maintain compatibility, the proposed roof pitch has been selected to respect the existing dwelling, resulting in a minor breach of the overall height control. The significant majority of the new work observes the height standard.*

*The proposed development achieves the objects in Section 1.3 of the EPA Act, specifically:*

*The proposed additions and alterations to the existing dwelling will maintain the general bulk and scale of the existing surrounding newer dwellings and maintains architectural consistency with the prevailing development pattern which promotes the orderly & economic use of the land (cl 1.3(c)).*

*Similarly, the proposed development will provide for improved amenity through the inclusion of more functional floor space within a built form which is compatible with development in the surrounding area, which promotes the orderly and economic use of the land (cl 1.3(c)).*

*The design of the proposed works incurred including the architectural style massing and relationship with the existing heritage item or have been resolved through consultation with the Heritage Consultant. The proposed design is intended to promote the sustainable management of the built-in cultural Heritage, which is consistent with Objective 1.3(f).*

*The proposed new development is considered to promote good design and enhance the residential amenity of the building's occupants and the immediate area, which is consistent with the Objective 1.3 (g).*

*The proposed development improves the amenity of the occupants of the subject site and respects surrounding properties by locating the development where it will not unreasonably obstruct views across the site and will maintain the views from the site (1.3(g)).*

*The above environmental planning grounds are not general propositions. They are unique circumstances to the proposed development.*

*These are not simply benefits of the development as a whole but are benefits emanating from the breach of the maximum building height control.*

*It is noted that in Initial Action, the Court clarified what items a Clause 4.6 does and does not need to satisfy. Importantly, there does not need to be a "better" planning outcome:*

87. *The second matter was in cl 4.6(3)(b). I find that the Commissioner applied the wrong test in considering this matter by requiring that the development, which contravened the height development standard, result in a "better environmental planning outcome for the site" relative to a development that complies with the height development standard (in [141] and [142] of the judgment). Clause 4.6 does not directly or indirectly establish this test. The requirement in cl 4.6(3)(b) is that there are sufficient environmental planning grounds to justify contravening the development standard, not that the development that contravenes the development standard have a better environmental planning outcome than a development that complies with the development standard.*

*As outlined above, it is considered that in many respects, the proposal will provide for a better planning outcome than a strictly compliant development. At the very least, there are sufficient environmental planning grounds to justify contravening the development standard.*

#### Officer's comments

Clause 4.6(3)(b) of the Ryde LEP 2014 requires contravention to a development standard to be justified by demonstrating that there are sufficient environmental planning grounds to justify the contravention.

*The focus is on that aspect of the development that contravenes the development standard, not the development as a whole. Therefore, the environmental planning grounds advanced in the written request must justify the contravention of the development standard and not simply promote the benefits of carrying out the development as a whole (Initial Action at [24]).*

*In Four2Five, the Court found that the environmental planning grounds advanced by the applicant in a Clause 4.6 variation request must be particular to the circumstances of the proposed development on that site at [60].*

The applicant has demonstrated that there are sufficient environmental planning grounds to justify contravention of the height of buildings development standard in this specific instance and the development is consistent with the Objects of the EP&A Act.

#### **Additional RLEP Clauses**

Clause	Proposed	Compliance
<b>5.10 - Heritage Conservation</b>		
The objectives of this clause are: a) to conserve the environmental heritage of Ryde, b) to conserve the heritage significance of heritage items and heritage conservation	The existing two-storey Federation period Arts and Crafts style dwelling was constructed in the early 1900s following the Blaxland Estate subdivision circa 1902.	Yes



Clause	Proposed	Compliance
<p>areas, including associated fabric, settings and views,</p> <p>c) to conserve archaeological sites,</p> <p>d) to conserve Aboriginal objects and Aboriginal places of heritage significance.</p>	<p>The rear single-storey flat-roofed addition (which is proposed to be demolished) is post-war and, as noted in the Statement, is not considered to be meaningful or significant in a heritage context.</p> <p>The existing two-storey Federation period Arts and Crafts style dwelling will be retained in-situ.</p> <p>The development satisfies the objectives of Clause 5.10 in that it:</p> <ul style="list-style-type: none"> <li>• Has adequately considered, and responds to, the environmental heritage of Ryde.</li> <li>• Conserves the heritage significance of the heritage item.</li> <li>• Does not impact on any archaeological site.</li> <li>• Does not impact upon any known or recorded Aboriginal objects and/or Aboriginal places of heritage significance.</li> </ul>	
<b>6.1 - Acid Sulfate Soils</b>		
The objective of this clause is to ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage.	The site is not mapped as being subject to acid sulfate soils.	Yes
<b>6.2 - Earthworks</b>		
The objective of this clause is to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.	The proposed excavation is not considered to result in any adverse detrimental impacts upon environmental functions and processes or neighbouring uses, nor upon the heritage significance of the existing dwelling.	Yes

Clause	Proposed	Compliance
	The development involves acceptable levels of cut and fill which do not adversely impact the amenity of adjoining properties and is considered to be consistent with the provisions of Clause 6.2(3).	
<b>6.4 - Stormwater management</b>		
The objective of this clause is to minimise the impacts of urban stormwater on land to which this clause applies and on adjoining properties, native bushland and receiving waters.	<p>The proposal is consistent with the provisions of Clause 6.4(3) in that the proposal has been designed to maximise the use of permeable surfaces allowing for water filtration and avoids adverse impacts of stormwater runoff on adjoining properties and receiving waters.</p> <p>The proposal has been considered acceptable by Council's Development Engineer.</p>	Yes

#### 5.4 Draft Environmental Planning Instruments

Nil.

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

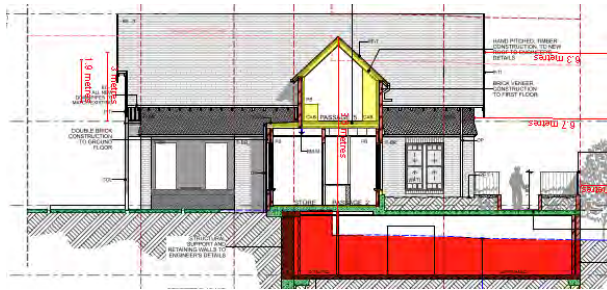
The development is subject to the provisions of Part 3.3 – Dwelling Houses and Dual Occupancy under the RDCP.

The provisions of RDCP have been considered in this assessment and it is concluded that the proposed development is consistent with the aims and objectives of RDCP. Where strict compliance has not been achieved, flexibility in accordance with Section 4.15 (3A)(b) of the Act has been sought to allow a reasonable alternative solution that achieves the objects of the standard. These matters are discussed below:

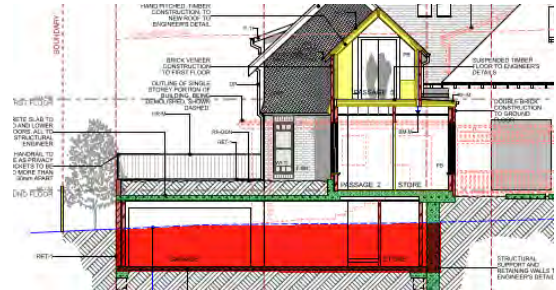
##### Clause 2.6.2 – Topography and Excavation

Clause 2.6.2(b) permits excavation to a depth of 1.2m within the building footprint. The development proposes an excavation depth of between 1.7m and 3.0m to accommodate the basement car park.

**Figures 20 and 21** below show the area of excavation (shaded in red).



**Figure 20 – Excavation (Rear Section)**



**Figure 21 – Excavation (Side Section)**

The non-compliance is assessed against the objectives of the clause as follows:

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

The excavation occurs at the rear of the site and, as a result of the proposed depth being minimised, the terrace above the semi-basement car park is stepped above natural ground level (see discussion below regarding privacy).

The remainder of the site, however, is retained at the existing ground level.

- **To create consistency along streetscapes.**

The proposed excavation occurs at the rear of the site and is adjacent to Hopetoun Avenue.

The excavation includes a driveway ramp which is in the same location as the current driveway. The ramp and excavated semi-basement car park will not have any adverse impact upon the architectural and landscaped consistency of the streetscape.

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

Car parking on the site is currently limited to the front driveway (adjacent to Blaxland Road and accessed off Hopetoun Avenue) and to the rear which is currently lawn.

Because of the heritage classification of the existing building, the scope and scale of development is limited to the alterations and additions at the rear. To achieve a satisfactory design outcome, and without impacting upon the residential character of the heritage item by introducing a blank garage door, the excavated garage is considered to be an appropriate design outcome which respects and maintains the residential integrity of the heritage item.

Although the excavation exceeds the permitted depth, the excess of between 0.5m to 1.8m (above that permitted) is not visible, does not result in any adverse impact to neighbouring land or the streetscape, and retains the heritage integrity of the existing dwelling.

In this respect, it is considered that the extent of excavation is acceptable in this instance.

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

As seen in **Figure 7**, the rear of the site (and the area of the proposed excavation) is adjacent to an existing 3.8m wide secondary driveway which services 501 – 503 Blaxland Avenue (a multi-dwelling development).

The proposed terrace above the excavated semi-basement is sited between 5.6m and 5.8m from the opposing side of the above-mentioned secondary driveway (i.e. the south-western side boundary of 2 Hopetoun Avenue) and between 7.5m and 7.7m from the south-western side elevation of the neighbouring dwelling at 2 Hopetoun Avenue.

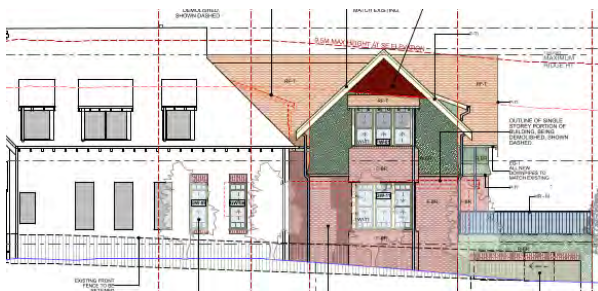
Noting that the terrace is sited opposite the rear yard of 2 Hopetoun Avenue, the outer edge of the proposed terrace includes landscaped plantings and that the row of plantings (9 x '*Seiryu Japanese Maple*' in conjunction with the retained existing hedge) are proposed along the side boundary to provide screening, it is considered that the proposed excavation and terrace do not result in an unreasonable loss of privacy or security for neighbours.

Given the above considerations, the non-compliance is supported.

### **Clause 2.8.1 – Building Height**

Clause 2.8.1(a) permits wall height of 7.5m. The development includes a maximum wall height of between 4.5m and 9.2m.

The non-compliant elements are located beneath the apex of the roof pitch as shown in **Figures 22 and 23** below (shaded in red).



**Figure 22** – Hopetoun Avenue elevation



**Figure 23** – North-western side elevation.

The non-compliance is assessed against the objectives of the clause as follows:

- **To ensure that the height of development is consistent with the desired future character of the low-density residential areas and is compatible with the streetscape.**

The proposed height is considered to be compatible with the desired future character of the low-density residential area and is compatible with the streetscape because it is entirely consistent with the wall heights of the existing dwelling.

- **To ensure that the height of dwellings does not exceed 2 storeys.**

The development provides a maximum of two storeys.

Given the above considerations, the non-compliance is supported.

### **Other Matter of Consideration (Neighbour Amenities)**

#### **Clause 2.14.1 – Daylight and Sunlight Access**

Clause 2.14.1(e) requires:

*For neighbouring properties ensure:*

- i. 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 9 am and 3 pm on June 21; and*
- ii. windows to north-facing living areas of neighbouring dwellings receive at least 3 hours of sunlight between 9 am and 3 pm 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 site is located at the south-western corner of the block and is separated from the neighbouring properties to the south by a 7.7m wide roadway (Hopetoun Avenue). It is noted that the properties along the southern (opposite) side of Hopetoun Avenue all present front yards to the street and that all private open space area are located at the rear of each dwelling.

The development occurs at the rear of the existing dwelling and does not introduce a significant degree of overshadowing over the roadway beyond that which is already exhibited by the existing dwelling between 1.00pm and 3.00pm on 21 June.

The shadows cast by the addition will be cast over the front yards of 1 and 3 Hopetoun Avenue however, as noted earlier, the principle private open space areas of these dwellings are located at the rear and are therefore not impacted.

#### **Clause 2.14.2 – Visual Privacy**

Clause 2.14.2 requires that development minimises overlooking of neighbouring dwellings.

The development includes an elevated terrace at the ground floor level (above the semi-basement car park) and upper floor windows at the second storey.

A review of the floor plans reveals that, of the upper floor windows, one window (situated at the rear elevation) could create an overlooking opportunity as this window services a sitting room and faces towards the rear yard of 2 Hopetoun Avenue.

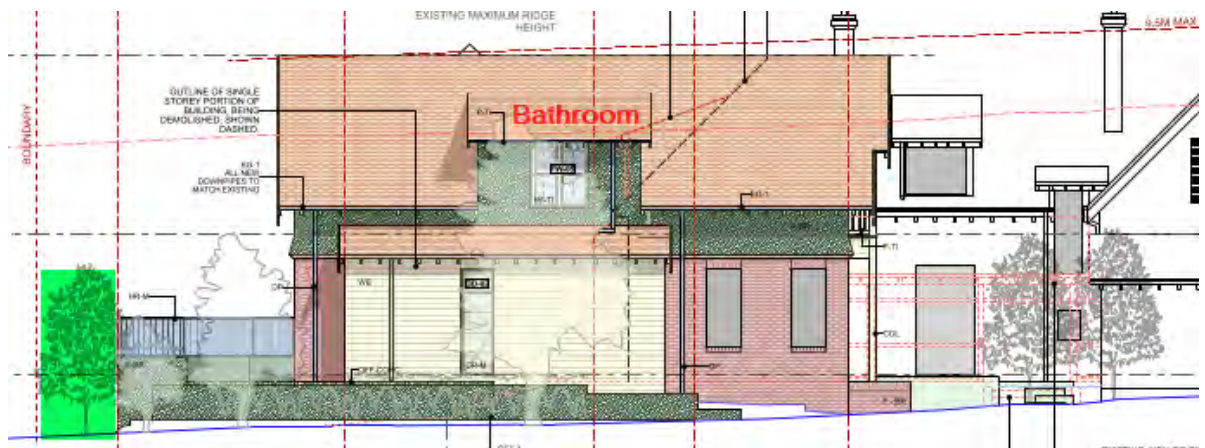
**Figure 24** shows this sitting room window. It is recommended that this window be treated to include frosted glass at a height of 1.5m above the finished floor level of that



**Figure 24** also shows the proposed screen planting between the terrace and the boundary (shaded in green) which includes plantings at a mature height of 4.0m. This is effective in mitigating overlooking into the rear yard of 2 Hopetoun Avenue from the terrace.

[illegible]

**Figure 24 – Rear elevation.**



**Figure 25 – Side elevation.**

## 5.6 Planning Agreements OR Draft Planning Agreements

There are no planning agreements or draft planning agreements for this site or development.

## 5.7 City of Ryde Section 7.11 - Development Contributions Plan 2020

Contributions under Council's adopted 7.11 Contribution Plan do not apply to this development.

## **5.8 Any matters prescribed by the regulation**

### **Australian Standard for Demolition - Clause 61(1)**

Australian Standard for Demolition - Clause 61(1) Clause 61(1) of the Environmental Planning and Assessment Regulations 2021 requires the consent authority to consider the provisions of Australian Standard AS 2601-2001: The demolition of structures. Standard conditions relating to compliance with applicable Australian Standards are included in the draft consent.

### **Building Code of Australia (BCA) Upgrade – Clause 64**

In accordance with Clause 64 of the Regulations 2021, the proposal will be required to provide adequate fire safety in accordance with the BCA. Standard conditions relating to compliance with BCA are included in the draft consent..

## **6. The likely impacts of the development**

The assessment demonstrates that the proposal will not have any significant adverse impacts upon any adjoining properties or the environment in general due to the nature of the development.

All relevant issues regarding environmental impacts of the development are discussed elsewhere in this report (see the Referrals, RDCP and Submission sections).

The development is considered satisfactory in terms of environmental impacts.

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

The site is zoned R2 Low Density Residential. The proposal is alterations and additions to an existing heritage listed building.

The assessment has demonstrated that the proposal is consistent with the statutory requirements and policy controls.

The assessment demonstrates the proposal will not result in any significant adverse impacts upon adjoining properties or the streetscape and that any conditions imposed on the development in order to achieve compliance are not onerous nor unachievable without requiring a redesign of the development.

Therefore, the proposal is an appropriate development and this has been demonstrated in this report. The site is suitable for the development.

## **8. The Public Interest**

The public interest is best served by the consistent application of the requirements of relevant Environmental Planning Instruments by Council ensuring that any adverse impacts on the surrounding area and the environment is minimised.

The proposal has been assessed against the relevant planning instruments and the overall development is acceptable as it delivers a suitable built form outcome, despite minor RDCP variations, as discussed above.

On this basis, the proposal is not considered to raise any issues that would be contrary to the public interest.

## 9. Public Notification and Submissions

In accordance with Council's Community Participation Plan, owners of surrounding properties were given notice of the application between 22 July 2024 to 2 August 2024.

In response, no submissions were received.

## 10. Referrals

Referral Body	Comments
Ausgrid	No objections subject to standard conditions.
Development Engineer	No objections subject to conditions
Landscape Architect	No objections subject to conditions

## 11. Conclusion

After consideration of the development against section 4.15 of the Act and the relevant statutory and policy provisions, it is recommended that the application be approved for the following reasons:

- The proposal is consistent with the objectives of the R2 Low Density Residential zone.
- The proposal is consistent with the statutory provisions set out in the Environmental Planning and Assessment Act 1979.
- The variation to the Height of Buildings development standard is considered to be well founded, in that the breach is minor and that to maintain the development standard would be unreasonable or unnecessary in this particular instance.
- The proposal is considered to be low impact to adjoining properties and surrounding environment.
- The continued residential use of the site is suitable and the proposal is not contrary to the public interest.

## 12. Recommendation

That the Ryde Local Planning Panel grant consent to development application LDA2024/0145 for alterations and additions to an existing dwelling at 495 Blaxland Road, Denistone East subject to the conditions included in **Attachment 1** of this report.

## ATTACHMENTS

- 1 Draft Conditions of Consent.
- 2 Proposed plans.
- 3 Clause 4.6 Request (Building Height).



**4 Statement of Heritage Impact.**

Report prepared by:

**Tony Collier**  
**Senior Town Planner**

Report approved by:

**Sohail Faridy**  
**Acting Manager Development Assessment**

# Attachment 1 – Draft Conditions of Consent

## GENERAL CONDITIONS

	Condition				
1.	<b>Approved plans and supporting documentation</b>				
	Development must be carried out in accordance with the following approved plans and documents, except where the conditions of this consent expressly require otherwise.				
	<b>Approved plans</b>				
	<b>Plan Number</b>	<b>Revision</b>	<b>Plan Title</b>	<b>Drawn by</b>	<b>Date of Plan</b>
	DA 1.01	E	Site Plan/Roof Plan	James Design Studio Pty Ltd	14/06/2024
	DA 1.02	E	Lower Ground Floor	James Design Studio Pty Ltd	04/06/2024
	DA 1.03	E	Ground Floor Plan	James Design Studio Pty Ltd	14/06/2024
	DA 1.04	E	First Floor Plan	James Design Studio Pty Ltd	14/06/2024
	DA 1.05	E	Roof Plan	James Design Studio Pty Ltd	14/06/2024
	DA 1.10	E	SE Elevation + SW Elevation	James Design Studio Pty Ltd	04/06/2024
	DA 1.11	E	NE Elevation + NW Elevation	James Design Studio Pty Ltd	04/06/2024
	DA 1.20	E	Section AA + Section BB	James Design Studio Pty Ltd	14/06/2024
	DA 1.21	E	Section CC + Section DD	James Design Studio Pty Ltd	14/06/2024
	DA 2.0	E	Schedule of External Finishes	James Design Studio Pty Ltd	04/06/2024
	<b>Landscape Plans</b>				

	Condition				
	2411-02	A	Overall Landscape DA Plan Legend	Paddock Studio	17/04/2024
	2411-03	A	Landscape DA Plan – 1 of 3 – Front Garden	Paddock Studio	17/04/2024
	2411-04	A	Landscape DA Plan – 2 of 3 – Rear Garden	Paddock Studio	17/04/2024
	2411-05	A	Landscape DA Plan – 3 of 3 – Rear Garden	Paddock Studio	17/04/2024
	2411-06	A	Planting DA Plan – 1 of 1	Paddock Studio	17/04/2024
	2411-07	A	Plant DA Schedule & Maintenance Notes/Requirements Plant Images	Paddock Studio	17/04/2024
	2411-08	A	Landscape Section A – New Lawn – Water Feature – New Raised Terrace Garden	Paddock Studio	17/04/2024
	2411-09	A	Landscape Section B-C New Raised Side Garden Rear Garden – New Paved Terrace	Paddock Studio	17/04/2024
	<b>Stormwater Management Plans</b>				
	C1	A	Cover Sheet & Notes	Hydracor Consulting Engineers Pty Ltd	23/05/2024
	C2	A	Stormwater Management Plan Ground – Part 1	Hydracor Consulting Engineers Pty Ltd	23/05/2024
	C3	A	Stormwater Management Plan Ground – Part 2	Hydracor Consulting Engineers Pty Ltd	23/05/2024
	C4	A	Stormwater Management Plan Basement	Hydracor Consulting Engineers Pty Ltd	23/05/2024
	C5	A	Stormwater Management Details – Sheet No. 1	Hydracor Consulting Engineers Pty Ltd	23/05/2024
	C6	A	Stormwater Management Details – Sheet No. 1	Hydracor Consulting Engineers Pty Ltd	23/05/2024
	C7	A	On-Site Detention Checklist & Calculation Sheet	Hydracor Consulting Engineers Pty Ltd	23/05/2024

	Condition				
	C8	A	Pre & Post Developed Impervious Area Plan	Hydracor Consulting Engineers Pty Ltd	23/05/2024
	C9	A	Erosion & Sediment Control Plan	Hydracor Consulting Engineers Pty Ltd	23/05/2024
	C10	A	Erosion & Sediment Control Notes & Details	Hydracor Consulting Engineers Pty Ltd	23/05/2024
	Approved documents				
	Document Title		Revision	Prepared by	Date
	BASIX Certificate A1744226		-	James Design Studio Pty Ltd	18/04/2024
	Site Waste Minimisation and Management Plan		-	Lionel Laming	02/07/2024
	Statement of Heritage Impact		2	Heritage 21	27/06/2024
	Geotechnical Assessment		1	AscentGeo	14/05/2024
	In the event of any inconsistency between the approved plans and documents, the approved plans / documents prevail.				
Condition Reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development					
2.	Compliance with Building Code of Australia and insurance requirements under Home Building Act 1989				
	<p>A) It is a condition of a development consent for development that involves building work that the work must be carried out in accordance with the requirements of the Building Code of Australia.</p> <p>B) It is a condition of a development consent for development that involves residential building work for which a contract of insurance is required under the Home Building Act 1989, Part 6 that a contract of insurance is in force before building work authorised to be carried out by the consent commences.</p> <p>C) It is a condition of a development consent for a temporary structure used as an entertainment venue that the temporary structure must comply with Part B1 and NSW Part H102 in Volume 1 of the Building Code of Australia.</p> <p>D) In subsection (1), a reference to the Building Code of Australia is a reference to the Building Code of Australia as in force on the day on which the application for the construction certificate was made.</p> <p>E) In subsection (3), a reference to the Building Code of Australia is a reference to the Building Code of Australia as in force on the day on which the application for development consent was made.</p> <p>F) This section does not apply—</p> <p>(I) to the extent to which an exemption from a provision of the Building Code of Australia or a fire safety standard is in force under the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021, or</p> <p>(II) to the erection of a temporary building, other than a temporary structure to which subsection (3) applies.</p>				
	Condition Reason: Prescribed condition under section 69 of the Environmental Planning and Assessment Regulation 2021.				
	Erection of signs				

	Condition
3.	<p>A) This section applies to a development consent for development involving building work, subdivision work or demolition work.</p> <p>B) It is a condition of the development consent that a sign must be erected in a prominent position on a site on which building work, subdivision work or demolition work is being carried out:</p> <p>(I) showing the name, address and telephone number of the principal certifier for the work, and</p> <p>(II) showing the name of the principal contractor, if any, for the building work and a telephone number on which the principal contractor may be contacted outside working hours, and</p> <p>(III) stating that unauthorised entry to the work site is prohibited.</p> <p>C) The sign must be:</p> <p>(I) maintained while the building work, subdivision work or demolition work is being carried out, and</p> <p>(II) removed when the work has been completed.</p> <p>D) This section does not apply in relation to:</p> <p>(I) building work, subdivision work or demolition work carried out inside an existing building, if the work does not affect the external walls of the building, or</p> <p>(II) Crown building work certified to comply with the Building Code of Australia under the Act, Part 6.</p> <p><b>Condition Reason:</b> Prescribed condition under section 70 of the Environmental Planning and Assessment Regulation 2021.</p>
4.	<p><b>Fulfilment of BASIX commitments</b></p> <p>It is a condition of a development consent for the following that each commitment listed in a relevant BASIX certificate is fulfilled:</p> <p>A) BASIX development,</p> <p>B) BASIX optional development, if the development application was accompanied by a BASIX certificate.</p> <p><b>Condition Reason:</b> Prescribed condition under section 75 of the Environmental Planning and Assessment Regulation 2021.</p>
5.	<p><b>Notification of Home Building Act 1989 requirements</b></p> <p>A) This section applies to a development consent for development involving residential building work if the principal certifier is not the council.</p> <p>B) It is a condition of the development consent that residential building work must not be carried out unless the principal certifier for the development to which the work relates has given the council written notice of the following—</p> <p>(I) for work that requires a principal contractor to be appointed—</p> <p>(1) the name and licence number of the principal contractor, and</p> <p>(2) the name of the insurer of the work under the Home Building Act 1989, Part 6,</p> <p>(II) for work to be carried out by an owner-builder—</p> <p>(1) the name of the owner-builder, and</p> <p>(2) if the owner-builder is required to hold an owner-builder permit under the Home Building Act 1989—the number of the owner-builder permit.</p> <p>C) If the information notified under subsection (2) is no longer correct, it is a condition of the development consent that further work must not be carried out unless the principal certifier has given the council written notice of the updated information.</p> <p>D) This section does not apply in relation to Crown building work certified to comply with the Building Code of Australia under the Act, Part 6.</p> <p><b>Condition Reason:</b> Prescribed condition under section 71 of the Environmental Planning and Assessment Regulation 2021.</p>

	Condition
6.	<p><b>Shoring and adequacy of adjoining property</b></p> <p>A) This section applies to a development consent for development that involves excavation that extends below the level of the base of the footings of a building, structure or work on adjoining land, including a structure or work in a road or rail corridor.</p> <p>B) It is a condition of the development consent that the person having the benefit of the development consent must, at the person's own expense—</p> <p>C) protect and support the building, structure or work on adjoining land from possible damage from the excavation, and</p> <p>D) if necessary, underpin the building, structure or work on adjoining land to prevent damage from the excavation.</p> <p>E) This section does not apply if—</p> <p>(I) the person having the benefit of the development consent owns the adjoining land, or</p> <p>(II) the owner of the adjoining land gives written consent to the condition not applying</p> <p><b>Condition Reason:</b> Prescribed condition under section 74 of the Environmental Planning and Assessment Regulation 2021.</p>
7.	<p><b>BASIX</b></p> <p>Compliance with all commitments listed in BASIX Certificate A1744226 dated 18 April 2024.</p> <p><b>Condition reason:</b> Statutory requirement.</p>
8.	<p><b>Site maintenance</b></p> <p>The site is to be regularly maintained in a tidy manner such that it does not become overgrown with weeds or subject to the leaving or dumping of waste.</p> <p><b>Condition reason:</b> To protect the amenity of the locality.</p>
9.	<p><b>Asbestos</b></p> <p>Where asbestos is present during works, the work must be carried out in accordance with the guidelines for asbestos work published by SafeWork NSW.</p> <p><b>Condition reason:</b> To ensure that all works are carried out in a safe manner.</p>
10.	<p><b>Asbestos (disposal)</b></p> <p>All asbestos wastes must be disposed of at a landfill facility licensed by NSW Environment 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.</p> <p><b>Condition reason:</b> To ensure the protection of the environment.</p>
11.	<p><b>Fire safety matters / Changes in building use</b></p> <p>A building subject to change of use must comply with the Category 1 fire safety provisions applicable to the new use.</p> <p>NOTE: The obligation under this clause to comply with Category 1 fire safety provisions may require building work to be carried out even though none is proposed or required in the relevant development consent.</p> <p>This clause does not apply to the extent to which an exemption is in force under clause 62 in the Environmental Planning and Assessment Regulation 2021.</p> <p><b>Condition reason:</b> Statutory requirement.</p>
12.	<p><b>Noise mitigation</b></p> <p>To minimise noise emitted from ancillary elements, such as air-conditioning units, the equipment must be installed in accordance with the manufacturer's specification and noise attenuation measures implemented so that noise emitted does not exceed 5dB(A) above the background noise level when measured on or within any other residential property boundary.</p> <p><b>Condition reason:</b> To protect the amenity of the locality.</p>
	<b>Support for neighbouring buildings</b>

	Condition
13.	<p>If the development involves excavation that is lower than 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:</p> <ul style="list-style-type: none"> <li>• Protect and support the adjoining premises from possible damage from the excavation; and</li> <li>• Where necessary, underpin the adjoining premises to prevent any such damage, in accordance with relevant Australian Standards.</li> </ul> <p><b>Condition reason:</b> Statutory requirement.</p>
14.	<p><b>Land Boundary / Cadastral Survey</b></p> <p>If any design work relies on critical setbacks from land boundaries or subdivision of the land is proposed, it is a requirement that a land boundary / cadastral survey be undertaken to define the land.</p> <p>The land boundaries should be marked or surveyed offset marks placed prior to the commencement of any work on site.</p> <p><b>Condition reason:</b> To ensure that the approved development is built in accordance to the stamped approved plans.</p>
15.	<p><b>Traffic management</b></p> <p>Traffic management procedures and systems must be in place and practised during the works period to ensure safety and minimise the impact on adjoining pedestrian and vehicular traffic systems in accordance with AS 1742.3 - 2019 and Council's DCP Part 8.1 (Construction Activities).</p> <p><b>Condition reason:</b> To ensure that appropriate procedures are in place to assist with the safety of all affected road users within the public domain when works are being undertaken.</p>
16.	<p><b>Heritage induction</b></p> <p>Any persons involved with the works (consultants, contractors, tradesperson, labourers) must participate in a Heritage Induction that must take place on site and prior to any works being carried out (demolition work, remediation work, building work). The induction must be carried out by a suitably qualified heritage practitioner and/or project manager for the development and will include as a minimum information for the heritage property from the State Heritage Inventory Register, held by NSW Heritage.</p> <p>The Heritage Induction may be undertaken in conjunction with any site induction.</p> <p><b>Condition reason:</b> Heritage conservation.</p>
17.	<p><b>Heritage specialist</b></p> <p>A suitably qualified and experienced heritage specialist must be engaged by the person acting on this consent to assist and provide advice on design development, contract documentation and to oversee the construction works for the duration of the project. Details of the heritage specialist must be submitted to Council's Heritage Advisor before demolition works, remediation works and before the issue of any construction certificate.</p> <p><b>Condition reason:</b> To ensure heritage significance is supervised by an appropriate expert.</p>
18.	<p><b>Design and construction standards (engineering)</b></p> <p>All engineering plans and work inside the property must be carried out in accordance with the requirements of relevant Australian Standards. All Public Domain works or modification to Council infrastructure which may be located inside the property boundary, must be undertaken in accordance with Council's DCP Part 8.5 (Public Civil Works) and Part 8.2 (Stormwater and Floodplain Management), except otherwise as amended by conditions of this consent.</p> <p><b>Condition reason:</b> To ensure that all works are undertaken in accordance with any relevant standards and DCP requirements.</p>
19.	<p><b>Restoration</b></p> <p>Public areas must be maintained in a safe condition at all times. Restoration of disturbed road and footway areas, including repairs of damaged infrastructure as</p>

	Condition
	a result of the construction works associated with the development, must be undertaken by the person acting on this consent in accordance with Council's standards and specifications, and DCP Part 8.5 (Public Civil Works), to the satisfaction of Council.
	<b>Condition reason:</b> To ensure the amenity and state of the public domain is maintained.
20.	<b>Public utilities and service alterations</b>
	All mains, services, poles, etc., which require alteration due to works associated with the development, must be altered at the cost of the person acting on the consent. The person acting on the consent must comply with the requirements (including financial costs) of the relevant utility provider (e.g., Energy Australia, Sydney Water, Telstra, TfNSW, Council, etc.) in relation to any connections, works, repairs, relocation, replacement and/or adjustments to public infrastructure or services affected by the development.
	<b>Condition reason:</b> Protection of infrastructure and compliance with the requirements of the relevant authorities.
21.	<b>Road activity permits</b>
	Prior to carrying out any work in, on or over a road reserve, consent from Council is required as per the Roads Act 1993. The person acting on the consent is required to review the "Road Activity Permits Checklist" (available from Council's website: <a href="https://www.ryde.nsw.gov.au/files/assets/public/forms-and-documents/2023-07-road-activity-permits-checklist.pdf">https://www.ryde.nsw.gov.au/files/assets/public/forms-and-documents/2023-07-road-activity-permits-checklist.pdf</a> ) and apply for the relevant permits for approval by Council. Types of road activity permits potentially required including Road Use Permit, Work Zone Permit, Road / Footpath / Driveway / Nature Strip / Kerb and Gutter Opening Permit, Temporary Placement of Elevated Tower, Crane or Concrete Pump, Operation of a Crane Over Air Space Permit, Construction Hoarding Permit and Skip Bin on Nature Strip Permit. Penalties apply for failure to comply.
	<b>Condition reason:</b> To ensure the amenity and state of the public domain is maintained.
22.	<b>Protection of public domain</b>
	The public domain must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances, without prior approval from Council.
	<b>Condition reason:</b> To ensure public safety.
23.	<b>Ausgrid Conditions</b>
	The "as constructed" minimum clearances to Ausgrid's infrastructure must not be encroached by the building development . It remains the responsibility of the developer and relevant contractors to verify and maintain these clearances onsite. Ausgrid's Network Standards can be sourced from Ausgrid's website, <a href="http://www.ausgrid.com.au">www.ausgrid.com.au</a> Additional information can be found in the Ausgrid Quick Reference Guide for Safety Clearances "Working Near Ausgrid Assets - Clearances". This document can be found by visiting the following Ausgrid website: <a href="http://www.ausgrid.com.au/Your-safety/Working-Safe/ Clearance-enquiries">www.ausgrid.com.au/Your-safety/Working-Safe/ Clearance-enquiries</a>
	<b>Condition reason:</b> Statutory requirement.

## BUILDING WORK

### BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

	Condition
24.	<b>Design amendments</b>
	Before the issue of a construction certificate, the principal certifier must ensure the construction certificate plans and specifications detail the following required amendments to the approved plans and documents:



	Condition
	<p><b>A) Architectural Plans</b></p> <p>i. <u>Privacy Treatments</u> The Sitting Room window on the first floor facing 2 Hopetoun Avenue is to be fitted with fixed obscure glazing to a minimum height of 1.5m from the finished floor level of that room.</p> <p>ii. <u>Window Treatments (Framing)</u> To maintain the heritage character of the dwelling, window frames in the new extension are to be manufactured as wooden sash frames to match the style of existing windows in the dwelling.</p> <p><b>Condition Reason:</b> To require minor amendments to the plans endorsed by the consent authority following assessment of the development</p>
25.	<p><b>Long Service Levy</b></p> <p>Before the issue of the relevant construction certificate, the long service levy of 0.25% of the cost of works must be paid to the Long Service Corporation of Council under the <i>Building and Construction industry Long Service Payments Act 1986</i>, section 34, and evidence of the payment is to be provided to principal certifier.</p> <p><b>Condition Reason:</b> To ensure the long service levy is paid</p>
26.	<p><b>Payment of security deposits</b></p> <p>Before the issue of the relevant construction certificate, the applicant must:</p> <p>A) make payment for a security deposit to the consent authority under the category of <b><i>dwelling houses with delivery of bricks or concrete or machine excavation</i></b>, and</p> <p>B) if a principal certifier is required to be appointed for the development – provide the principal certifier with written evidence of the payment and the amount paid.</p> <p><b>Condition Reason:</b> To ensure any damage to public infrastructure is rectified and public works can be completed</p>
27.	<p><b>Structural certification</b></p> <p>Before to the issue of a construction certificate, structural certification prepared from a qualified practising structural engineer must be provided to the principal certifier.</p> <p><b>Condition reason:</b> To ensure the structural adequacy of the development.</p>
28.	<p><b>Reflectivity of materials</b></p> <p>Before the issue of a construction certificate, the principal certifier must ensure that the construction certificate plans demonstrate the roofing and other external materials and finishes are of low glare and reflectivity.</p> <p><b>Condition reason:</b> To ensure the use of appropriate material.</p>
29.	<p><b>Excavation adjacent to adjoining land</b></p> <p>Before the issue of a construction certificate, if the development involves excavation that is lower than the base of the footings of a building on adjoining land, the following is required:</p> <p>a) 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.</p> <p>b) The person acting on the consent must give notice of at least 7 days to the adjoining owner(s) prior to excavating.</p> <p>c) An owner of the adjoining 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 land being excavated or on the adjoining land.</p> <p>Details are to be provided to the principal certifier.</p> <p><b>Condition reason:</b> To protect adjoining land.</p>

	Condition
30.	<p><b>Vehicle access and parking</b></p> <p>All internal driveways, vehicle access ramp, 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 (Off-street car parking) for all types of vehicles accessing the parking area.</p> <p>With respect to this, the following revision(s) / documentation must be provided with the plans submitted with the application for a construction certificate:</p> <ol style="list-style-type: none"> <li>1. All internal driveways, vehicle access ramp, 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 (Off-street Parking standards) for all types of vehicles accessing the parking area.</li> </ol> <p>These amendment(s) must be clearly marked on the plans submitted to the principal certifier prior to the issue of a construction certificate.</p> <p><b>Condition reason:</b> To ensure the vehicle access and parking area is in accordance with the required standards and safe for all users.</p>
31.	<p><b>Stormwater Management</b></p> <p>To ensure the management of stormwater runoff from the development is undertaken without impact to the subject site, neighbouring properties or receiving drainage system, stormwater runoff from the development must be collected and piped by gravity flow to the kerb outlet in accordance with the requirements of Council's DCP Part 8.2 (Stormwater and Floodplain Management) and associated annexures, and generally in accordance with the approved Stormwater Management Plans.</p> <p>Detailed engineering plans and certification demonstrating compliance with this condition are to be submitted with the application for a construction certificate.</p> <p><b>Condition reason:</b> To ensure that the development's stormwater management system is aligned with the controls and objectives of Council's DCP Part 8.2.</p>
32.	<p><b>Stormwater management (onsite stormwater detention)</b></p> <p>In accordance with Council's community stormwater management policy (contained within Council's DCP Part 8.2 (Stormwater and Floodplain Management), an onsite stormwater detention (OSD) system must be implemented in the stormwater management system of the development.</p> <p>As a minimum, the OSD system must:</p> <ol style="list-style-type: none"> <li>1. provide site storage requirement (SSR) and permissible site discharge (PSD) design parameters complying with Council's DCP Part 8.2 (Stormwater and Floodplain Management);</li> <li>2. incorporate a sump and filter grate (trash rack) at the point of discharge from the OSD system to prevent gross pollutants blocking the system or entering the public drainage service;</li> <li>3. ensure the OSD storage has sufficient access for the purpose of ongoing maintenance of the system, and</li> <li>4. ensure the drainage system discharging to the OSD system is of sufficient capacity to accommodate the 100 year ARI 5 minute storm event.</li> </ol> <p>Detailed engineering plans and certification demonstrating compliance with this condition and Council's DCP Part 8.2 (Stormwater and Floodplain Management) are to be submitted with the application for a construction certificate.</p> <p><b>Condition reason:</b> To ensure that the design of the OSD is compliant with the requirements of the Council's DCP Part 8.2.</p>
	<b>Stormwater management (pump system)</b>

	Condition
33.	<p>The basement pump system must be dual submersible and must be sized and constructed in accordance with Section 9.3 of AS 3500.3 (Stormwater drainage).</p> <p>The wet well must be designed and constructed in accordance with section 9.3 of AS 3500.3 (Stormwater drainage), except that the sump volume is to be designed to accommodate storage of runoff accumulating from the 100yr ARI 3 hour storm event, in the event of pump failure as per the requirements of Council's DCP Part 8.2 (Stormwater and Floodplain Management).</p> <p>Direct connection of the pumps rising main to the kerb will not be permitted. The rising main must discharge to the sites drainage system, upstream of the onsite detention system (if one is provided) or any rainwater tank which is utilised for irrigation only.</p> <p>The subsurface drainage system must be designed such to prevent constant, ongoing discharge to the public drainage network. In the presence of constant subsurface seepage which would result in the tank having to discharge frequently (every 2 or 3 days in dry periods) the stormwater system must either discharge directly to the inground public drainage infrastructure or the sump volume increased to accommodate at least 7 days of such seepage.</p> <p>Pump details and documentation demonstrating compliance with this condition are to be submitted in conjunction with the Stormwater Management Plan for the approval of the principal certifier, prior to the release of a construction certificate for construction of the basement level.</p> <p><b>Condition reason:</b> To ensure that the connection is in accordance with the Council's DCP Part 8.2.</p>
34.	<p><b>Road and public domain works (minor development)</b></p> <p>The following Public Domain works are required:</p> <p>(a) Construction of a new concrete vehicular crossing of width 3.50 m. wide fronting the approved vehicle entry.</p> <p>In accordance with Section 138 of the Roads Act 1993, detailed engineering plans prepared by a qualified and experienced civil engineer, complying with Council specifications must be submitted and approved by Council's City Infrastructure Department prior to the issue of a construction certificate.</p> <p>An assessment and inspection fee (as per Council's fees and charges current at the time of payment) must be paid to Council prior to the issue of the construction certificate.</p> <p><b>Condition reason:</b> To ensure the serviceability of infrastructure adjacent the development property is consistent with the life of the development and provides safe and efficient access to the site.</p>
35.	<p><b>Dilapidation Survey</b></p> <p>A dilapidation survey is to be undertaken that addresses all properties that may be affected by the construction work. As a minimum, the scope of the report is to include;</p> <p>a) 501-503 Blaxland Road (adjoining driveway only).</p> <p>A copy of the dilapidation survey is to be submitted to the principal certifier and City of Ryde prior to the release of the Construction Certificate.</p> <p><b>Condition Reason:</b> To establish and document the structural condition of adjoining properties and public land for comparison as site work progresses and is</p>

	Condition
	completed and ensure neighbours and council are provided with the dilapidation report
36.	<b>Erosion and sediment control plan</b> Before the issue of a construction certificate, an erosion and sediment control plan must be prepared by a suitably qualified person in accordance with the following documents and provided to principal certifier: a) Council's relevant development control plan, b) the guidelines set out in the NSW Department of Housing manual 'Managing Urban Stormwater: Soils and Construction Certificate' (the Blue Book) (as amended from time to time), and the 'Do it Right On-Site, Soil and Water Management for the Construction Industry' (Southern Sydney Regional Organisation of Councils and the Natural Heritage Trust) (as amended from time to time). <b>Condition Reason:</b> To ensure no substance other than rainwater enters the stormwater system and waterways

### BEFORE BUILDING WORK COMMENCES

	Condition
37.	<b>Payment of fees</b> Before any site work commences, the following must be paid to council and written evidence of these payments provided to the principal certifier: a. Infrastructure Restoration and Administration Fee. b. Long Service Levy. <b>Condition Reason:</b> To ensure fees are paid for inspections carried out by council in connection with the completion of public work such as footway construction or stormwater drainage required in connection with the consent or the making good of any damage to council property.
38.	<b>Safety fencing</b> Before any site works commences, the site must be fenced and maintained throughout demolition and construction and must comply with SafeWork NSW requirements and be a minimum of 1.8m in height <b>Condition reason:</b> Statutory requirement.
39.	<b>Structural engineering report (heritage)</b> Before the issue of a construction certificate, a Structural Engineering Assessment report, accompanied by working drawings and specifications, must be approved by the principal certifier. The report must demonstrate the measures that will be implemented, together with the methodology for undertaking excavation works both within the vicinity and adjacent to the heritage item. The Structural Engineering assessment report, working drawings and specifications, must:  Be prepared by a suitably qualified Structural Engineer with demonstrated experience in dealing with items of heritage significance and heritage fabric; and Demonstrate that the heritage item can be retained in a safe manner that will not require material affectation (such as deconstruction, new penetrations, or the like) to otherwise underpin, support or ensure the retention of the heritage item; and demonstrate and certify that the excavation works will not cause damage to the adjoining heritage items.  A copy of the report and evidence of its approval must be provided to Council's Heritage Advisor. <b>Condition reason:</b> To preserve the structural integrity of the heritage items/adjoining heritage items.
40.	<b>Tree Retention</b> All existing trees on site are to be retained. <b>Condition Reason:</b> To ensure the health of existing trees to be retained.

## DURING BUILDING WORK

	Condition
41.	<b>Hours of work</b>
	<p>Site work must only be carried out between the following times:</p> <ul style="list-style-type: none"> <li>Monday to Friday - 7.00am and 7.00pm (other than public holidays)</li> <li>Saturday - 8.00am and 4.00pm</li> </ul> <p>Site work is not to be carried out outside of these times except where there is an emergency, or for urgent work directed by a police officer or a public authority.</p>
	<b>Condition Reason:</b> To protect the amenity of the surrounding area
42.	<b>Implementation of the site management plans</b>
	<p>While site work is being carried out the measures required by the construction site management plan and the erosion and sediment control plan (plans) must be implemented at all times, and a copy of these plans must be kept on site at all times and made available to council officers upon request.</p>
	<b>Condition Reason:</b> To ensure site management measures are implemented during the carrying out of site work
43.	<b>Noise and Vibration requirements</b>
	<p>While site work is being carried out, noise generated from the site must not exceed an LAeq (15 min) of 5db(A) above background noise, when measured at a lot boundary of the site</p>
	<b>Condition Reason:</b> To protect the amenity of the neighbourhood during construction
44.	<b>Waste management</b>
	<p>While site work is being carried out:</p> <p>A) all waste management must be undertaken in accordance with the waste management plan, and</p> <p>B) upon disposal of waste, records of the disposal must be compiled and provided to the principal certifier, detailing the following:</p> <p>C) The contact details of the person(s) who removed the waste</p> <p>D) The waste carrier vehicle registration</p> <p>E) The date and time of waste collection</p> <p>F) A description of the waste (type of waste and estimated quantity) and whether the waste is to be reused, recycled or go to landfill</p> <p>G) The address of the disposal location(s) where the waste was taken</p> <p>H) The corresponding tip docket/receipt from the site(s) to which the waste is transferred, noting date and time of delivery, description (type and quantity) of waste.</p> <p>If waste has been removed from the site under an EPA Resource Recovery Order or Exemption, records in relation to that Order or Exemption must be maintained and provided to the principal certifier and council</p>
	<b>Condition Reason:</b> To require records to be provided, during site work, documenting the lawful disposal of waste
45.	<b>Sediment and dust control</b>
	<p>During site works, no sediment, dust, soil or similar material must leave the site.</p>
	<b>Condition reason:</b> To protect the amenity of the area.
46.	<b>Construction materials</b>
	<p>While site work is being carried out, all materials associated with construction must be retained within the site.</p>
	<b>Condition reason:</b> To ensure the public domain is not affected during construction.
47.	<b>Excavation</b>
	<p>While site work is carried out, 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.</p>

	<b>Condition</b>
	<b>Condition reason:</b> To ensure work is completed in an appropriate manner.
48.	<b>Consent documents available on site</b> At all times during the construction, a copy of the development consent and approved stamped plans are to be kept on site. These documents are to be made available to any Council Officer as requested. <b>Condition reason:</b> To ensure Council Officers are able to access the consent during any site inspection.
49.	<b>Excavation for services within tree protection zone (TPZ)</b> Any excavation for services or grading/re-grading within the identified TPZs of trees to be retained shall be carried out by hand using manual hand tools. Roots greater than 25mm are not to be damaged or severed without the prior written approval of the Project Arborist. <b>Condition Reason:</b> To ensure any excavation works are not detrimental to the health of the tree.
50.	<b>Tree works (Australian Standards)</b> While site work is being carried out, all tree work must be carried out by a qualified and experienced Arborist with a minimum of AQF level 3 in Arboriculture with NSW Work Cover Code of Practice for Amenity Tree Industry (1998) and AS4373 Pruning of amenity trees (2007) <b>Condition Reason:</b> To ensure that any tree work is carried out by a qualified Arborist
51.	<b>Traffic management</b> Traffic management procedures and systems must be in place and practised during the works period to ensure safety and minimise the impact on adjoining pedestrian and vehicular traffic systems in accordance with AS 1742.3 - 2019 and Council's DCP Part 8.1 (Construction Activities). <b>Condition reason:</b> To ensure that appropriate procedures are in place to assist with the safety of all affected road users within the public domain when works are being undertaken.
52.	<b>Stormwater management (construction)</b> The stormwater drainage system on the site must be constructed in accordance with the Construction Certificate version of the Stormwater Management Plan submitted in compliance to the condition labelled "Stormwater Management." and the requirements of Council in relation to the connection to the public drainage system. <b>Condition reason:</b> To ensure the stormwater system is constructed as approved.
53.	<b>Implementation of the site management plans</b> While site work is being carried out the measures required by the construction site management plan and the erosion and sediment control plan (plans) must be implemented at all times, and a copy of these plans must be kept on site at all times and made available to council officers upon request <b>Condition Reason:</b> To ensure site management measures are implemented during the carrying out of site work

### **BEFORE ISSUE OF AN OCCUPATION CERTIFICATE**

	<b>Condition</b>
54.	<b>Completion of landscape and tree works</b> Before the issue of an occupation certificate, the principal certifier must be satisfied all landscape and tree-works have been completed in accordance with approved plans and documents and any relevant conditions of this consent <b>Condition Reason:</b> To ensure the approved landscaping works have been completed in accordance with the approved landscaping plan(s)
	<b>Preservation of survey marks</b>

	<b>Condition</b>
55.	<p>Before the issue of an occupation certificate, documentation must be submitted by a registered surveyor to the <b>principal certifier or Council (where a principal certifier is not required)</b>, which demonstrates that:</p> <ul style="list-style-type: none"> <li>a) no existing survey mark(s) have been removed, damaged, destroyed, obliterated or defaced; or</li> <li>b) any survey mark(s) that were damaged, destroyed, obliterated or defaced have been re-established in accordance with the Surveyor General's Direction No. 11 – Preservation of Survey Infrastructure</li> </ul> <p><b>Condition reason:</b> To protect the State's survey infrastructure.</p>
56.	<p><b>Removal of waste upon completion</b></p> <p>Before the issue of an occupation certificate:</p> <ul style="list-style-type: none"> <li>a) all refuse, spoil and material unsuitable for use on-site must be removed from the site and disposed of in accordance with the approved waste management plan; and</li> <li>b) written evidence of the waste removal must be provided to the satisfaction of the <b>principal certifier</b>.</li> </ul> <p><b>Condition reason:</b> To ensure waste material is appropriately disposed or satisfactorily stored.</p>
57.	<p><b>Repair of infrastructure</b></p> <p>Before the issue of an occupation certificate:</p> <ul style="list-style-type: none"> <li>a) any public infrastructure damaged as a result of the carrying out of work approved under this consent (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concreting vehicles) must be fully repaired to the written satisfaction of Council, and at no cost to Council; or</li> <li>b) if the works in (a) are not carried out to Council's satisfaction, Council may carry out the works required and the costs of any such works must be paid as directed by Council and in the first instance will be paid using the security deposit required to be paid under this consent.</li> </ul> <p><b>Condition reason:</b> To ensure any damage to public infrastructure is rectified.</p>
58.	<p><b>Completion of works</b></p> <p>Before the issue of the relevant occupation certificate, all works shown on the approved plans are to be completed.</p> <p><b>Condition reason:</b> To ensure all approved works are completed.</p>
59.	<p><b>BASIX</b></p> <p>Before the issue of any occupation certificate, documentary evidence of compliance with all commitments listed in the approved BASIX Certificate(s) is to be provided to the principal certifier.</p> <p><b>Condition reason:</b> Statutory requirement.</p>
60.	<p><b>Stormwater management (work-as-executed plan)</b></p> <p>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.</p> <p><b>Condition reason:</b> To clarify the configuration of the completed stormwater management system.</p>
61.	<p><b>Stormwater management (covenants)</b></p> <p>Positive Covenant(s) must be registered on the title(s) of the subject property pursuant to section 88 of the Conveyancing Act 1919 in relation to the following stormwater components, wherever these are present in the constructed Stormwater Management system:</p> <ul style="list-style-type: none"> <li>1. onsite detention system;</li> </ul>


	Condition
	<p>2. pump / sump;</p> <p>3. charged / siphonic configuration (where the system discharges against the call of the land); and</p> <p>4. onsite disposal / absorption system.</p> <p>Engineering certification must be submitted with the “Application Form for Endorsement of Title Encumbrances” (available from Council’s website), with the drafted version of the terms so as to ensure the components are completed as per the approved plans. The terms of the covenant(s) are to be in accordance with the Council's standard terms. Any variation to the terms is at the discretion of City of Ryde.</p> <p>The positive covenant(s) must be registered on the title prior to the release of any occupation certificate for areas of the development reliant upon these component(s).</p> <p><b>Condition reason:</b> 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).</p>
62.	<p><b>Engineering compliance certificates</b></p> <p>Before the issue of any Occupation Certificate, a compliance certificate prepared by a suitably qualified engineer, to the satisfaction of the principal certifier, detailing:</p> <p>a) Confirming that all components of the parking areas contained inside the site comply with the relevant components of AS 2890 and Council’s DCP 2014 Part 9.3 (Parking Controls).</p> <p>b) Confirming that the Stormwater Management system (including any constructed ancillary components such as onsite detention) servicing the development complies with Council’s 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.</p> <p>c) Confirming that erosion and sediment control measures were implemented during the course of construction and were in accordance with the manual “Managing Urban Stormwater: Soils and Construction” by the NSW Department – Office of Environment and Heritage and Council’s DCP 2014 Part 8.1 (Construction Activities).</p> <p>d) Compliance certificate from Council confirming that all external works in the public road reserve and any alteration to Council assets located in the property (if applicable) have been completed to Council’s satisfaction.</p> <p><b>Condition reason:</b> To ensure that all engineering components are completed to the satisfaction of an appropriately qualified person, prior to occupation or use of the development.</p>
63.	<p><b>On-site stormwater detention system (marker plate)</b></p> <p>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 must be in accordance with Council’s DCP Part 8.2 (Stormwater and Floodplain Management) and associated annexures. The plate may be purchased from Council's Customer Service Centre at 1 Pope Street, Ryde (Top Ryde City Shopping Centre).</p>



	<b>Condition</b>
	<b>Condition reason:</b> To ensure that owners of the site are aware of the location of the onsite detention system and the need to maintain the system over the life of the development.



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LEGEND

- 1

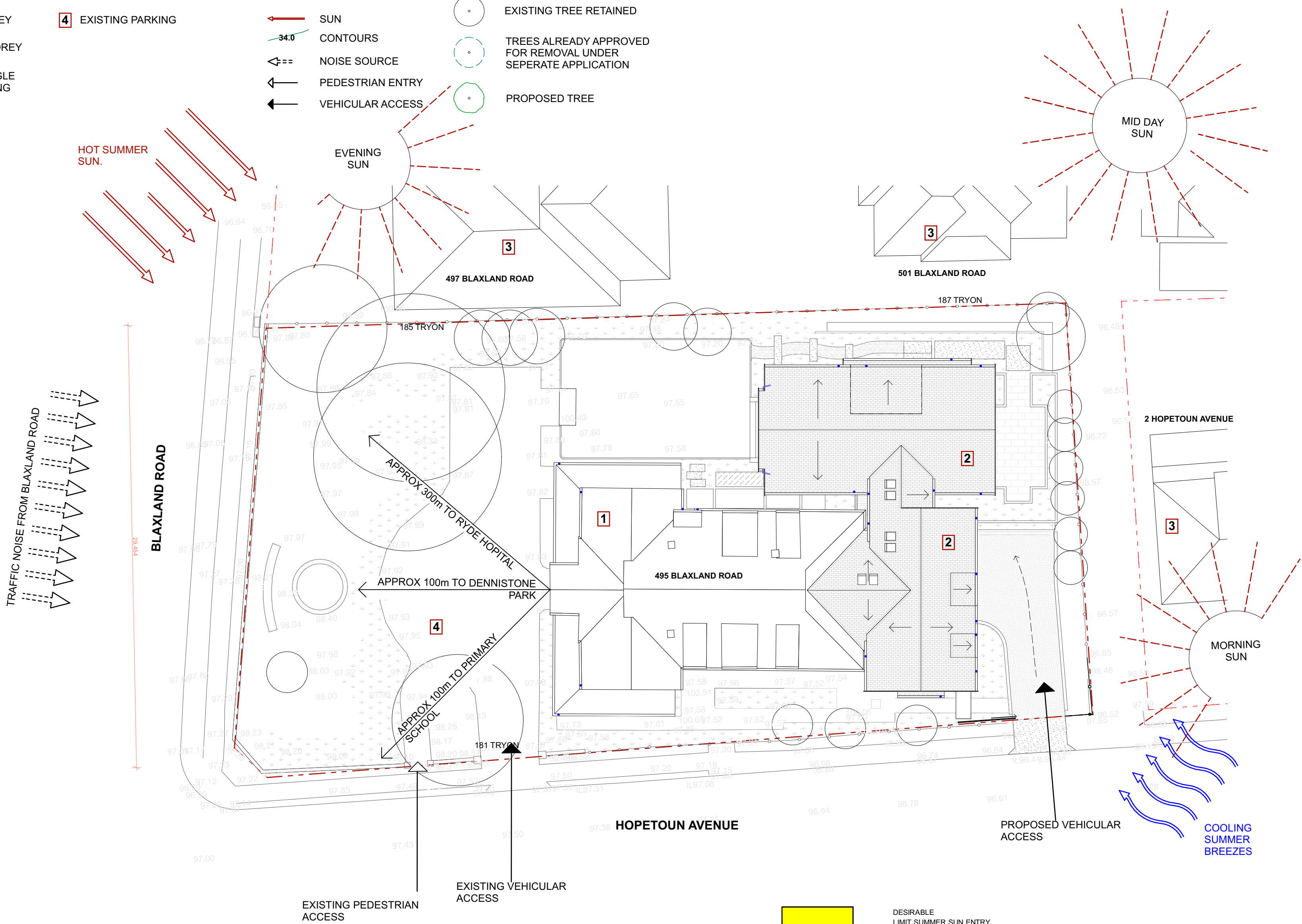
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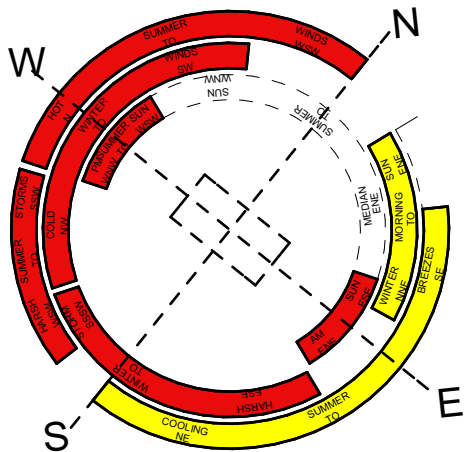
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- DESIRABLE  
LIMIT SUMMER SUN ENTRY  
PROMOTE WINTER SUN ENTRY  
PROMOTE SUMMER BREEZES ENTRY
- UNDESIRABLE  
SCREEN SUMMER EAST SUN ENTRY  
SCREEN SUMMER WEST SUN ENTRY  
SCREEN WINTER STORM ENTRY
- CONTROLLED  
LIMIT SUMMER SUN ENTRY  
PROMOTE WINTER SUN ENTRY



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PROJECT TITLE:

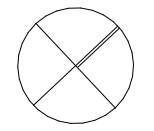
LAMING RESIDENCE

495 BLAXLAND ROAD DENISTONE EAST

LOT 1 DP 514007

PROJECT No:

2304



REVISION:

DRAWING TITLE:

SITE ANALYSIS PLAN

DATE:

14/6/2024

SCALE:

1:200

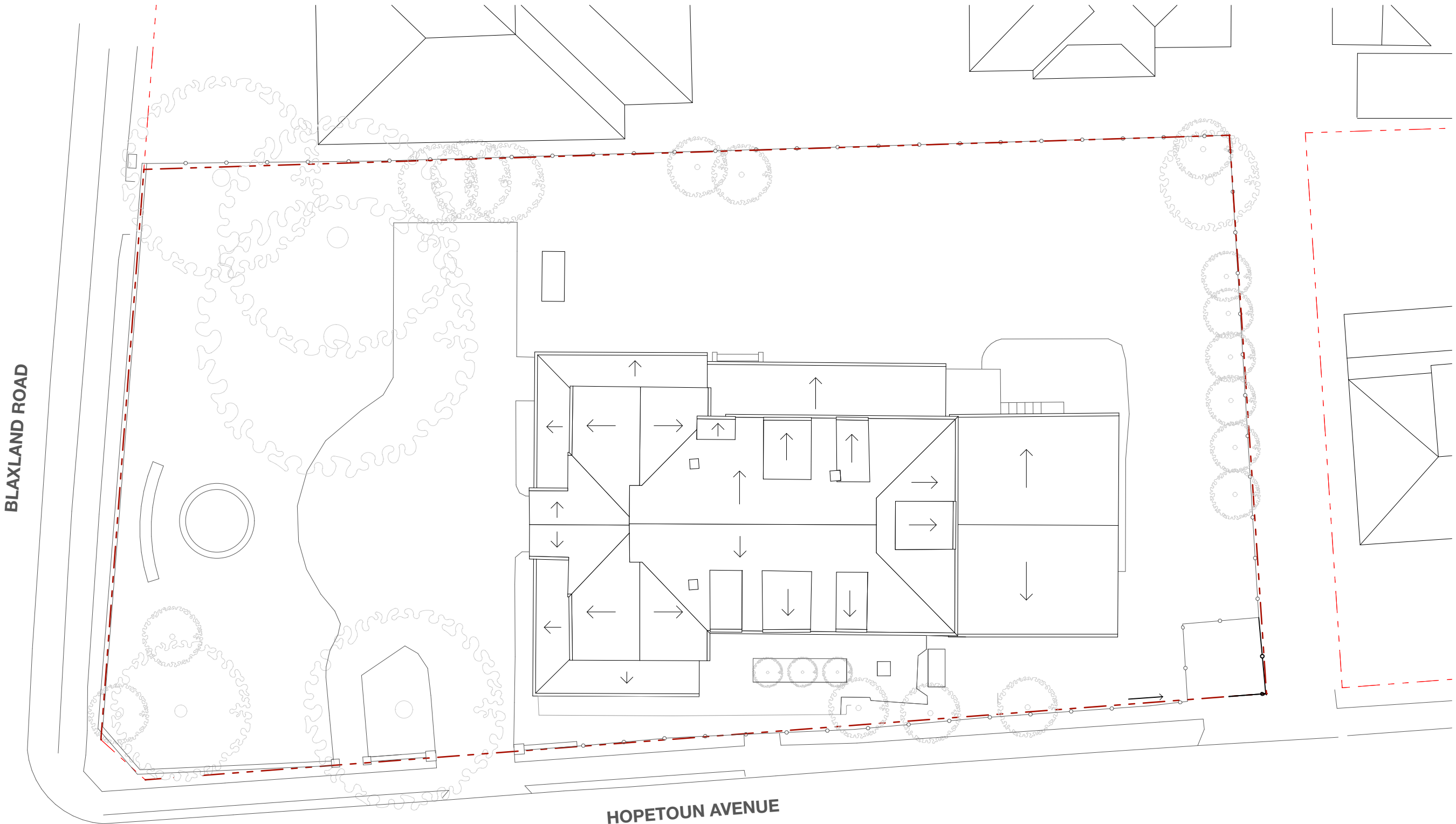
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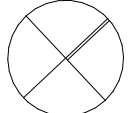

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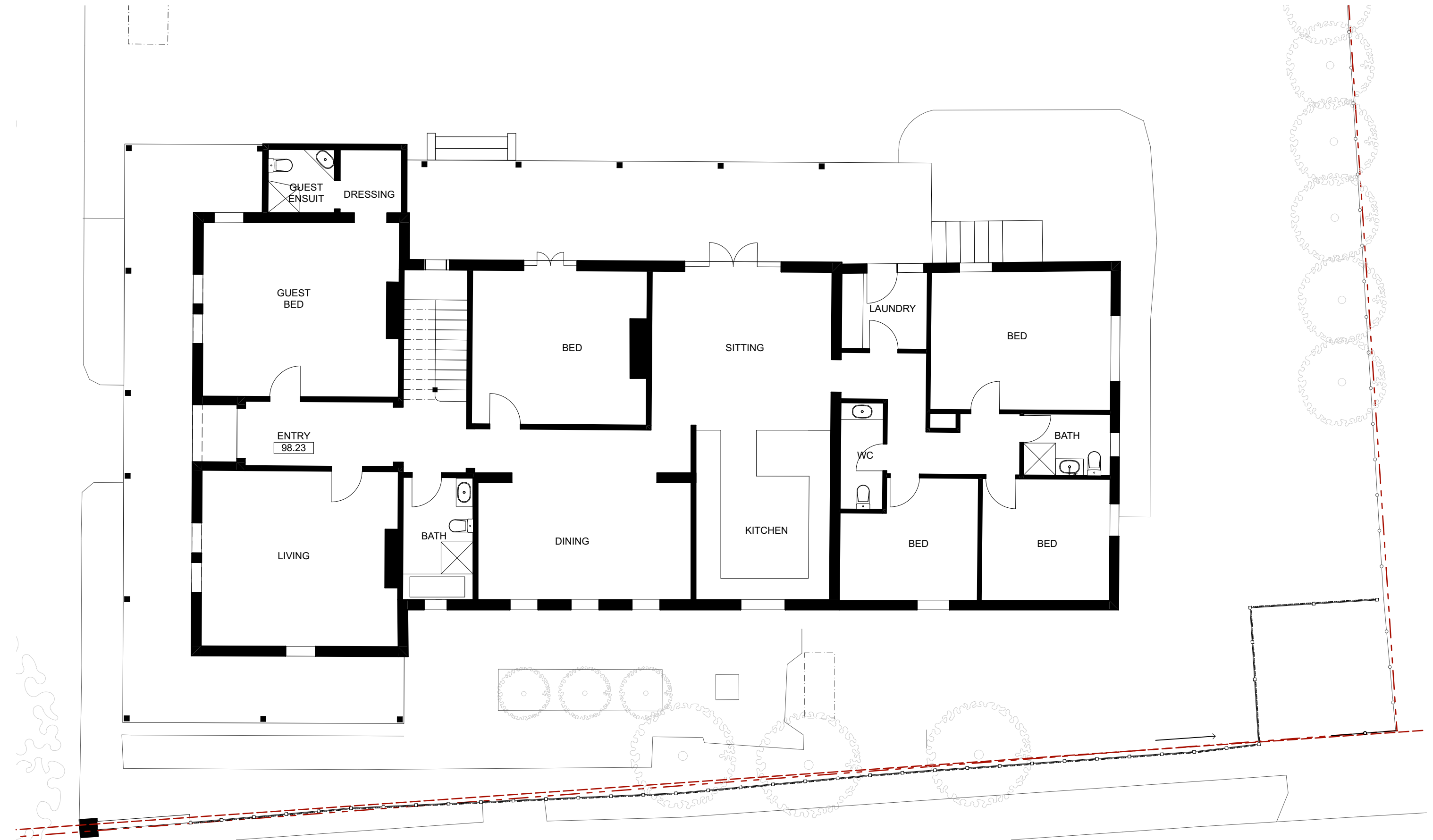
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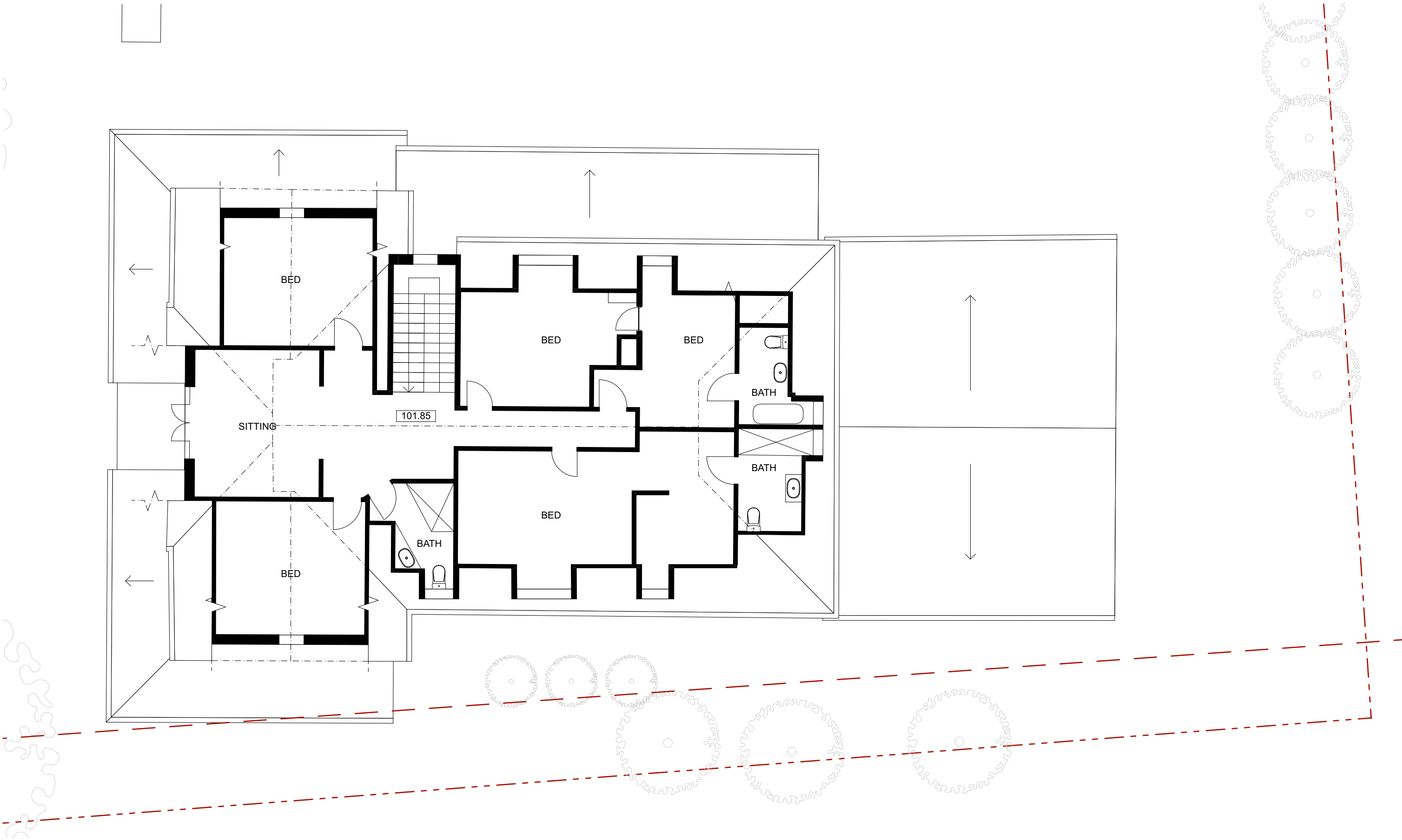
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		495 BLAXLAND ROAD DENISTONE EAST				EXISTING - SITE PLAN / ROOF PLAN					
		LOT 1 DP 514007						DATE:	SCALE:	DRG No:	REVISION:
								4/6/2024	1:200	EX 1.01	E
								DA			

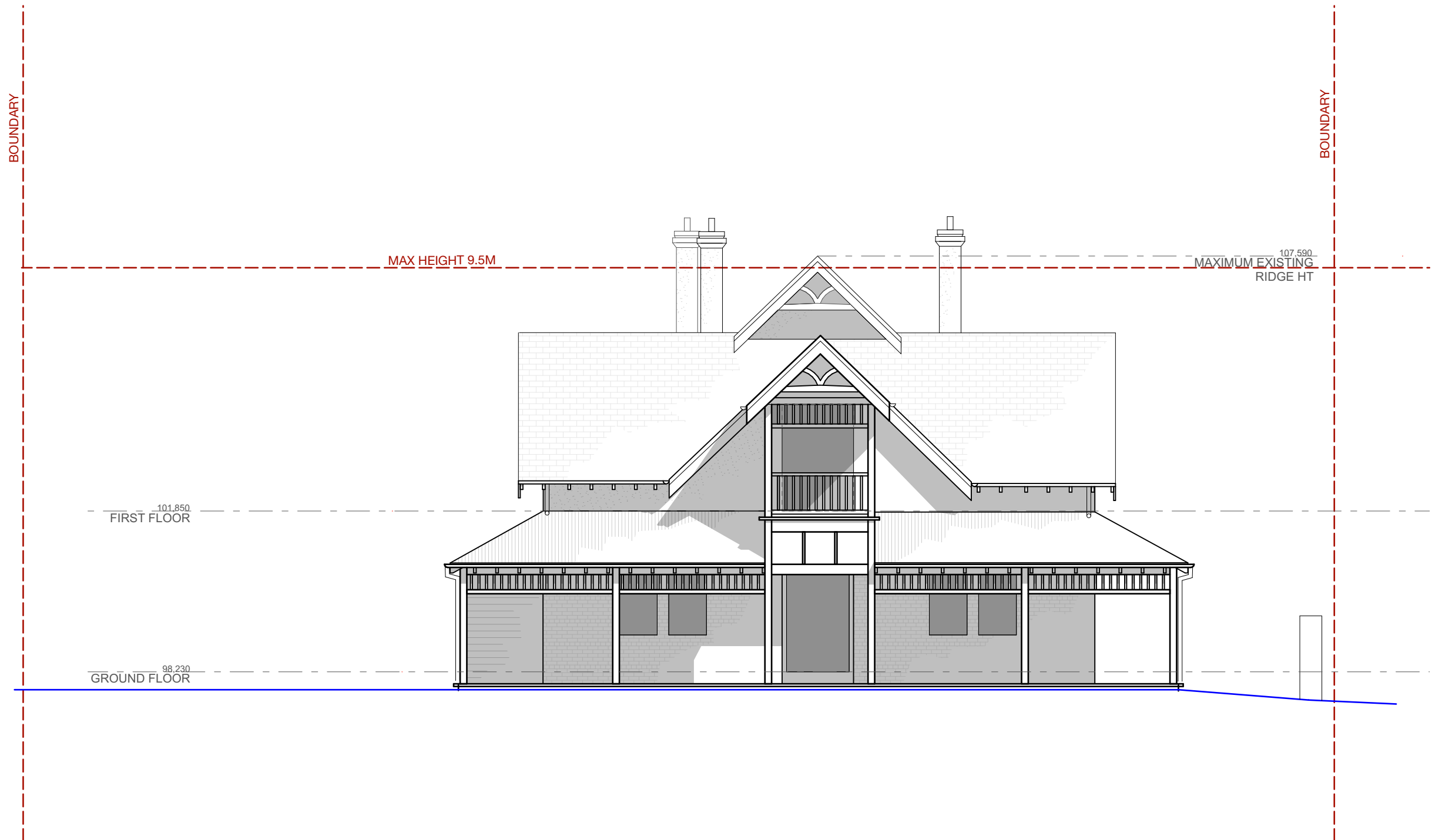




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		495 BLAXLAND ROAD DENISTONE EAST					
		LOT 1 DP 514007					
			DATE:	SCALE:	DRG No:	REVISION:	
			4/6/2024	1:100	EX 1.02	E	
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		LAMING RESIDENCE	2304	<div>DRAWING TITLE:</div> <div>EXISTING - FIRST FLOOR PLAN</div>					
		495 BLAXLAND ROAD DENISTONE EAST							
		LOT 1 DP 514007		DATE:	SCALE:	DRG No:	REVISION:		
				4/6/2024	1:100	EX 1.03	E		
				DA					





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		LAMING RESIDENCE	2304	<div>DRAWING TITLE:</div> <div>EXISTING SW ELEVATION</div>					
		495 BLAXLAND ROAD DENISTONE EAST							
		LOT 1 DP 514007		DATE:	SCALE:	DRG No:	REVISION:		
		4/6/2024	1:100	EX 1.10	E				
				DA					

BOUNDARY

BOUNDARY

107.590  
EXISTING MAXIMUM  
RIDGE HT

MAX HEIGHT 9.5M

101.850  
FIRST FLOOR

98.230  
GROUND FLOOR

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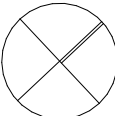
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PROJECT TITLE:  
LAMING RESIDENCE

495 BLAXLAND ROAD DENISTONE  
EAST

LOT 1 DP 514007

PROJECT No:  
2304



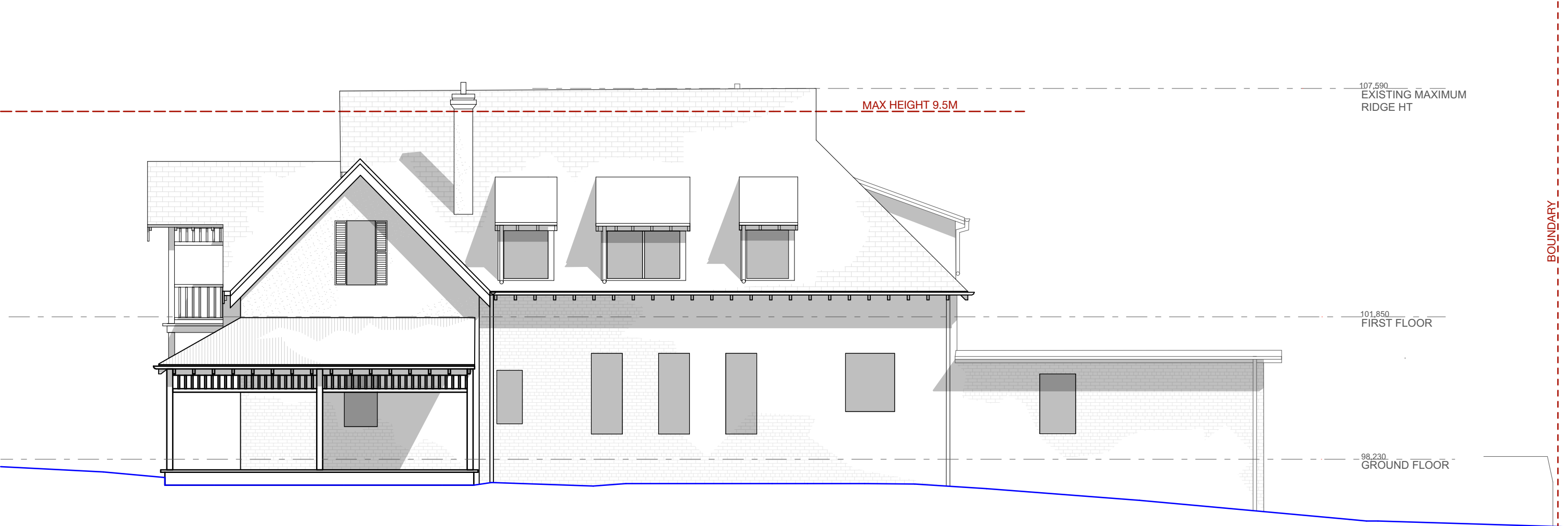
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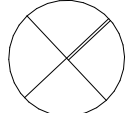

DRAWING TITLE:  
EXISTING NE ELEVATION

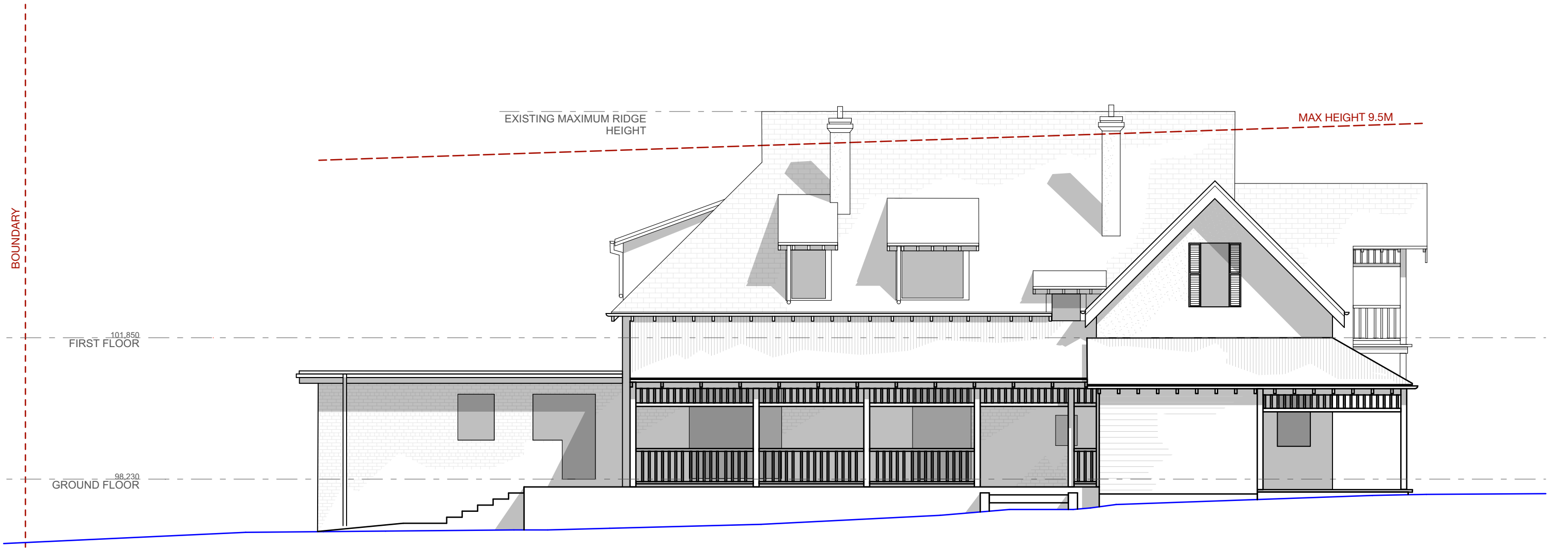
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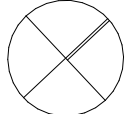

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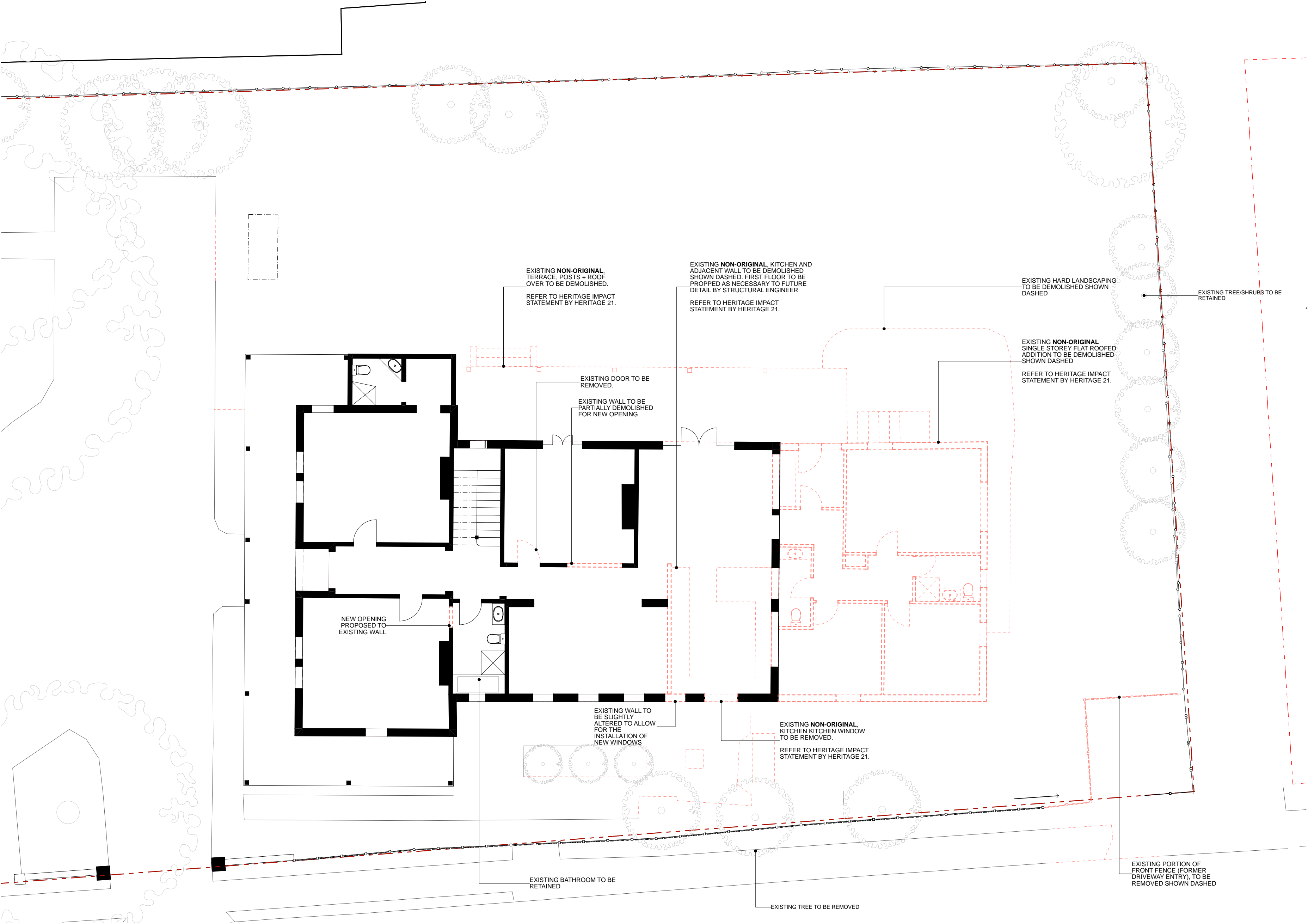




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			<div></div> <div></div>	<div>DRAWING TITLE:</div> <div>EXISTING SE ELEVATION</div>			
				<div>DATE:</div> <div>4/6/2024</div>	<div>SCALE:</div> <div>1:100</div>	<div>DRG No:</div> <div>EX 1.12</div>	<div>REVISION:</div> <div>E</div>
				<div>DA</div>			



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		LOT 1 DP 514007		DATE:	SCALE:	DRG No:	REVISION:
			4/6/2024	1:100	EX 1.13	E	
			DA				



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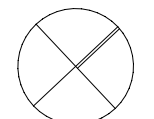
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PROJECT TITLE:  
LAMING RESIDENCE

495 BLAXLAND ROAD DENISTONE EAST

LOT 1 DP 514007

PROJECT No:  
2304



REVISION: DATE:

DRAWING TITLE:  
DEMOLITION PLAN - SHEET 1 - GROUND FLOOR

DATE: 14/06/2024 SCALE: 1:100 DRG No: DE 1.01 REVISION: E

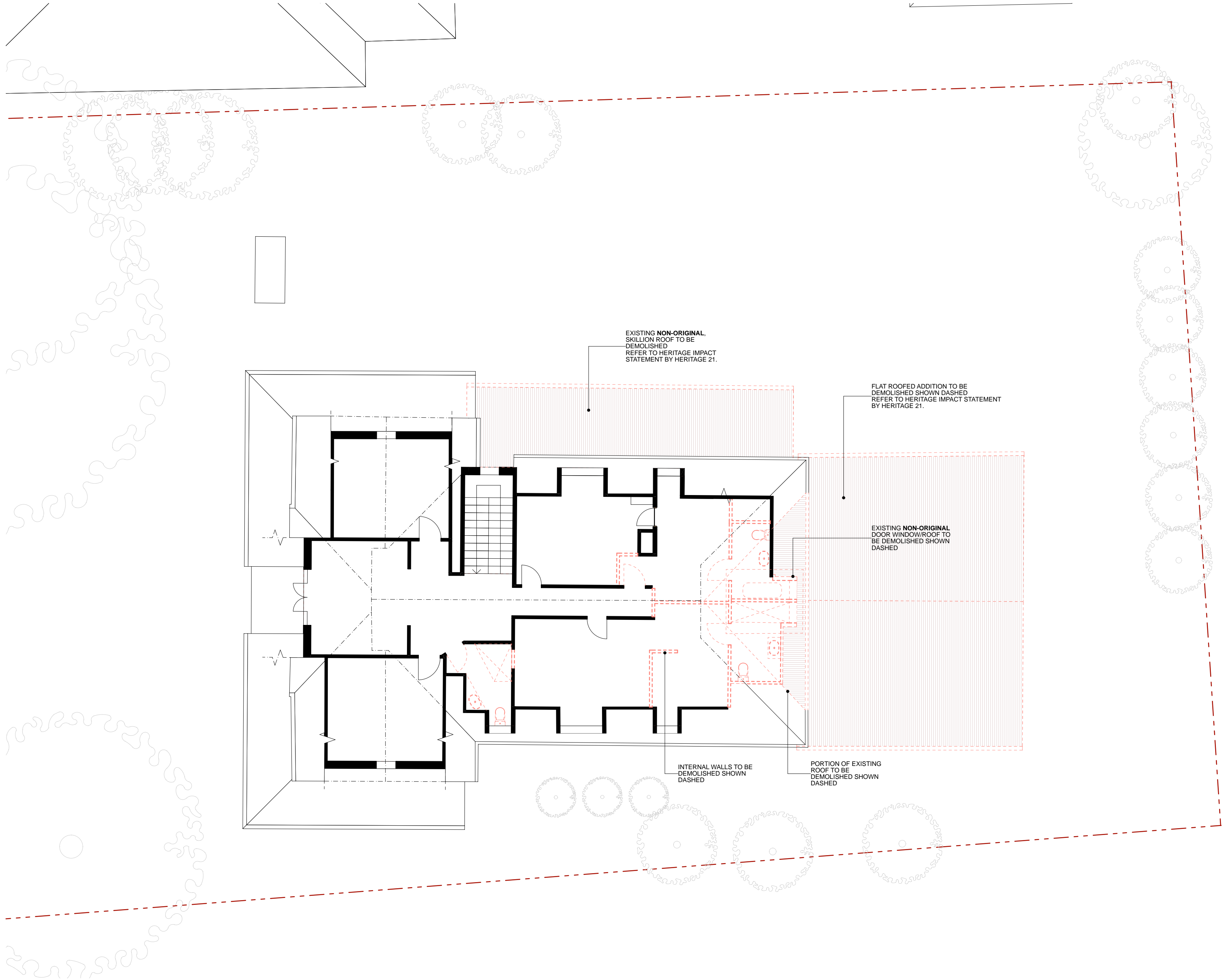
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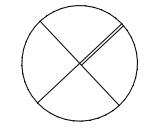

**NOTES**

ALL DEMOLITION WORKS TO BE IN ACCORDANCE WITH AS 2602-2001

REMOVAL OF ASBESTOS MATERIAL TO BE CARRIED OUT IN ACCORDANCE WITH THE REQUIREMENTS OF WORK HEALTH + SAFETY LEGISLATION AND SAFE WORK NSW

DEMOLITION REPORT AND DETAILS OF DEMOLITION CONTRACTOR TO BE PROVIDED BY MAIN BUILDING CONTRACTOR ONCE APPOINTED



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				<div>DA</div>			

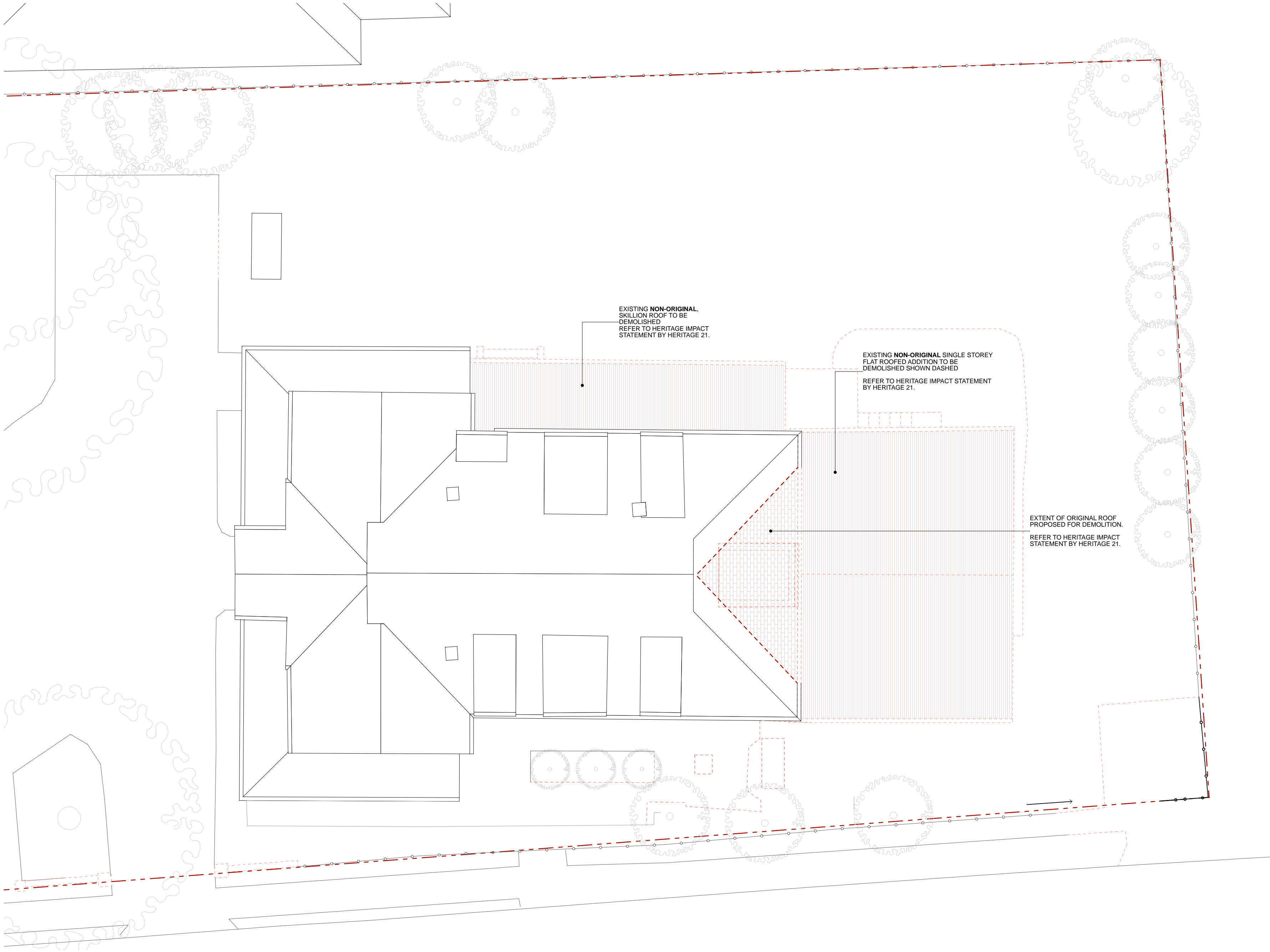
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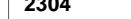

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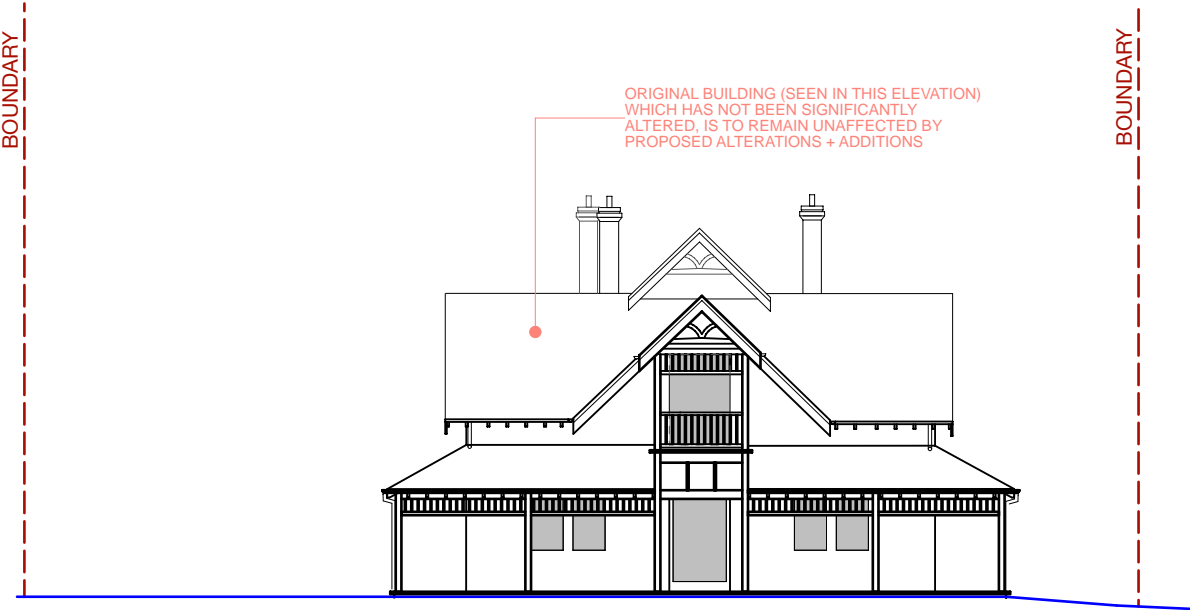
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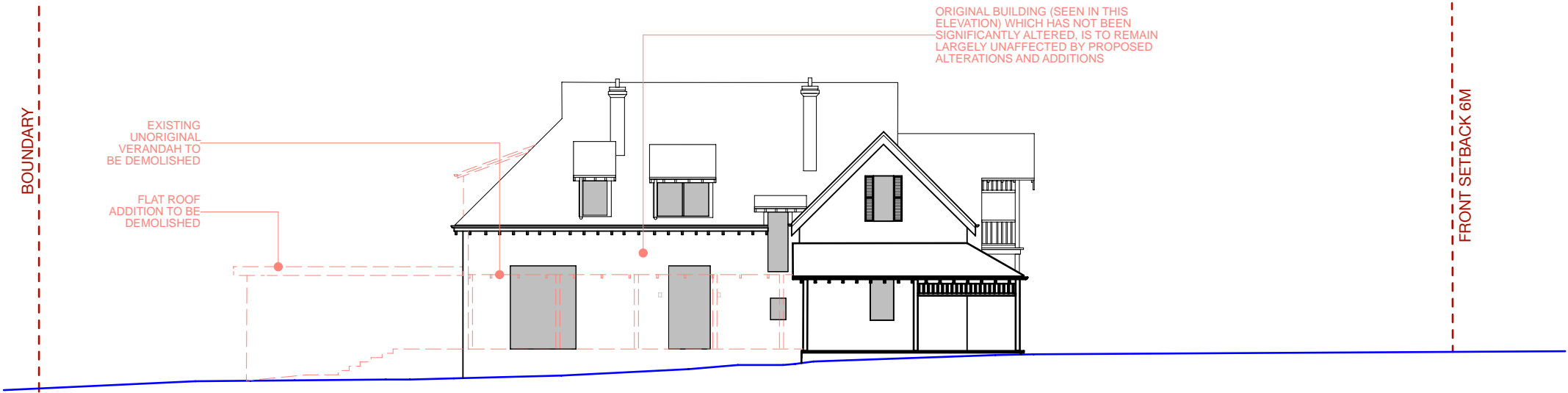




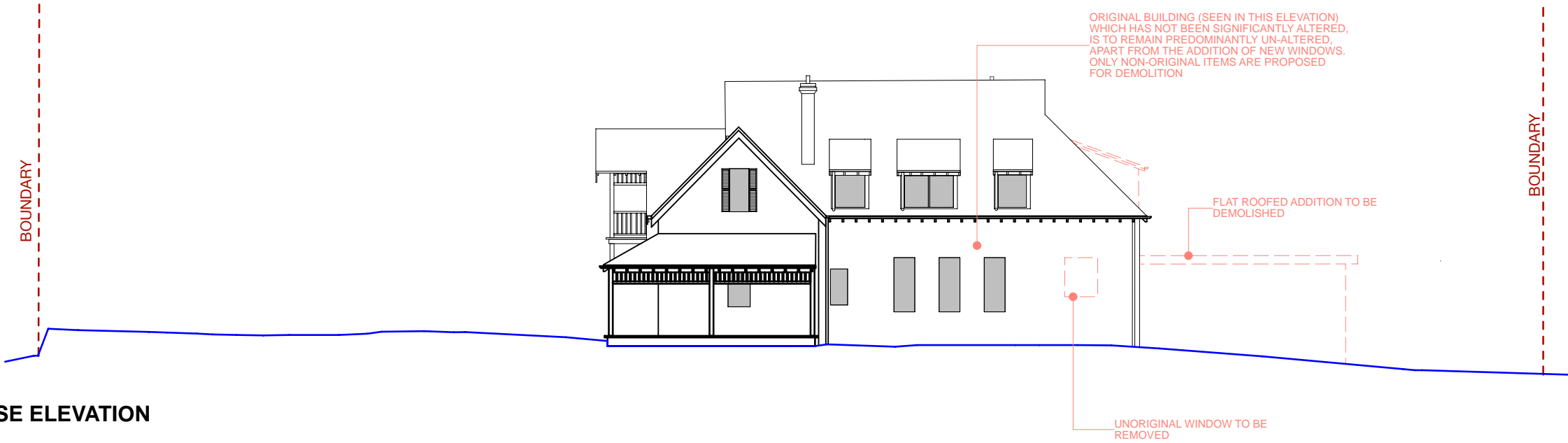
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			<div></div>	<div>DRAWING TITLE:</div> <div>DEMOLITION PLAN - SHEET 3 - ROOF LEVEL</div>				
			<div></div>	<div>DATE:</div> <div>14/06/2024</div>	<div>SCALE:</div> <div>1:100</div>	<div>DRG No:</div> <div>DE 1.03</div>	<div>REVISION:</div> <div>E</div>	
			<div>DA</div>					



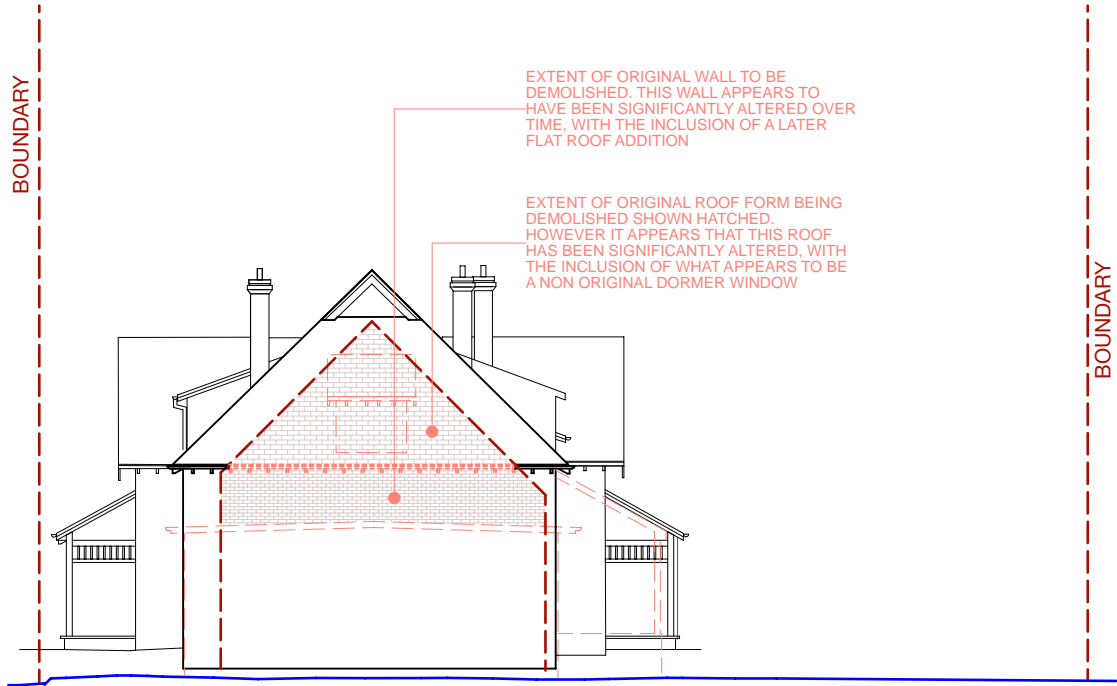
SW ELEVATION



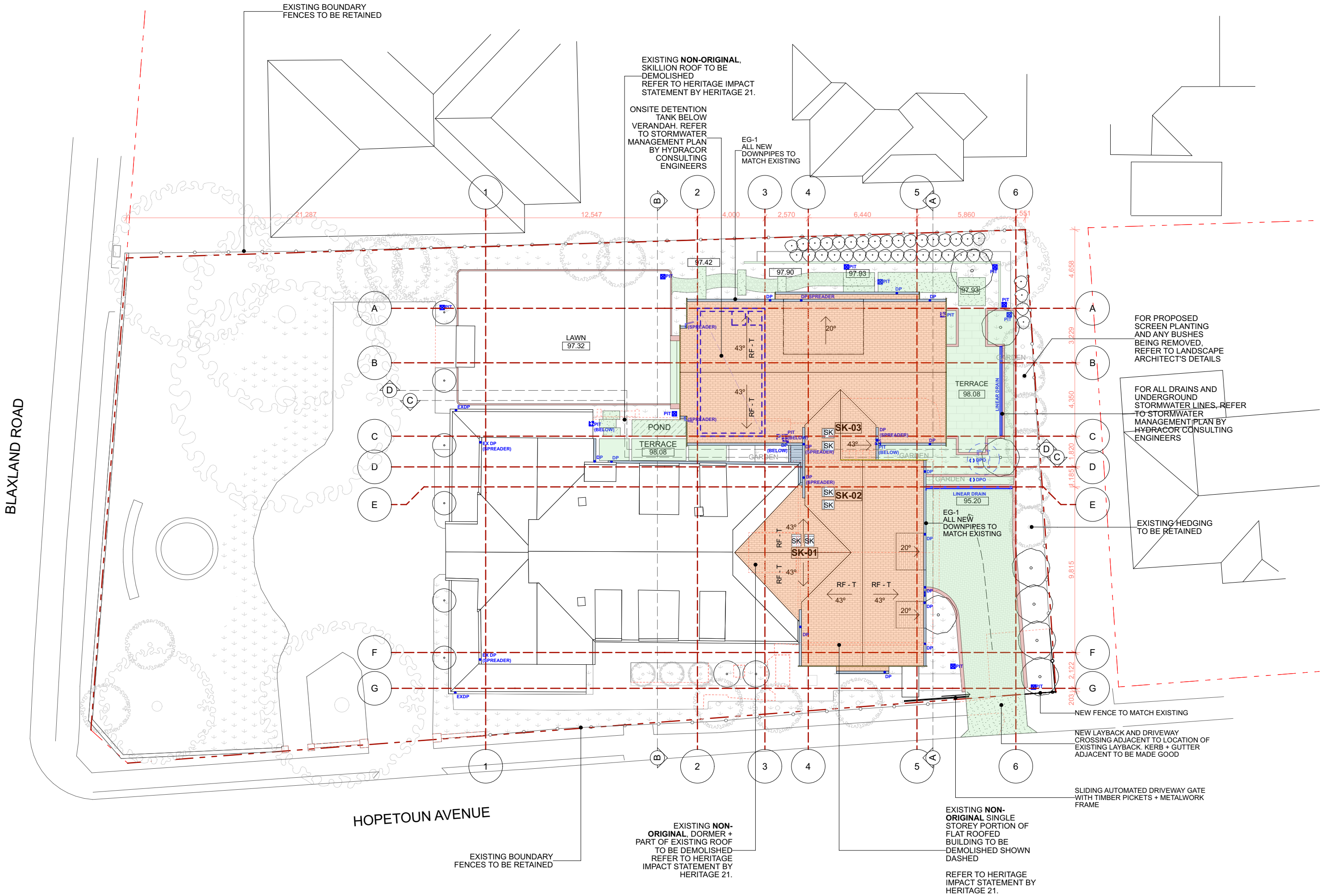
NW ELEVATION



SE ELEVATION



NE ELEVATION



LEGEND	
BM-M	STEEL BEAM TO ENGINEER'S DETAILS
BM-T	TIMBER BEAM TO ENGINEER'S DETAILS
BH	BULKHEAD AT CEILING
CAB	BUILT IN CABINETRY
COL	140 X 140 DRESSED, TREATED PINE, TIMBER COLUMN FOR PAINTING
COL- STR	STRUCTURAL COLUMN, TO ENGINEER'S DETAILS, CONCEALED IN WALLS
CONC	CONCRETE
CONC-P	POLISHED CONCRETE
CPT	CARPET
DN	DRAIN TO CONNECT INTO SUBSURFACE STORM WATER SYSTEM
DP	90 DIA PVC DOWNPIPE FOR PAINTING
DR - TI	EXTERNAL TIMBER FRAMED DOORS
DR - M	EXTERNAL METAL FRAMED DOORS
EG -1	EAVES GUTTER TO MATCH EXISTING (QUAD)
F - BR	FACE BRICK TO MATCH EXISTING
FC-1	FIBRE CEMENT SHEETING FOR PAINTING
FL	COLORBOND FLASHING
HR-M	METAL HANDRAIL/BALUSTRADE FOR PAINTING
HR-T	TIMBER HANDRAIL/BALUSTRADE FOR PAINTING
OFF - CONC	OFF-FORM CONCRETE FINISH
PAV-1	STONE PAVING TYPE 1 - SANDSTONE PAVERS
PAV-2	STONE PAVING TYPE 2 - SAND STONE SLABS
PAV-3	BRICK PAVING / COBBLESTONES
PAV-4	REINFORCED CONCRETE, WITH PIGMENT
PB	PLASTERBOARD FOR PAINTING
P-BR	PAINTED BRICK TO MATCH EXISTING
P-TI	TIMBERWORK FOR PAINTING
PV	PHOTOVOLTAIC PANELS
R-BR	ROUGH CAST RENDER, FOR PAINTING, TO MASONRY WALL
RA	RAKED CEILING OVER
RET-1	RETAINING WALL TYPE 1 - TO CONSIST OF 190, CORE FILLED BLOCKWORK ON STRIP FOOTING. BULDER TO ALLOW FOR WATERPROOF MEMBRANE, DRAINAGE CELL AND AGG DRAIN TO ALL RETAINING WALLS
RET-2	RETAINING WALL TYPE 2 - CONCRETE SLEEPER RETAINING WALL. BULDER TO ALLOW FOR WATERPROOF MEMBRANE, DRAINAGE CELL AND AGG DRAIN TO ALL RETAINING WALLS
RF - M	METAL ROOF - LYSACHT LONGLINE AT PITCHES SHOWN
RF - T	TILED ROOF - SLATE - TO MATCH EXISTING
RF-GDN	CONCRETE ROOF GARDEN WITH APPROX 400 PLANTING DEPTH. BULDER TO ALLOW TO WATERPROOF GARDEN WITH: GRT MEMBRANE, VERSICELL OR VERSIFLEX DRAINAGE MODULES, GEOTEXTILE FILTER FABRIC, ROOF GARDENS TO DRAIN INTO SUBSURFACE STORMWATER SYSTEM IN DOWNPIPES SHOWN.
RWT	UNDERGROUND RAINWATER TANK
STK	STACK
STR-C	STRUCTURAL CONCRETE
ST-T	TIMBER STAIRS
TILE - C	FLOOR TILE - CERAMIC
TILE - ST	FLOOR TILE - STONE
TIM	BLACKBUTT TIMBER STRIP FLOORING
WB	TIMBER WEATHERBOARDS FOR PAINTING
WI - TI	EXTERNAL TIMBER FRAMED WINDOWS
WI - M	EXTERNAL METAL FRAMED WINDOWS
WT - C	WALL TILE - CERAMIC
WT - ST	WALL TILE - STONE
DW	DISH WASHER
FR	FRIDGE
TD	DRYER
VJ	V-JOINTED LINING BOARD FOR PAINTING
W/M	WASHING MACHINE
NOTES	
<b>SITE AREA 1586.6m<sup>2</sup></b>	
<b>FLOOR SPACE RATIO(FSR)</b>	
The maximum FSR for this block is 0.5:1.	
Therefore the maximum allowable Gross Floor Area is 0.5 x Site Area (1586.6)	
= 793.3m <sup>2</sup>	
Gross Floor Area (GFA) is measured from the inside face of external walls, excluding stairs, voids and car parking to meet the requirements of the consent authority.	
LOWER GROUND FLOOR (Excludes 36m <sup>2</sup> for double car parking)	
= 86.7m <sup>2</sup>	
GROUND FLOOR AREA	
= 333.83m <sup>2</sup>	
FIRST FLOOR AREA	
= 300.69m <sup>2</sup>	
<b>TOTAL FLOOR AREA (GFA)</b>	
<b>= 713.23m<sup>2</sup></b>	
<b>DEEP SOIL</b>	
<b>MINIMUM DEEP SOIL AREA REQUIREMENTS:</b>	
Sites are to have a deep soil area that is at least 35% of the area of the allotment.	
Minimum deep soil requirement (35% of 1586.6m <sup>2</sup> )	
= 555.31m <sup>2</sup>	
<b>TOTAL PROPOSED DEEP SOIL</b>	
<b>= 655.41m<sup>2</sup></b>	

## JAMES DESIGN STUDIO PTY LTD

2/68 Tulloh Street  
Willoughby NSW 2068  
PH: 9488 7552  
E-MAIL: lj@jamesdesignstudio.com.au  
jj@jamesdesignstudio.com.au

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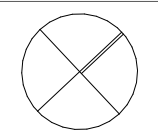
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PROJECT TITLE:  
LAMING RESIDENCE

495 BLAXLAND ROAD DENISTONE  
EAST

LOT 1 DP 514007

PROJECT No:  
2304



REVISION:

DRAWING TITLE:  
SITE PLAN / ROOF PLAN

DATE:  
14/6/2024

SCALE:  
1:200

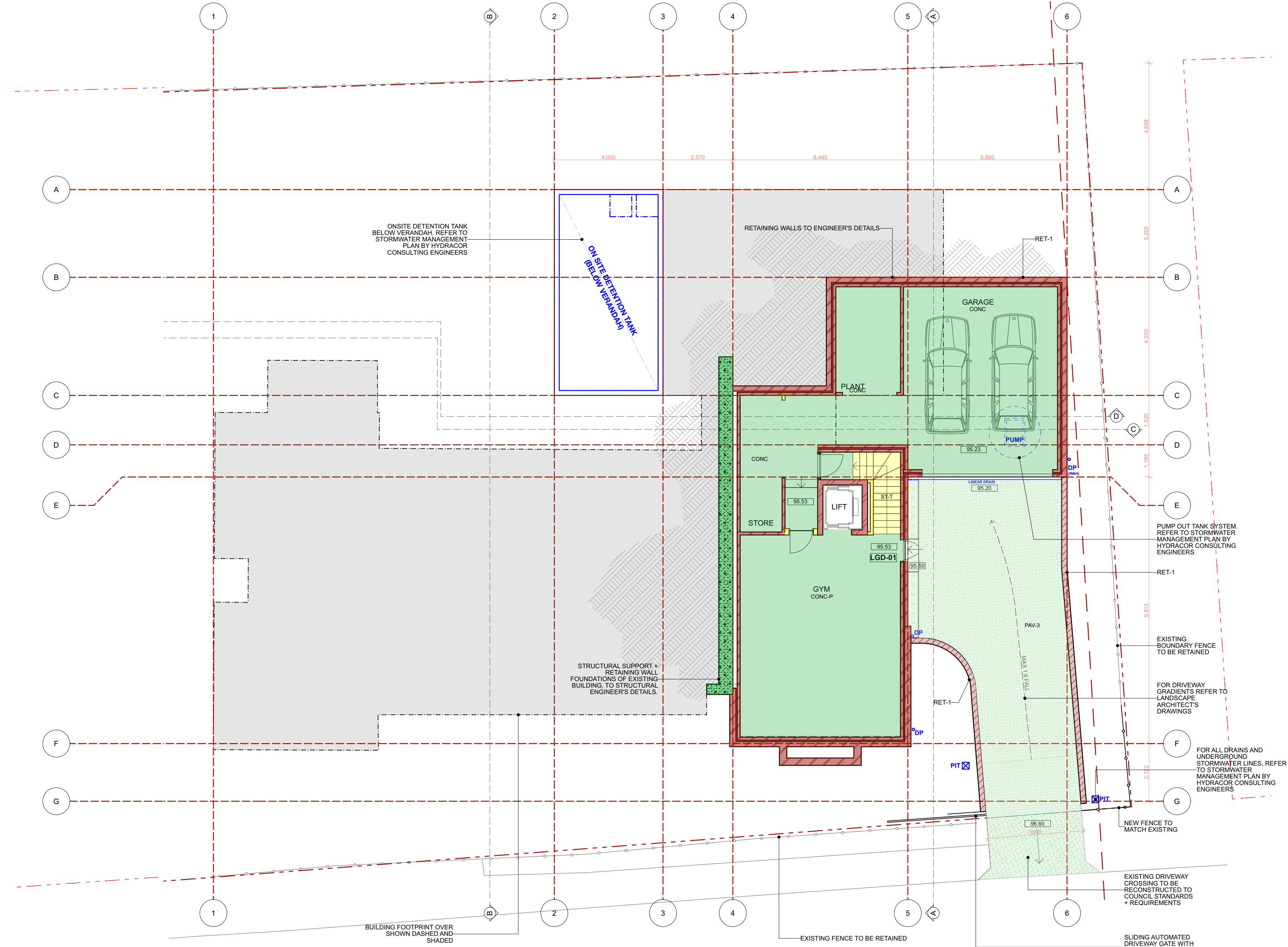
DRG No:  
DA 1.01

REVISION:  
E

DA

DATE:





LEGEND	
BM-M	STEEL BEAM TO ENGINEER'S DETAILS
BM-T	TIMBER BEAM TO ENGINEER'S DETAILS
BH	BULKHEAD AT CEILING
CAB	BUILT IN CABINETRY
COL	140 X 140 DRESSED, TREATED PINE, TIMBER COLUMN FOR PAINTING
COL- STR	STRUCTURAL COLUMN, TO ENGINEER'S DETAILS, CONCEALED IN WALLS
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CPT	CARPET
DN	DRAIN TO CONNECT INTO SUBSURFACE STORM WATER SYSTEM
DP	90 DIA PVC DOWNPIPE FOR PAINTING
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DR - M	EXTERNAL METAL FRAMED DOORS
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F - BR	FACE BRICK TO MATCH EXISTING
FC-1	FIBRE CEMENT SHEETING FOR PAINTING
FL	COLORBOND FLASHING
HR-M	METAL HANDRAIL/BALUSTRADE FOR PAINTING
HR-T	TIMBER HANDRAIL/BALUSTRADE FOR PAINTING
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PAV-2	STONE PAVING TYPE 2 - SAND STONE SLABS
PAV-3	BRICK PAVING / COBBLESTONES
PAV-4	REINFORCED CONCRETE, WITH PIGMENT
PB	PLASTERBOARD FOR PAINTING
P-BR	PAINTED BRICK TO MATCH EXISTING
P-TI	TIMBERWORK FOR PAINTING
PV	PHOTOVOLTAIC PANELS
R-BR	ROUGH CAST RENDER, FOR PAINTING, TO MASONRY WALL
RA	RAKED CEILING OVER
RET-1	RETAINING WALL TYPE 1 - TO CONSIST OF 190, CORE FILLED BLOCKWORK ON STRIP FOOTING. BULDER TO ALLOW FOR WATERPROOF MEMBRANE, DRAINAGE CELL AND AGG DRAIN TO ALL RETAINING WALLS
RET-2	RETAINING WALL TYPE 2 - CONCRETE SLEEPER RETAINING WALL. BULDER TO ALLOW FOR WATERPROOF MEMBRANE, DRAINAGE CELL AND AGG DRAIN TO ALL RETAINING WALLS
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RF - T	TILED ROOF - SLATE - TO MATCH EXISTING
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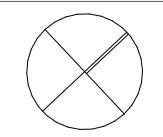
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PROJECT TITLE:  
LAMING RESIDENCE

495 BLAXLAND ROAD DENISTONE  
EAST

LOT 1 DP 514007

PROJECT No:  
2304



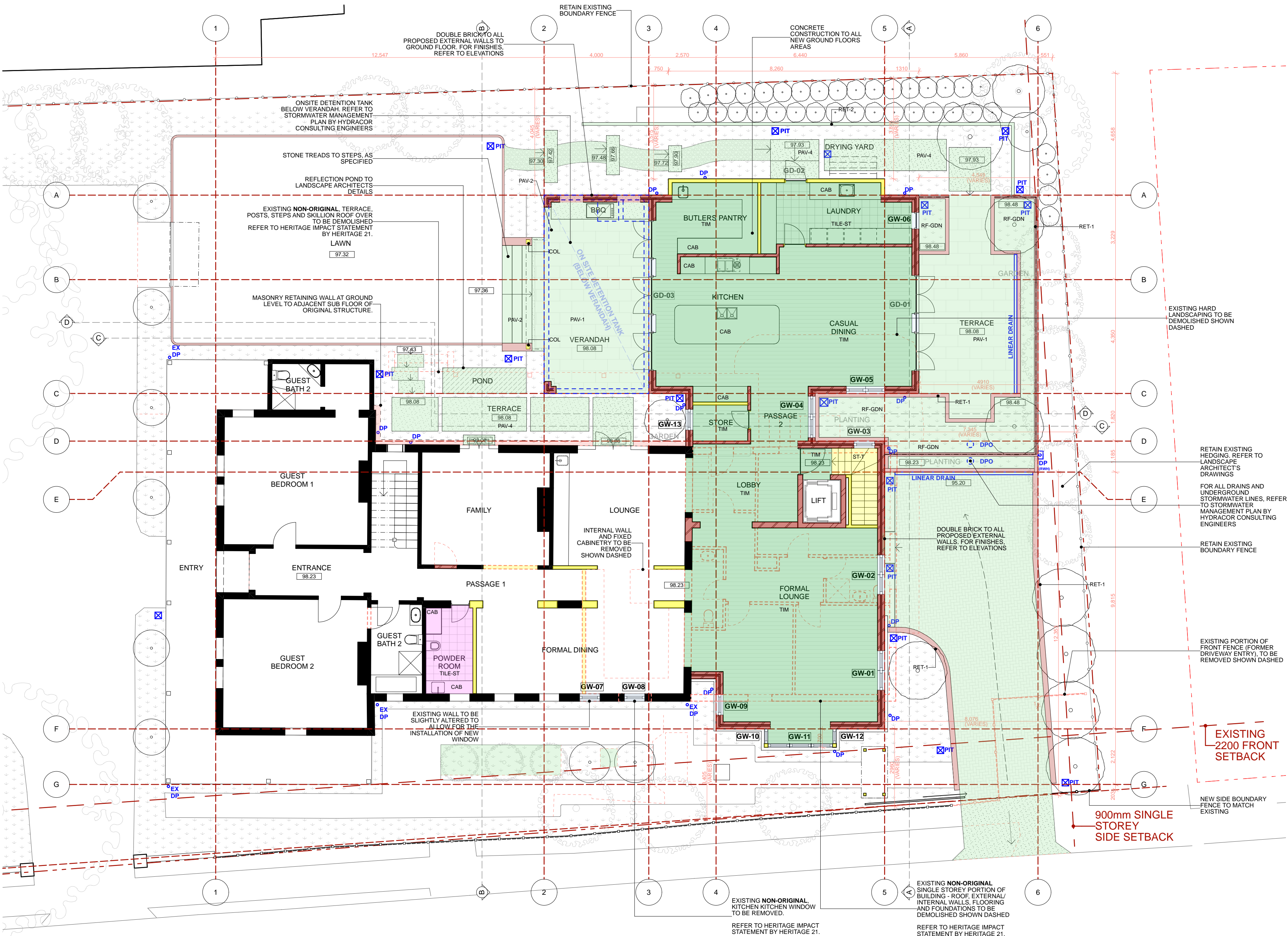
REVISION: DATE:

DRAWING TITLE:  
LOWER GROUND FLOOR PLAN

DATE: 4/6/2024 SCALE: 1:100 DRG No: DA 1.02 REVISION: E

DA





LEGEND	
BM-M	STEEL BEAM TO ENGINEER'S DETAILS
BM-T	TIMBER BEAM TO ENGINEER'S DETAILS
BH	BULKHEAD AT CEILING
CAB	BUILT IN CABINTRY
COL	140 X 140 DRESSED, TREATED PINE, TIMBER COLUMN FOR PAINTING
COL- STR	STRUCTURAL COLUMN, TO ENGINEER'S DETAILS, CONCEALED IN WALLS
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CONC-P	POLISHED CONCRETE
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R-BR	ROUGH CAST RENDER, FOR PAINTING, TO MASONRY WALL
RA	RAKED CEILING OVER
RET-1	RETAINING WALL TYPE 1 - TO CONSIST OF 190, CORE FILLED BLOCKWORK ON STRIP FOOTING. BUILDER TO ALLOW FOR WATERPROOF MEMBRANE, DRAINAGE CELL AND AGG DRAIN TO ALL RETAINING WALLS
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RF - M	METAL ROOF - LYSACHT LONGLINE AT PITCHES SHOWN
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RWT	UNDERGROUND RAINWATER TANK
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jj@jamesdesignstudio.com.au

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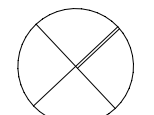
LAMING RESIDENCE

495 BLAXLAND ROAD DENISTONE EAST

LOT 1 DP 514007

PROJECT No:

2304



REVISION:

DRAWING TITLE:

GROUND FLOOR PLAN

DATE:

14/06/2024

SCALE:

1:100

DATE:

DRG No:

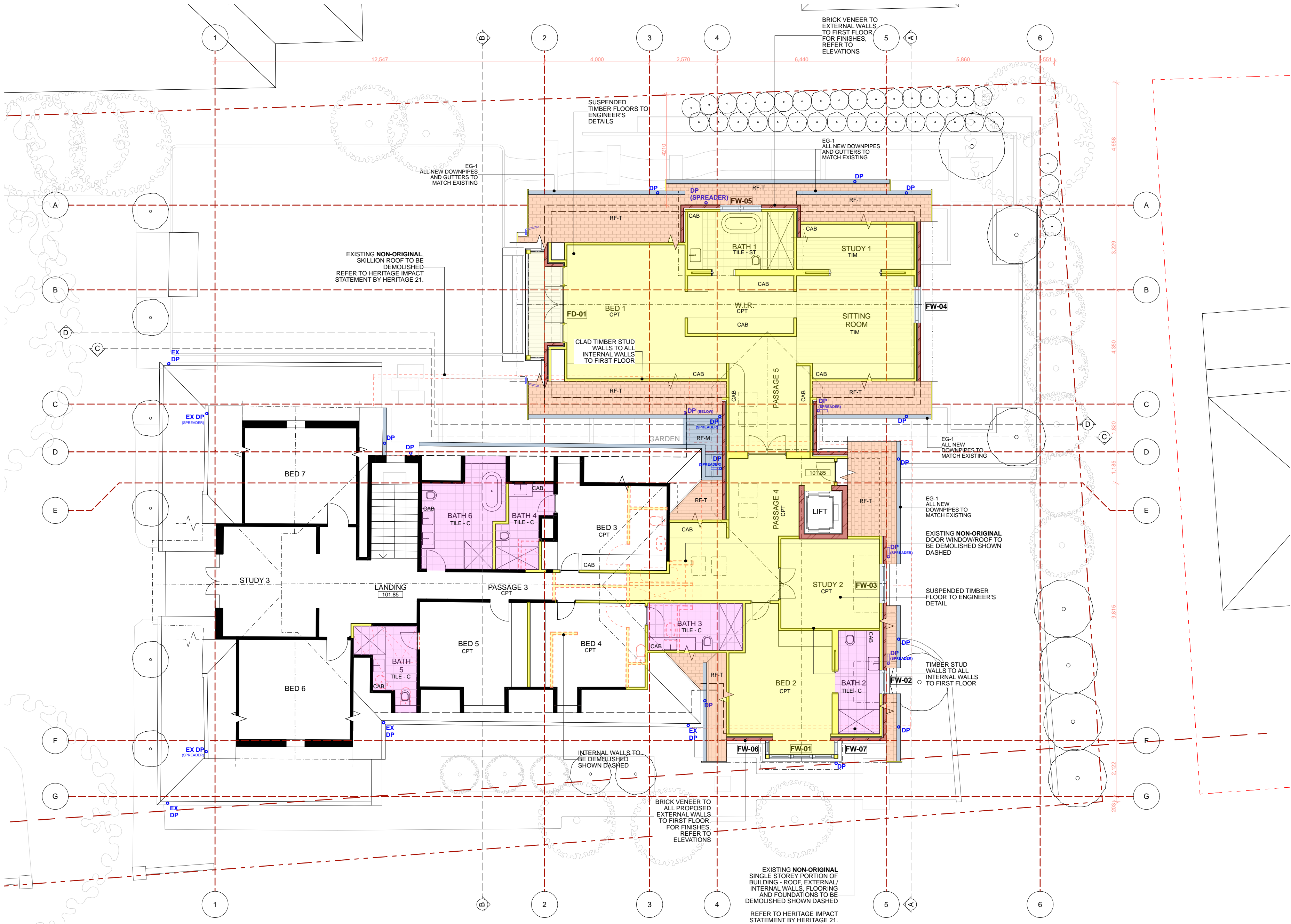
DA 1.03

REVISION:

E

DA





LEGEND	
BM-M	STEEL BEAM TO ENGINEER'S DETAILS
BM-T	TIMBER BEAM TO ENGINEER'S DETAILS
BH	BULKHEAD AT CEILING
CAB	BUILT IN CABINETRY
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RET-2	RETAINING WALL TYPE 2 - CONCRETE SLEEPER RETAINING WALL. BUILDER TO ALLOW FOR WATERPROOF MEMBRANE, DRAINAGE CELL AND AGG DRAIN TO ALL RETAINING WALLS
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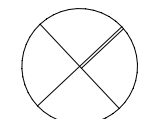
LAMING RESIDENCE

495 BLAXLAND ROAD DENISTONE EAST

LOT 1 DP 514007

PROJECT No:

2304



DIAL RESPONSE  
YOU DIG  
www.7100.com.au

REVISION:

DRAWING TITLE:

FIRST FLOOR PLAN

DATE:

14/06/2024

SCALE:

1:100

DRG No:

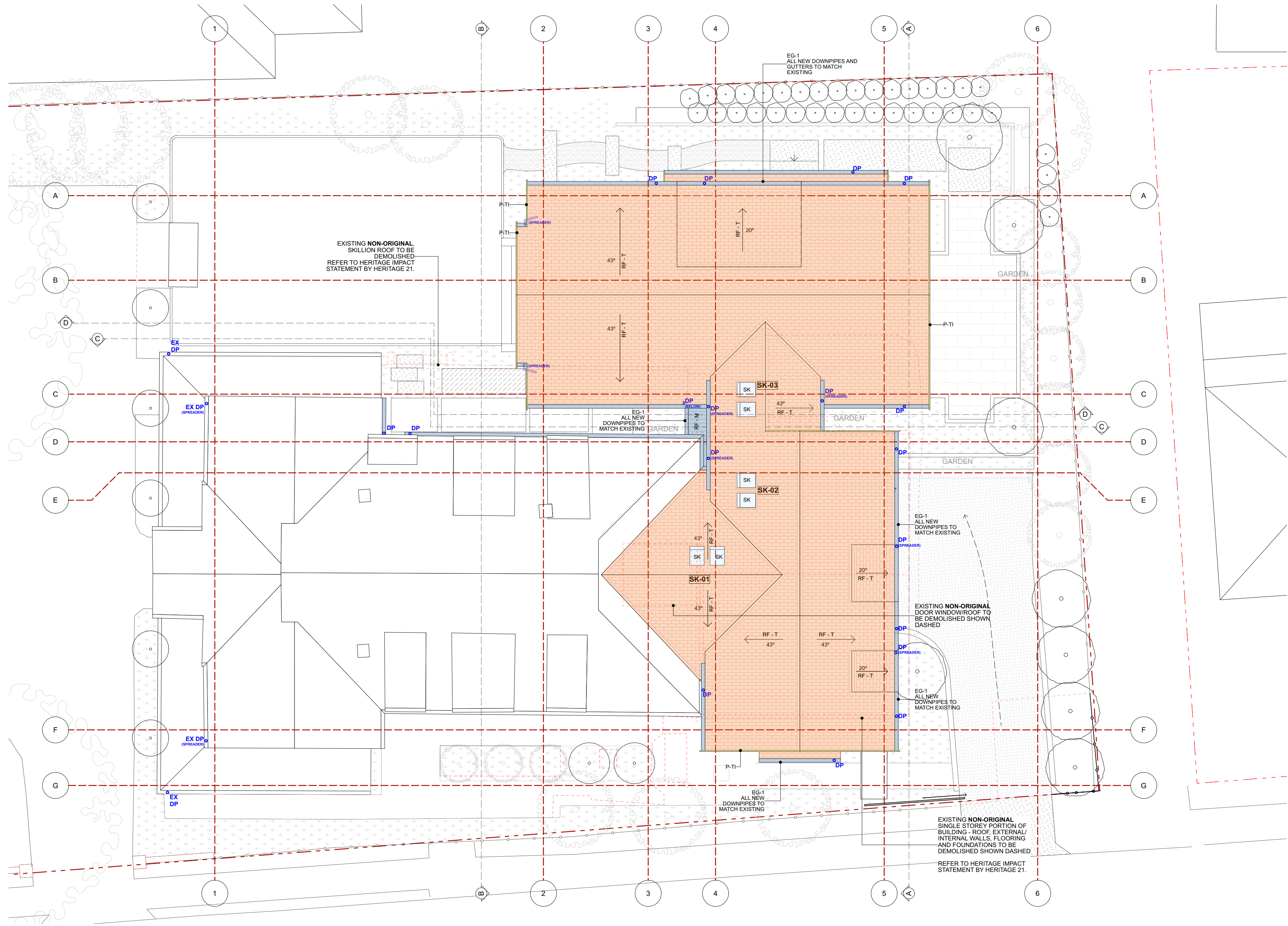
DA 1.04

REVISION:

E

DA





LEGEND	
BM-M	STEEL BEAM TO ENGINEER'S DETAILS
BM-T	TIMBER BEAM TO ENGINEER'S DETAILS
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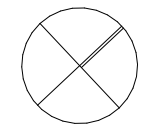
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PROJECT TITLE:  
LAMING RESIDENCE

495 BLAXLAND ROAD DENISTONE  
EAST

LOT 1 DP 514007

PROJECT No:  
2304



REVISION:

DRAWING TITLE:  
ROOF PLAN

DATE:  
14/6/2024

SCALE:  
1:100

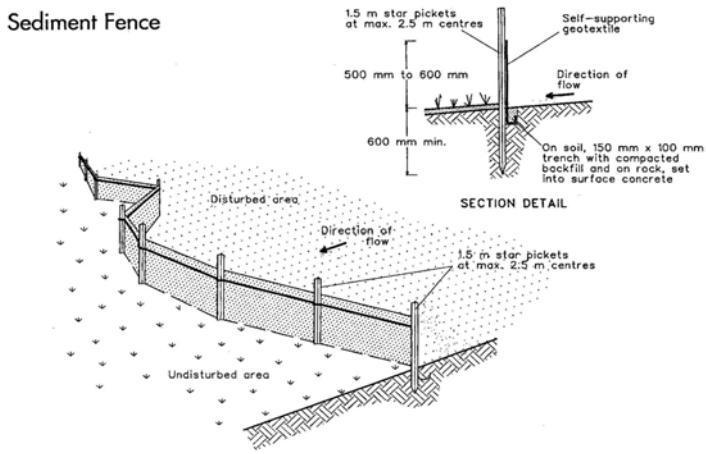
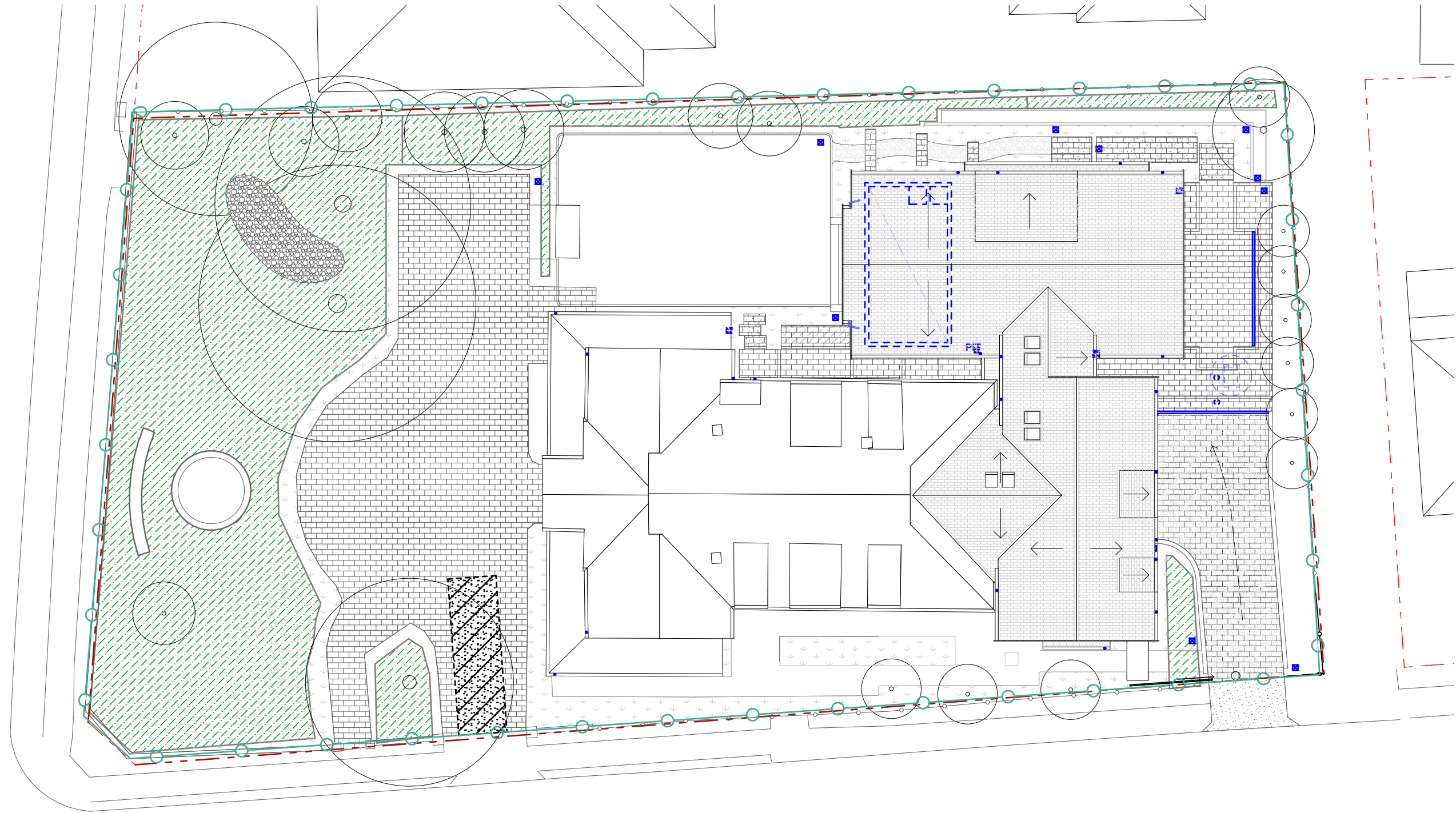
DRG No:  
DA 1.05

REVISION:  
E

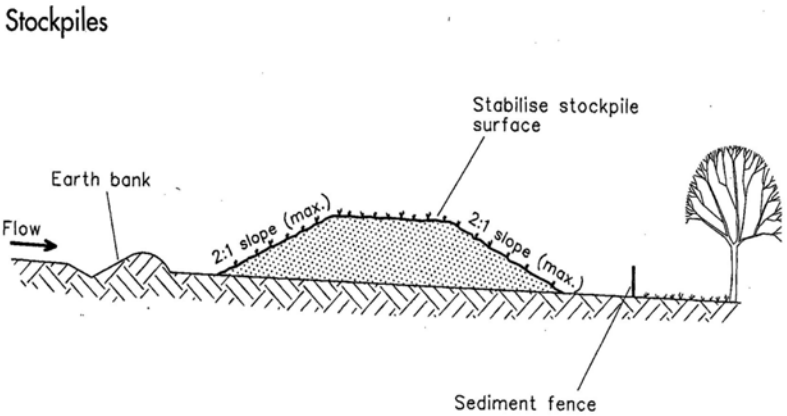
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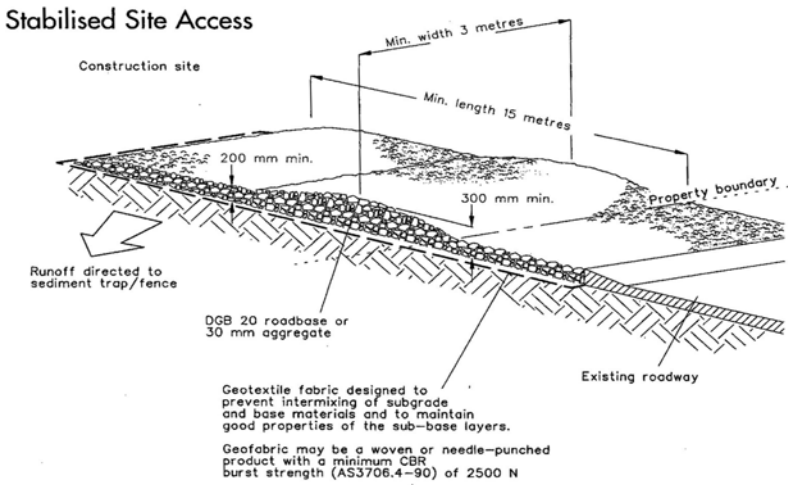




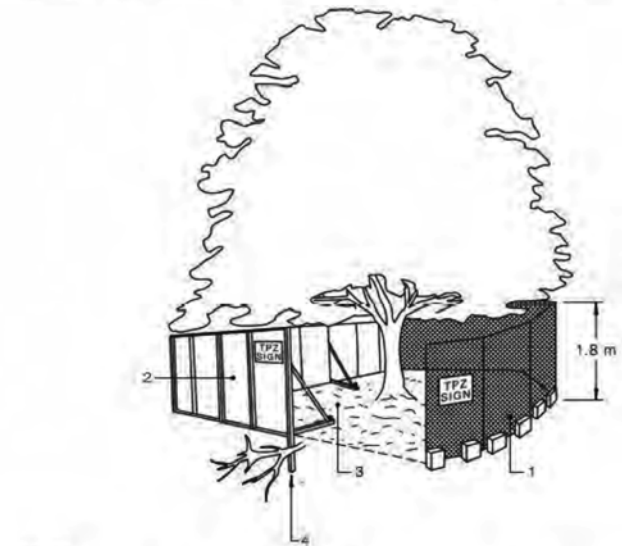
- CONSTRUCTION NOTES**
- Construct sediment fences as close as possible to being parallel to the contours of the site, but with small returns as shown in the drawing to limit the catchment of any one section. The catchment area should be small enough to limit water flow if concentrated at one point to 50 litres per second in the design storm event, usually the 10 year event.
  - Cut a 150mm deep trench along the upslope line of the fence for the bottom of the fabric to be entrenched.
  - Drive a 1.5m long star picket into the ground at 2.5m intervals (max) at the downslope edge of the trench. Ensure any star pickets are fitted with safety caps.
  - Fix self supporting geotextile to the upslope side of the posts ensuring it goes to the base of the trench. Fix the geotextile with wire ties or as recommended by the manufacturer. Only use geotextile specifically produced for sediment fencing. The use of shade cloth for this purpose is not satisfactory.
  - Join sections of fabric at a support post with a 150mm overlap.
  - Backfill the trench over the base of the fabric and compact it thoroughly over the geotextile.



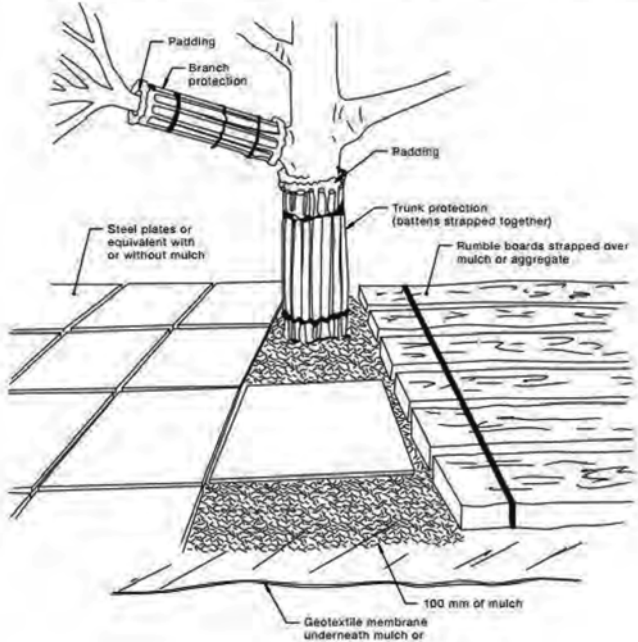
- CONSTRUCTION NOTES**
- Where possible locate stockpile at least 5 metres from existing vegetation, concentrated water flows, roads and hazard areas.
  - Construct on the contour as a low flat, elongated mound.
  - Where there is sufficient area topsoil stockpiles shall be less than 2 m in height.
  - Rehabilitation in accordance with the SWMP/ESCP
  - Construct earth bank on the upslope side to divert run off around stockpile and a sediment fence 1 to 2 metres downslope of stockpile.



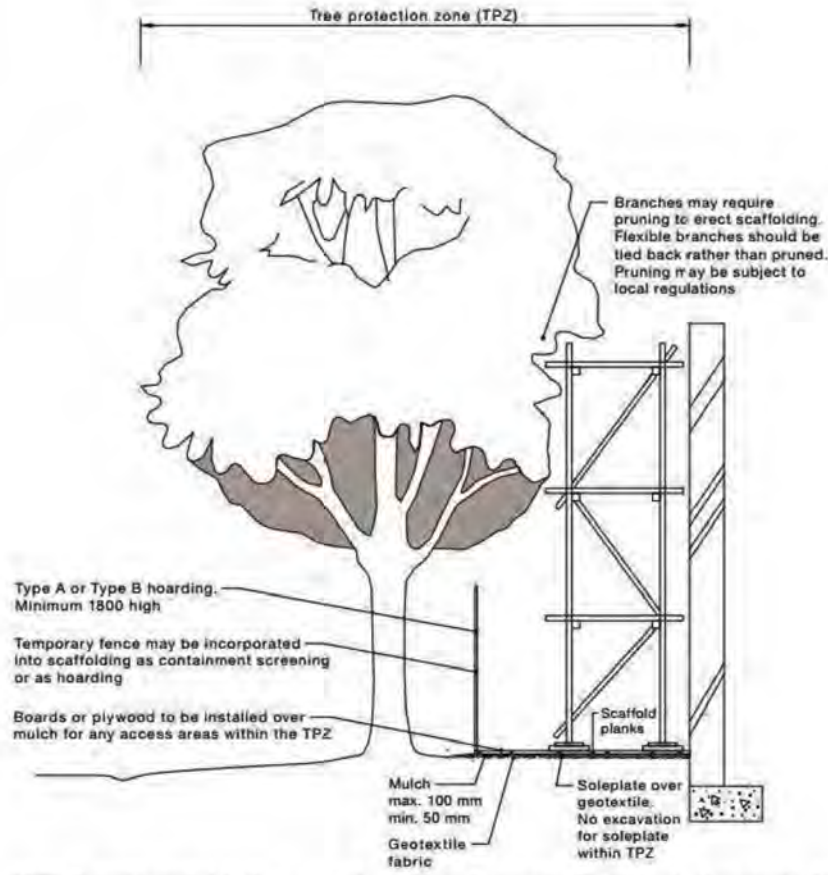
- CONSTRUCTION NOTES**
- Strip topsoil and level site.
  - Compact subgrade.
  - Cover area with needle-punched geotextile.
  - Construct 200mm thick pad over geotextile using roadbase or 30mm aggregate. Minimum length 15 metres or to building alignment. Minimum width 3m.
  - Construct hump immediately within boundary to divert water to a sediment fence or other sediment trap.



- LEGEND:**
- Chain wire mesh panels with shade cloth (if required) attached, held in place with concrete feet.
  - Alternative plywood or wooden paling fence panels. This fencing material also prevents building materials or soil entering the TPZ.
  - Mulch installation across surface of TPZ (at the discretion of the project arborist). No excavation, construction activity, grade changes, surface treatment or storage of materials of any kind is permitted within the TPZ.
  - Bracing is permissible within the TPZ. Installation of supports should avoid damaging roots.



- NOTES:**
- For trunk and branch protection use boards and padding that will prevent damage to bark. Boards are to be strapped to trees, not nailed or screwed.
  - Rumble boards should be of a suitable thickness to prevent soil compaction and root damage.



**NOTE:** Excavation required for the insertion of support posts for tree protection fencing should not involve the severance of any roots greater than 20 mm in diameter, without the prior approval of the project arborist.

## LEGEND

- EXISTING TREES TO BE REMOVED
- EXISTING TREES TO BE RETAINED
- UNDISTURBED AREA
- STABILISED SITE ACCESS
- STOCKPILE OF TOP SOIL
- IMPERVIOUS AREA

## NOTES

Existing timber paling fences around boundary to be retained. Existing electrical service to be disconnected. Builder to provide temporary power. Builder is to contact all relevant infrastructure authorities before commencing the development. The demolition must be carried out in accordance with AS 2601—2001, The demolition of structures, and run-off and erosion controls to prevent soil erosion, water pollution or the discharge of loose sediment on the land surrounding the development must be implemented by:

- diverting uncontaminated run-off around cleared or disturbed areas, and
  - erecting a silt fence to prevent debris escaping into drainage systems and waterways, and
  - preventing tracking of sediment by vehicles onto roads, and
  - stockpiling top soil, excavated materials, construction and landscaping supplies and debris within the lot.
- Any essential service must be disconnected from the structure being demolished or removed in accordance with the requirements of the relevant authority

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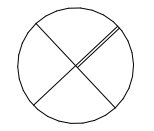
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PROJECT TITLE:  
LAMING RESIDENCE

495 BLAXLAND ROAD DENISTONE EAST

LOT 1 DP 514007

PROJECT No:  
2304



DA

REVISION: DATE:

DRAWING TITLE:  
ENVIRONMENTAL SITE MANAGEMENT PLAN

DATE: 14/6/2024 SCALE: 1:200 DRG No: DA 1.06 REVISION: E



Fixtures and systems						
Hot water						
The applicant must install the following hot water system in the development: gas instantaneous.						
Insulation requirements						
The applicant must construct the new or altered construction (floor(s), walls, and ceilings/roofs) in accordance with the specifications listed in the table below, except that a) additional insulation is not required where the area of new construction is less than 2m2, b) insulation specified is not required for parts of altered construction where insulation already exists.						
Construction	Additional insulation required (R-value)	Other specifications				
concrete slab on ground floor.	nil	N/A				
suspended floor with enclosed subfloor: framed (R0.7).	R0.60 (down) (or R1.30 including construction)	N/A				
suspended floor above garage: concrete (R0.6).	nil	N/A				
external wall: brick veneer	R1.16 (or R1.70 including construction)					
external wall: cavity brick	nil					
external wall: framed (weatherboard, fibro, metal clad)	R1.30 (or R1.70 including construction)					
internal wall shared with garage: single skin masonry (R0.18)	nil					
flat ceiling, pitched roof	ceiling: R3.00 (up), roof: foil/sarking	medium (solar absorptance 0.475 - 0.70)				
raked ceiling, pitched/skillion roof: framed	ceiling: R3.00 (up), roof: foil/sarking	medium (solar absorptance 0.475 - 0.70)				
Windows and glazed doors						
The applicant must install the windows, glazed doors and shading devices, in accordance with the specifications listed in the table below. Relevant overshadowing specifications must be satisfied for each window and glazed door.						
For projections described in millimetres, the leading edge of each eave, pergola, verandah, balcony or awning must be no more than 500 mm above the head of the window or glazed door and no more than 2400 mm above the sill.						
Overshadowing buildings or vegetation must be of the height and distance from the centre and the base of the window and glazed door, as specified in the 'overshadowing' column in the table below.						
Glazing requirements						
Windows and glazed doors glazing requirements						
Window/door number	Orientation	Area of glass including frame (m2)	Overshadowing height (m)	Overshadowing distance (m)	Shading device	Frame and glass type
LGD.1	NE	1.66	0	0	none	timber or uPVC, double Lo-Tsol/air gap/clear, (U-value: 2.3, SHGC: 0.19)
GD.1	NE	7.46	1.7	4.4	none	timber or uPVC, double Lo-Tsol/air gap/clear, (U-value: 2.3, SHGC: 0.19)
GD.2	NW	2.35	0	0	eave/ verandah/ pergola/balcony >=450 mm	timber or uPVC, single pyrolytic low-e, (U-value: 3.99, SHGC: 0.4)
GD.3	SW	14.19	0	0	eave/ verandah/ pergola/balcony >=900 mm	timber or uPVC, single clear, (or U-value: 5.71, SHGC: 0.66)
GW.1	NE	2.44	0	0	external louvre/blind (adjustable)	timber or uPVC, single clear, (or U-value: 5.71, SHGC: 0.66)

GW.2	NE	2.44	0	0	external louvre/blind (adjustable)	timber or uPVC, single clear, (or U-value: 5.71, SHGC: 0.66)
GW.3	NW	1.34	3.6	1.82	eave/ verandah/ pergola/balcony >=900 mm	timber or uPVC, single clear, (or U-value: 5.71, SHGC: 0.66)
GW.4	NE	2.42	0	0	external louvre/blind (adjustable)	timber or uPVC, single pyrolytic low-e, (U-value: 3.99, SHGC: 0.4)
GW.5	SE	2.46	1.82	3	none	timber or uPVC, single clear, (or U-value: 5.71, SHGC: 0.66)
GW.6	NE	2.42	0	0	none	timber or uPVC, double Lo-Tsol/air gap/clear, (U-value: 2.3, SHGC: 0.19)
GW.7	SE	1.4	0	0	eave/ verandah/ pergola/balcony >=450 mm	timber or uPVC, single clear, (or U-value: 5.71, SHGC: 0.66)
GW.8	SE	1.4	0	0	eave/ verandah/ pergola/balcony >=450 mm	timber or uPVC, single clear, (or U-value: 5.71, SHGC: 0.66)
GW.9	SW	1.35	0	0	none	timber or uPVC, single clear, (or U-value: 5.71, SHGC: 0.66)
GW.10	SW	0.97	0	0	none	timber or uPVC, single clear, (or U-value: 5.71, SHGC: 0.66)
GW.11	SE	3.63	0	0	none	timber or uPVC, single clear, (or U-value: 5.71, SHGC: 0.66)
GW.12	NE	0.97	0	0	none	timber or uPVC, double Lo-Tsol/air gap/clear, (U-value: 2.3, SHGC: 0.19)
FD.1	SW	6.59	0	0	eave/ verandah/ pergola/balcony >=900 mm	timber or uPVC, single clear, (or U-value: 5.71, SHGC: 0.66)
FW.1	SE	4.26	0	0	none	timber or uPVC, single clear, (or U-value: 5.71, SHGC: 0.66)
FW.2	NE	1.37	0	0	eave/ verandah/ pergola/balcony >=450 mm	timber or uPVC, single pyrolytic low-e, (U-value: 3.99, SHGC: 0.4)
FW.3	NE	2.24	0	0	eave/ verandah/ pergola/balcony >=450 mm	timber or uPVC, single pyrolytic low-e, (U-value: 3.99, SHGC: 0.4)

FW-4	NE	2.24	0	0	eave/ verandah/ pergola/balcony >=450 mm	timber or uPVC, single pyrolytic low-e, (U-value: 3.99, SHGC: 0.4)
FW-5	NW	3.2	0	0	eave/ verandah/ pergola/balcony >=450 mm	timber or uPVC, single pyrolytic low-e, (U-value: 3.99, SHGC: 0.4)
FW-6	SW	0.97	0	0	eave/ verandah/ pergola/balcony >=450 mm	timber or uPVC, single clear, (or U-value: 5.71, SHGC: 0.66)
FW-7	NE	0.97	0	0	eave/ verandah/ pergola/balcony >=450 mm	timber or uPVC, single pyrolytic low-e, (U-value: 3.99, SHGC: 0.4)
GW-13	SW	2.42	0	0	none	timber or uPVC, single clear, (or U-value: 5.71, SHGC: 0.66)
Skylights						
The applicant must install the skylights in accordance with the specifications listed in the table below.						
The following requirements must also be satisfied in relation to each skylight:						
Each skylight may either match the description, or, have a U-value and a Solar Heat Gain Coefficient (SHGC) no greater than that listed in the table below.						
Skylights glazing requirements						
Skylight number	Area of glazing inc. frame (m2)		Shading device		Frame and glass type	
S1	0.78		no shading		aluminium, moulded plastic single clear, (or U-value: 6.21, SHGC: 0.808)	
S2	0.78		no shading		timber, low-E internal/argon fill/clear external, (or U-value: 2.5, SHGC: 0.456)	
S3	0.78		no shading		timber, low-E internal/argon fill/clear external, (or U-value: 2.5, SHGC: 0.456)	

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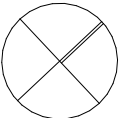
LAMING RESIDENCE

495 BLAXLAND ROAD DENISTONE EAST

LOT 1 DP 514007

PROJECT No:

2304



REVISION:

DATE:

DRAWING TITLE:

BASIX INFORMATION

DATE:

4/6/2024

SCALE:

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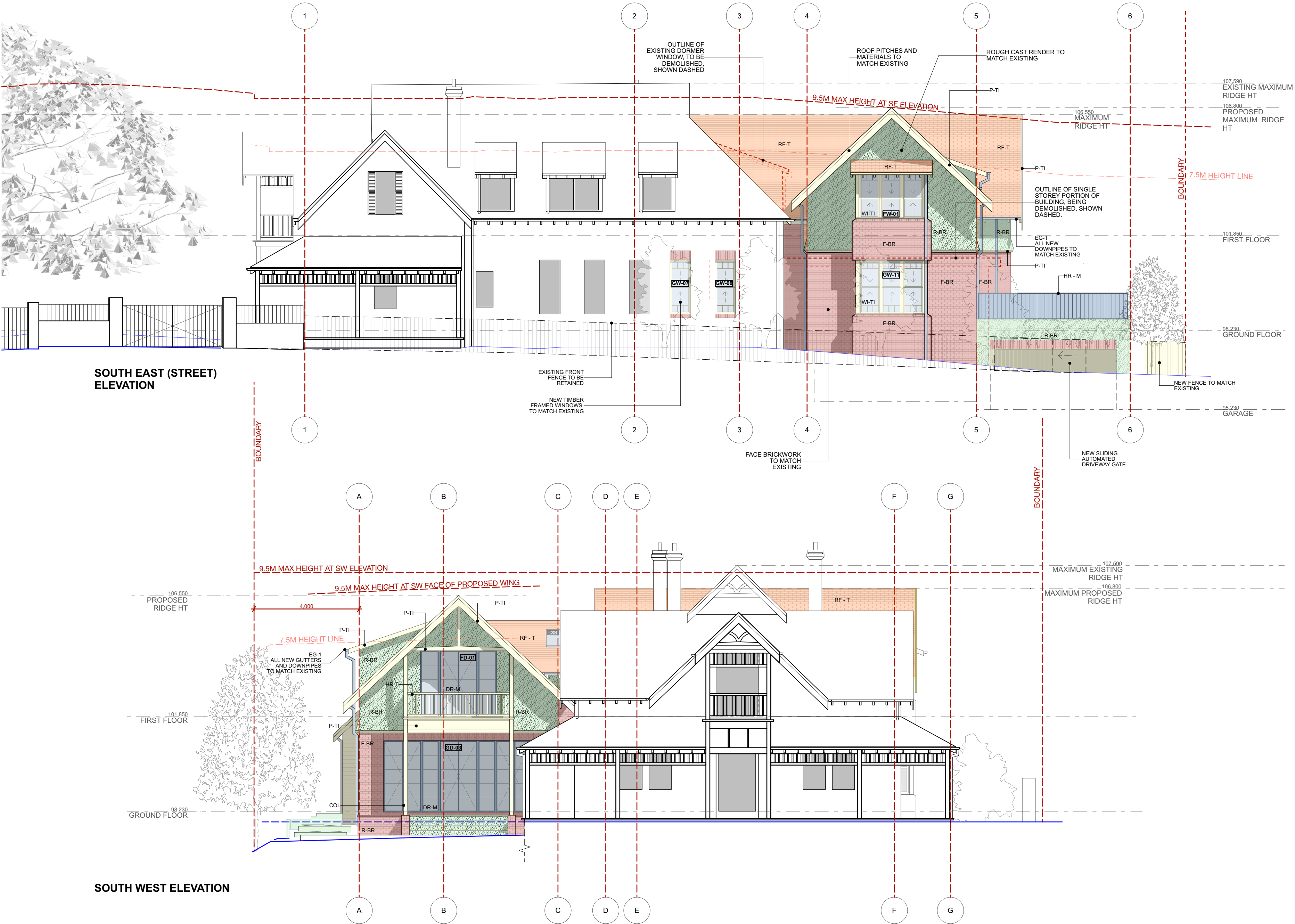
DRG No:

DA 1.07

REVISION:

E

DA



LEGEND	
BM-M	STEEL BEAM TO ENGINEER'S DETAILS
BM-T	TIMBER BEAM TO ENGINEER'S DETAILS
BH	BULKHEAD AT CEILING
CAB	BUILT IN CABINETRY
COL	140 X 140 DRESSED, TREATED PINE, TIMBER COLUMN FOR PAINTING
COL-STR	STRUCTURAL COLUMN, TO ENGINEER'S DETAILS, CONCEALED IN WALLS
CONC	CONCRETE
CONC-P	POLISHED CONCRETE
CPT	CARPET
DN	DRAIN TO CONNECT INTO SUBSURFACE STORM WATER SYSTEM
DP	90 DIA PVC DOWNPIPE FOR PAINTING
DR-TI	EXTERNAL TIMBER FRAMED DOORS
DR-M	EXTERNAL METAL FRAMED DOORS
EG-1	EAVES GUTTER TO MATCH EXISTING (QUAD)
F-BR	FACE BRICK TO MATCH EXISTING
FC-1	FIBRE CEMENT SHEETING FOR PAINTING
FL	COLORBOND FLASHING
HR-M	METAL HANDRAIL/BALUSTRADE FOR PAINTING
HR-T	TIMBER HANDRAIL/BALUSTRADE FOR PAINTING
OFF-CONC	OFF-FORM CONCRETE FINISH
PAV-1	STONE PAVING TYPE 1 - SANDSTONE PAVERS
PAV-2	STONE PAVING TYPE 2 - SAND STONE SLABS
PAV-3	BRICK PAVING / COBBLESTONES
PAV-4	REINFORCED CONCRETE, WITH PIGMENT
PB	PLASTERBOARD FOR PAINTING
P-BR	PAINTED BRICK TO MATCH EXISTING
P-TI	TIMBERWORK FOR PAINTING
PV	PHOTOVOLTAIC PANELS
R-BR	ROUGH CAST RENDER, FOR PAINTING, TO MASONRY WALL
RA	RAKED CEILING OVER
RET-1	RETAINING WALL TYPE 1 - TO CONSIST OF 190, CORE FILLED BLOCKWORK ON STRIP FOOTING. BUILDER TO ALLOW FOR WATERPROOF MEMBRANE, DRAINAGE CELL AND AGG DRAIN TO ALL RETAINING WALLS
RET-2	RETAINING WALL TYPE 2 - CONCRETE SLEEPER RETAINING WALL. BUILDER TO ALLOW FOR WATERPROOF MEMBRANE, DRAINAGE CELL AND AGG DRAIN TO ALL RETAINING WALLS
RF-M	METAL ROOF - LYSACHT LONGLINE AT PITCHES SHOWN
RF-T	TILED ROOF - SLATE - TO MATCH EXISTING
RF-GDN	CONCRETE ROOF GARDEN WITH APPROX 400 PLANTING DEPTH. BUILDER TO ALLOW TO WATERPROOF GARDEN WITH: GRT MEMBRANE, VERSICELL OR VERSIFLEX DRAINAGE MODULES, GEOTEXTILE FILTER FABRIC, ROOF GARDENS TO DRAIN INTO SUBSURFACE STORMWATER SYSTEM IN DOWNPIPES SHOWN.
RWT	UNDERGROUND RAINWATER TANK
STK	STACK
STR-C	STRUCTURAL CONCRETE
ST-T	TIMBER STAIRS
TILE-C	FLOOR TILE - CERAMIC
TILE-ST	FLOOR TILE - STONE
TIM	BLACKBUTT TIMBER STRIP FLOORING
WB	TIMBER WEATHERBOARDS FOR PAINTING
WI-TI	EXTERNAL TIMBER FRAMED WINDOWS
WI-M	EXTERNAL METAL FRAMED WINDOWS
WT-C	WALL TILE - CERAMIC
WT-ST	WALL TILE - STONE
DW	DISH WASHER
FR	FRIDGE
TD	DRYER
VJ	V-JOINTED LINING BOARD FOR PAINTING
W/M	WASHING MACHINE

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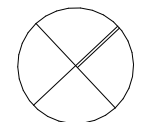
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495 BLAXLAND ROAD DENISTONE  
EAST

LOT 1 DP 514007

PROJECT No:

2304



REVISION:

DRAWING TITLE:

SE ELEVATION + SW ELEVATION

DATE:

4/6/2024

SCALE:

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DRG No:

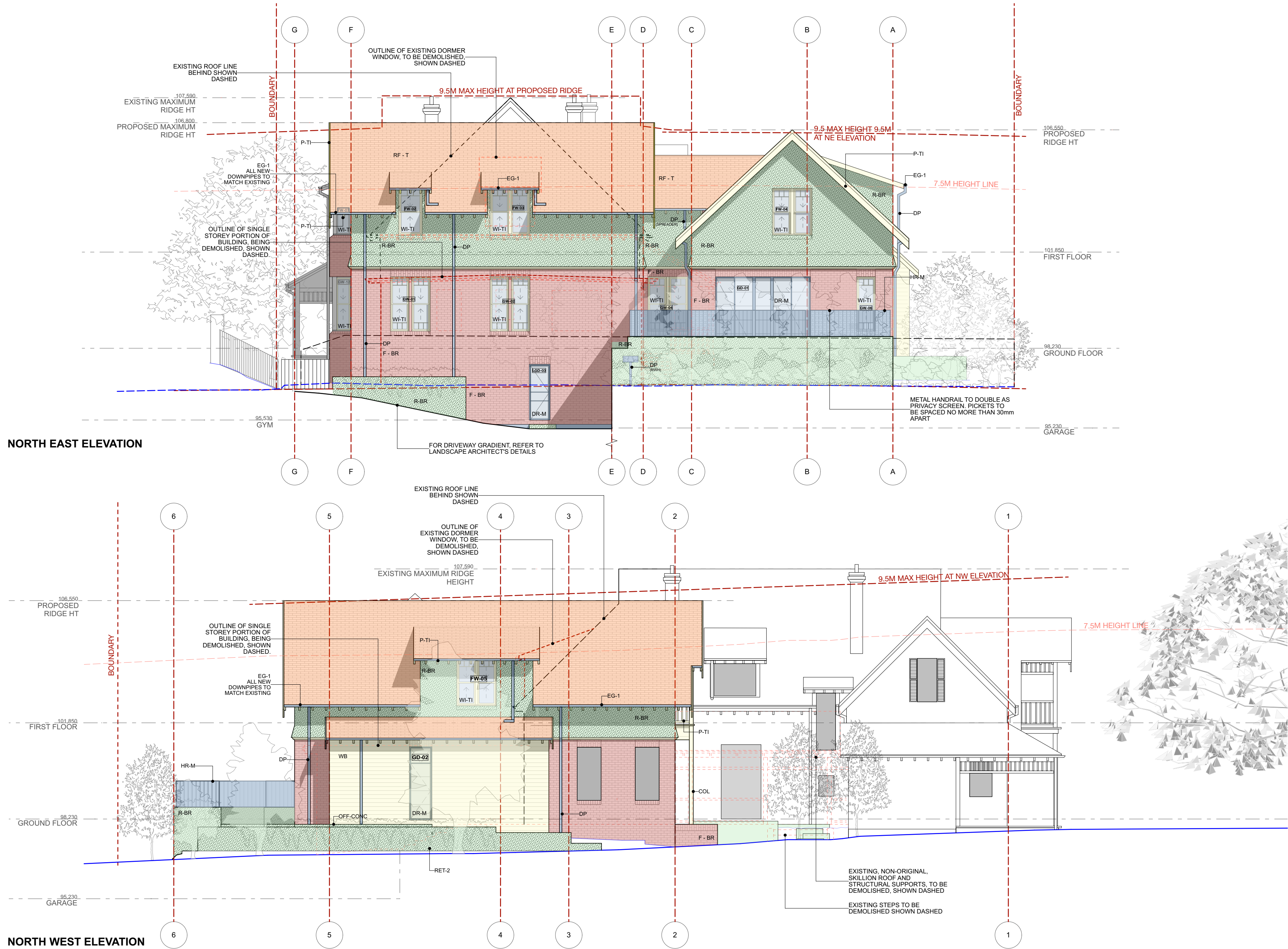
DA 1.10

REVISION:

E

DA





LEGEND	
BM-M	STEEL BEAM TO ENGINEER'S DETAILS
BM-T	TIMBER BEAM TO ENGINEER'S DETAILS
BH	BULKHEAD AT CEILING
CAB	BUILT IN CABINETRY
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RF - T	TILED ROOF - SLATE - TO MATCH EXISTING
RF-GDN	CONCRETE ROOF GARDEN WITH APPROX 400 PLANTING DEPTH. BULDER TO ALLOW TO WATERPROOF GARDEN WITH: GRT MEMBRANE, VERSICELL OR VERSIFLEX DRAINAGE MODULES, GEOTEXTILE FILTER FABRIC, ROOF GARDENS TO DRAIN INTO SUBSURFACE STORMWATER SYSTEM IN DOWNPIPES SHOWN.
RWT	UNDERGROUND RAINWATER TANK
STK	TIMBER FRAMED SKYLIGHT (VELUX -FIXED)
STK	STACK
STR-C	STRUCTURAL CONCRETE
ST-T	TIMBER STAIRS
TILE- C	FLOOR TILE - CERAMIC
TILE- ST	FLOOR TILE - STONE
TIM	BLACKBUTT TIMBER STRIP FLOORING
WB	TIMBER WEATHERBOARDS FOR PAINTING
WI - TI	EXTERNAL TIMBER FRAMED WINDOWS
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WT- C	WALL TILE - CERAMIC
WT- ST	WALL TILE - STONE
DW	DISH WASHER
FR	FRIDGE
TD	DRYER
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PROJECT TITLE:

LAMING RESIDENCE

495 BLAXLAND ROAD DENISTONE EAST

LOT 1 DP 514007

PROJECT No:

2304

REVISION:

DATE:

SCALE:

DRG No:

REVISION:

DA

DRAWING TITLE:

NE ELEVATION + NW ELEVATION

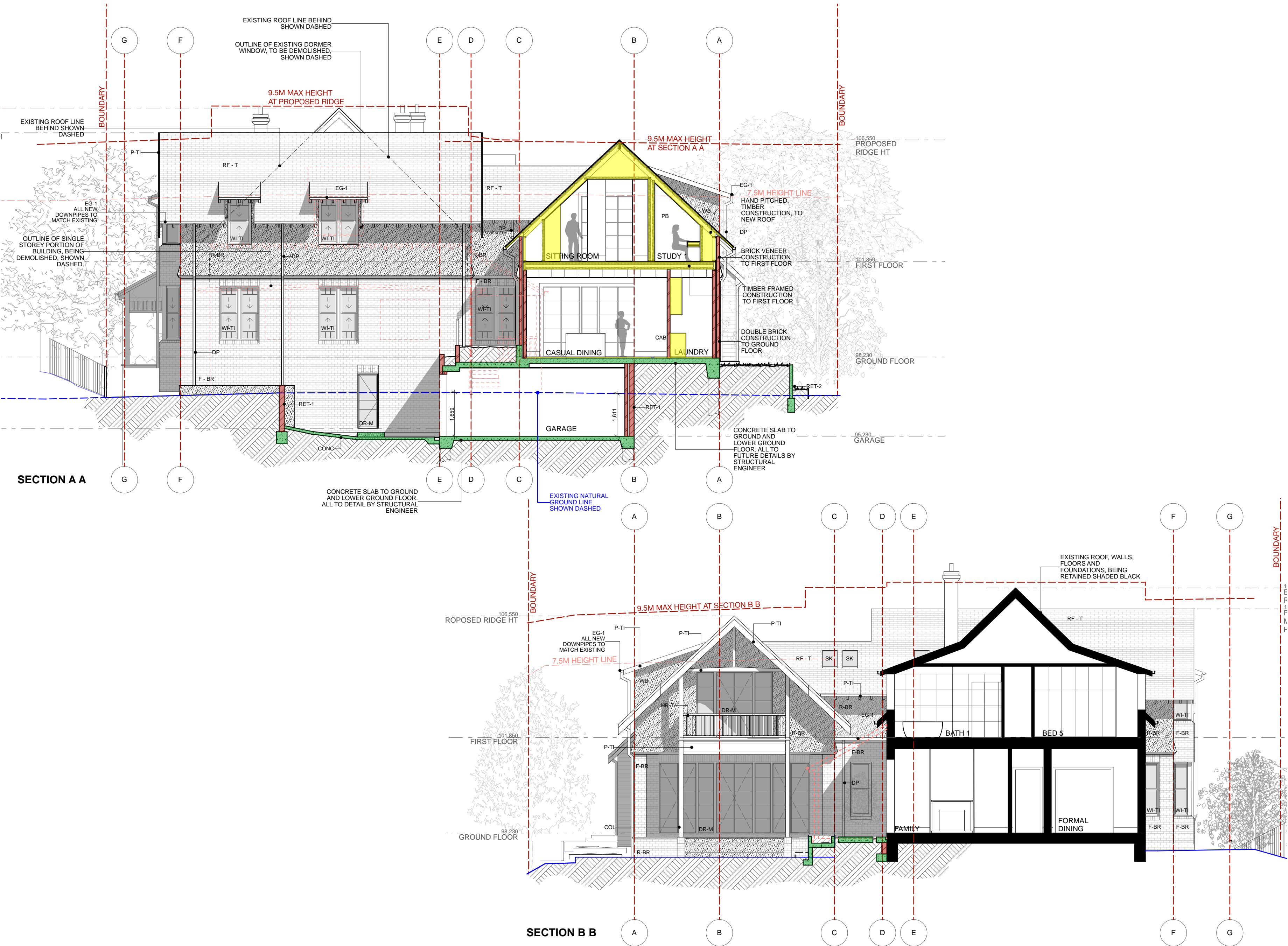
DATE: 4/6/2024

SCALE: 1:100

DRG No: DA 1.11

REVISION: E





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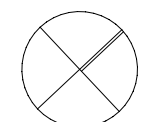
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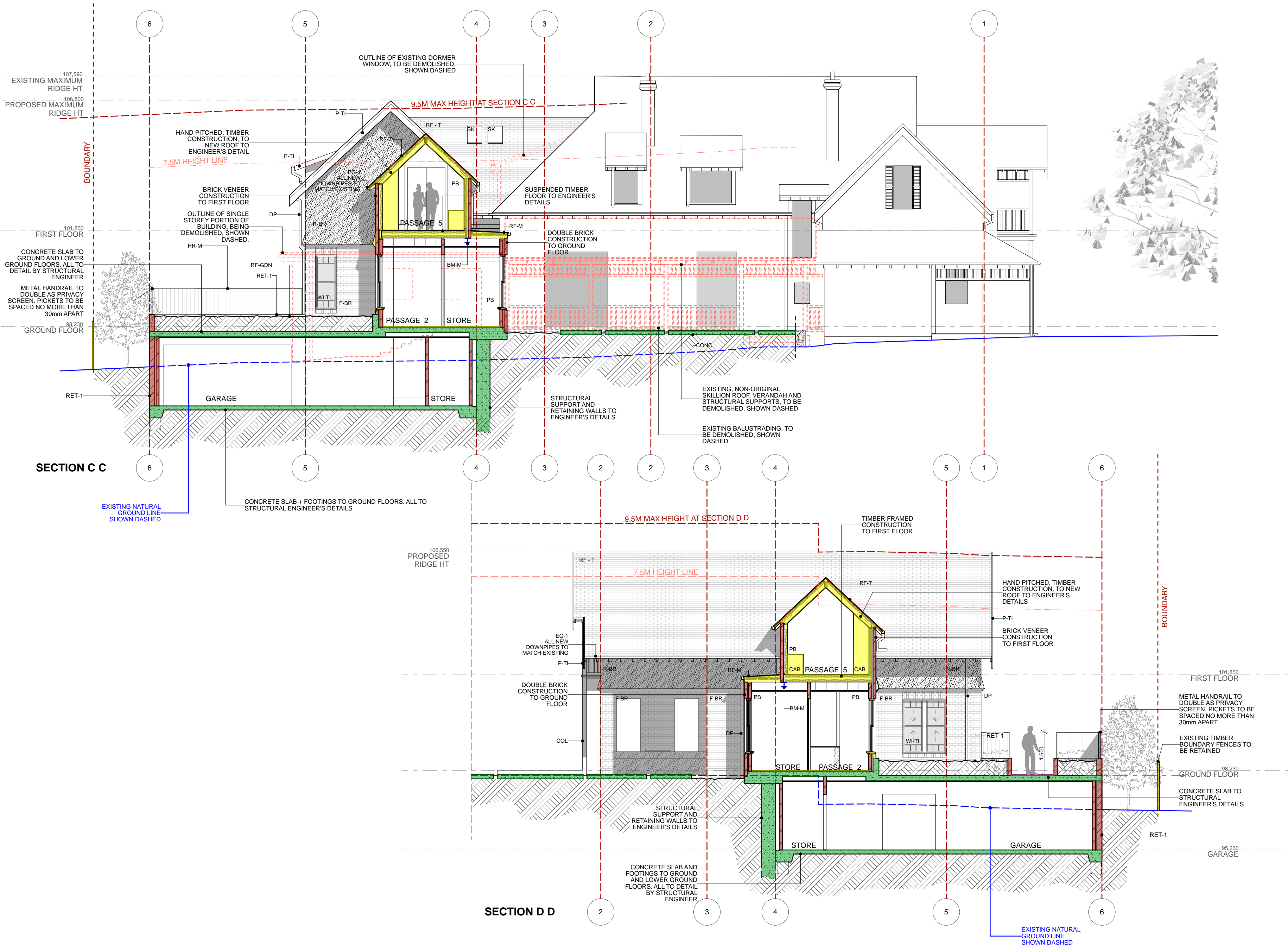
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DRAWING TITLE:  
SECTION AA + SECTION BB

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DA





LEGEND	
BM-M	STEEL BEAM TO ENGINEER'S DETAILS
BM-T	TIMBER BEAM TO ENGINEER'S DETAILS
BH	BULKHEAD AT CEILING
CAB	BUILT IN CABINETRY
COL	140 X 140 DRESSED, TREATED PINE, TIMBER COLUMN FOR PAINTING
COL- STR	STRUCTURAL COLUMN, TO ENGINEER'S DETAILS, CONCEALED IN WALLS
CONC	CONCRETE
CONC-P	POLISHED CONCRETE
CPT	CARPET
DN	DRAIN TO CONNECT INTO SUBSURFACE STORM WATER SYSTEM
DP	90 DIA PVC DOWNPIPE FOR PAINTING
DR - TI	EXTERNAL TIMBER FRAMED DOORS
DR - M	EXTERNAL METAL FRAMED DOORS
EG -1	EAVES GUTTER TO MATCH EXISTING (QUAD)
F - BR	FACE BRICK TO MATCH EXISTING
FC-1	FIBRE CEMENT SHEETING FOR PAINTING
FL	COLORBOND FLASHING
HR-M	METAL HANDRAIL/BALUSTRADE FOR PAINTING
HR-T	TIMBER HANDRAIL/BALUSTRADE FOR PAINTING
OFF - CONC	OFF-FORM CONCRETE FINISH
PAV-1	STONE PAVING TYPE 1 - SANDSTONE PAVERS
PAV-2	STONE PAVING TYPE 2 - SAND STONE SLABS
PAV-3	BRICK PAVING / COBBLESTONES
PAV-4	REINFORCED CONCRETE, WITH PIGMENT
PB	PLASTERBOARD FOR PAINTING
P-BR	PAINTED BRICK TO MATCH EXISTING
P-TI	TIMBERWORK FOR PAINTING
PV	PHOTOVOLTAIC PANELS
R-BR	ROUGH CAST RENDER, FOR PAINTING, TO MASONRY WALL
RA	RAKED CEILING OVER
RET-1	RETAINING WALL TYPE 1 - TO CONSIST OF 190, CORE FILLED BLOCKWORK ON STRIP FOOTING. BUILDER TO ALLOW FOR WATERPROOF MEMBRANE, DRAINAGE CELL AND AGG DRAIN TO ALL RETAINING WALLS
RET-2	RETAINING WALL TYPE 2 - CONCRETE SLEEPER RETAINING WALL. BUILDER TO ALLOW FOR WATERPROOF MEMBRANE, DRAINAGE CELL AND AGG DRAIN TO ALL RETAINING WALLS
RF - M	METAL ROOF - LYSACHT LONGLINE AT PITCHES SHOWN
RF - T	TILED ROOF - SLATE - TO MATCH EXISTING
RF-GDN	CONCRETE ROOF GARDEN WITH APPROX 400 PLANTING DEPTH. BUILDER TO ALLOW TO WATERPROOF GARDEN WITH: GRT MEMBRANE, VERSICELL OR VERSIFLEX DRAINAGE MODULES, GEOTEXTILE FILTER FABRIC, ROOF GARDENS TO DRAIN INTO SUBSURFACE STORMWATER SYSTEM IN DOWNPIPES SHOWN.
RWT	UNDERGROUND RAINWATER TANK
	TIMBER FRAMED SKYLIGHT (VELUX -FIXED)
STK	STACK
STR-C	STRUCTURAL CONCRETE
ST-T	TIMBER STAIRS
TILE- C	FLOOR TILE - CERAMIC
TILE- ST	FLOOR TILE - STONE
TIM	BLACKBUTT TIMBER STRIP FLOORING
WB	TIMBER WEATHERBOARDS FOR PAINTING
WI - TI	EXTERNAL TIMBER FRAMED WINDOWS
WI - M	EXTERNAL METAL FRAMED WINDOWS
WT- C	WALL TILE - CERAMIC
WT- ST	WALL TILE - STONE
D/W	DISH WASHER
FR	FRIDGE
TD	DRYER
VJ	V-JOINTED LINING BOARD FOR PAINTING
W/M	WASHING MACHINE

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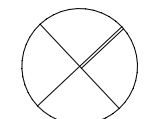
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PROJECT TITLE:  
LAMING RESIDENCE

495 BLAXLAND ROAD DENISTONE EAST

LOT 1 DP 514007

PROJECT No:  
2304



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SECTION CC + SECTION DD

DATE:

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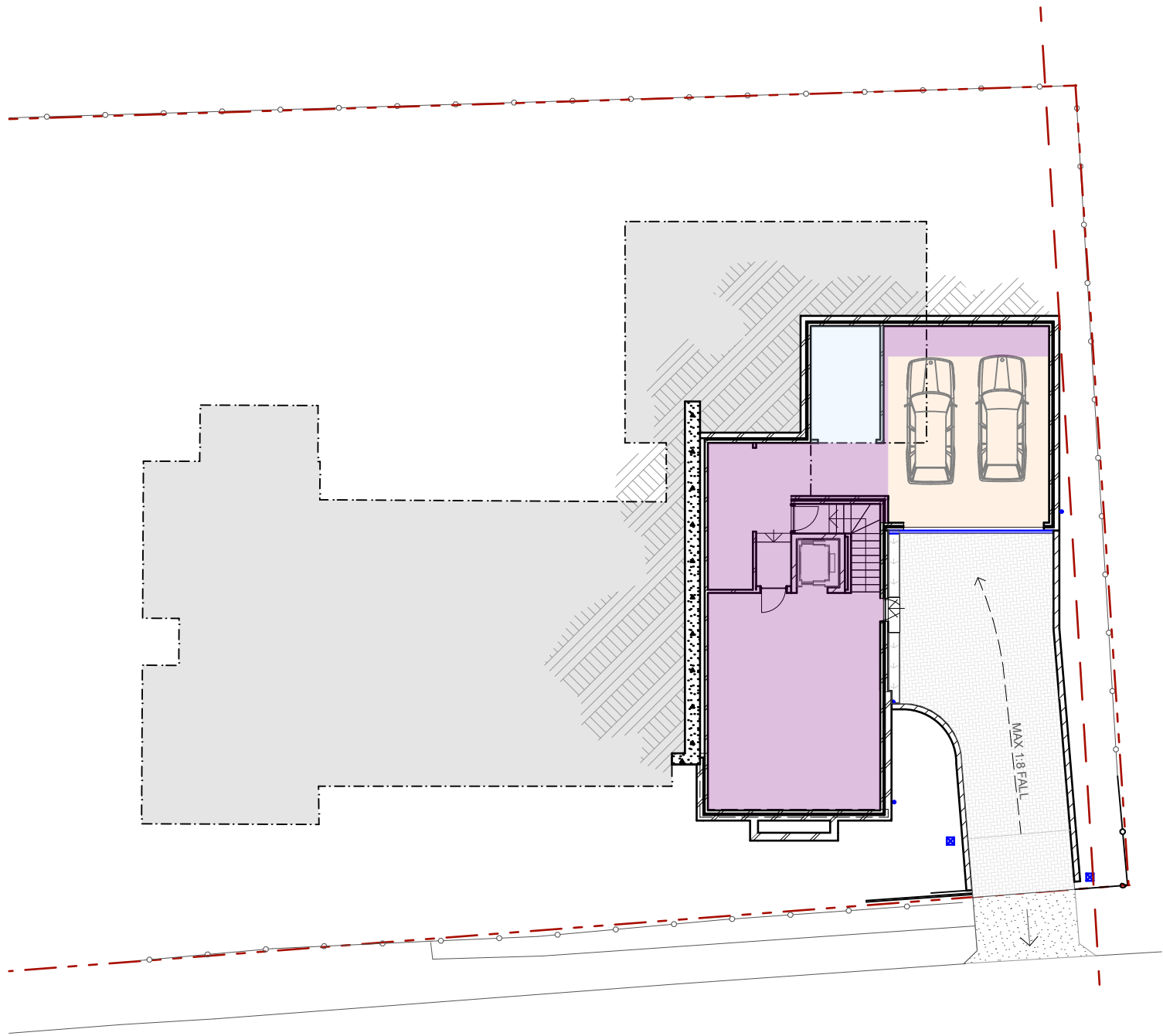
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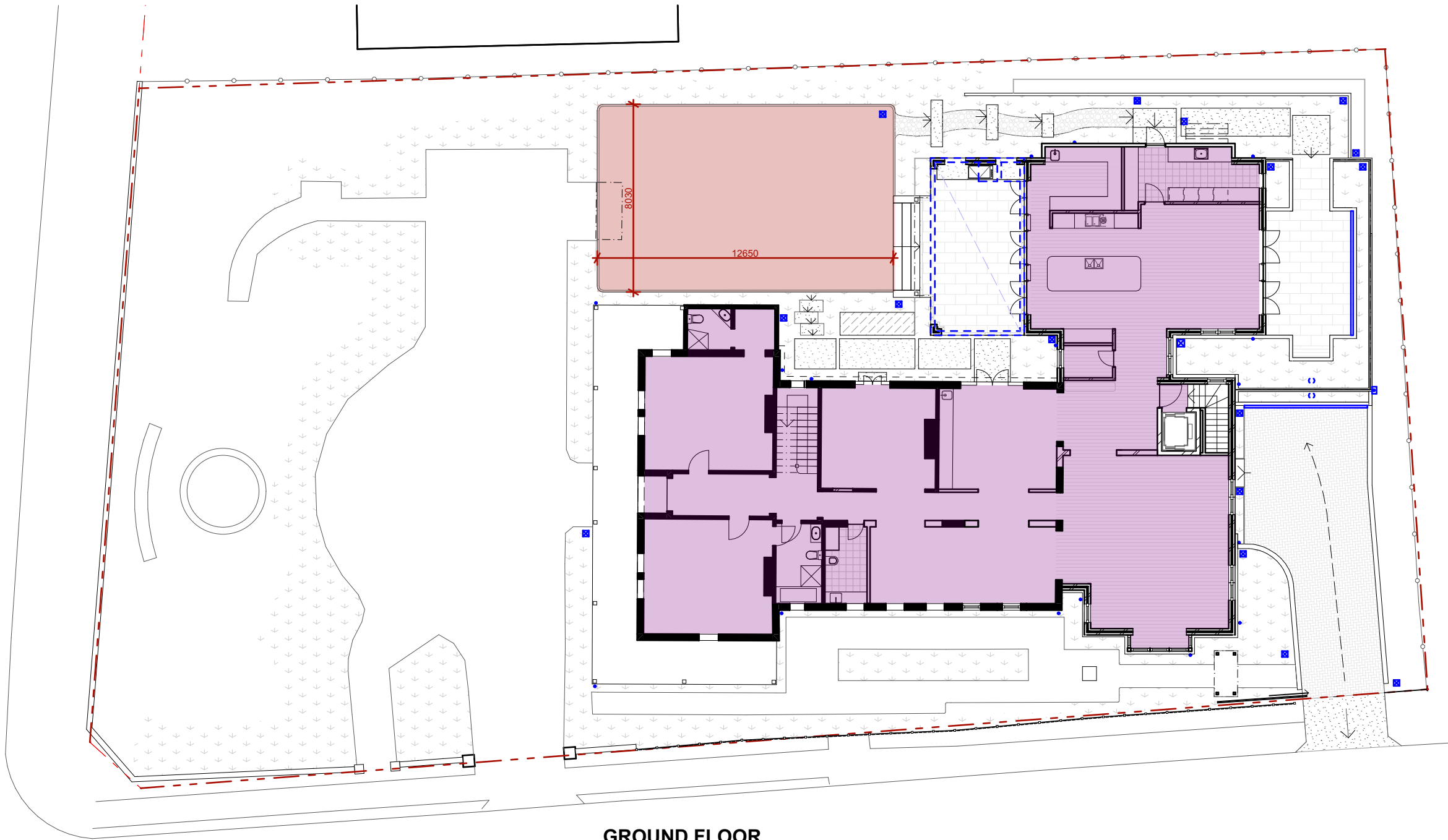
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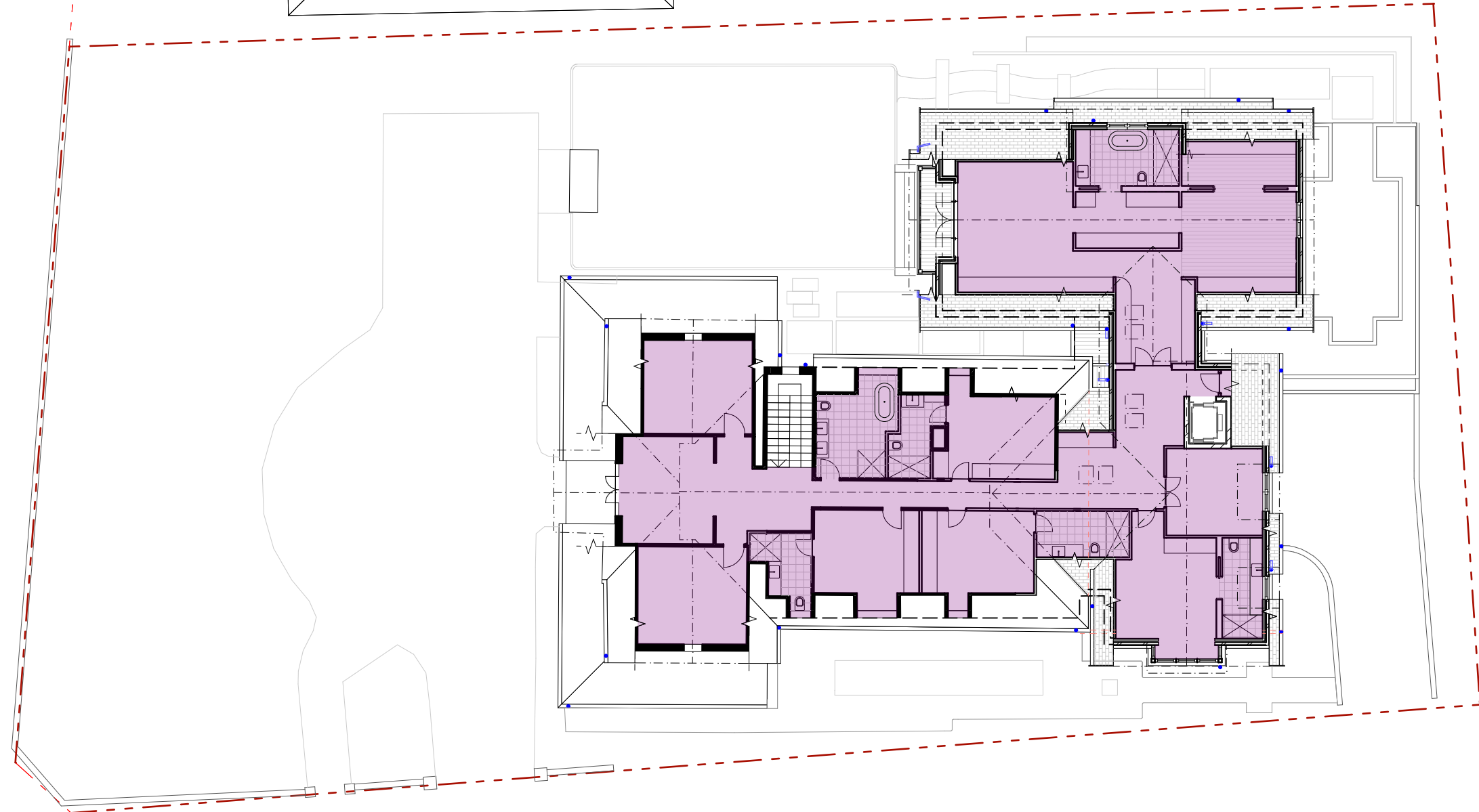
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LOWER GROUND FLOOR



GROUND FLOOR



FIRST FLOOR

DEVELOPMENT STATISTICS

Site area	1586.6m2
FLOOR SPACE RATIO	
RYDE LEP 2014 PART 4.4 - FLOOR SPACE RATIO	
Gross Floor area (GFA) is measured from the inside face of external walls, including habitable rooms, excluding stairs and storage.	
Floor Space Ratio for this site, as per FSR map provided is 0.5:1	
Maximum Gross Floor Area (GFA) equals	793.3m2
GROSS FLOOR AREA:	
LOWER GROUND FLOOR	80.92m2
GROUND FLOOR	338.61m2
FIRST FLOOR	293.70m2
TOTAL GFA	713.23m2

- GROSS FLOOR AREA
- PRIVATE OPEN SPACE
- STORAGE (9.96m2)
- PARKING (31m2)

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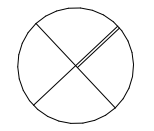
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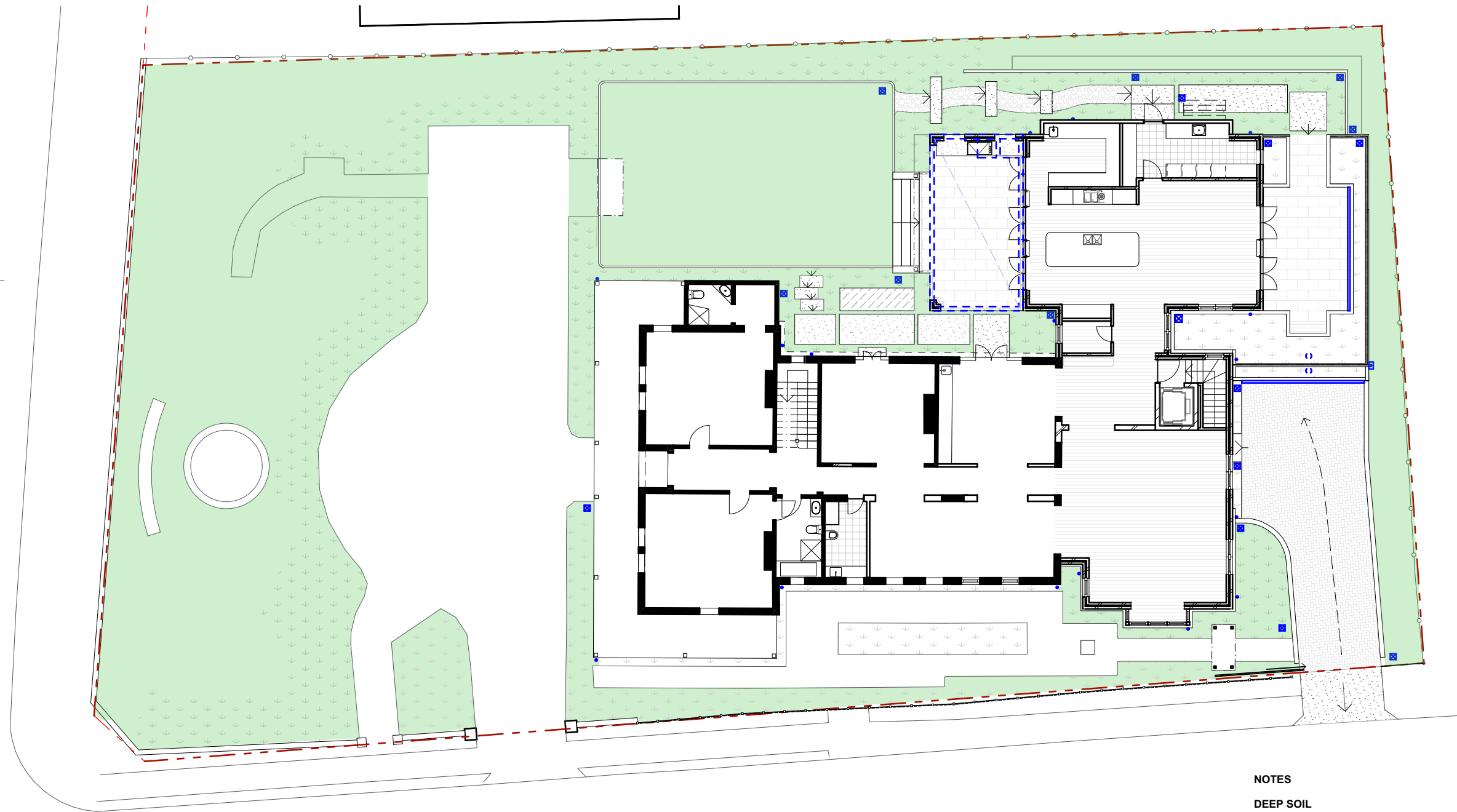
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495 BLAXLAND ROAD DENISTONE EAST  
LOT 1 DP 514007

PROJECT No:  
2304



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DEVELOPMENT STATISTICS - FSR + PRIVATE OPEN SPACE			
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**NOTES**

**DEEP SOIL**

MINIMUM DEEP SOIL AREA REQUIREMENTS:

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

Minimum deep soil requirement (35% of 1586.6m2) = 555.31m2

**TOTAL PROPOSED DEEP SOIL = 655.41m2**

DEEP SOIL

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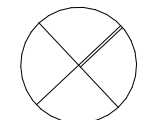
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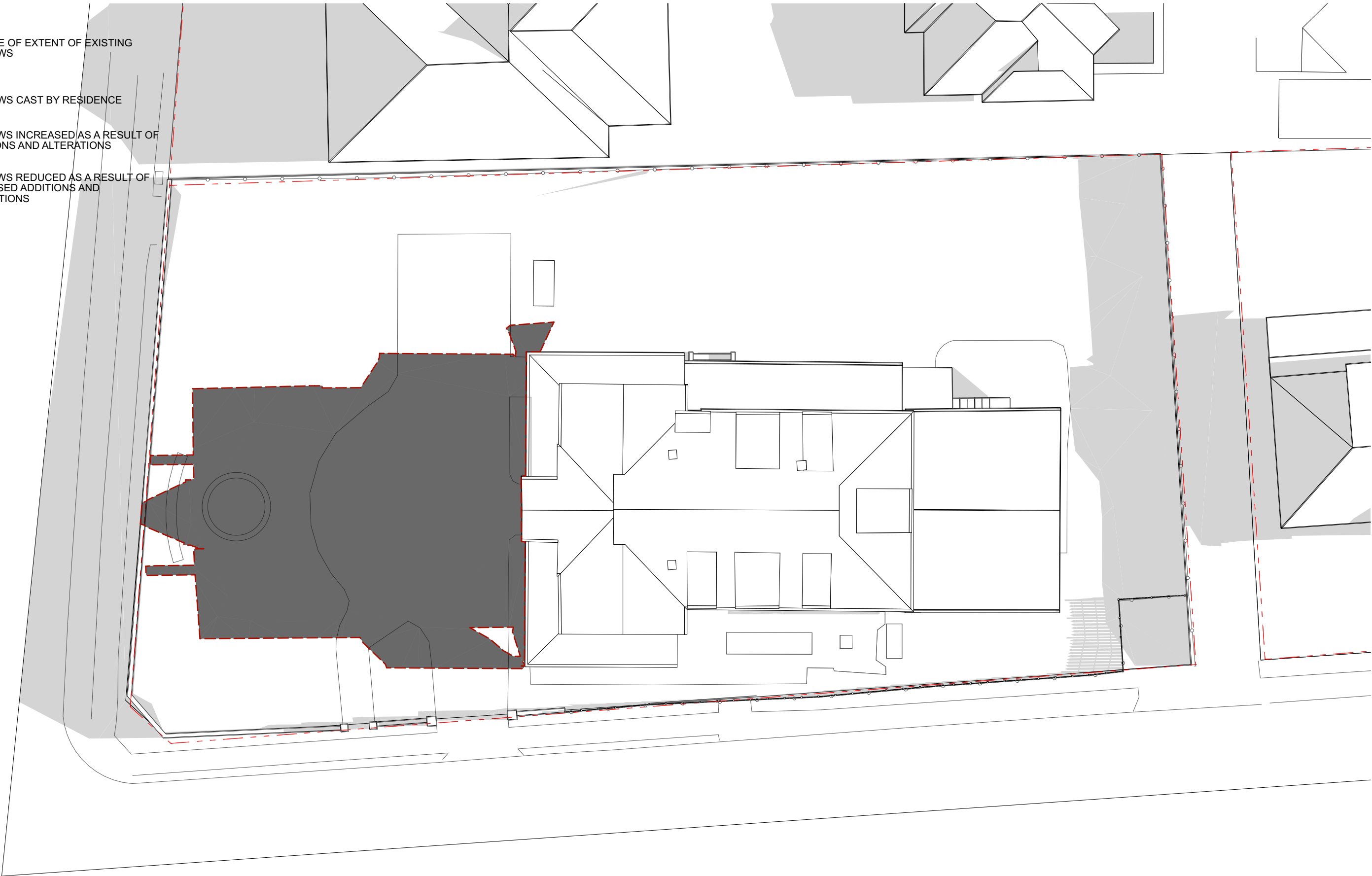
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DA

LEGEND

- OUTLINE OF EXTENT OF EXISTING SHADOWS
- SHADOWS CAST BY RESIDENCE
- SHADOWS INCREASED AS A RESULT OF ADDITIONS AND ALTERATIONS
- SHADOWS REDUCED AS A RESULT OF PROPOSED ADDITIONS AND ALTERATIONS



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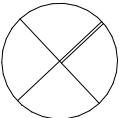
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495 BLAXLAND ROAD DENISTONE EAST

LOT 1 DP 514007

PROJECT No:  
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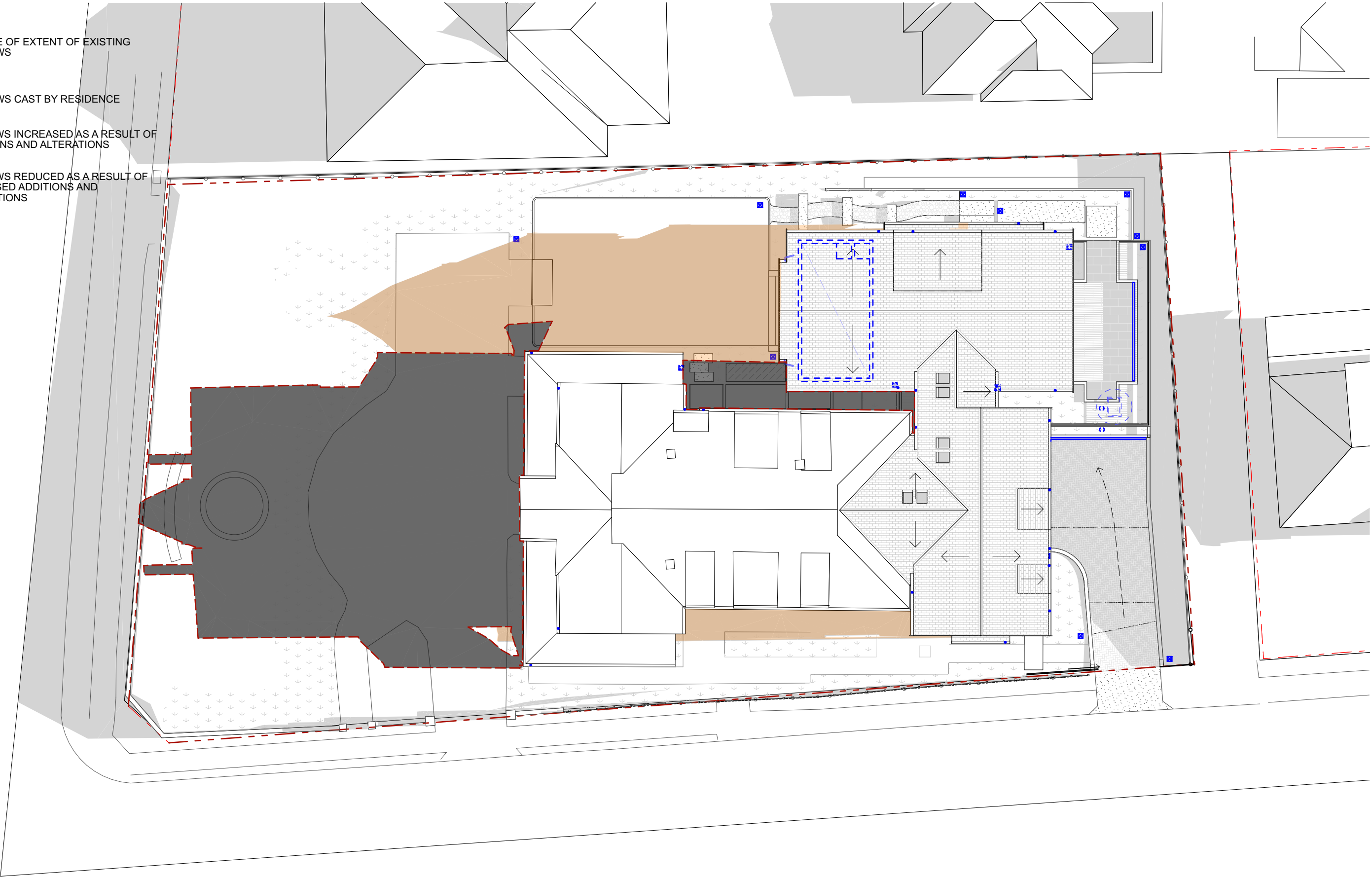
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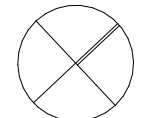
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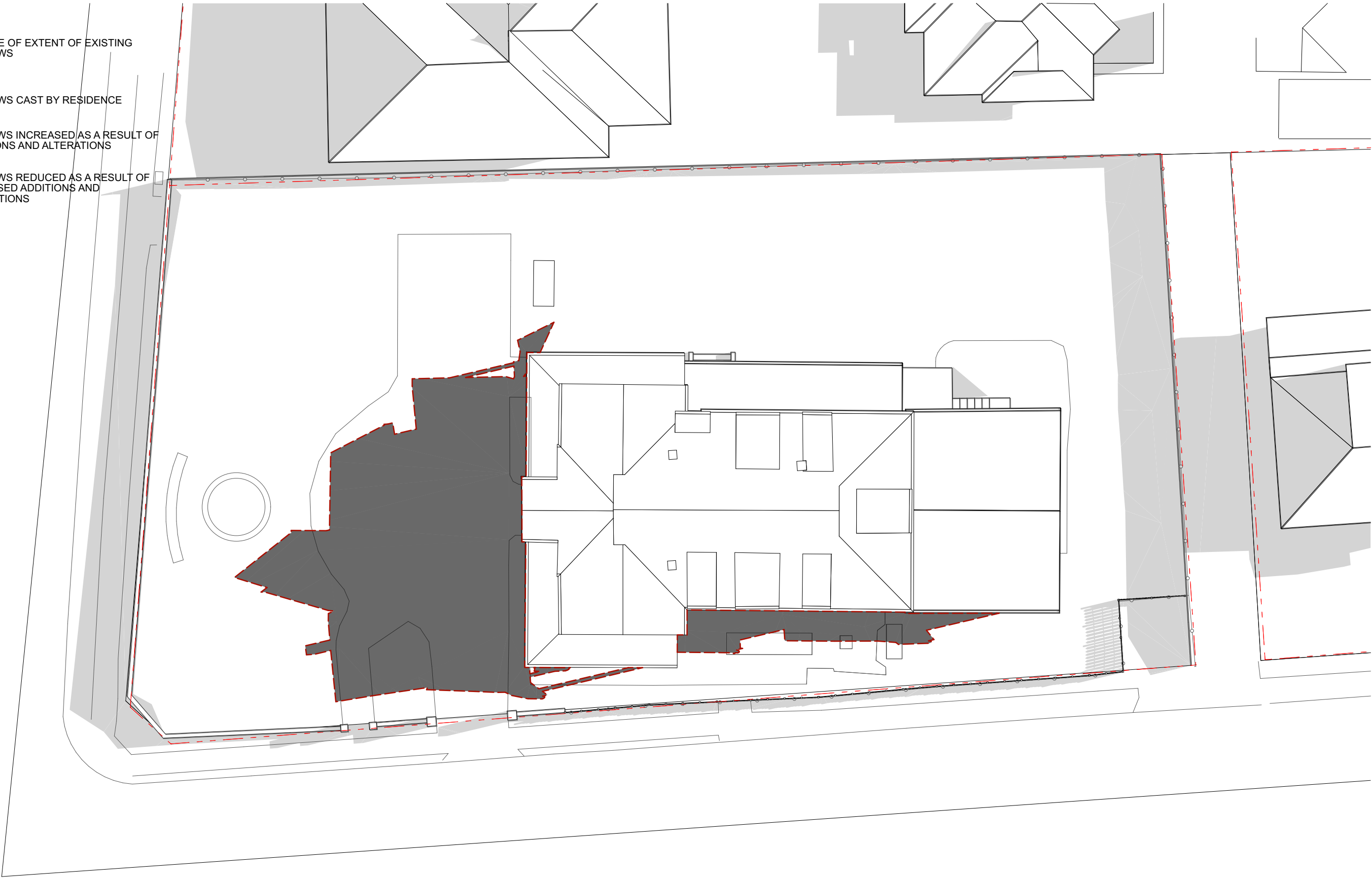
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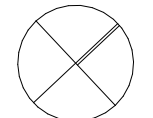
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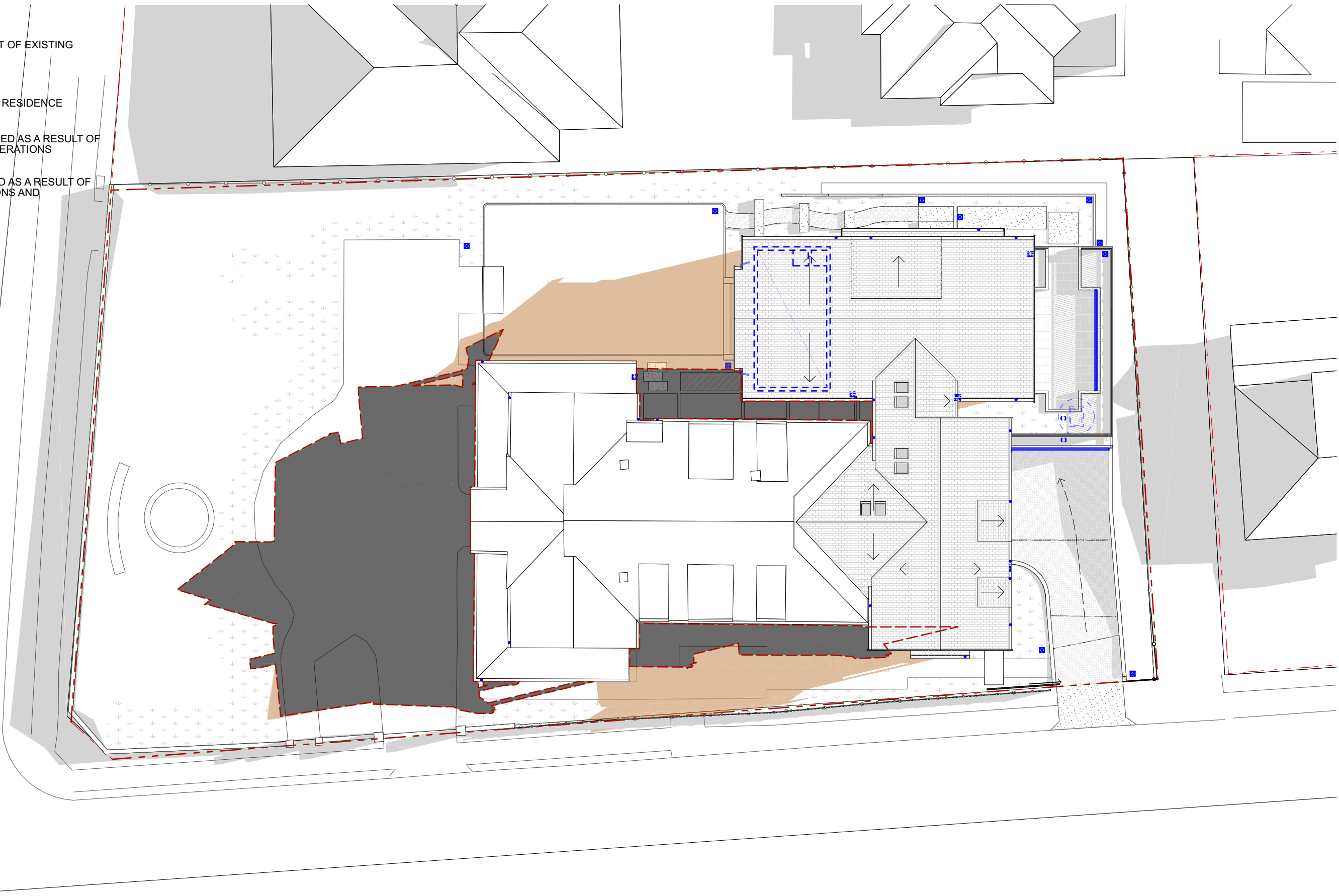
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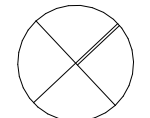
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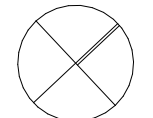
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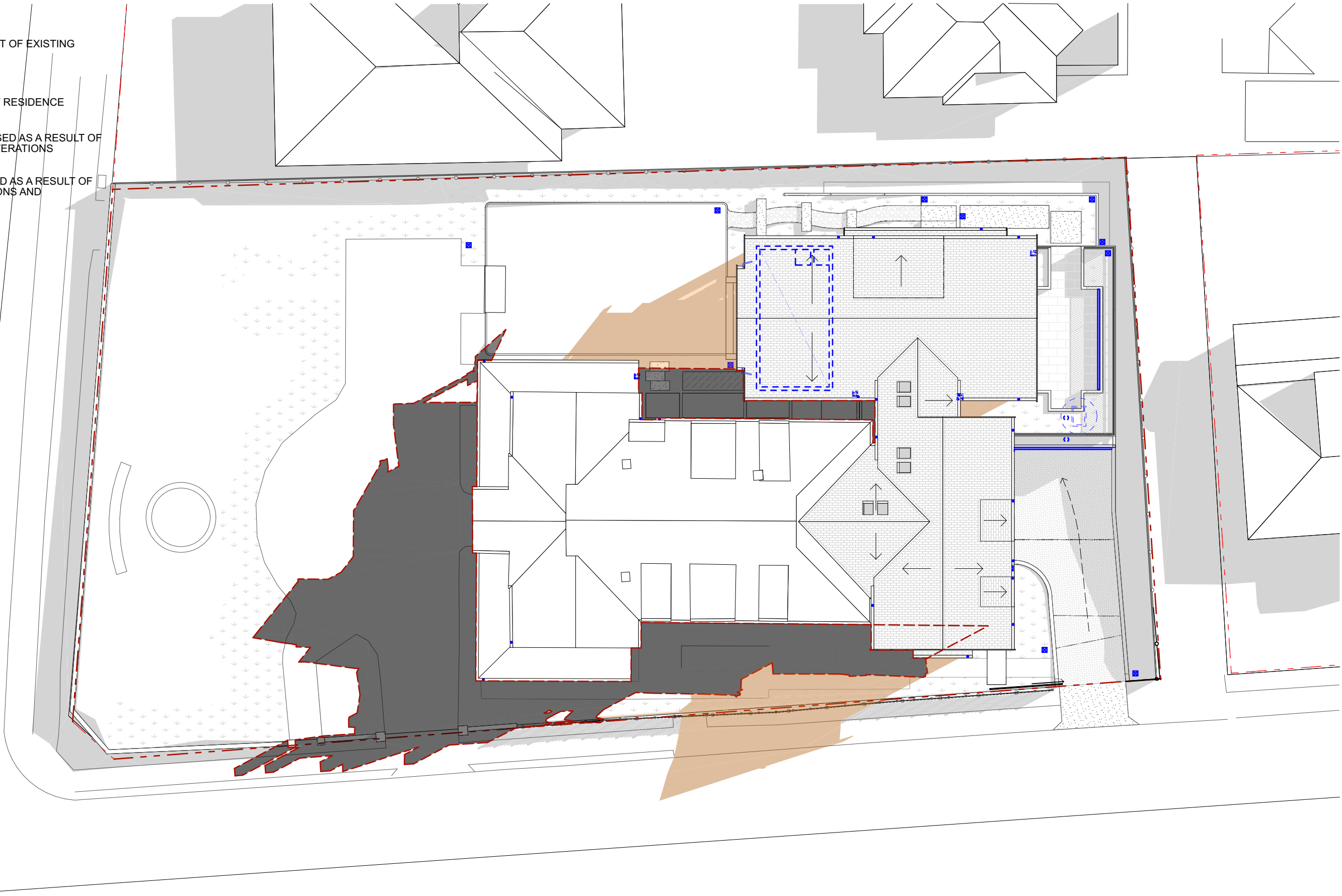
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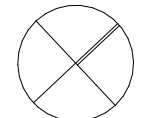
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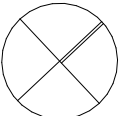
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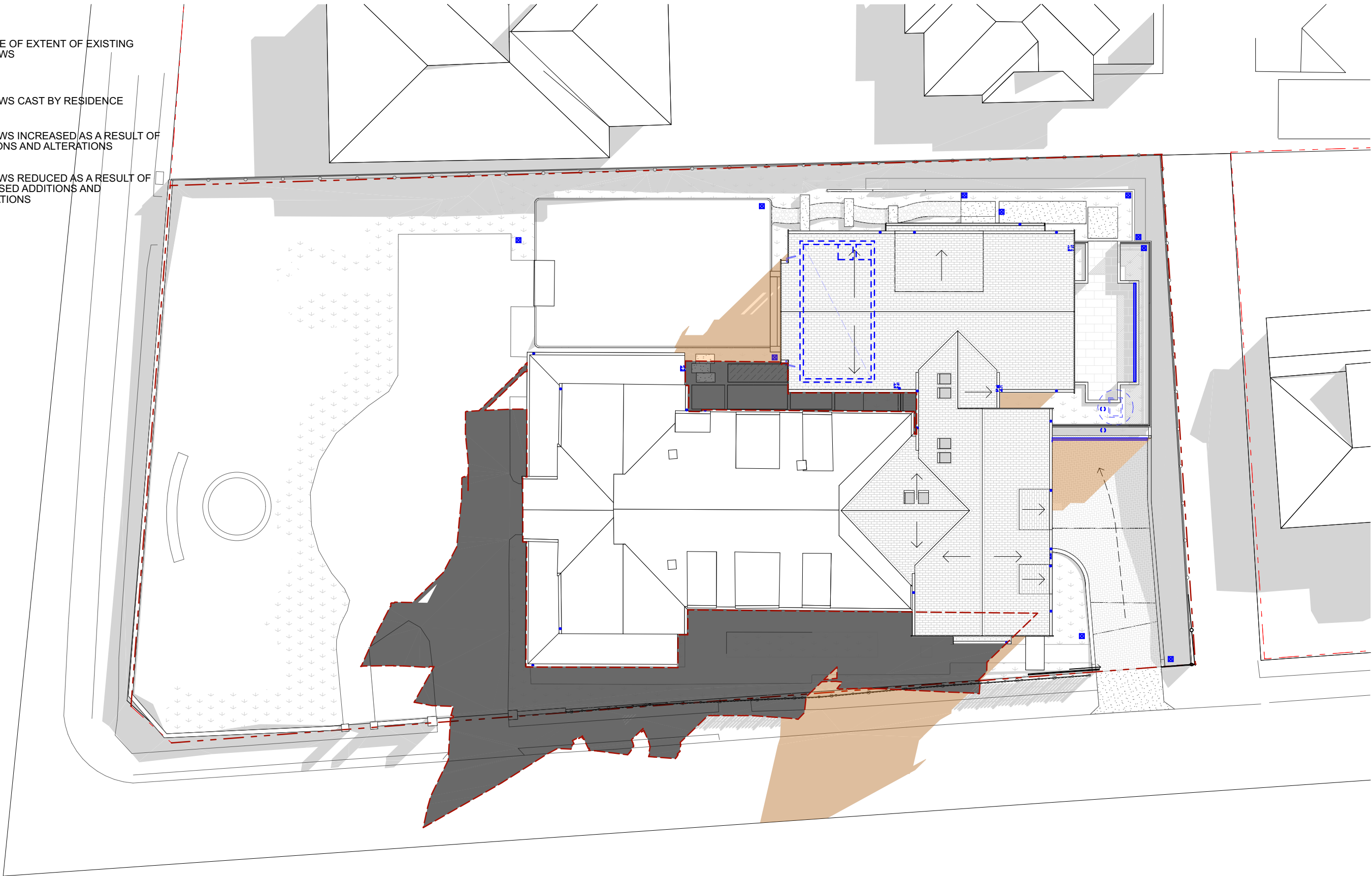
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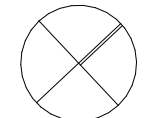
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PROJECT TITLE:  
LAMING RESIDENCE

495 BLAXLAND ROAD DENISTONE EAST

LOT 1 DP 514007

PROJECT No:  
2304



REVISION: DATE:

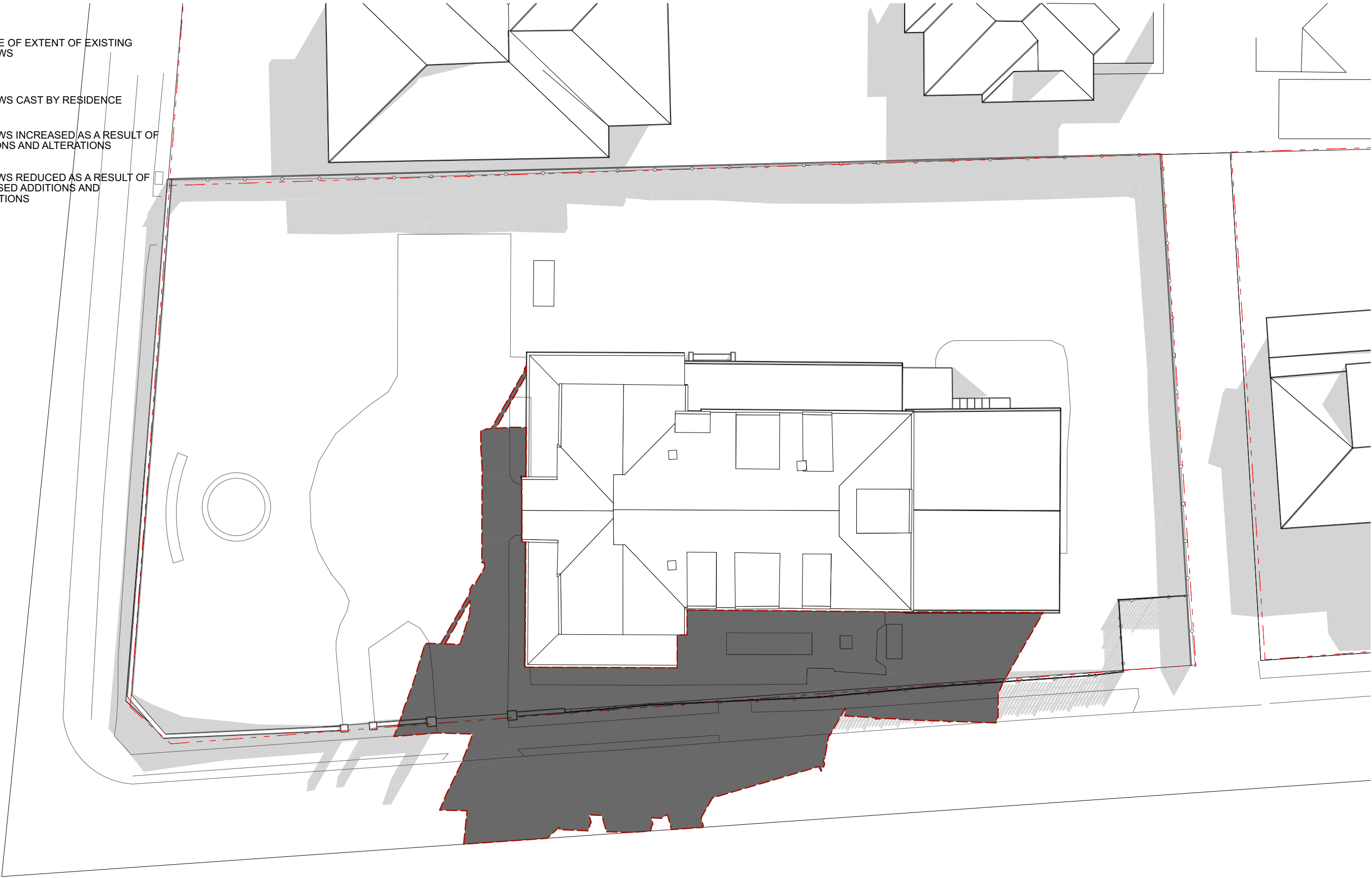
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DATE: 4/6/2024 SCALE: 1:200 DRG No: SH 1.08 REVISION: E

DA

LEGEND

- OUTLINE OF EXTENT OF EXISTING SHADOWS
- SHADOWS CAST BY RESIDENCE
- SHADOWS INCREASED AS A RESULT OF ADDITIONS AND ALTERATIONS
- SHADOWS REDUCED AS A RESULT OF PROPOSED ADDITIONS AND ALTERATIONS



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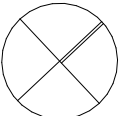
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LAMING RESIDENCE

495 BLAXLAND ROAD DENISTONE EAST

LOT 1 DP 514007

PROJECT No:  
2304



REVISION: DATE:

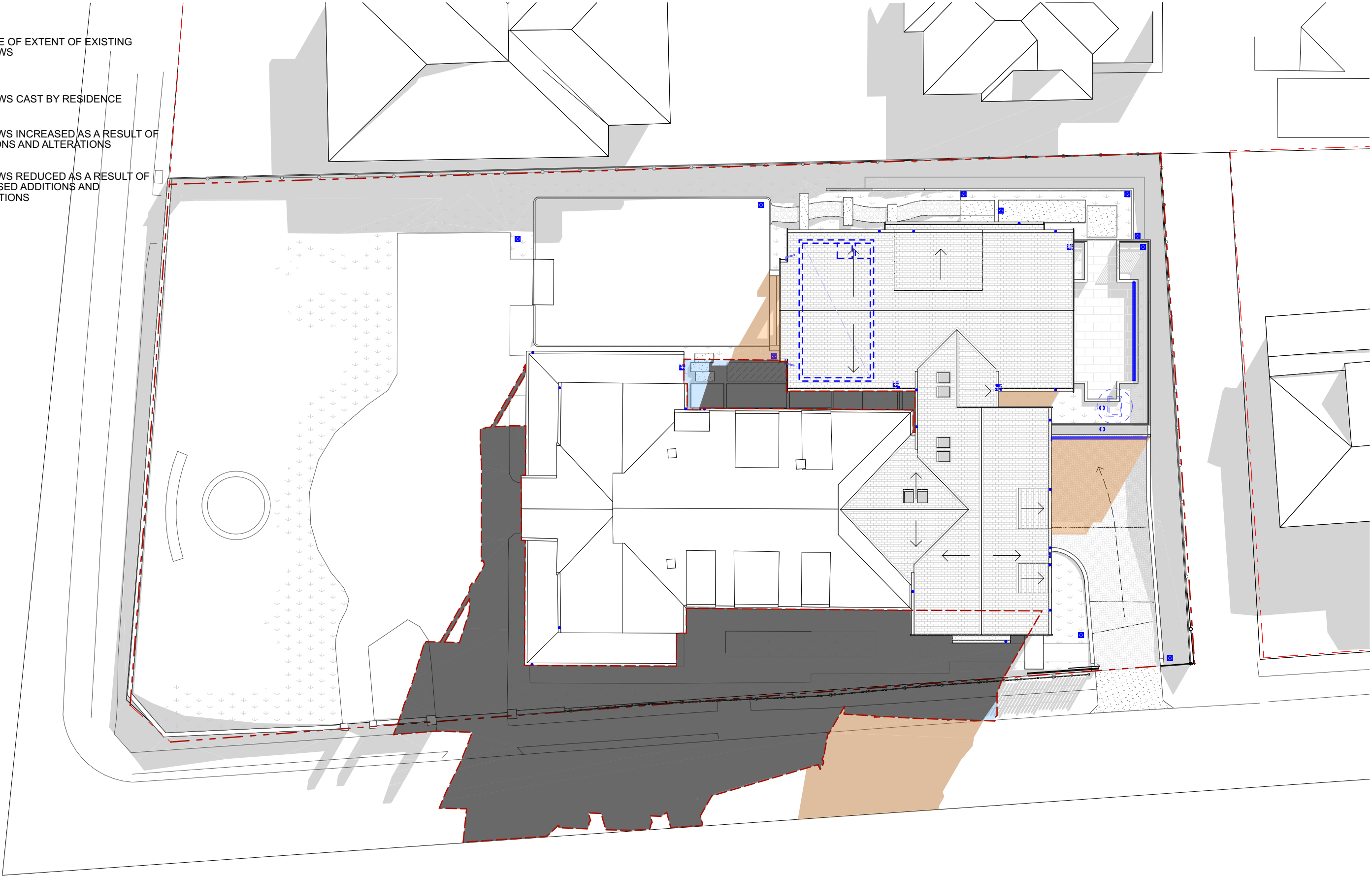
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SHADOW DIAGRAMS - JUNE 21 1PM - EXISTING

DATE: 4/6/2024	SCALE: 1:200	DRG No: SH 1.09	REVISION: E
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DA

LEGEND

- OUTLINE OF EXTENT OF EXISTING SHADOWS
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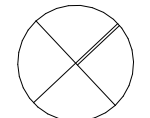
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LAMING RESIDENCE

495 BLAXLAND ROAD DENISTONE EAST

LOT 1 DP 514007

PROJECT No:  
2304



REVISION: DATE:

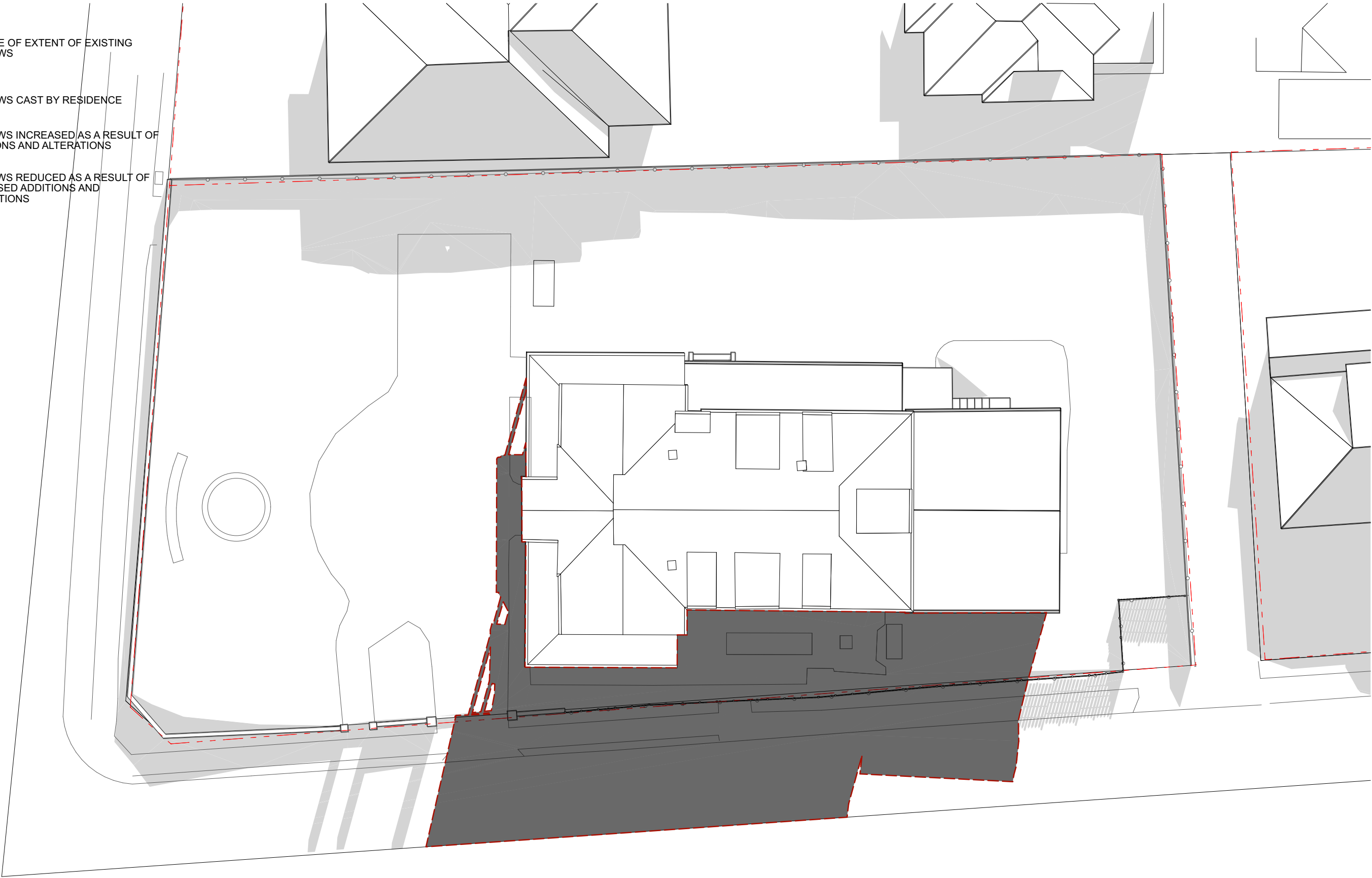
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DATE: 4/6/2024 SCALE: 1:200 DRG No: SH 1.10 REVISION: E

DA

LEGEND

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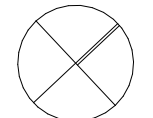
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LOT 1 DP 514007

PROJECT No:  
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REVISION: DATE:

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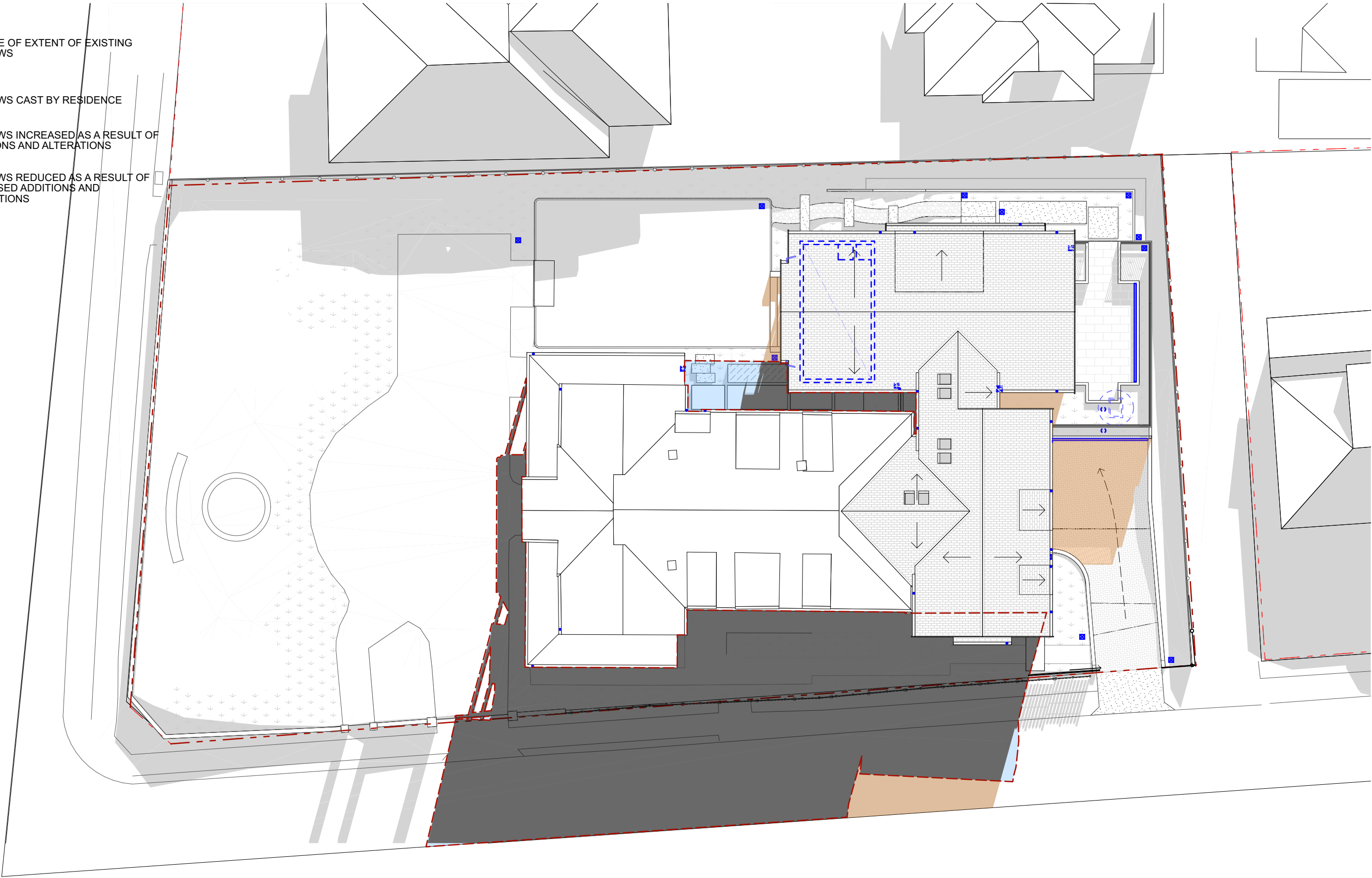
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DA



LEGEND

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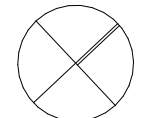
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LOT 1 DP 514007

PROJECT No:  
2304



REVISION: DATE:

DRAWING TITLE:  
SHADOW DIAGRAMS - JUNE 21 2PM - PROPOSED

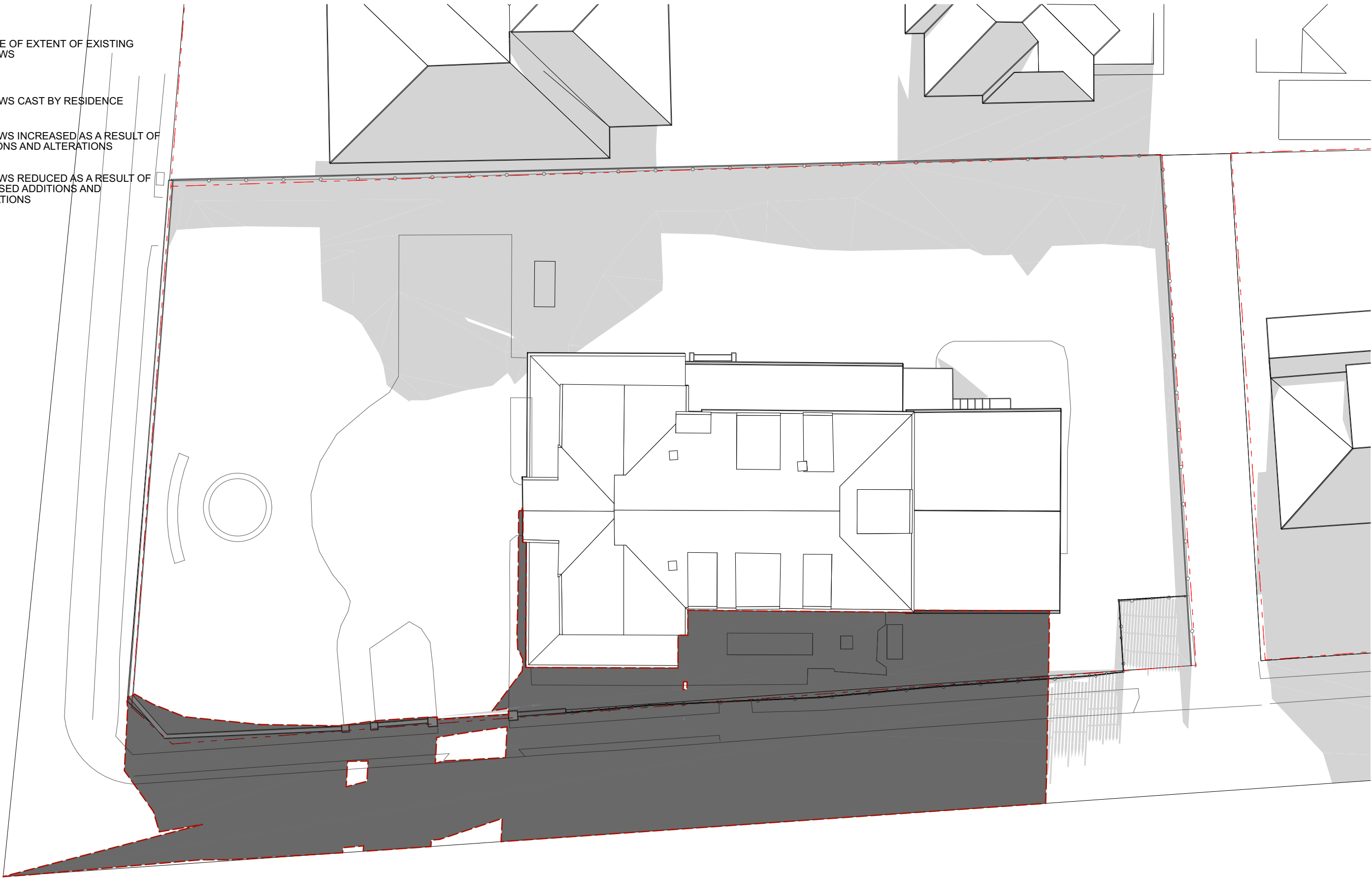
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DA



LEGEND

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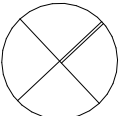
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LAMING RESIDENCE

495 BLAXLAND ROAD DENISTONE EAST

LOT 1 DP 514007

PROJECT No:  
2304



REVISION: DATE:

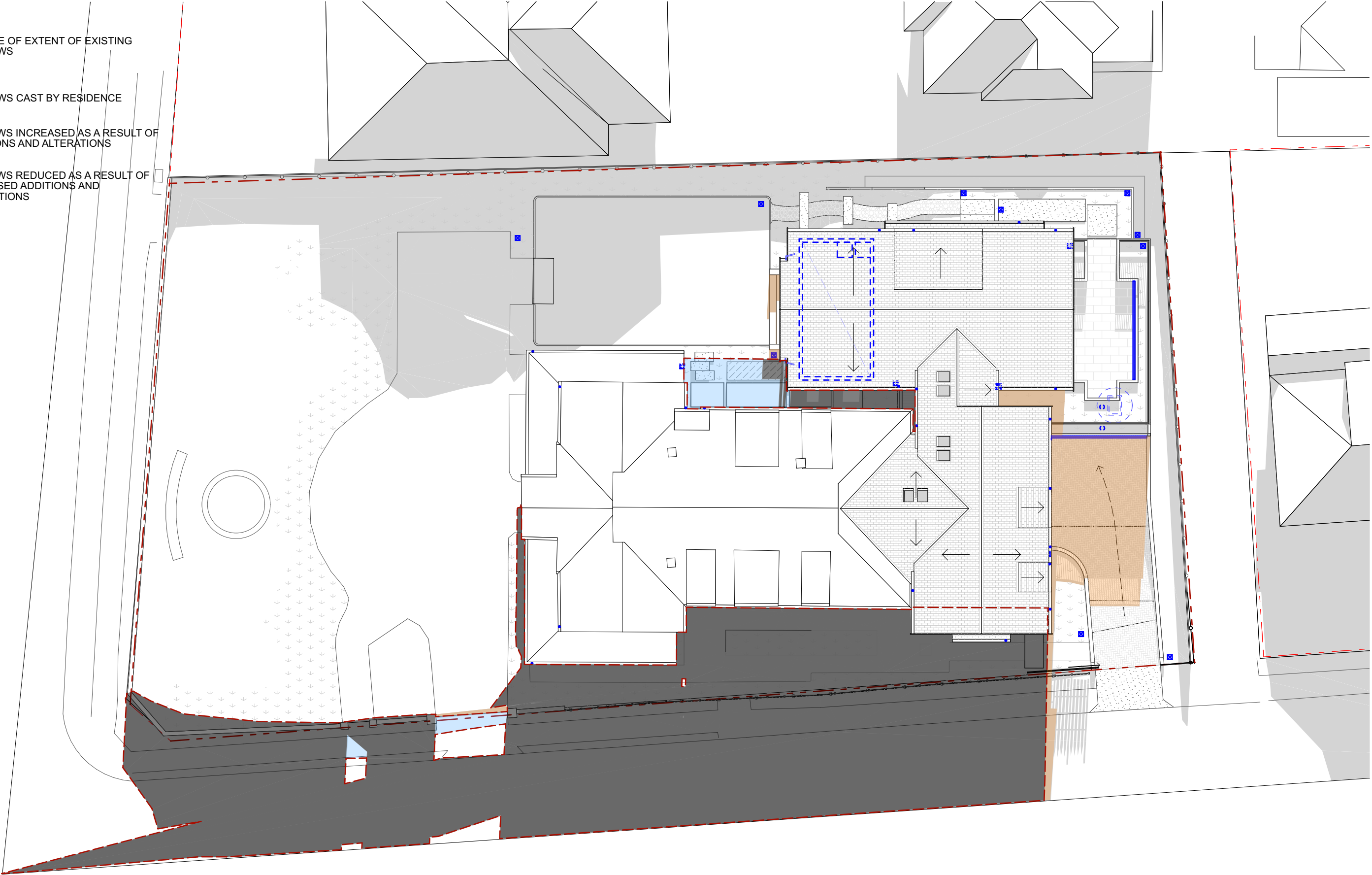
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DATE: 4/6/2024	SCALE: 1:200	DRG No: SH 1.13	REVISION: E
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DA

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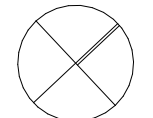
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EAST

LOT 1 DP 514007

PROJECT No:  
2304



REVISION: DATE:

DRAWING TITLE:  
SHADOW DIAGRAMS - JUNE 21 3PM - PROPOSED

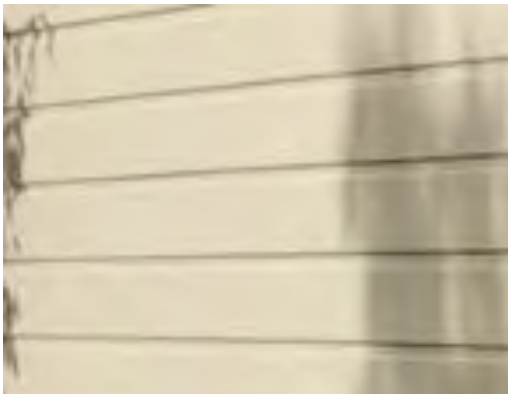
DATE: 4/6/2024 SCALE: 1:200 DRG No: SH 1.14 REVISION: E

DA





1. ROUGH CAST RENDER. PAINTED TO MATCH EXISTING



2. TIMBER WEATHERBOARDS. PAINTED TO MATCH EXISTING



3. ROOF TILES. SLATE, TO MATCH EXISTING



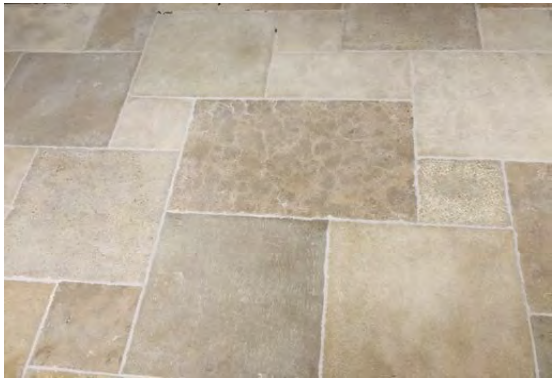
4. FACE BRICK (WALLS, SILLS + HEADERS) TO MATCH EXISTING



5. GUTTERS AND DOWN PIPES COPPER, TO MATCH EXISTING



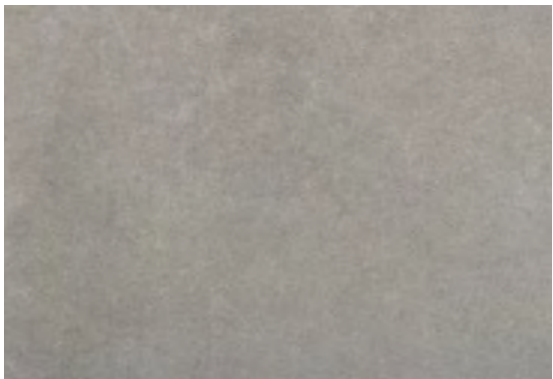
6. TIMBER FRETWORK, WINDOWS + DOORS TIMBER FOR PAINTING, TO MATCH EXISTING



7. PAVING TO STAIR TREADS, VERANDAH + TERRACE SANDSTONE



8. ALTERNATIVE PAVING TO DRIVEWAY COBBLE STONES



9. PAVING FOR LANDING PADS CONCRETE WITH OXIDE ADDED



10. METAL DOORS AND WINDOWS FOR PAINTING IN BRIDGE PAINT. METAL HANDRAILS TO MATCH



2. PAVING TO DRIVEWAY RECYCLED BRICK.

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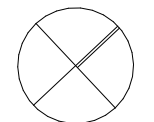
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LAMING RESIDENCE

495 BLAXLAND ROAD DENISTONE EAST

LOT 1 DP 514007

PROJECT No:  
2304



REVISION:

DRAWING TITLE:  
SCHEDULE OF EXTERNAL FINISHES

DATE:  
4/6/2024

SCALE:

DRG No:  
DA 2.0

REVISION:  
E

DA

DATE:





PHOTO 1



PHOTO 2



PHOTO 3



PHOTO 4



PHOTO 5



PHOTO 6

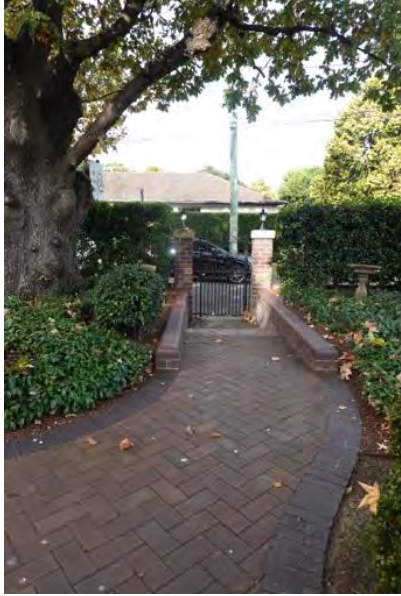


PHOTO 7



PHOTO 8



PHOTO 9



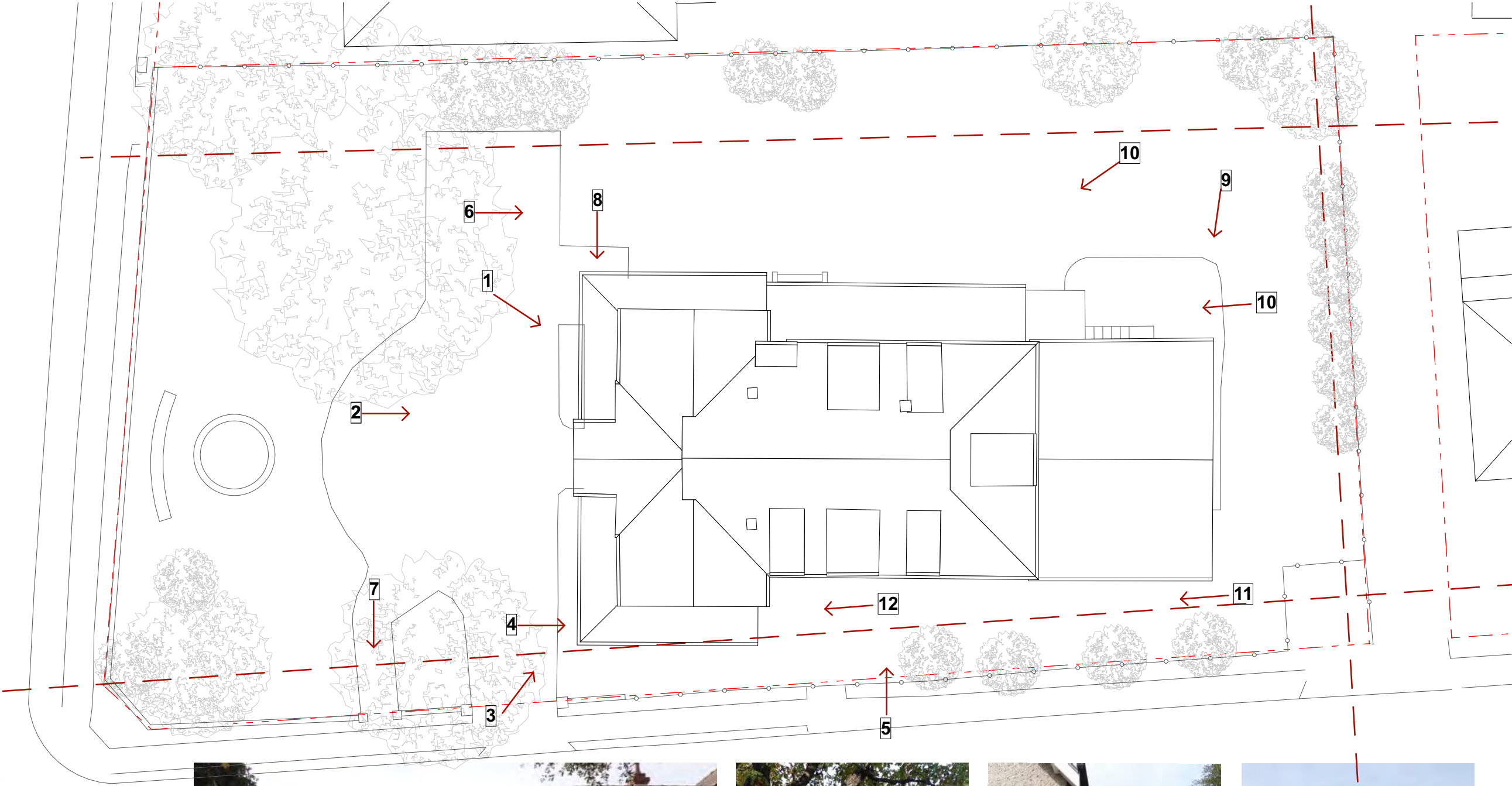
PHOTO 10



PHOTO 11



PHOTO 12



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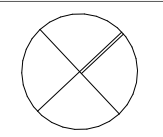
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LAMING RESIDENCE

495 BLAXLAND ROAD DENISTONE  
EAST

LOT 1 DP 514007

PROJECT No:  
2304



REVISION:

DRAWING TITLE:  
SITE PHOTOS

DATE:  
4/6/2024

SCALE:  
1:1, 1:200

DRG No:  
PH 1.01

REVISION:  
E

DA



# Laming Residence | Landscape DA Package

## 495 Blaxland Road Denistone East, NSW 2112

Drawing register:

Drawing No.:	Drawing title:
2411-01	Titlesheet, Drawing Register, General Notes & Extent of Works Plan
2411-02	Overall Landscape DA Plan, Legend
2411-03	Landscape DA Plan 1 of 3
2411-04	Landscape DA Plan 2 of 3
2411-05	Landscape DA Plan 3 of 3
2411-06	Planting DA Plan & Maintenance Notes/Requirements
2411-07	Plant DA Schedule & Plant Images
2411-08	Landscape Section A
2411-09	Landscape Section B & C

Project information:

Client:	Lionel Laming
Site:	Lot 1 DP 514007, known as 495 Blaxland Road Denistone East NSW 2112
LGA:	City of Ryde
Landscape architect:	Paddock Landscape Architects
Architect:	James Design Studio
Surveyor:	Hill & Plume Consulting Surveyors
Civil engineer:	TBC
Arborist:	TBC
Site area:	1,586.65 m <sup>2</sup> (100%)
Required landscape areas:	555.33 m <sup>2</sup> (35%)
Total softscape areas:	762.06 m <sup>2</sup> (48.02%)
Required canopy trees:	At least two canopy trees (1 No. in front yard at 10m height, 1 No. in rear yard at 10m height within 8m x 8m deep soil)

General notes:

- + Not for construction or pricing.
- + Subject to detailed design and documentation.
- + Subject to Council approvals.
- + Refer to 'James Design Studio' documentation for all building works.
- + Survey information provided by 'Hill & Plume Consulting Surveyors'.
- + Refer to engineer documentation for all external services, including stormwater drainage, lighting, hydraulic etc.
- + All existing site levels within landscape softscape zones to be retained, unless otherwise documented.
- + Structures, fences, walls, ponds, balustrades, furniture etc subject to detailed design and engineering design.
- + Planting subject to availability at time of tender and construction..
- + All new garden areas to include a fully automated irrigation system, subject to detailed design by irrigation consultant.
- + Construction works to include sediment and erosion control fencing along lower boundary to ensure all sediment runoff contained on-site.
- + All streetscape works, including existing trees, are to be retained and protected. Any damage to street trees or streetscape works are to be made good at the contractors expense.



Site plan - Extent of Landscape Works  
Scale 1:150 @ A1



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G 46-52 Meagher Street  
Chippendale NSW 2008  
www.paddockstudio.com.au



Registered Landscape Architects  
ALA 1761  
ABN 82 628 312 274  
ACN 628 312 274

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Issue: 18.03.24  
Draft: 08.04.24  
A: 17.04.24  
Reason: For Co-ordination  
For Co-ordination  
DA Submission  
Reviewed by: DW  
DW  
DW

Project: Laming Residence  
495 Blaxland Road Denistone East, NSW 2112  
Client: Lionel Laming

Title: Titlesheet  
Drawing Register  
General Notes  
Extent of Works Plan

Project No.: 2411  
Date: 17.04.2024  
Scale: As Shown @ A1



Drawing: 2411-01  
Issue: A





LEGEND:

- EXTENT OF LANDSCAPE WORKS.
- PROPERTY BOUNDARY - REFER TO SURVEY.
- EXISTING CONTOURS - REFER TO SURVEY.
- ROOF OUTLINE - REFER TO ARCHITECTURAL DOCUMENTATION.
- EXISTING LEVELS - REFER TO SURVEY.
- PROPOSED FINISHED SURFACE LEVELS OF LANDSCAPE WORKS.
- PAVEMENT TYPE 1: STONE COBBLES ON MORTAR BEDDING AND REINFORCED CONCRETE BASE SLAB.
- PAVEMENT TYPE 2: UNIT PAVERS INSTALLED ON MORTAR BEDDING AND REINFORCED CONCRETE BASE SLAB.
- PAVEMENT TYPE 3: REINFORCED CONCRETE WITH FULL DEPTH COLOUR PIGMENT AND LIGHTLY EXPOSED AGGREGATE FINISH.
- PAVEMENT TYPE 4: REINFORCED CONCRETE DRIVEWAY CROSSOVER TO COUNCIL STANDARD DETAILS.
- GRAVEL TYPE 1: WASHED DECORATIVE GRAVEL. 75mm DEPTH, TO MATCH EXISTING GRAVEL PATHWAYS.
- GRAVEL TYPE 2: DECOMPOSED GRANITE GRAVEL, STABILISED AND COMPACTED.
- NEW STEEL GARDEN EDGING TO MATCH EXISTING.
- NEW BRICKWORK GARDEN EDGING TO MATCH EXISTING.
- NEW FIELD GULLY PIT, CONNECTED TO SITE STORMWATER.
- GARDEN AREAS TYPE 1 (DEEP SOIL): NEW MASS PLANTED GARDENS, CULTIVATED SUBGRADE, IMPORTED ORGANIC GARDEN SOIL, IMPORTED ORGANIC MULCH, MASS PLANTING.
- GARDEN AREAS TYPE 2 (PODIUM): NEW MASS PLANTED GARDENS, IMPORTED ORGANIC GARDEN SOIL, IMPORTED ORGANIC MULCH, MASS PLANTING.
- EXISTING GARDEN AREAS AND PLANTING TO BE RETAINED AND PROTECTED.
- EXISTING SHRUBS/PLANTING TO BE RETAINED AND PROTECTED.
- TURF AREAS TYPE 1: CULTIVATED SUBGRADE, IMPORTED TURF UNDERLAY, TURF.
- EXISTING LAWN AREAS TO BE RETAINED AND PROTECTED.
- NEW TREES.
- EXISTING TREES TO BE RETAINED AND PROTECTED - REFER TO SURVEY.
- EXISTING TREES TO BE REMOVED - REFER TO SURVEY.

NOTE:

- REFER TO DRAWING 2411-01 FOR GENERAL NOTES.
- LOCATE ALL SERVICES PRIOR TO INSTALLATION OF LANDSCAPE WORKS - DIAL BEFORE DIG.
- TO BE READ IN CONJUNCTION WITH ARCHITECTURAL AND ENGINEER DOCUMENTATION.
- ALL EXISTING TREES AND OTHER VEGETATION WITHIN EXTENT OF WORKS TO BE RETAINED, UNLESS OTHERWISE NOTED.



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Registered Landscape Architects  
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ABN 82 628 312 274  
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Issue: 18.03.24  
Draft: 08.04.24  
Draft: 17.04.24  
Reason: For Co-ordination  
For Co-ordination  
DA Submission

Reviewed by: DW  
DW  
DW

Project: Laming Residence  
495 Blaxland Road Denistone East, NSW 2112  
Client: Lionel Laming

Title: Overall Landscape DA Plan  
Legend

Project No: 2411  
Date: 17.04.2024  
Scale: 1:100 @ A1



Drawing: 2411-02  
Issue: A





REFER TO DRAWING 2411-02 FOR LEGEND.



NEW EVERGREEN HEDGING  
ALONG BOTTOM OF NEW  
RETAINING WALL.

PROPOSED SANDSTONE BLOCKS  
TO FORM INFORMAL STEPS  
ALONG SIDE PATHWAY TO  
SERVICE COURTYARD.

EXISTING HEDGING ALONG  
BOUNDARY TO BE RETAINED AND  
PROTECTED.

NEW RETAINING WALL ALONG SIDE  
GARDEN, CONCRETE SLEEPER  
AND GALVANISED POSTS, PAINTED  
FINISH. WALL 950mm MAXIMUM  
HEIGHT.

EXISTING METALWORK BOUNDARY  
FENCE TO BE RETAINED.

NEW OUTDOOR KITCHEN WITH  
BBQ - REFER TO ARCHITECTURAL  
DOCUMENTATION.

EXISTING HEDGING ALONG SIDE  
BOUNDARY TO BE RETAINED AND  
PROTECTED, *Syzygium* sp.

NEW METALWORK RETAINING TO FORM  
GARDEN AT TERRACE LEVEL.

LOWER CORNER OF LAWN TO BE  
SLIGHTLY RAISED TO PROVIDE  
CONSISTENT CROSS FALL.

EXISTING 2 No. *Lagerstroemia* sp.  
TO BE RETAINED AND  
PROTECTED, REFER TO SURVEY.

EXISTING HEDGING ALONG SIDE  
BOUNDARY TO BE RETAINED AND  
PROTECTED, *Syzygium* sp.

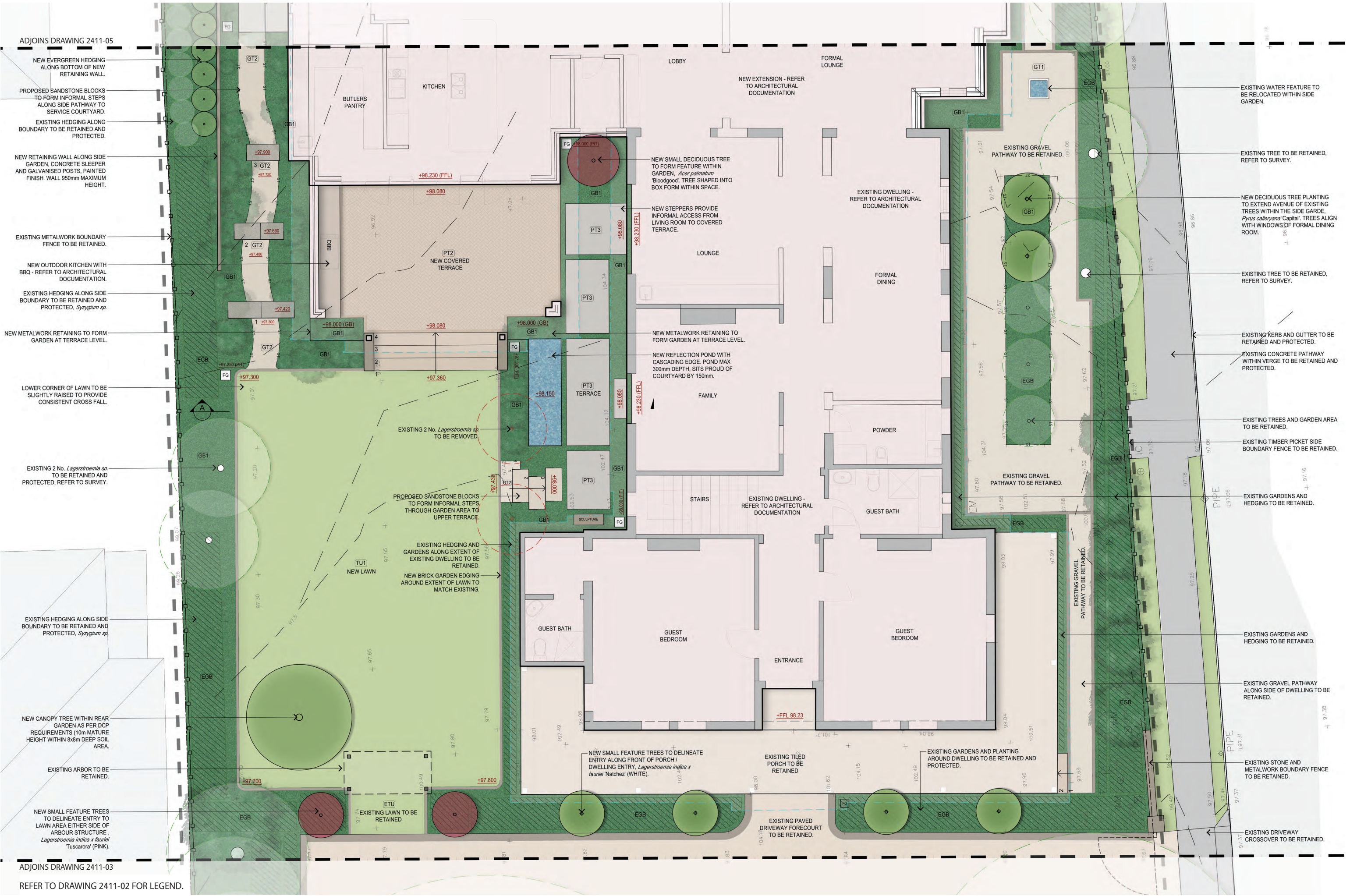
NEW CANOPY TREE WITHIN REAR  
GARDEN AS PER DCP  
REQUIREMENTS (10m MATURE  
HEIGHT WITHIN 8x6m DEEP SOIL  
AREA.

EXISTING ARBOR TO BE  
RETAINED.

NEW SMALL FEATURE TREES  
TO DELINEATE ENTRY TO  
LAWN AREA EITHER SIDE OF  
ARBOUR STRUCTURE ,  
*Lagerstroemia indica x fauriei*  
'Tuscarora' (PINK).

REFER TO DRAWING 2411-02 FOR LEGEND.

REFER TO DRAWING 2411-02 FOR LEGEND.











Planting DA Plan  
Scale: 1:150 @A1

Area A

Plant Code:	Quantity:
<b>Groundcovers:</b>	
CAS gla CI	12
CHR api	18
DIC arg SF	2
DIC rep	30
GRE lan MT	9
VIO hed	30
<b>Grasses:</b>	
DIA rev LR	30
LIR mus JR	30
ZEP can	60
<b>Broadleaf + Ferns:</b>	
BLE gib	6
CAL zeb	18
<b>Shrubs + Screening:</b>	
BUX mic J	22
HEL pet	2
HYD mac	2
RHA ind SM	13
WES fru GB	6
<b>Trees:</b>	
ACE pal B	1

Area B

Plant Code:	Quantity:
<b>Groundcovers:</b>	
ANE SP	32
CAS gla CI	32
CHR api	64
DIC rep	65
GRE lan MT	15
SAN off T	32
SCA alb SC	22
VIO hed	60
<b>Grasses:</b>	
ANI AV	14
LOM lon T	24
NEO gra	20
OEN lin B	24
PEN alo N	12
POA lab E	20
<b>Broadleaf + Ferns:</b>	
AGA har	4
ALP nut	18
ART cir	11
DOR exc	7
<b>Shrubs + Screening:</b>	
BUX mic J	15
ECH can	2
LAV sto A	5
RHA ind SM	5
SAL leu SB	5
SAN cha	12
SYZ aus R	9
TEU fru	5
VIB odo EL	16
WES fru GB	10
<b>Trees:</b>	
BUC cel	1

Area C

Plant Code:	Quantity:
<b>Groundcovers:</b>	
PRA ped	48
ROS off P	40
VIO hed	64
ZEP can	42
<b>Grasses:</b>	
LIR mus JR	66
NEO gra	32
<b>Broadleaf + Ferns:</b>	
ALP nut	12
ART cir	21
ASP ela	12
BLE gib	18
CAL zeb	20
CLI min	20
CRI ped	14
LIG ren DV	18
<b>Shrubs + Screening:</b>	
BUX mic J	22
GAR aug F	12
PIT tob M	12
RHA ind SM	15
<b>Trees:</b>	
ACE pal S	2

Area D

Plant Code:	Quantity:
<b>Groundcovers:</b>	
PRA ped	56
ROS off P	52
SEN man	44
VIO hed	54
ZEP can	58
<b>Grasses:</b>	
LIR mus JR	70
LOM lon T	50
NEO gra	24
<b>Broadleaf + Ferns:</b>	
ALC imp SP	7
CLI min	21
CRI ped	18
DOR exc	4
LIG ren DV	12
<b>Shrubs + Screening:</b>	
BUX mic J	22
ECH can	2
GAR aug F	2
HEL pet	4
HYD mac	2
RHA ind SM	2
SYZ aus R	16
<b>Trees:</b>	
CER can FP	1
MAG gra TB	4
PYR cal C	2

Planting General Notes:

- + Tree provision: the site contains existing trees that adhere to the DCP for tree requirements (mature size capability and quantity of trees) within the site.
- + All existing garden areas and planting to be retained and protected during construction works. Areas of new planting are documented around the proposed building works only. All other existing gardens are to be retained.
- + Refer to drawing 2214-07 for the Plant Schedule & Maintenance Notes/Requirements.
- + Planting design subject to detailed design. Not for pricing or construction.
- + All new deep soil garden areas subgrade to be cultivated prior to installation of new imported organic garden soil.
- + All new deep soil garden areas to include minimum 300mm depth of imported organic garden soil, such as 'ANL Organic Garden Soil', mixed through existing site soil where possible.
- + All new podium planters to include minimum 600mm depth of imported light-weight organic garden soil, such as 'ANL Light-weight Garden Mix'.
- + All garden areas to be mulched with 75mm depth of imported organic garden mulch, such as 'ANL Eucy Mulch'.
- + All new lawn areas to include minimum 100mm depth of imported turf underlay, such as 'ANL Turf Underlay'.
- + Sub-surface drainage to all garden areas, connected to site stormwater.
- + All podium planters and deep soil garden areas to be irrigated with a fully automated drip-irrigation system, connected to the sites stormwater harvesting system. Irrigation system design subject to detailed design.
- + Nominal height / spread at maturity - will vary based on maintenance regimes and site growing conditions.
- + Planting design subject to detailed design and documentation.
- + Species selection subject to availability at time of tendering and construction.



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Reason: For Co-ordination  
For Co-ordination  
DA Submission  
Reviewed by: DW  
DW  
DW

Project: Laming Residence  
495 Blaxland Road Denistone East, NSW 2112  
Client: Lionel Laming

Title: Planting DA Plan - 1 of 1

Project No.: 2411  
Date: 17.04.2024  
Scale: As Shown @ A1



Drawing: 2411-06  
Issue: A



Plant DA Schedule & Maintenance Requirements:

(to be read in conjunction with drawing 2411-06)

Code	Scientific name:	Common name:	Pot Size:	Mature height & spread*:	Density:	Quantity:	Maintenance requirements:
Groundcovers:							
ANE SP	Anemone japonica 'Single Pink'	Japanese Windflower	200mm pot	0.6 x 0.6m	2 / m2	32	Allow to form a natural weed-cover within garden areas.
APT cor	Aptenia cordifolia	Baby Sunrose	140mm Pot	0.1 x 0.3m	6 / m2	10	Allow to form a natural weed-cover within garden areas.
CAS gla CI	Casuarina glauca 'Cousin It'	Sheoak	200mm Pot	0.2 x 0.6m	6 / m2	44	Allow to cascade down face of retaining walls. Maintain to garden extent if it begins to encroach on paths.
CHR api	Chrysocephalum apiculatum	Yellow Buttons	140mm Pot	0.1 x 0.3m	6 / m2	82	Seasonal maintenance to maintain compact form.
DIC arg SF	Dichondra argentea 'Silver Falls'	Silver Falls	140mm Pot	0.1 x 0.3m	6 / m2	4	Allow to cascade down face of retaining walls. Maintain to garden extent if it begins to encroach on paths.
DIC rep	Dichondra repens	Kidneyweed	140mm Pot	0.1 x 0.3m	6 / m2	95	Allow to form a natural weed-cover within garden areas.
GRE lan MT	Grevillea lanigera 'Mt Tamboritha'	Spider Flower	140mm Pot	0.2 x 0.6m	6 / m2	24	Seasonal maintenance to cut back to promote new growth.
OEN lin B	Oenothera lindheimeri 'Belleza White'	Butterfly Bush	200mm pot	0.5 x 0.5m	4 / m2	24	
PRA ped	Pratia pedunculata	White Star Creeper	140mm Pot	0.1 x 0.3m	6 / m2	104	Allow to form a natural weed-cover within garden areas.
ROS off P	Rosmarinus officinalis 'Prostratus'	Creeping Rosemary	140mm Pot	0.1 x 0.3m	6 / m2	92	Allow to cascade down face of walls.
SAN off T	Sanguisorba officinalis 'Tanna'	Great Burnett	140mm Pot	0.2 x 0.8m	4 / m2	10	
SCA alb SC	Scaevola albida 'Super Cluster'	Fan Flower	140mm Pot	0.1 x 0.3m	6 / m2	22	Allow to form a natural weed-cover within garden areas.
SEN man	Senecio mandraliscae	Blue Chalk Fingers	140mm Pot	0.3 X 0.6m	4 / m2	44	Seasonal maintenance to promote new growth.
VIO hed	Viola hederacea	Native Violet	Tubestock	0.1 x 0.3m	6 / m2	208	Allow to form a natural weed-cover within garden areas.
Grasses:							
ANI AV	Anigozanthos 'Amber Velvet'	Kangaroo Paw (Orange-Red)	140mm Pot	0.5 x 0.5m	5 / m2	14	Seasonal maintenance to remove dead leaves and flowers.
DIA rev LR	Dianella revoluta 'Little Rev'	Blue Flax Lily	140mm Pot	0.4 x 0.4m	5 / m2	30	Seasonal maintenance to remove dead leaves.
LIR mus JR	Liriope muscari 'Just Right'	Liriope	140mm pot	0.5 x 0.5m	5 / m2	166	Seasonal maintenance to promote new growth.
LOM lon T	Lomandra longifolia 'Tanika'	Lomandra Tanika	140mm Pot	0.5 x 0.5m	5 / m2	74	Seasonal maintenance to promote new growth.
NEO gra	Neomarica gracilis	Walking Iris	140mm Pot	0.5 x 0.5m	5 / m2	76	Seasonal maintenance to remove dead flowers.
PEN alo N	Pennisetum alopecuroides 'Nafray'	Dwarf Fountain Grass	140mm pot	0.6 x 0.6m	5 / m2	12	Seasonal maintenance to remove dead leaves.
POA lab E	Poa labillardieri 'Eskdale'	Common Tussock Grass	140mm Pot	0.6 x 0.6m	5 / m2	20	Seasonal maintenance to remove dead leaves.
ZEP can	Zephyranthes candida	Rain Lity	140mm Pot	0.2 x 0.3m	5 / m2	110	Seasonal maintenance to remove dead leaves and flowers.
Broadleafed + Ferns:							
AGA har	Agave havardiana	Havard Agave	200mm pot	0.5 x 0.5m	3 / m2	4	
ALC imp SP	Alcantarea imperialis 'Silver Plum'	Bromeliad	200mm Pot	0.6 x 0.6m	1 / m2	7	
ALP nut	Alpinia nutans	Dwarf Cardamom	200mm Pot	1.0 x 1.5m	2 / m2	30	Seasonal maintenance as required to remove dead foliage.
ART cir	Arthropodium cirravtum	New Zealand Rock Lilly	200mm Pot	0.6 x 0.6m	3 / m2	32	Seasonal maintenance to remove dead flowers.
ASP ela	Aspidistra elatior	Cast Iron Plant	200mm pot	0.8 x 0.8m	3 / m2	12	Seasonal maintenance as required to remove dead foliage.
BLE gib	Blechnum gibbum	Silver Lady Fern	200mm pot	0.6 x 0.6m	3 / m2	24	Seasonal maintenance as required to remove dead foliage.
CAL zeb	Calathea zebrina	Zebra Plannt	140mm Pot	0.6 x 0.6m	6 / m2	38	
CLI min	Clivia miniata	Clivia	200mm pot	0.5 x 0.5m	4 / m2	41	
CRI ped	Crinum pedunculatum	Swamp Lilly	200mm pot	0.8 x 0.8m	3 / m2	32	Seasonal maintenance to remove dead flowers.
DOR exc	Doryanthes excelsa	Gymea Lilly	200mm Pot	1.5 x 1m	1 / m2	11	Seasonal maintenance to remove dead leaves and flowers.
LIG ren DV	Ligularia reniformis 'Designer Verde'	Tractor Seat	200mm Pot	0.8 x 0.8m	5 / m2	30	Seasonal maintenance to remove dead leaves.
Shrubs + Screening:							
BUX mic J	Buxus microphylla 'Japonica'	Buxus	200mm pot	0.5 x 0.5m	4 / m2	81	Maintain compact hedge form for extent of garden area, 600-700mm height.
ECH can	Echium candicans	Pride of Madeira	200mm pot	1.5 x 1m	1 / m2	4	Seasonal maintenance to remove dead leaves and flowers.
GAR aug F	Gardenia augusta 'Florida'	Gardenia	200mm pot	1 x 1m	2 / m2	14	Maintain compact hedge form for extent of garden area, 500mm height.
HEL pet	Helichrysum petiolare	Licorice Plant	200mm pot	0.7 x 0.7m	4 / m2	6	Seasonal maintenance to remove dead leaves.
HYD mac	Hydrangea macrophylla	Hydrangea	200mm pot	1.5 x 1m	1 / m2	4	Maintain compact hedge form for extent of garden area, 600-700mm height.
LAV sto A	Lavandula stoechas 'Avonview'	Lavender	200mm pot	0.7 x 0.7m	4 / m2	5	Maintain compact hedge form for extent of garden area, 600-700mm height.
PIT tob M	Pittosporum tobira 'Miss Muffet'	Dwarf Pittosporum	200mm pot	1 x 1m	2 / m2	12	Maintain compact ball-form, 0.5m height by 0.5m spread.
RHA ind SM	Rhaphiolepis indica 'Snow Maiden'	Indian Hawthorn White	200mm pot	0.7 x 0.7m	4 / m2	35	Maintain compact ball-form, 0.5m height by 0.5m spread.
SAL leu SB	Salvia leucantha 'Santa Barbara'	Salvia	200mm pot	1 x 1m	2 / m2	5	Maintain compact hedge form for extent of garden area, 600-700mm height.
SAN cha	Santolina chamaecyparissus	Lavender Cotton Bush	200mm pot	0.6 x 0.6m	2 / m2	12	Seasonal maintenance to remove dead leaves and flowers.
SYZ aus R	Syzygium australe 'Resilience'	Lilly Pilly	45L	2 x 1.5m	1 / m2	25	Seasonal maintenance as required to maintain informal screen to 1.8-2m height by 800mm spread.
TEU fru	Teucrium fruticans	Germander	200mm pot	1 x 1m	2 / m2	5	Seasonal maintenance as required to maintain compact form 400x400mm.
VIB odo EL	Viburnum odoratissimum 'Emerald Lustre'	Viburnum	25L	2 x 1.5m	1 / m2	16	Seasonal maintenance as required to maintain informal screen to 1.8-2m height by 800mm spread.
WES fru GB	Westringia fruticosa 'Grey Box'	Compact Coastal Rosemary	200mm pot	0.5 x 0.5m	4 / m2	16	Seasonal maintenance as required to maintain compact form 400x400mm.
Trees:							
ACE pal B	V	Bloodgood Japanese Maple	75L	5 x 3m	-	1	Maintain clear trunk 1.5m height.
ACE pal S	Acer palmatum dissectum 'Seiryu'	Seiryu Japanese Maple	75L	4 x 4m	-	2	Maintain clear trunk 1.5m height.
ANG cos	Angophora costata	Smooth-Barked Apple	75L	25 x 12m	-	1	
BUC cel	Buckinghamia celssissima	Ivory Curl Flower	75L	5 x 3m	-	1	
CER can FP	Cercis canadensis 'Forest Pansy'	Burgundy Redbud	75L	5 x 3m	-	1	
GLO fer	Glochidion ferdinandi	Cheese Tree	75L	30 x 10m	-	1	Maintain clear trunk 1.5m height.
LAG ind N	Lagerstroemia indica x fauriei 'Natchez'	Crepe Myrtle (White)	75L	5 x 3m	-	4	Maintain compact with clear trunk 1.5m height. Source stock with singular leader and uniform shape/form.
LAG ind T	Lagerstroemia indica x fauriei 'Tuscarora'	Crepe Myrtle (Pink)	75L	7 x 4m	-	2	Maintain compact with clear trunk 1.5m height. Source stock with singular leader and uniform shape/form.
MAG gra TB	Magnolia grandiflora 'Teddy Bear'	Magnolia	75L	4 x 3m	-	4	Maintain clear trunk 1.5m height.
PYR cal C	Pyrus calleryana 'Capital'	Capital Ornamental Pear	75L	5-10 x 3-4m	-	2	Maintain clear trunk 1.5m height.



ANE SP: Anemone japonica 'Single Pink' | Japanese indflower



APT cor: Aptenia cordifolia Baby Sunrose



CAS gla CI: Casuarina glauca 'Cousin It' | Sheoak



CHR api: Chrysocephalum apiculatum | Yellow Buttons



DIC arg SF: Dichondra argentea 'Silver Falls' | Silver Falls



GRE lan MT: Grevillea lanigera 'Mt Tamboritha' | Spider Flower



OEN lin B: Oenothera lindheimeri 'Belleza White' | Butterfly Bush



PRA ped: Pratia pedunculata White Star Creeper



ROS off P: Rosmarinus officinalis 'Prostratus' | Creeping Rosemary



SAN off T: Sanguisorba officinalis 'Tanna' | Great Burnett



SCA alb SC: Scaevola albida 'Super Cluster' | Fan Flower



SEN man: Senecio mandraliscae Blue Chalk Fingers



VIO hed: Viola hederacea Native Violet



ZEP can: Zephyranthes candida Windflower



ANI AV: Anigozanthos 'Amber Velvet' Kangaroo Paw (Orange-Red)



DIA rev LR: Dianella revoluta 'Little Rev' | Blue Flax Lily



LIR mus JR: Liriope muscari 'Just Right' | Liriope



LOM lon T: Lomandra longifolia 'Tanika' | Lomandra Tanika



NEO gra: Neomarica gracilis Walking Iris



PEN alo N: Pennisetum alopecuroides 'Nafray' | Dwarf Fountain Grass



POA lab E: Poa labillardieri 'Eskdale' Common Tussock Grass



AGA har: Agave havardiana Havard Agave



ALC imp SP: Alcantarea imperialis 'Silver Plum' | Bromeliad



ALP nut: Alpinia nutans Dwarf Cardamom



ART cir: Arthropodium cirratum New Zealand Rock Lilly



ASP ela: Aspidistra elatior Cast Iron Plant



BLE gib: Blechnum gibbum Silver Lady Fern



CAL zeb: Calathea zebrina



CLI min: Clivia miniata Clivia



CRI ped: Crinum pedunculatum Swamp Lilly



DOR exc: Doryanthes excelsa Gymea Lilly



LIG ren DV: Ligularia reniformis 'Designer Verde' | Tractor Seat



BUX mic J: Buxus microphylla 'Japonica' | Buxus



ECH can: Echium candicans Pride of Madeira



GAR aug F: Gardenia augusta 'Florida' | Gardenia



HEL pet: Helichrysum petiolare Licorice Plant



HYD mac: Hydrangea macrophylla Hydrangea



LAV sto A: Lavandula stoechas 'Avonview' | Lavender



PIT tob M: Pittosporum tobira 'Miss Muffet' | Dwarf Pittosporum



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ACE pal S: Acer palmatum dissectum 'Seiryu' | Seiryu Japanese Maple



ANG cos Angophora costata



BUC cel: Buckinghamia celssissima Ivory Curl Flower



CER can FP: Cercis canadensis 'Forest Pansy'



GLO fer: Glochidion ferdinandi



LAG ind N: Lagerstroemia indica x fauriei 'Natchez' | Crepe Myrtle (White)



LAG ind T: Lagerstroemia indica x fauriei 'Tuscarora' | Crepe Myrtle (Pink)



MAG gra TB: Magnolia grandiflora 'Teddy Bear' | Magnolia



PYR cal C: Pyrus calleryana 'Capital' Capital Ornamental Pear



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Date: 18.03.24  
Reason: For Co-ordination  
Reviewed by: DW  
DW  
DW

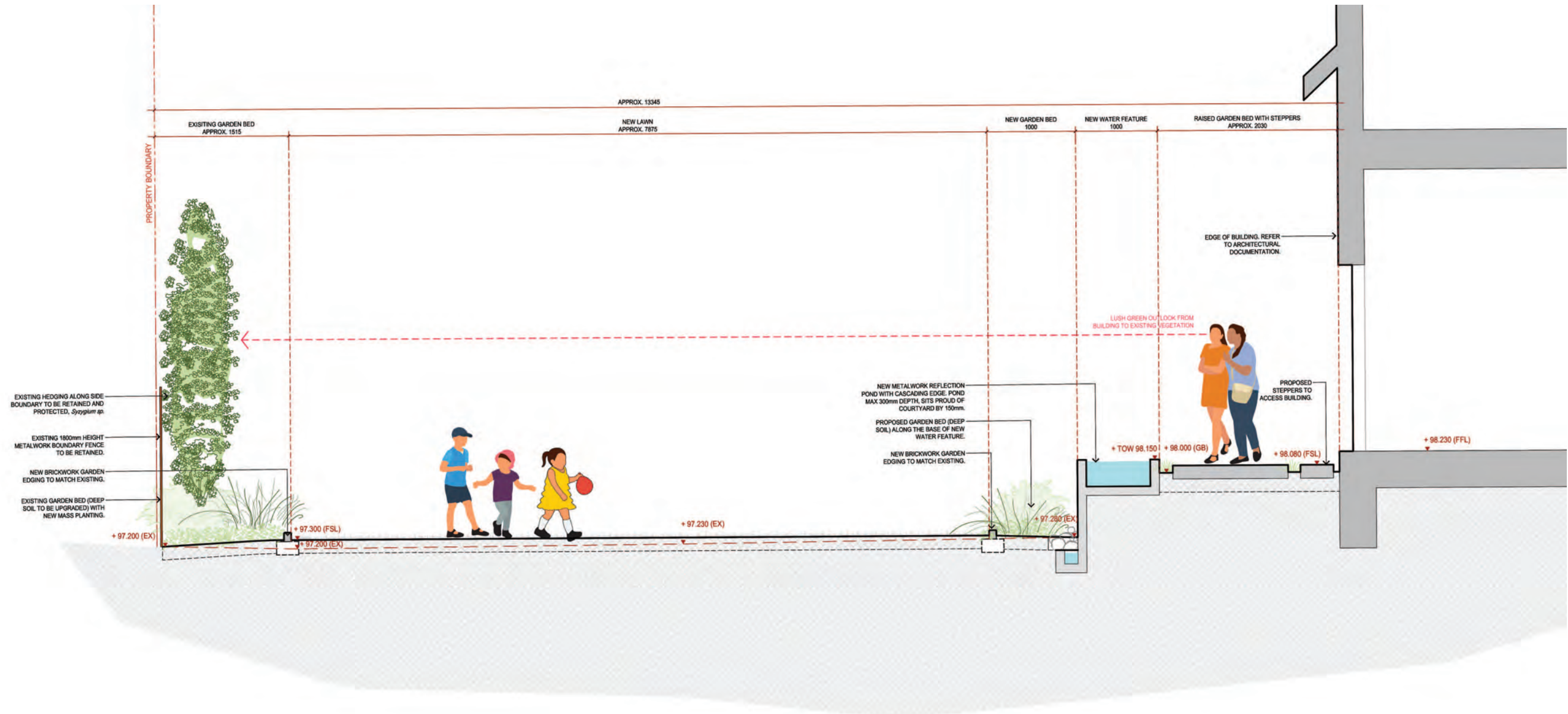
Project: Laming Residence  
495 Blaxland Road Denistone East, NSW 2112  
Client: Lionel Laming

Title: Plant DA Schedule & Maintenance  
Notes/Requirements  
Plant Images

Project No.: 2411  
Date: 17.04.2024  
Scale: N/A @ A1

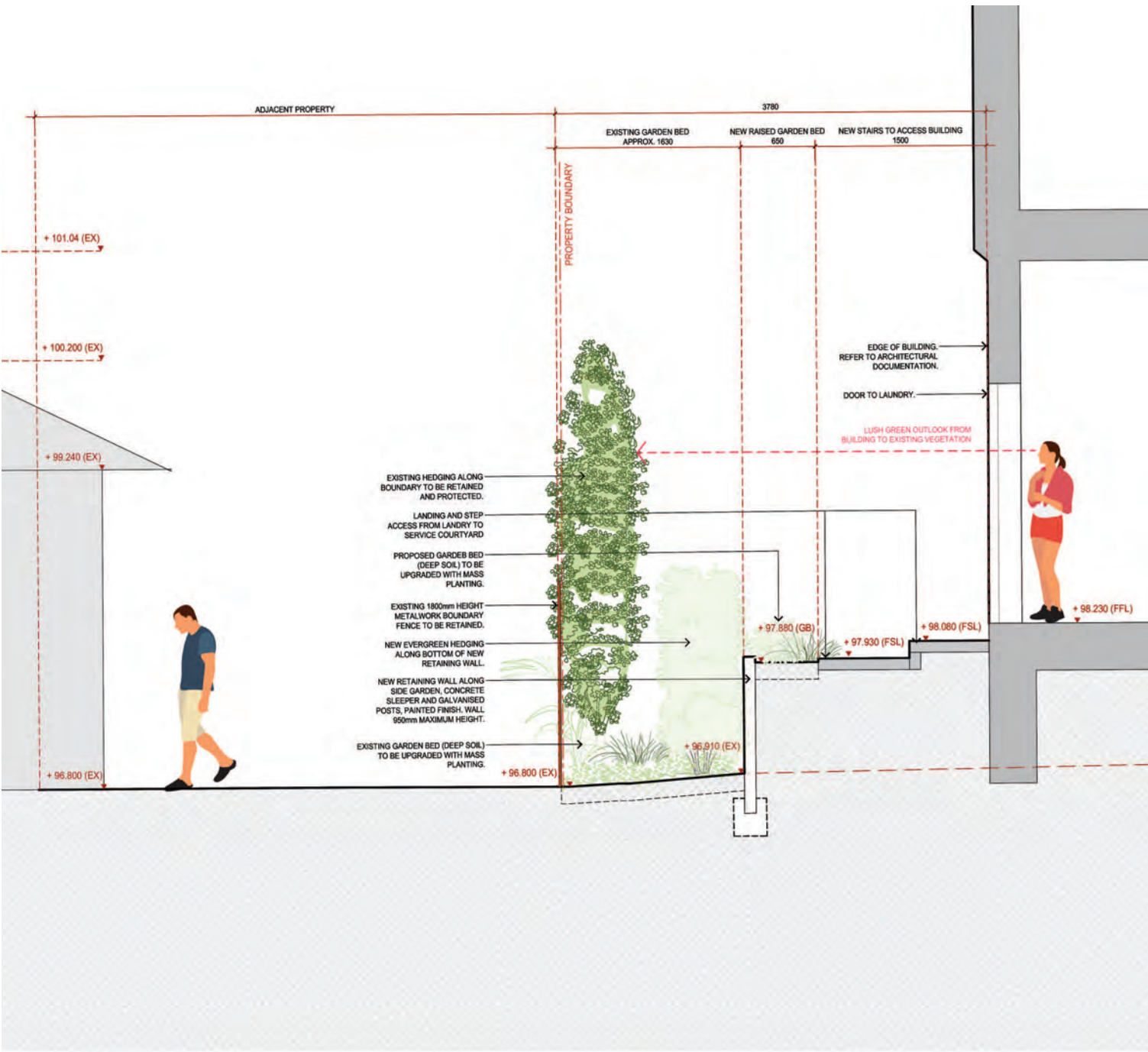
Drawing: 2411-07  
Issue: A



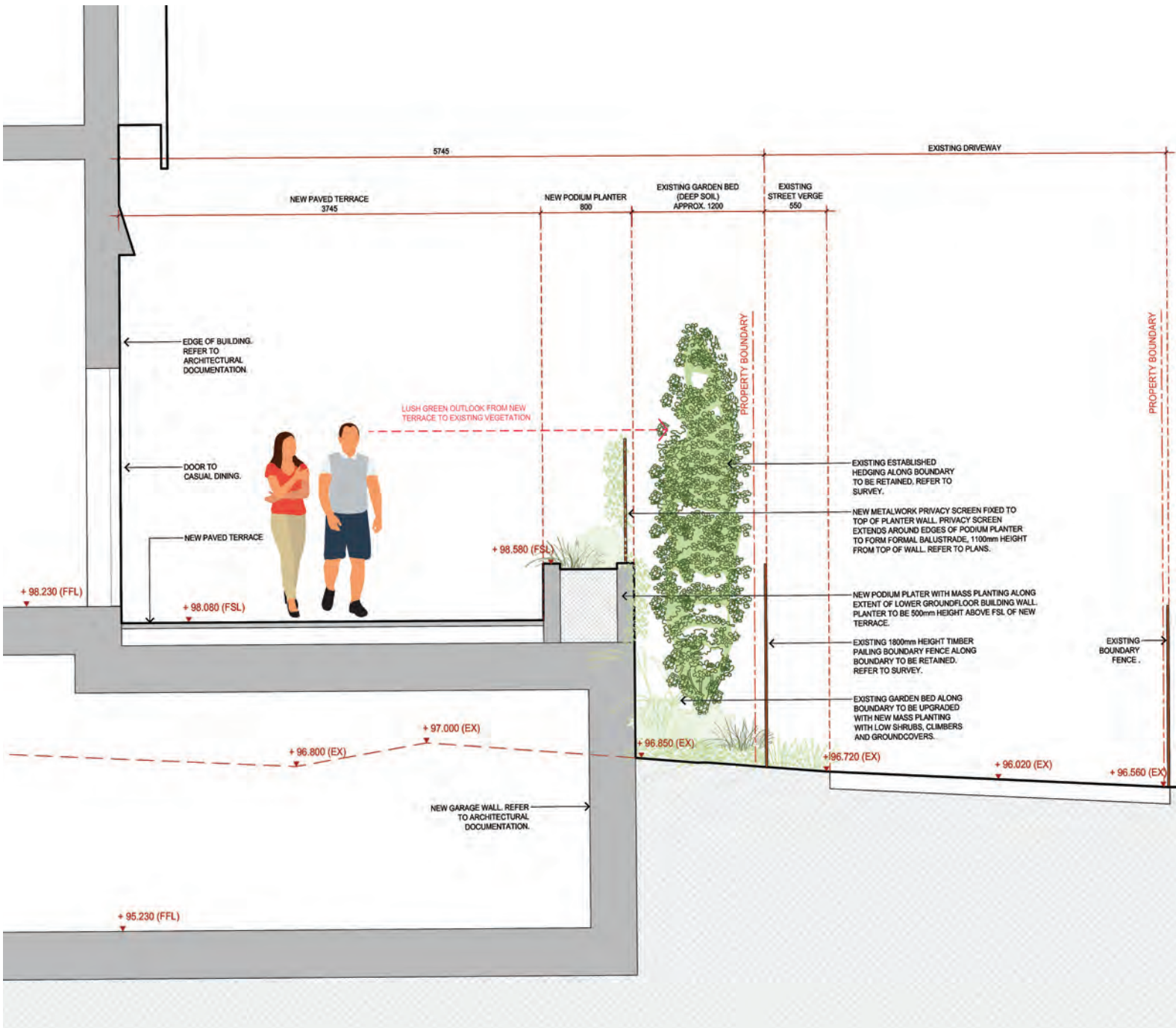


Landscape Section A  
New Lawn - Water Feature - New Raised Terrace Garden  
Scale 1:25 @ A1





Landscape Section B  
New Raised Side Garden  
Scale 1:25 @ A1



Landscape Section C  
Rear Garden - New Paved Terrace  
Scale 1:25 @ A1



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Issue:	Date:	Reason:	Reviewed by:
DRAFT	18.03.24	For Co-ordination	DW
DRAFT	08.04.24	For Co-ordination	DW
A	17.04.24	DA Submission	DW

Project: Laming Residence  
495 Blaxland Road Denistone East, NSW 2112  
Client: Lionel Laming

Title: Landscape Section B-C  
New Raised Side Garden  
Rear Garden - New Paved Terrace

Project No.: 2411  
Date: 17.04.2024  
Scale: 1:25 @ A1



Drawing: 2411-09  
Issue: A

**APPENDIX**  
**CLAUSE 4.6 – RLEP 2014 – HEIGHT OF BUILDINGS**

**Prepared July 2024**



**WRITTEN REQUEST PURSUANT TO CLAUSE 4.6 OF RYDE LOCAL ENVIRONMENTAL PLAN 201**

**495 BLAXLAND ROAD, DENISTONE EAST**

**FOR THE PROPOSED CONSTRUCTION OF ADDITIONS AND ALTERATIONS  
TO AN EXISTING DWELLING**

**VARIATION OF A DEVELOPMENT STANDARD REGARDING COUNCIL'S HEIGHT OF BUILDINGS  
CONTROL AS DETAILED IN CLAUSE 4.3 OF  
THE RYDE LOCAL ENVIRONMENTAL PLAN 2014**

**For:** Proposed construction of additions and alterations to an existing dwelling  
**At:** 496 Blaxland Road, Denistone East  
**Owner:** L Laming  
**Applicant:** L Laming  
C/- James Design Studio

## **1.0 Introduction**

This written request is made pursuant to the provisions of Clause 4.6 of Ryde Local Environmental Plan 2014. In this regard, it is requested Council support a variation with respect to compliance with the Height of Buildings control as described in Clause 4.3 of the Ryde Local Environmental Plan 2014 (RLEP 2014).

This request accompanies architectural plans prepared by James Design Studio, Project No 2304, Issue E dated 14 June 2024.

The relevant maximum height of the building in this locality is 9.5m and is considered to be a development standard as defined by Section 4 of the Environmental Planning and Assessment Act.

The proposed additions and alterations to the existing heritage listed dwelling will see minor portions of the ridge level of the new works present a height of up to 9.85m, which occur primarily as a direct response of the need for the design of the new work to integrate with the form of the existing building and maintain the heritage significance of the item.

Portions of the existing roof ridge of the current building exceed the 9.5 m height control 9.5m, however these elements are unchanged and therefore the existing elements of the building are not subject to this request to vary the standard.

As noted in Figures 1 & 2 over, minor areas of the new ridge of the rear addition will be up to 9.85 m in height, however the significant majority of the new work will be comfortably compliant with Council's maximum 9.5m height control. The new works will exceed the height control by up to 0.35m or 3.68%.

## **1.1 Ryde Local Environmental Plan 2014 (“RLEP”)**

### **1.1.1 Clause 2.2 and the Land Use Table**

Clause 2.2 and the Land Zoning Map provide that the subject site is zoned R2 – Low Density Residential (the R2 zone) and the Land Use Table in Part 2 of RLEP 2014 specifies the following objectives for the R2 zone:

- *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 for the purpose of additions alterations to an existing dwelling house which is a permissible use in the R2 Low Density Residential zone.

### **1.1.2 Clause 4.3 – Height of buildings**

Clause 4.3 of RLEP sets out the maximum height of a building as follows:

*(1) The objectives of this clause are as follows:*

- (a) to ensure that street frontages of development are in proportion with and in keeping with the character of nearby development,*
- (b) to minimise overshadowing and to ensure that development is generally compatible with or improves the appearance of the area,*
- (c) to encourage a consolidation pattern and sustainable integrated land use and transport development around key public transport infrastructure,*
- (d) to minimise the impact of development on the amenity of surrounding properties,*
- (e) to emphasise road frontages along road corridors.*

*(2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.*

The Height of Buildings Map specifies a maximum building height of 9.5m.

**1.1.3** The Dictionary to RLEP operates via clause 1.4 of RLEP. The Dictionary defines “building height” as:

***building height (or height of building) means—***

- a) in relation to the height of a building in metres—the vertical distance from ground level (existing) to the highest point of the building, or*
- b) in relation to the RL of a building—the vertical distance from the Australian Height Datum to the highest point of the building,*

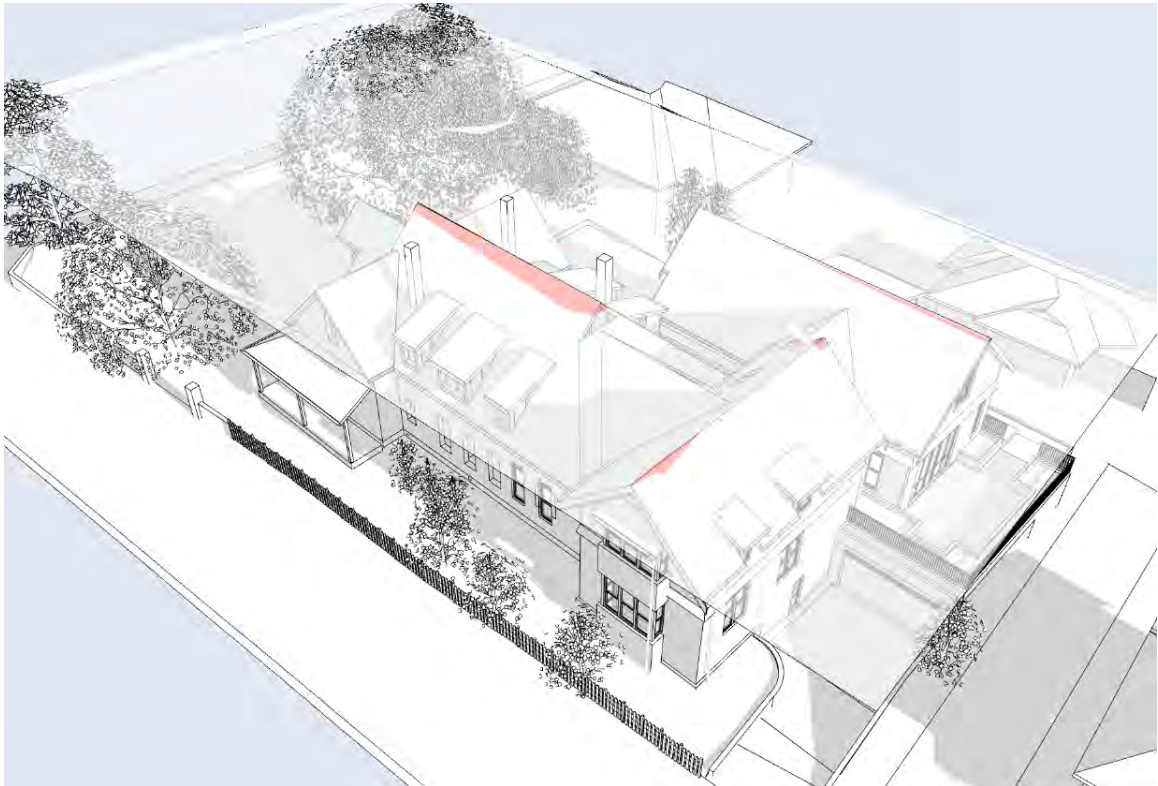
*including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like.*

**Is clause 4.3 of RLEP 2014 a development standard?**

- (a) The definition of “development standard” in clause 1.4 of the EP&A Act means standards fixed in respect of an aspect of a development and includes:

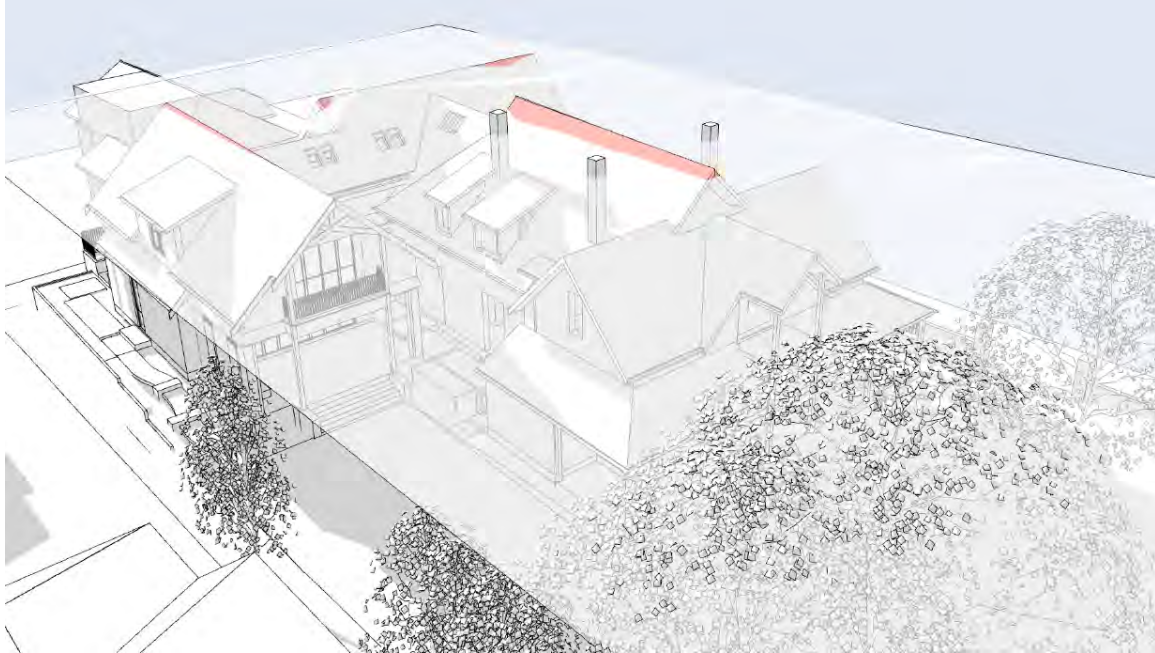
*“(c) the character, location, siting, bulk, scale, shape, size, height, density, design or external appearance of a building or work,”*

- (b) Clause 4.3 relates to the maximum building height of a building. Accordingly, clause 4.3 is a development standard as defined in the Environmental Planning and Assessment Act, 1979.



**Fig 1: Architectural Extract – Extent of proposed new building form to new rear wing which exceeds the 9.5m height control (portions of existing building which are unchanged are not included in this request)**





**Fig 2: Architectural Extract – Extent of proposed new building form to new rear wing which exceeds the 9.5m height control (portions of existing building which are unchanged are not included in this request)**

## 2.0 Authority to vary a Development Standard

In September 2023, the NSW Government published amendments to Clause 4.6 of the Standard Instrument which change the operation of the clause across all local environmental plans, including the Ryde LEP. The changes came into force on 1 November 2023.

The principal change is the omission of subclauses 4.6(3)-(5) and (7) in the Standard Instrument Principal Local Environmental Plan.

The following changes have been made as a result of this:

- Clause 4.6(3) was amended such that the requirement to ‘consider’ a written request has been changed with an express requirement that the consent authority ‘be satisfied that the applicant has demonstrated’ that compliance with the development standard is unreasonable or unnecessary.
- Clause 4.6(4)(a)(ii) was amended such that the requirement that the consent authority must be satisfied that the proposed development in the public interest has been removed.
- Clause 4.6(4)(b) & 5 amended such that the requirement for concurrence from the Planning Secretary has been removed.

The objectives of clause 4.6 of the LEP, as amended, seek to recognise that in the particular circumstances of this case strict application of development standards may be unreasonable or unnecessary. The clause provides objectives and a means by which a variation to the development standard can be achieved as outlined below:

### *Clause 4.6 Exception to development standard*

*(1) The objectives of this clause are as follows—*

- (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,*
- (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*

*(2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.*

*(3) Development consent must not be granted to development that contravenes a development standard unless the consent authority is satisfied the applicant has demonstrated that—*

- (a) compliance with the development standard is unreasonable or unnecessary in the circumstances, and*
- (b) there are sufficient environmental planning grounds to justify the contravention of the development standard.*

**Note—**

The [Environmental Planning and Assessment Regulation 2021](#) requires a development application for development that proposes to contravene a development standard to be accompanied by a document setting out the grounds on which the applicant seeks to demonstrate the matters in paragraphs (a) and (b).

(4) The consent authority must keep a record of its assessment carried out under subclause (3).

(5) (Repealed)

(6) Development consent must not be granted under this clause for a subdivision of land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone C2 Environmental Conservation, Zone C3 Environmental Management or Zone C4 Environmental Living if—

(a) the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or

(b) the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.

**Note—**

When this Plan was made it did not include all of these zones.

(7) (Repealed)

(8) This clause does not allow development consent to be granted for development that would contravene any of the following—

(a) a development standard for complying development,

(b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which [State Environmental Planning Policy \(Building Sustainability Index: BASIX\) 2004](#) applies or for the land on which such a building is situated,

(c) clause 5.4,

(caa) clause 5.5.



### 3.0 Purpose of Clause 4.6

The Ryde Local Environmental Plan 2014 contains its own variations clause (Clause 4.6) to allow a departure from a development standard. Clause 4.6 of the LEP is similar in tenor to the former State Environmental Planning Policy No. 1, however the variations clause contains considerations which are different to those in SEPP 1. The language of Clause 4.6(3)(a)(b) suggests a similar approach to SEPP 1 may be taken in part.

There is recent judicial guidance on how variations under Clause 4.6 of the LEP should be assessed. These cases are taken into consideration in this request for variation.

In particular, the principles identified by Preston CJ in *Initial Action Pty Ltd vs Woollahra Municipal Council [2018] NSWLEC 118* have been considered in this request for a variation to the development standard.

### 4.0 Objectives of Clause 4.6

Clause 4.6(1) of RLEP provides:

*(1) The objectives of this clause are as follows:*

- a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,*
- b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*

The decision of Chief Justice Preston in *Initial Action Pty Ltd v Woollahra Municipal Council [2018] NSWLEC 118* (“Initial Action”) provides guidance in respect of the operation of clause 4.6 subject to the clarification by the NSW Court of Appeal in ***RebelMH Neutral Bay Pty Limited v North Sydney Council [2019] NSWCA 130 at [1], [4] & [51]*** where the Court confirmed that properly construed, a consent authority has to be satisfied that an applicant’s written request has in fact demonstrated the matters required to be demonstrated by cl 4.6(3).

*Initial Action* involved an appeal pursuant to s56A of the Land & Environment Court Act 1979 against the decision of a Commissioner.

At [90] of *Initial Action* the Court held that:

*“In any event, cl 4.6 does not give substantive effect to the objectives of the clause in cl 4.6(1)(a) or (b). There is no provision that requires compliance with the objectives of the clause. In particular, neither cl 4.6(3) nor (4) expressly or impliedly requires that development that contravenes a development standard “achieve better outcomes for and from development”. If objective (b) was the source of the Commissioner’s test that non-compliant development should achieve a better environmental planning outcome for the site relative to a compliant development, the Commissioner was mistaken. Clause 4.6 does not impose that test.”*

The legal consequence of the decision in *Initial Action* is that clause 4.6(1) is not an operational

provision and that the remaining clauses of clause 4.6 constitute the operational provisions.

Clause 4.6(2) of the LEP provides:

- (2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.*

Clause 4.3 (the Height of Buildings control) is not excluded from the operation of clause 4.6 by clause 4.6(8) or any other clause of the LEP.

Clause 4.6(3) of RLEP provides:

- (3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:*
- a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
  - b) that there are sufficient environmental planning grounds to justify contravening the development standard.*

The proposed development does not comply with the maximum building height control development standard pursuant to clause 4.3 of RLEP which specifies a maximum building height of 9.5m in this area of Denistone East. The proposed additions and alterations to the existing dwelling will result in a maximum building height of 9.85m or exceed the height control by 0.35m or 3.68%.

Strict compliance is considered to be unreasonable or unnecessary in the circumstances of this case and there are considered to be sufficient environmental planning grounds to justify contravening the development standard. The relevant arguments are set out later in this written request.

Clause 4.6(4) is administrative and requires the consent authority to keep a record of its assessment of the clause 4.6 variation

Clause 4.6(6) relates to subdivision and is not relevant to the development.

Clause 4.6(8) is only relevant so as to note that it does not exclude clause 4.3 of RLEP from the operation of clause 4.6.

## 5.0 The Nature and Extent of the Variation

- 5.1 This request seeks a variation to the maximum building height standard contained in clause 4.3 of RLEP.
- 5.2 Clause 4.3 of RLEP specifies a maximum building height of 9.5m in this area of Denistone East.
- 5.3 The proposed additions and alterations to the existing dwelling will provide for new works up to a maximum height of 9.85m, which exceeds Council's maximum building height by 0.35m or 3.68% and therefore does not comply with this control.

As previously discussed, a major contributor to the breach of the height control is the need to maintain compatible roof forms and roof and gable pitched elements to complement and respect the existing building and its heritage significance, which have contributed to the minor breach of the height of buildings control. As demonstrated in Figures 1 & 2, the proposal presents only a minor variation to the control, with the majority of the development readily meeting Council's height control.

As discussed in this submission, it is considered that the proposal is reasonable notwithstanding the breach the height control and this will be discussed further within this submission.

## 6.0 Relevant Caselaw

- 6.1 In *Initial Action* the Court summarised the legal requirements of clause 4.6 and confirmed the continuing relevance of previous case law at [13] to [29]. In particular the Court confirmed that the five common ways of establishing that compliance with a development standard might be unreasonable and unnecessary as identified in *Wehbe v Pittwater Council* (2007) 156 LGERA 446; [2007] NSWLEC 827 continue to apply as follows:

- 17. *The first and most commonly invoked way is to establish that compliance with the development standard is unreasonable or unnecessary because the objectives of the development standard are achieved notwithstanding non-compliance with the standard: Wehbe v Pittwater Council at [42] and [43].*
- 18. *A second way is to establish that the underlying objective or purpose is not relevant to the development with the consequence that compliance is unnecessary: Wehbe v Pittwater Council at [45].*
- 19. *A third way is to establish that the underlying objective or purpose would be defeated or thwarted if compliance was required with the consequence that compliance is unreasonable: Wehbe v Pittwater Council at [46].*
- 20. *A fourth way is to establish that the development standard has been virtually abandoned or destroyed by the Council's own decisions in*



*granting development consents that depart from the standard and hence compliance with the standard is unnecessary and unreasonable: Wehbe v Pittwater Council at [47].*

21. *A fifth way is to establish that the zoning of the particular land on which the development is proposed to be carried out was unreasonable or inappropriate so that the development standard, which was appropriate for that zoning, was also unreasonable or unnecessary as it applied to that land and that compliance with the standard in the circumstances of the case would also be unreasonable or unnecessary: Wehbe v Pittwater Council at [48]. However, this fifth way of establishing that compliance with the development standard is unreasonable or unnecessary is limited, as explained in Wehbe v Pittwater Council at [49]-[51]. The power under cl 4.6 to dispense with compliance with the development standard is not a general planning power to determine the appropriateness of the development standard for the zoning or to effect general planning changes as an alternative to the strategic planning powers in Part 3 of the EPA Act.*
22. *These five ways are not exhaustive of the ways in which an applicant might demonstrate that compliance with a development standard is unreasonable or unnecessary; they are merely the most commonly invoked ways. An applicant does not need to establish all of the ways. It may be sufficient to establish only one way, although if more ways are applicable, an applicant can demonstrate that compliance is unreasonable or unnecessary in more than one way.*

6.2 The relevant steps identified in *Initial Action* (and the case law referred to in *Initial Action*) can be summarised as follows:

1. Is clause 4.3 of RLEP a development standard?
2. Is the consent authority satisfied that this written request adequately addresses the matters required by clause 4.6(3) by demonstrating that:
  - (a) compliance is unreasonable or unnecessary; and
  - (b) there are sufficient environmental planning grounds to justify contravening the development standard
3. Is the consent authority satisfied that the proposed development will be consistent with the objectives of clause 4.3 and the objectives for development for in the R2 zone?

## **7.0. Request for Variation**

### **7.1 Is compliance with clause 4.3 unreasonable or unnecessary?**

- (a) This request relies upon the 1st way identified by Preston CJ in *Wehbe*.
- (b) The first way in *Wehbe* is to establish that the objectives of the standard are achieved.
- (c) Each objective of the maximum building height standard and reasoning why compliance is unreasonable or unnecessary is set out below:

***(a) to ensure that street frontages of development are in proportion with and in keeping with the character of nearby development,***

The proposal will not see any significant change to the primary elements of the building facing Blaxland Road and Hopetoun Avenue.

The proposed new rear additions are subservient in height and scale to the existing heritage building and by adopting key building features such as setbacks, materials and roof ridge and gable end roof pitch, the proposed additions will complement the existing building and its contribution to the immediate area.

This objective is achieved.

***(b) to minimise overshadowing and to ensure that development is generally compatible with or improves the appearance of the area,***

The proposed new works to the existing dwelling will not result in any unreasonable impacts on adjoining properties in terms of views, privacy or overshadowing.

Consistent with the decision of Roseth SC in *Project Ventures Developments v Pittwater Council [2005] NSWLEC 191*, it is my opinion that “most observers would not find the proposed building offensive, jarring or unsympathetic”.

Further, the modulation of the front façade and building elevations where visible from the public domain minimises the visual impact of the development.

The proposal presents a compatible height and scale to the existing development within the site and the articulation to the building facades and the compatible building form to complement the existing heritage item will suitably distribute the bulk of the new floor area.

The shadow analysis prepared by James Design Studio Pty Ltd comprises plan views of the proposed shadow impacts at hourly intervals between 9am & 3pm.

The assessment confirms that the primary living areas of the adjoining properties will maintain suitable solar access throughout the day and in accordance with Council’s DCP requirements.

***(c) to encourage a consolidation pattern and sustainable integrated land use and transport development around key public transport infrastructure,***

The proposal involves additions and alterations to an existing single dwelling. The works will not require any consolidation of the lot and whilst the building is on Blaxland Road, which is a busy traffic thoroughfare in the locality, the works will not have any impact on the public infrastructure.

This objective is achieved.

***(d) to minimise the impact of development on the amenity of surrounding properties.***

As discussed, the proposed additions & alterations maintain generous setbacks to the neighbouring properties, and the shadow analysis prepared to support the application confirms that the neighbouring property is will maintain their existing amenity.

The proposal will maintain the existing local views and outlook for neighbouring properties and views to the public areas for the adjoining neighbours are not adversely affected.

The proposal will not require the removal of any significant vegetation, with only exempt species to be removed, and will see the retention of the extensive landscaped area surrounding the dwelling.

This objective is achieved.

***(e) to emphasise road frontages along road corridors.***

The works to the dwelling will respect the height, scale and form of the existing heritage building, topography and surrounding residential development.

The proposal will not adversely affect the appearance of the site from the road frontages or the Blaxland Road Corridor.

This objective is achieved.

**7.2 Are there sufficient environmental planning grounds to justify contravening the development standard?**

In Initial Action the Court found at [23]-[24] that:

23. *As to the second matter required by cl 4.6(3)(b), the grounds relied on by the applicant in the written request under cl 4.6 must be “environmental planning grounds” by their nature: see Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 90 at [26]. The adjectival phrase “environmental planning” is not defined, but would refer to grounds that relate to the subject matter, scope and purpose of the EPA Act, including the objects in s 1.3 of the EPA Act.*



24. *The environmental planning grounds relied on in the written request under cl 4.6 must be “sufficient”. There are two respects in which the written request needs to be “sufficient”. First, the environmental planning grounds advanced in the written request must be sufficient “to justify contravening the development standard”. The focus of cl 4.6(3)(b) is on the aspect or element of the development that contravenes the development standard, not on the development as a whole, and why that contravention is justified on environmental planning grounds. The environmental planning grounds advanced in the written request must justify the contravention of the development standard, not simply promote the benefits of carrying out the development as a whole: see Four2Five Pty Ltd v Ashfield Council [2015] NSWCA 248 at [15]. Second, the written request must demonstrate that there are sufficient environmental planning grounds to justify contravening the development standard so as to enable the consent authority to be satisfied under cl 4.6(4)(a)(i) that the written request has adequately addressed this matter: see Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 90 at [31].*

There are sufficient environmental planning grounds to justify contravening the development standard.

The requirements of clause 2.2.2 of Ryde DCP 2014 suggest that *“Alterations and additions should be integrated with the existing building so that the finish building appears to be as a consistent whole when viewed from the public domain”*.

In this instance, the minor breach of the height of building standard is a direct result of the necessity for the new works to integrate cohesively and smoothly with the existing heritage building to maintain its significance and contribution to the immediate area and to the heritage shock within the wider Council area.

Consistent with this objective, the particular element of the development which breaches the height development standard, is driven by the form and architectural features of the existing dwelling and in order to maintain compatibility, the proposed roof pitch has been selected to respect the existing dwelling, resulting in a minor breach of the overall height control. The significant majority of the new work observes the height standard, as noted in Figures 1 & 2.

The proposed development achieves the objects in Section 1.3 of the EPA Act, specifically:

- The proposed additions and alterations to the existing dwelling will maintain the general bulk and scale of the existing surrounding newer dwellings and maintains architectural consistency with the prevailing development pattern which promotes the orderly & economic use of the land (cl 1.3(c)).
- Similarly, the proposed development will provide for improved amenity through the inclusion of more functional floor space within a built form which is compatible with development in the surrounding area, which promotes the orderly and economic use of the land (cl 1.3(c)).

- The design of the proposed works incurred including the architectural style massing and relationship with the existing heritage item or have been resolved through consultation with the Heritage Consultant. The proposed design is intended to promote the sustainable management of the built in cultural Heritage, which is consistent with Objective 1.3(f).
- The proposed new development is considered to promote good design and enhance the residential amenity of the building's occupants and the immediate area, which is consistent with the Objective 1.3 (g).
- The proposed development improves the amenity of the occupants of the subject site and respects surrounding properties by locating the development where it will not unreasonably obstruct views across the site and will maintain the views from the site (1.3(g)).

The above environmental planning grounds are not general propositions. They are unique circumstances to the proposed development.

These are not simply benefits of the development as a whole, but are benefits emanating from the breach of the maximum building height control.

It is noted that in *Initial Action*, the Court clarified what items a Clause 4.6 does and does not need to satisfy. Importantly, there does not need to be a "better" planning outcome:

*87. The second matter was in cl 4.6(3)(b). I find that the Commissioner applied the wrong test in considering this matter by requiring that the development, which contravened the height development standard, result in a "better environmental planning outcome for the site" relative to a development that complies with the height development standard (in [141] and [142] of the judgment). Clause 4.6 does not directly or indirectly establish this test. The requirement in cl 4.6(3)(b) is that there are sufficient environmental planning grounds to justify contravening the development standard, not that the development that contravenes the development standard have a better environmental planning outcome than a development that complies with the development standard.*

As outlined above, it is considered that in many respects, the proposal will provide for a better planning outcome than a strictly compliant development. At the very least, there are sufficient environmental planning grounds to justify contravening the development standard.

**7.3 Is the proposed development consistent with the objectives of clause 4.3 and the objectives of the R2 Low Density Residential Zone?**

- (a) Section 4.2 of this written request suggests the 1<sup>st</sup> test in Wehbe is made good by the development.
- (b) Each of the objectives of the R2 Low Density Residential Zone and the reasons why the proposed development is consistent with each objective is set out below.

I have had regard for the principles established by Preston CJ in *Nessdee Pty Limited v Orange City Council [2017] NSWLEC 158* where it was found at paragraph 18 that the first objective of the zone established the range of principal values to be considered in the zone.

Preston CJ found also that *"The second objective is declaratory: the limited range of development that is permitted without or with consent in the Land Use Table is taken to be development that does not have an adverse effect on the values, including the aesthetic values, of the area. That is to say, the limited range of development specified is not inherently incompatible with the objectives of the zone"*.

In response to *Nessdee*, I have provided the following review of the zone objectives:

It is considered that notwithstanding the modest breach of the maximum building height by 0.35m for only a portion of the proposed new pitched roof over the proposed additions and alterations, the proposed new works to the existing dwelling will be consistent with the individual Objectives of the R2 Low Density Residential Zone for the following reasons:

- ***To provide for the housing needs of the community within a low density residential environment.***

The proposal provides for the housing needs of the community by constructing complementary additions and alterations to an existing dwelling house on the site, with improved residential amenity for the dwelling's occupants.

The proposed additions and alterations to the existing dwelling presents a compatible form to newer development in the locality, which is commonly of a 1-2 storey scale.

The proposal will be consistent with and complement the existing detached style single dwelling housing within the locality and as such, will not be a visually dominant element in the area. The development does not have any unreasonable amenity impacts on its adjoining neighbours.

Accordingly, it is considered that the site may be further developed with a variation to the prescribed maximum building height control whilst maintaining consistency with the objectives of the R2 Low Density Residential Zone.



- ***To enable other land uses that provide facilities or services to meet the day to day needs of residents.***

This does not apply to the subject residential development, which intends to provide for additions and alterations to existing dwelling to improve the amenity and living areas for the owners and does not provide any other land uses or facilities or services.

- ***To provide for a variety of housing types.***

This objective is not relevant as a proposal intends to maintain the existing single dwelling use within a residential development, , which is consistent with the requirements within the zone for permissible development and will not see any other housing type within the property.

#### **7.4 Has the Council considered the matters in clause 4.6(5) of RLEP?**

- (a) The proposed non-compliance does not raise any matter of significance for State or regional environmental planning as it is peculiar to the design of the proposed additions and alterations to the existing dwelling house for the particular site and this design is not readily transferrable to any other site in the immediate locality, wider region of the State and the scale or nature of the proposed development does not trigger requirements for a higher level of assessment.
- (b) As the proposed development complies with the objectives of the development standard and the objectives of the zone there is no significant public benefit in maintaining the development standard.

## 8.0 Conclusion

This development proposes a departure from the maximum height of a building control, with the proposed additions and alterations to the existing dwelling to include portions of the new roof over the new works to stand to a height of 9.85 m, exceeding Council's height of buildings control by 0.35 m or 3.68%.

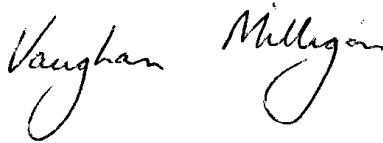
As discussed, the height breach can be largely attributed to the form of the new additions and roof being complimentary to the existing heritage item, by adopting similar roof pitch and building style keys to complement the existing item.

The form of the proposed additions has been resolved through close consultation with the Heritage Consultant and a lowering of the building roof pitch could compromise the compatibility of the design of the proposed works to the existing elements within the site

This written request to vary to the maximum building height specified in Clause 4.3 of the Ryde LEP 2014 adequately demonstrates that the objectives of the standard will be met.

The bulk and scale of the proposed development is appropriate for the site and locality.

In summary, the proposal satisfies all of the requirements of clause 4.6 of RLEP 2014 and the exception to the development standard is reasonable and appropriate in the circumstances of the case.

A handwritten signature in black ink, reading 'Vaughan Milligan'. The signature is written in a cursive, flowing style.

**VAUGHAN MILLIGAN**  
*Town Planner*

# STATEMENT OF HERITAGE IMPACT

Proposed Alterations and Additions at

495 Blaxland Road

DENISTONE EAST



Job No. 10001

June 2024

## Heritage21

CULTURAL BUILT HERITAGE IN THE 21ST CENTURY

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CONSERVATION ARCHITECTS AND HERITAGE CONSULTANTS

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Heritage Approvals & Reports

Schedules of Conservation Work



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### **Acknowledgement of Country**

Heritage 21 wishes to acknowledge the Traditional Owners of country throughout Australia and recognise their continuing connection to land, waters and community. We pay our respects to them and their cultures and to elders both past and present.

**Name of the heritage item:**

Highbury House

**State Heritage Register / LEP heritage schedule item number and name:**

I18 – Ryde Local Environmental Plan 2014

**Address and location:**

495 Blaxland Road, Denistone East

**Statement of heritage impact for:**

Alterations and additions to the heritage item

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Cover image: Subject site at 495 Blaxland Road, Denistone East, from south-west looking to the primary façade.  
(Source: Heritage 21, 31 July 2023)

The following table forms part of the quality management control undertaken by Heritage 21 regarding the monitoring of its intellectual property as issued.

Issue	Description	Date	Written by	Reviewed by	Issued by
1	Draft report (D1) issued for comment.	19.06.2024	EM	-	EM
2	Report issued (RI).	27.06.2024	EM	-	EM



## 1.0 INTRODUCTION

### 1.1 Background

This Statement of Heritage Impact (“SOHI” or “report”) has been prepared on behalf of James Design Studio who have been engaged by the owner of the site to submit a development application for alterations and additions to 495 Blaxland Road, Denistone East (“the site”).

### 1.2 Site Identification

The subject site is located at 495 Blaxland Road, Denistone East, which falls within the boundaries of the Ryde Local Government Area (LGA) and it comprises Lot 1, DP 514007.

As depicted in Figure 1 below, the site is located on a prominent corner location. It is located on the eastern side of Blaxland Road, near the intersection with Hopetoun Avenue. The site comprises a Federation period dwelling (c.1900s), decorated in the Arts and Crafts architectural style. The subject building is set back from Blaxland Road and features a garden setting, with several mature trees. The setting and topography of the site will be more fully described in Section 3.0 below.



**Figure 1.** Aerial view of the site, which is highlighted in yellow (Source: NSW Spatial Services, “SIX Maps,” accessed 27 May 2024 <http://maps.six.nsw.gov.au/>, annotated by Heritage 21).



## 1.3 Heritage Context

### 1.3.1 Heritage Listings

The subject site **is** listed as an item of environmental heritage under Schedule 5 of the Ryde Local Environmental Plan 2014 ("RLEP"). It **is not** listed on the NSW State Heritage Register, the National Heritage List, the Commonwealth Heritage List, the National Trust Register (NSW), or the former Register of the National Estate.<sup>1</sup>

The details of the listings follow:

Statutory List – Legislative Requirements				
List	Item Name	Address	Significance	Item No.
Ryde Local Environmental Plan 2014	Highbury House	495 Blaxland Road, Denistone East	Local	118



Figure 2. Detail from Heritage Map HER\_002. The site is outlined in red, heritage items shaded brown and heritage conservation areas are hatched red (Source: NSW Legislation Online, <https://www.legislation.nsw.gov.au/maps>, annotated by Heritage 21).

The subject site **is not** located within the boundaries of a Heritage Conservation Area under the *RLEP 2014*.

<sup>1</sup> The Register of the National Estate ceased as a statutory heritage list in 2007, but it continues to exist as an inventory of Australian heritage places.

### 1.3.2 Heritage Items in the Vicinity

As depicted in Figure 2 above, the subject site is situated within the general vicinity of the following heritage items listed under Schedule 5 of the *RLEP 2014*. The details of the listings follow:

Item Name	Address	Significance	Item Number
Open Space, Denistone Park	62 Terry Road Denistone	Local	I125
Denistone House (former house)- Ryde Hospital	1 Denistone Road Denistone	Local	I48
Stone Marker	456 Blaxland Road Denistone	Local	I200
House	89-91 Terry Road Denistone	Local	I126

The proposed development of the site is not located within the visual catchment of heritage items I48, I125 and I126 listed above nor is it considered to be sufficiently proximate to those places to warrant discussion in the Heritage Impact Assessment contained in Section 6.0 of this SOHI.

Accordingly, the discussion in Section 6.0 of this SOHI of the potential heritage impact of the proposal on heritage items in the vicinity is limited to the “Stone Marker” (I200).

### 1.4 Purpose

The subject site is a heritage item and is located in the vicinity of a heritage item, both of which are listed under Schedule 5 of the *RLEP 2014*. Sections 5.10(4) and 5.10(5) of the *RLEP 2014* require Ryde Council to assess the potential heritage impact of non-exempt development, such as the proposed works (refer to Section 5.0), on the heritage significance of the abovementioned heritage items and, also, to assess the extent (whether negative, neutral or positive) to which the proposal would impact the heritage significance of those heritage items. This assessment is carried out in Section 6.0 below.

Accordingly, this SOHI provides the necessary information for Council to make an assessment of the proposal on heritage grounds.

### 1.5 Methodology

The methodology used in this SOHI is consistent with *Guidelines for preparing a statement of heritage impact* (2023) and *Assessing heritage significance* (2023) published by the NSW Department of Planning and Environment, and has been prepared in accordance with the principles contained in the 2013 edition of *The Burra Charter: The Australia ICOMOS Charter for Places of Cultural Significance*.



## 1.6 Limitations

- This Statement of Heritage Impact (“SOHI”) is based upon an assessment of the heritage issues only and does not purport to have reviewed or in any way endorsed decisions or proposals of a planning or compliance nature. It is assumed that compliance with non-heritage aspects of Council's planning instruments, the BCA and any issues related to services, contamination, structural integrity, legal matters or any other non-heritage matter is assessed by others.
- This SOHI essentially relies on secondary sources. Primary research has not necessarily been included in this report, other than the general assessment of the physical evidence on site.
- It is beyond the scope of this report to address Indigenous associations with the subject site.
- It is beyond the scope of this report to locate or assess potential or known archaeological sub-surface deposits on the subject site or elsewhere.
- It is beyond the scope of this report to assess items of movable heritage.
- Any specifics regarding views should be assessed by a view expert. Heritage 21 does not consider itself to be a view expert and any comments in this report are opinion based.
- Heritage 21 has only assessed aspects of the subject site that were visually apparent and not blocked or closed or to which access was not given or was barred, obstructed or unsafe on the day of the arranged inspection.

## 1.7 Copyright

Heritage 21 holds copyright for this report. Any reference to or copying of the report or information contained in it must be referenced and acknowledged, stating the full name and date of the report as well as Heritage 21's authorship.

## 2.0 HISTORICAL CONTEXT

### 2.1 Local History

Denistone East was first inhabited by the Indigenous Wallumedegal people, who lived in the area between the Lane Cover River and Paramatta River, an area known as Walumetta.<sup>2</sup> This clan formed part of the larger Dharug language group. Positioned 16 kilometers northwest of the Sydney CBD, Denistone is one of the 16 suburbs located within the local government area of the City of Ryde.<sup>3</sup>

The following local history was extracted from the State Heritage Inventory:

*Modern day Denistone consists of a number of original land grants: those to Varnice, Evans and Ternan in 1795 (in the area of Denistone House); grants to William Kent in 1797 and George Patfield in 1798 (the area around The Hermitage) and those to William Broughton and Privates John Stone, Richard Taylor and Lewis Williams in 1795 (modern-day Outlook Estate). Subsequent to these grants, throughout much of the nineteenth century, Denistone was consolidated in the hands of a few families of the colonial elite. On 22 July 1795, 120 acres (48.5 hectares), called Porteous Mount, were granted to John Varnice, Humphrey Evans and William Ternan. Varnice was granted 45 acres (18.2 hectares), Evans 45 acres and Ternan 30 acres (12.1 hectares), but the grants were not subdivided. On August 24, 1795 the Reverend Richard Johnson acquired the property. On 7 March 1800, Johnson sold it to Michael Connor, who transferred to Roger Connor on 12 June 1816.*

*Gregory Blaxland, a free settler, purchased the 450-acre (182-hectare) Brush Farm Estate in 1806 shortly after his arrival in the colony. This estate covered most of the area south from Terry Road to Victoria Road and Tramway Street and east from Brush Road to Shaftsbury Road. In 1829 he transferred Brush Farm Estate to his eldest daughter Elizabeth and her husband Dr Thomas Forster. Forster expanded the estate by purchasing the Porteous Mount grants of 120 acres, east of his Brush Farm Estate. Forster built an eight-room house which he called Deniston after his birthplace in England. He sold a portion of this land to his brother-in-law John Blaxland, eldest son of Gregory. Around 1842 John commissioned colonial architect John Bibb to build a brick and stone house which he called The Hermitage.*

*On May 23 1840, Dr Forster leased 'the dwelling house known by the name of Deniston' and 100 acres (40.4 hectares) of land to Major Edward Darvall for a period of 12 years. Darvall was a retired English army officer with strong family connections to the British East India Company. He and his family had arrived in January 1840.*

*Darvall did not remain at Deniston for the 12 years mentioned in the lease, as the property was again advertised to let in the Sydney Morning Herald on 8 March 1849. Major Darvall purchased other property in the Ryde district eventually settling on a large estate of nearly*

<sup>2</sup> Pollon, Frances, ed. *The Book of Sydney Suburbs*. Sydney: Cornstalk, 1996.

<sup>3</sup> Ibid.



400 acres (161.8 hectares) stretching from today's Rowe Street, Eastwood to Victoria Road, West Ryde and from Shaftsbury Road to Ryedale Road. The subdivision of the Darvall estate in the twentieth century also released land that forms part of modern-day Denistone.

After the Darvalls' departure, Deniston House was occupied by D Mackellar and his family. The house was damaged by bushfires in the summer of 1854-1855. "... the bare walls of that once fine house are all that is to be seen. The mansion and valuable buildings of Mr. Foster (sic) were barely saved from destruction ; the orchards and vineyard were greatly injured.." (from article titled "Parramatta - Dreadful destruction from the bush fires" SMH Monday 1 January 1855, page 8). Following this event, it appears the Deniston estate was in the ownership of J. Blaxland and used for grazing, till 1872, as notices published in 1857 and 1863 confirm J. Blaxland's ownership and use of the Deniston property at this time, and there are no further notices for letting of the house (presumably due to its damaged state).

Deniston Estate was purchased by Richard Rouse Terry on 9 December 1872, who had followed his brother Edward Terry, owner of Eastwood House, to the Ryde district. Richard Rouse Terry built the stone house known today as Denistone House and resided there for many years. This was a well designed two-storey sandstone building which was completed in 1874. The first written reference to the spelling "Denistone" is in the death notice for an infant son of R.R. Terry in 1875 at "Denistone" (Sydney Morning Herald, 13 February 1875, p.1). After Terry's death in 1898, a number of tenants occupied the home and the property was gradually subdivided.

The Denistone Estate was opened up for sale in 1913. In November 1913 it was reported that "The Trustees of the late Mr. R.R. Terry have instructed Messrs J.E. Green and Co. to offer No. 1 subdivision of the Denistone Estate. There are 169 choice allotments to be submitted, and these are situated but three minutes from the station" (Real Estate Notes of the Week column, Sydney Morning Herald, 19 April 1913, p. 8). Also in 1913, 17 acres (6.8 hectares) of the Denistone Estate, including Denistone House, was purchased by the New South Wales Government for use as a convalescent hospital for men, which later became Ryde Hospital. Richard Rouse Terry's Denistone House is extant. The 2nd subdivision of the Denistone Estate was offered for sale between August and November 1914 (SMH, Saturday 21 November 1914, p. 9). The 3rd subdivision of the Denistone Estate was offered for sale in 1918 (SMH, 6 May 1918, p. 10).

John Blaxland died at The Hermitage on 26 January 1884 and Richard Rouse Terry is said to have been the next owner of The Hermitage and its land, which he purchased from the Blaxland estate. From 1887 to 1903 The Hermitage was leased to various tenants and unoccupied between tenancies.

Pennant Avenue was created with the subdivision of site of The Hermitage with the Highlands Estate subdivision in November 1905, following Ellen Blaxland's death in 1903.



*The first subdivision of the land took place in 1888 when the Miriam Hill Estate near what was then Ryde railway station (now West Ryde) was subdivided.*

*There were spurts of subdivision in the area. The first impetus came with the opening up of the railway to Hornsby in 1886 and the increased need for both industrial and residential lots in the area. Eastwood Station (originally called Dundas) opened in October 1886, quickly becoming a busy freight depot for local fruit produce. The arrival of the railway coincided with the deaths of a number of pioneering heads of the 'old families', opening the way for their descendants to subdivide their estates.*

*In the early decades of the twentieth century, land from estates such as the Highlands and Denistone Estates were advertised. Highlands Estate (1905), was an area bounded by Blaxland, Miriam, Commissioners and Inkerman roads, and it 'unlocked at last, the homestead of the Blaxland family'. Denistone Estate, no 2, (1914) was the slice of land between Blaxland and Denistone roads, immediately to the east and north of Denistone House.*

*Interestingly none of these subdivision plans refer to the suburb as Denistone. Various it is Eastwood, Eastwood Ryde, Ryde Eastwood and, for good measure, West Ryde. No doubt the establishment of a railway platform halfway between West Ryde and Eastwood in September 1937, and the naming of it as Denistone, helped with the adoption of the name.*

*While other estates in the district were subdivided in the last decades of the nineteenth century, Jane Darvall kept the majority of the Ryedale estate intact until the beginning of the twentieth century. The Darvall Estate sold small portions of land throughout the 1880s, including land for the Strathfield to Hornsby rail line, Eastwood Public School, and West Ryde Masonic Hall.*

*When Jane Darvall died in 1899 the estate was inherited by her only son Anthony William Darvall. The subdivision of the Ryedale estate was begun by him. Housing subdivisions were sold from 1902, and Denistone Estate was subdivided for sale from 1913. The subdivisions focused on land close to Ryde station (now West Ryde).*

*Anthony William's sons, Edward Roger and George Harrison Darvall, and his son-in-law William Herbert Bean continued the subdivision of the former Darvall Estate following Anthony's death in 1915. Darvall Estates 2 and 3, (1915) northern Anthony Road and Miriam Road in Denistone were part of this. The Outlook Estate was the sixth and last subdivision of the Ryedale estate. The 124 home sites were advertised for private sale in 1929. The building of these houses took place during the 1930s and 1940s. Denistone Station was not added to the railway line until September 1937.<sup>4</sup>*

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<sup>4</sup> Heritage NSW, "Highbury House," State Heritage Inventory, Heritage Item ID: 2340130, accessed 23 May 2024, <https://www.hms.heritage.nsw.gov.au/App/Item/ViewItem?itemId=2340130>.



## 2.2 Site Specific History

The subject site forms part of the 200 acres (Portion 45) granted to John Brabyn in 1801. By the 1920s, a large majority of the area and street was owned by Mary Henderson, including the subject site<sup>5</sup>.

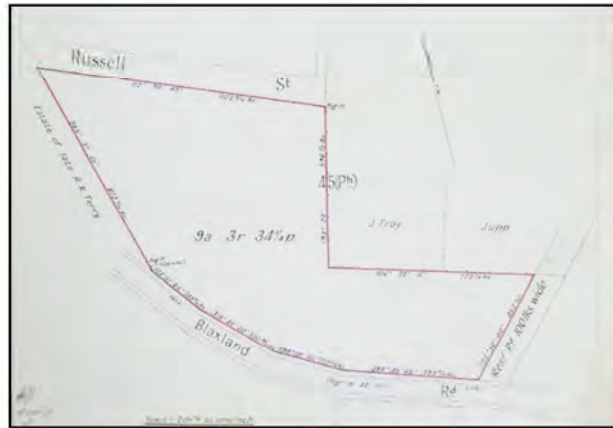


**Figure 3.** 1974 Historical County of Cumberland Parish of Hunters Hill Sheet 3 map with red arrow showing the approximate location of the subject site). (Source: Historic Land Records Viewer – NSW Land registry Services, annotated by Heritage 21)



**Figure 4.** Historical Parish Map – Ryde, 1970 with red arrow showing the approximate location of the subject site). (Source: Historic Land Records Viewer – NSW Land registry Services, annotated by Heritage 21)

<sup>5</sup> NSW Land Registry, 'Land Records', Book. 622, No.917



**Figure 5.** Entirety of land adjacent to and including the estate owned by Mary Henderson in 1925 (Source: Historic Land Records Viewer – NSW Land registry Services, Vol.3225, Fol.229 annotated by Heritage 21)



**Figure 6.** The entirety of land adjacent to and including the estate owned by Mary Henderson in 1925 (Source: Historic Land Records Viewer – NSW Land registry Services, Vol.3652, Fol.4 annotated by Heritage 21)

### 2.2.1 Highbury House

The building itself was constructed in the early 1900s, following the Blaxland Estate subdivision.<sup>6</sup> Whilst currently known as ‘Highbury House’, the estate was formerly referred to as Hopetoun House.<sup>7</sup> The house was built by George Henderson Snr, who was born on 16 January 1830 at Old Deer, Aberdeenshire, Scotland and his wife Mary Henderson born on Peebles, Scotland on 9 August 1859.<sup>8</sup> A butcher by trade, migrating to Victoria in the mid 1850s, George Snr owned a significant portion of land, including ‘Wrotham Park’ on the Mitchell River during the Palmer Gold Rush in Northern Queensland.<sup>9</sup>

<sup>6</sup> NSW Land Registry, ‘Land Records’, PASB22886

<sup>7</sup> State Heritage Inventory. ‘Highbury House’. Accessed 24 May 2024.

<https://www.hms.heritage.nsw.gov.au/App/Item/ViewItem?itemId=2340130>, Heritage ID: 2340130

<sup>8</sup> Ibid.

<sup>9</sup> Ibid.



The following was extracted from the State Heritage Inventory of the site including information upon George Snr:

*George Snr. had previously been married to Isabella Skene who died on 18 March 1889. They had three children George Herbert, Maria and Annie. Mary Henderson was a widow with three children, Edith, Irene and Violet. All these children were to adopt the name Henderson. Following their marriage on 8 December 1896, George and Mary had another three children, George Wallace, Helen and Dorothy. George Snr. died at Hopetoun House on 24 October 1913 and is buried in Field of Mars Cemetery. In 1926/27 Mary Henderson moved to Darling Point and Hopetoun became the home of George Wallace Henderson Jnr. In the late 20's Hopetoun was purchased by the Reverend Victor and Mrs. Clark Duff and became known as Duffhame. In 1966 it was gifted to the Presbyterian Home Trust who added 3 bedrooms and bath to the back of the house and was eventually turned into "grand units for retired ladies". In November 1998 the house was sold at auction to Barry and Toni Garnham. The house, although solidly built had fallen into disrepair. In January 2000, Barry and Toni opened the house, then beautifully restored, as Highbury Bed and Breakfast.<sup>10</sup>*

There is an inconsistency, however, in the construction of the site, and the death of George Henderson Senior, as per the State Heritage Inventory. Following further investigation, the site was purchased by George and Mary Henderson in 1899, (see Figure 7 below). It is likely, therefore, that the house was constructed soon thereafter the purchase of the land.

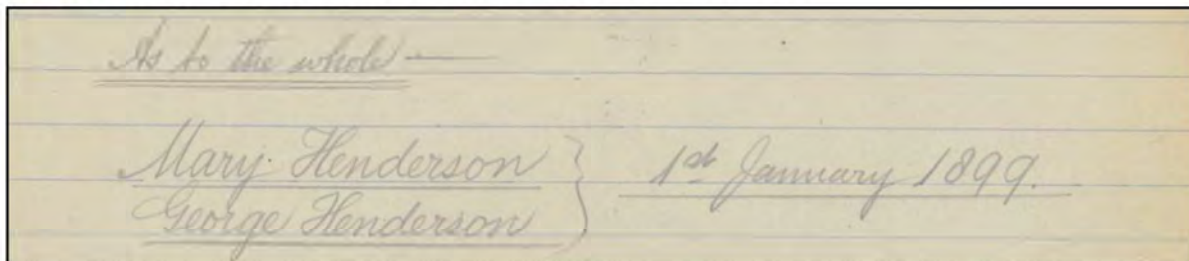


Figure 7. The date and purchase of land by George and Mary Henderson (Source: NSW Land Registry, 'Land Records', PASB 22886).

The conclusion may therefore be made that the Hopetoun estate was built within the early 1900s, with George Henderson living, and passing at the estate in 1913<sup>11</sup> where it would be inherited by his wife, Mary Henderson.

By 1925 the estate was fully constructed and formerly referred to as part of the 'Hopetoun' Estate.<sup>12</sup> This is seen in the auction sale below.<sup>13</sup>

<sup>10</sup> Ibid.

<sup>11</sup> Australian Town and Country Journal. 'OBITUARY.' 5 November 1913, accessed 24 June 2024, <http://nla.gov.au/nla.news-article263949339>.

<sup>12</sup> City of Ryde Libraries. 'Hopetoun Estate Eastwood'. Accessed 24 May 2024. <https://rydetest.spydus.com/cgi-bin/spydus.exe/MSGTRN/WPAC/HOME>.

<sup>13</sup> Ibid.



Figure 8. 1923 Auction for 'Hopetoun' estate (Source: City of Ryde Library, BRN: 35200)

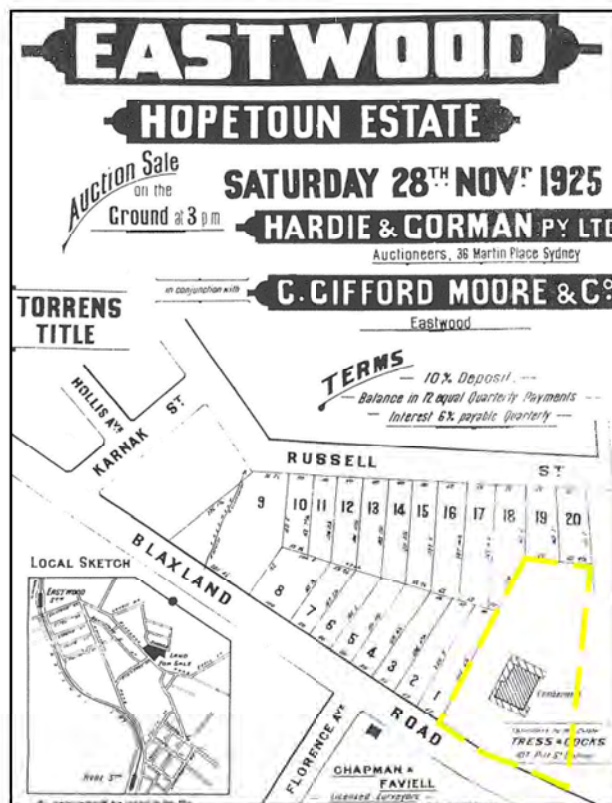


Figure 9. 1925 Auction for 'Hopetoun' estate (Source: City of Ryde Library, BRN: 35200)



### 2.2.2 Historical Imagery and Aerials

In using historical photographs and images, changes, modifications and developments to the site may be identified. As evident below (see Figure 9 and Figure 10), however, limited changes have been made to the original fabric and design of the subject building. The subject building therefore remains a reflection of the Federation Arts and Craft Architectural style. The aerial imagery indicates the addition of the flat-roof addition and secondary verandah to the original built form, constructed between 1955-1986. It is difficult to identify when the new roof dormers were introduced; however, the 1943 imagery indicates that there was just one original dormer (to the south-east elevation). Interior modifications and alterations are evident, particularly in the modernisation of the bathroom and kitchen areas.



Figure 10. 1932 photograph of 'Hopetoun' estate (Source: City of Ryde Library, BRN: 40846)



Figure 11. 1921 photograph of 'Hopetoun' estate (Source: City of Ryde Library, BRN: 40846)



As per the aerial imagery below (Figure 12 to Figure 16), major changes to the main building occurred between the 1950s and 1980s as is evident below. Whilst the boundaries and curtilage of the site do not alter, development to the north of the subject building can be observed.



**Figure 12.** Aerial image from 1943, with the subject site outlined in yellow (Source: NSW Spatial Portal, Historical Imagery, annotated by Heritage 21)



**Figure 13.** Aerial image from 1955, with the subject site outlined in yellow (Source: NSW Spatial Portal, Historical Imagery, annotated by Heritage 21)



**Figure 14.** Aerial image from 1986, with the subject site outlined in yellow and extensions/additions outlined in green (Source: NSW Spatial Portal, Historical Imagery, annotated by Heritage 21)



**Figure 15.** Aerial image from 1991, with the subject site outlined in yellow (Source: NSW Spatial Portal, Historical Imagery, annotated by Heritage 21)





**Figure 16.** Aerial image from Six Maps, with the subject site outlined in yellow (Source: Six Maps, <https://maps.six.nsw.gov.au/>, annotated by Heritage 21).

### 2.2.3 Heritage items in the Vicinity

The history of the Denistone Park and the Stone marker, located in the vicinity of the item, are extracted from the State Heritage Inventory respectively below.

#### **Denistone Park :**

*Denistone Park' was labelled in 1914 on a subdivision plan for Denistone Estate, the second subdivision of the estate of the late Richard Rouse Terry. This plan shows subdivisions on Blaxland Road, but no subdivisions on Florence Avenue so that the park was directly across from the grounds of Denistone House. 'Denistone Park' is also labelled in the plans for the third subdivision of the Estate in 1918, when lots in Terry Road and Strathford and Marlow Avenues were offered for sale, and again in 1923, when lots in Florence and Elston Avenues were offered for sale. The hilly nature of the land and thick forest of trees probably helped save this section of the Denistone Estate from development. The locals referred to the park as 'Roly Poly Hill' from as early as 1927 (Northern District Times 15/6/77, p1). The park was acquired by Ryde Council in 1938, although it continued to be open land until the 1970s when the Council installed playground equipment in the cleared area and officially named the land 'Denistone Park'.*

*Today the northern two-thirds of the park is heavily forested, with open areas in the southern one-third of the park. A 1943 aerial photo of the park shows that much of the present forest is probably revegetation from a remnant stand in the north-western corner of the park (NSW Lands Department). The weed species within Denistone Park also indicate revegetation (The*



2008 Flora Fauna Study, Ryde Council). From 1996, local volunteers have been involved in the bushland regeneration of the forested sections of the Park.<sup>14</sup>



**Figure 17.** 2024 Aerial image of Denistone Park and its proximity to the subject site outlined in red (Source: Six Maps, <https://maps.six.nsw.gov.au/> , annotated by Heritage 21)

### **Stone Marker :**

*Prior to 1836 there was little standard marking of survey points. Alignment markers were first mentioned in 1836, when the City of Sydney ordered 400 hardwood posts which were to be placed in the roadways to indicate kerb lines. From 1852 the broad arrow was required with marking for government surveys to indicate a curve in a road.*

*Alignment posts first came into general use with the Survey Regulations of 1864 and 1872 when all town surveys had to include them in principal streets of the town. They were described as sound wooden blocks, round or square, 2 feet (600mm) long and 6 inches (150mm) across, that were placed at the intersection of kerb lines of the principal streets, and not more than 10 chains (201m) apart.*

*These early wooden posts, which marked the alignment of the kerbs of the road, gave way to dressed stone alignment posts up to the 1960s. A typical stone alignment post stood 250mm above ground level with a domed top and extended up to 650mm into the ground. Councils were responsible for providing the stone posts, and Lands Department surveyors were responsible for putting the posts correctly into place. The original locations of alignment posts are marked as black squares on survey plans with the notations AP or AS or IP. Where a*

<sup>14</sup> State Heritage Inventory. 'Open Space, Denistone Park. Accessed 24 May 2024.  
<https://www.hms.heritage.nsw.gov.au/App/Item/ViewItem?itemId=2340180>, Heritage ID: 2340130



stone alignment mark was placed at a slight bend or curve in the kerb line, a broad arrow was cut into the main face to indicate the exact position of the bend.

*In Ryde, quartz sandstone is the material used for stone alignment posts and kerb stones and presumably they all came from local quarries. In the City of Sydney most remaining stone kerbstones are of Bowral 'trachyte' (actually a micro-syenite from Mt. Gibraltar), and there are known examples where this was also used for alignment posts. By 1963, alignment posts are no longer mentioned in the surveying Regulations.*

*Within the City of Ryde, over 20 alignment posts have been located, (6 not in situ), and the original locations of the majority is known from the relevant survey plans. Road widening and installation of concrete kerbing has removed almost all alignment posts, and those that remain are now rare, both in the Ryde area and in the Sydney region. 5 of the remaining Ryde alignment posts have been damaged by removal of their dressed stone domed tops.<sup>15</sup>*



**Figure 18.** Stone Marker located outside of 456 Blaxland Road, Denistone East (Source: Google Maps, <https://www.google.com.au/maps>)

#### 2.2.4 Historical Summary

The site forms part of Portion 45 which was granted to John Brabyn in 1801. The site would eventually be purchased by George Henderson and then passed on to his wife Mary Henderson and his son, George Wallace Henderson Jrn. Following this ownership, the site would be under the patronage of the Duff family and referred to as Duffham Estate. As the aerial and historical imagery above indicates, limited development and construction of the subject building externally has occurred, aside from the extension of the rear end of the dwelling, secondary verandah and additional dormer windows. Nevertheless, the subject site has retained its importance to the local streetscape as well as the local Denistone East and Ryde community.

<sup>15</sup> State Heritage Inventory. 'Stone Marker'. Accessed 24 May 2024.  
<https://www.hms.heritage.nsw.gov.au/App/Item/ViewItem?itemId=2340441>, Heritage ID: 2340441



### 3.0 PHYSICAL EVIDENCE

#### 3.1 The Setting

The site is located at 495 Blaxland Road, Denistone East. The suburb of Denistone East is located 16 kilometres north-west of Sydney. The site is located approximately 2.4km to the north-west of the Ryde Shopping Centre and 1km to the north-east of the Denistone Train Station. It is approximately 85m to the north-east of Denistone Park and across the road from the stone marker at 456 Blaxland Road, Denistone East. Blaxland Road is characterised with low-rise residential dwellings, predominately fashioned with brick masonry, within a garden setting.

#### 3.2 Physical Description

The following Physical Description is available on the State Heritage Inventory:

*A large two storey Federation Arts & Crafts style house, situated on a corner allotment on the corner of Hopetoun Avenue at the crest of a hill on Blaxland Road. The house is set well back from Blaxland Road, and the front garden features several mature trees with a low face brick fence with clipped hedge above. The brick and roughcast stuccoed house has an unusual symmetrical form, comprising a gabled wing with a wrap around verandah at the lower end and double height central gable over the entry. A wing with a hipped roof, abuts at the rear. The roof is clad in slate and features exposed eaves, eyelid dormers (to the rear wing), and rendered brick chimneys. Walls are face brickwork at the lower level and roughcast stuccoed above. The verandah is roofed in corrugated sheet metal and partially infilled with weatherboard. The imposing entry is marked by a projecting balcony at first floor level. The panelled entry door has stained glass side and highlights and is flanked by a pair of double hung sash windows. The name 'Hopetoun House' appears in leadlight above the entry in a panel clad in diagonal timber boarding. Verandah detail includes turned timber posts simple square balusters and fringe detail with fretwork brackets. The house, of double brick construction, consists of 8 bedrooms, 6 bathrooms, 2 dressing rooms, guest powder room, formal living, formal dining, kitchen, laundry, office, sunroom and family room. Original internal features include the staircase, beautiful pressed metal ceilings, old iron ceilings in the kitchen, office and one bedroom. Also retained are the deep skirting boards, wood floors throughout, 3 working fireplaces, one with original marble surround and tiles and two with original wood surrounds, and many multipaned sash windows.<sup>16</sup>*

Following a site inspection on the 31 July 2023, Heritage 21 was able to inspect the physical evidence on the site and confirm that the State Heritage Inventory generally provides an accurate description of the subject building. The subject building is a two storey Federation period residence which is decorated in the Arts and Crafts architectural style. The external fabric detailed in the above description has been retained including the brick masonry structural envelope (with roughcast

<sup>16</sup> Heritage NSW, "Highbury House," State Heritage Inventory, Heritage Item ID: 2340130, accessed 23 May 2024, <https://www.hms.heritage.nsw.gov.au/App/Item/ViewItem?itemId=2340130>.



render at the gable apex) featuring tuckpointing, a hipped roof covered in slate tiles, with terracotta ridging and gable frontages, rendered masonry chimneys with terracotta chimney pots, a front wrap-around verandah with decorative timber and tessellated tiles, and vertically proportioned fenestration with timber double sash windows. Internally, significant fabric can be observed throughout the front portion of the house including pressed metal ceilings, timber architraves and skirting boards, timber and marble fireplaces with original hearth tiles, timber flooring, decorative plaster cornices, decorative plaster arches and the original timber staircase. We observe that the old iron ceilings in the kitchen have been removed.

There are a couple of postwar additions to the original built form. This includes the flat roof addition to the north-east elevation and the timber verandah to the north-west elevation. These are unobtrusive additions; however, they are not considered to be meaningful or significant.

### 3.3 Condition and Integrity

Externally, the subject building is still legible as a Federation period Arts and Crafts dwelling and retains much of its original form, scale, character, and original fabric, excluding the rear brick addition added after construction. The subject site and building remain in very good condition.

### 3.4 Images

The following photographs have been taken by Heritage 21 at the site inspection undertaken on 31 July 2023, unless stated otherwise.



**Figure 19.** External view to the north-east elevation, from Hopetoun Avenue.



**Figure 20.** External view to the south-east elevation, from Hopetoun Avenue.





Figure 21. External view to the south-west elevation, from the entrance of the subject site.



Figure 22. External view to the front yard area.



Figure 23. External view of the front garden to the south-western elevation, facing south-west.



Figure 24. External view to details of the front façade to the south-western elevation, facing north-east.



Figure 25. External view to the south-west elevation.



Figure 26. External view to the primary entrance, from the south-west elevation.





**Figure 27.** External view to the details on the primary elevation (south-west elevation).



**Figure 28.** External view to the details on the front verandah, including tessellated tiles and joinery.



**Figure 29.** External view to the original windows to the south-west elevation.



**Figure 30.** External view to the secondary verandah to the north-west elevation.





**Figure 31.** External view to the rear entry doors, from the north-west elevation.



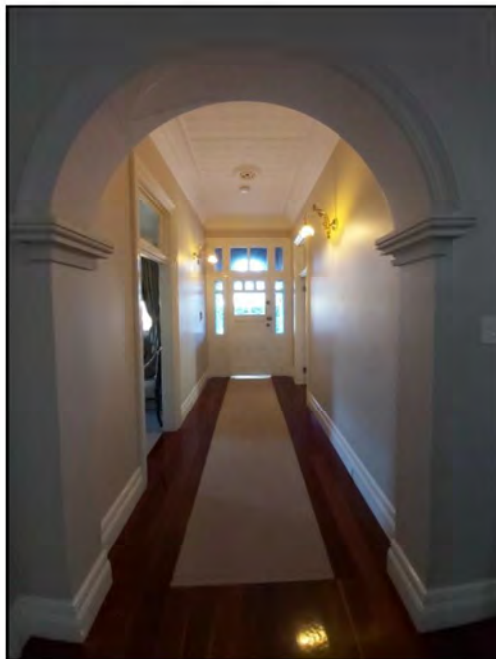
**Figure 32.** External view to the north-west elevation – with the extension to the original built form to the left of the image.



**Figure 33.** External view to the roof details on the north-west elevation.



**Figure 34.** External view to the north-west elevation, facing south.



**Figure 35.** Internal view to the central corridor, Ground Floor.



**Figure 36.** Internal view to the Master bedroom, Ground Floor.



**Figure 37.** Internal view to the living area, Ground Floor.



**Figure 38.** Internal view to the formal dining area, Ground floor.



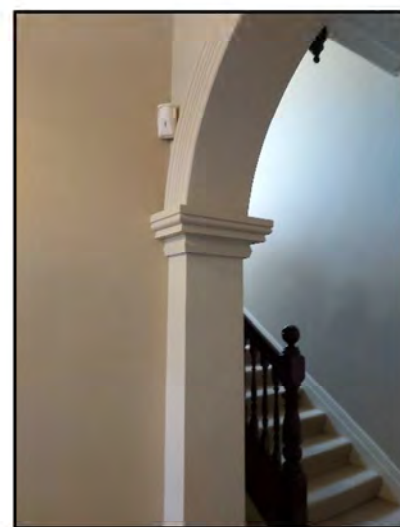
**Figure 39.** Internal view to the details on the pressed metal ceilings of the living area, Ground Floor.



**Figure 40.** Internal view to bathroom, First Floor.



**Figure 41.** Internal view of the original fireplace to the living area, Ground Floor.



**Figure 42.** Internal view of an arched entranceway in the Central corridor.





**Figure 43.** Internal view of the leadlight glazing on the windows of the formal dining room



**Figure 44.** Internal view of a bedroom with original ceiling and installed carpet post construction.



**Figure 45.** Internal view from the formal dining room, facing along the central corridor.



**Figure 46.** Internal view of the leadlight glazing on the windows of the Kitchen.



**Figure 47.** Internal view of a bathroom exhibiting checkered tile flooring on the second floor.



## 4.0 HERITAGE SIGNIFICANCE

In order to assess the impact of the proposed works on the heritage significance of the subject site and heritage items in the vicinity of the site, it is necessary to first ascertain the heritage significance of these places. Accordingly, Statements of Significance for the subject site (refer to Section 4.1.1), and Item I200 (refer to Section 4.1.2) are provided below. The significance of these places will form part of our considerations in the assessment of heritage impact, undertaken in Section 6.0 below.

### 4.1 Established Significance

#### 4.1.1 The Subject Site (Item I81)

The following Statement of Significance is available for the site on the State Heritage Inventory:

*The circa 1915 dwelling Hopetoun House has historical significance as one of the first houses built on the Blaxland Estate subdivision at the beginning of the twentieth century, for a retired grazier. The house is illustrative of the beginning of changing land tenure in Denistone from rural to suburban, and is important for gifting its name to one of the adjacent streets (Hopetoun Avenue). Hopetoun House has historical association with George Henderson Snr., retired grazier, for whom the house was built and the Henderson family, an important local family of the Denistone area, who continued to own the property from circa 1915 till the late 1920s. Hopetoun House has aesthetic significance as a fine, representative example of a Federation Arts & Crafts style dwelling, an architectural style which is rare in the Ryde area.<sup>17</sup>*

#### 4.1.2 Heritage item in the Vicinity (Item I200)

The following Statement of Significance is available for heritage item in the vicinity, "Stone Marker" has been extracted from the State Heritage Inventory:

*One of a group of stonemarkers within Ryde Council area. The Ryde Council area stonemarkers are of historical significance individually and as a collection as evidence of 19th century surveying techniques in NSW. The stonemarkers were used to establish the alignments of major roads and as surveyor's reference markers. The stonemarkers are of aesthetic/technical significance for their ability to demonstrate 19th century stoneworking. The stonemarkers, once common, are now very rare in NSW and in the Ryde area, and are representative of 19th century surveyor's marks.<sup>18</sup>*

#### 4.1.3 Grading of Significance

Different components of a place may make a different relative contribution to its heritage value. Loss of integrity or condition may diminish significance. In some cases, it may be useful to specify the

<sup>17</sup> Heritage NSW, "Highbury House," State Heritage Inventory, Heritage Item ID: 2340130, accessed 23 May 2024, <https://www.hms.heritage.nsw.gov.au/App/Item/ViewItem?itemId=2340130>.

<sup>18</sup> Heritage NSW, "Stone Marker," State Heritage Inventory, Heritage Item ID: 2340441, accessed 23 May 2024, <https://www.hms.heritage.nsw.gov.au/App/Item/ViewItem?itemId=2340441>.



relative contribution of an item or its components. To demonstrate how different areas contribute to the overall significance of the site, Heritage 21 has prepared the following diagram of the relative significance of the site's various built forms and features. The gradings are those adopted by the NSW Department of Planning and Environment in their guidelines for assessing heritage significance.

GRADING	JUSTIFICATION
<b>Exceptional</b>	Rare or outstanding item of Local or State significance. High degree of intactness. Item can be interpreted relatively easily.
<b>High</b>	High degree of original fabric. Demonstrates a key element of the item's significance. Alterations do not detract from significance.
<b>Moderate</b>	Altered or modified elements. Elements with little heritage value, but which contribute to the overall significance of the item.
<b>Little</b>	Alterations detract from significance. Difficult to interpret.
<b>Intrusive</b>	Damaging to the item's heritage significance.

As per the below Figure, the original built form of the dwelling, is considered to possess **Exceptional** heritage significance, as a highly intact and outstanding example of Federation period architecture within the local area. The major additions to the original built form – including the secondary verandah, flat roof addition and dormers (except the original) – are not considered to be intrusive and are fairly modest, non-offensive additions. However, they are not considered to be meaningful additions and thus have been assessed as possessing **Little** heritage significance.



Figure 48. Grading of significance of the subject site. (Source: James Design Studio Pty Ltd, annotated by Heritage 21)

## 5.0 WORKS PROPOSED

### 5.1 Proposal Description

The proposed alterations and additions would include:

#### Demolition

- Removal of the non-original single storey addition to the north-east elevation;
- Removal of the non-original verandah to the north-west elevation;
- Minor external activities including removal of kitchen window on the south-east elevation and dormer on the north-east elevation;
- Removal of portion of hipped roof, to the north-east elevation; and
- Minor alterations to the interiors including removal of kitchen fittings, removal of later addition partition walls, creation of new openings to existing wells.

#### Additions

- Introduction of new basement level for carparking and a Gym area;
- Introduction of new major addition to the east and north-east portion of the subject building; and
- Minor internal additions including new partitions and fittings.

#### Landscaping

- Introduction of new driveway from Hopetoun Avenue; and
- Introduction of new landscaped areas including new lawn, new terrace spaces and decorative pool.

### 5.2 Background

#### 5.2.1 Pre-lodgement Consultation

To our knowledge, there has been no pre-lodgement consultation for the proposed works.

#### 5.2.2 Considerations of Alternatives

Heritage 21 was not involved in the process of the detailed design development of the proposed works. During our initial site visit on 31 July 2023, Heritage 21 indicated support for the design.



### 5.3 Drawings

Our assessment of the proposal is based on the following drawings by James Design Studio Pty Ltd dated 4 June 2024 and received by Heritage 21 on 17 June 2024. Heritage 21 also considers the landscape plans by Paddock landscape architects, dated 17 April 2024. These are reproduced below for reference only; the full set of drawings accompanying the development application should be referred to for any details.



Figure 49. Cover Sheet

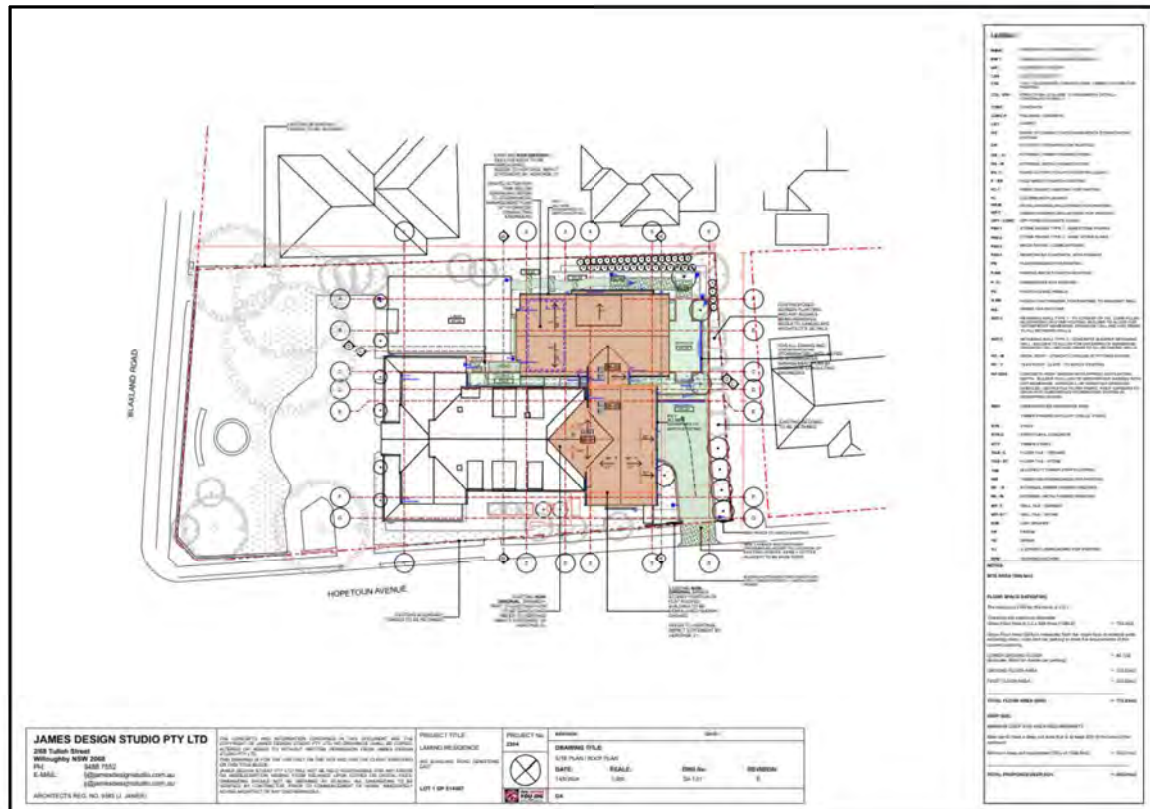


Figure 50. Site plan / Roof Plan

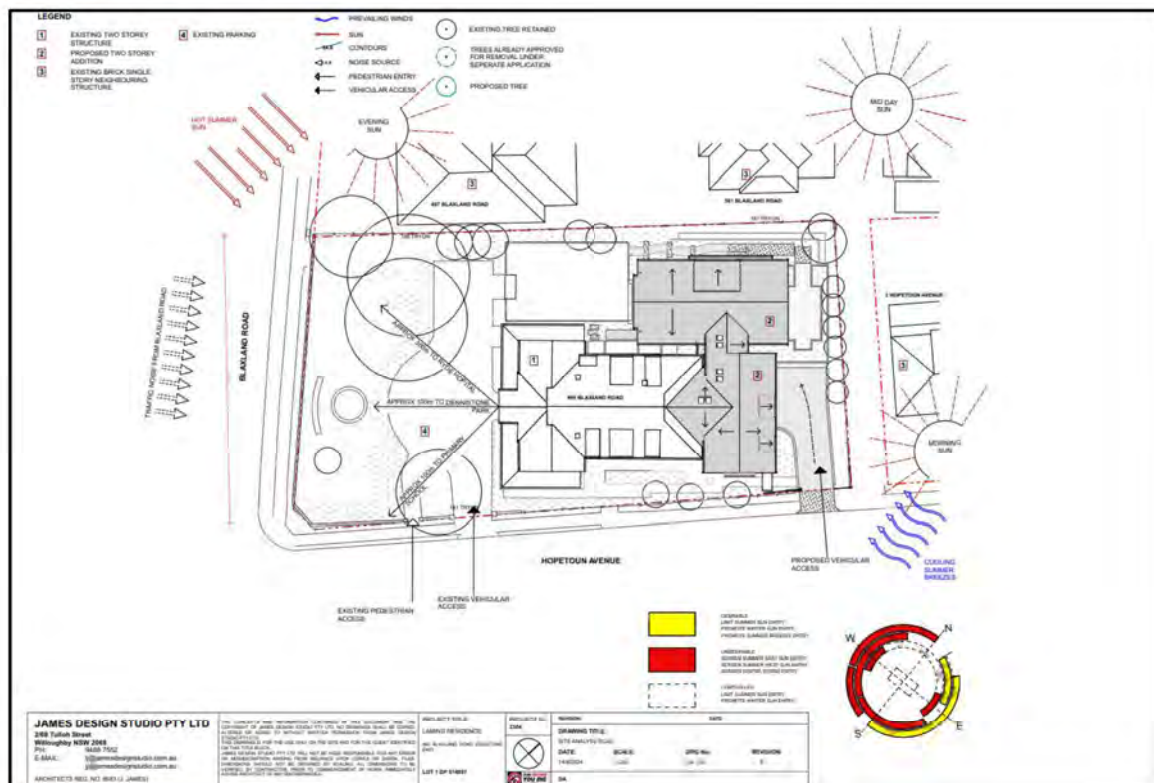


Figure 51. Site Analysis Plan

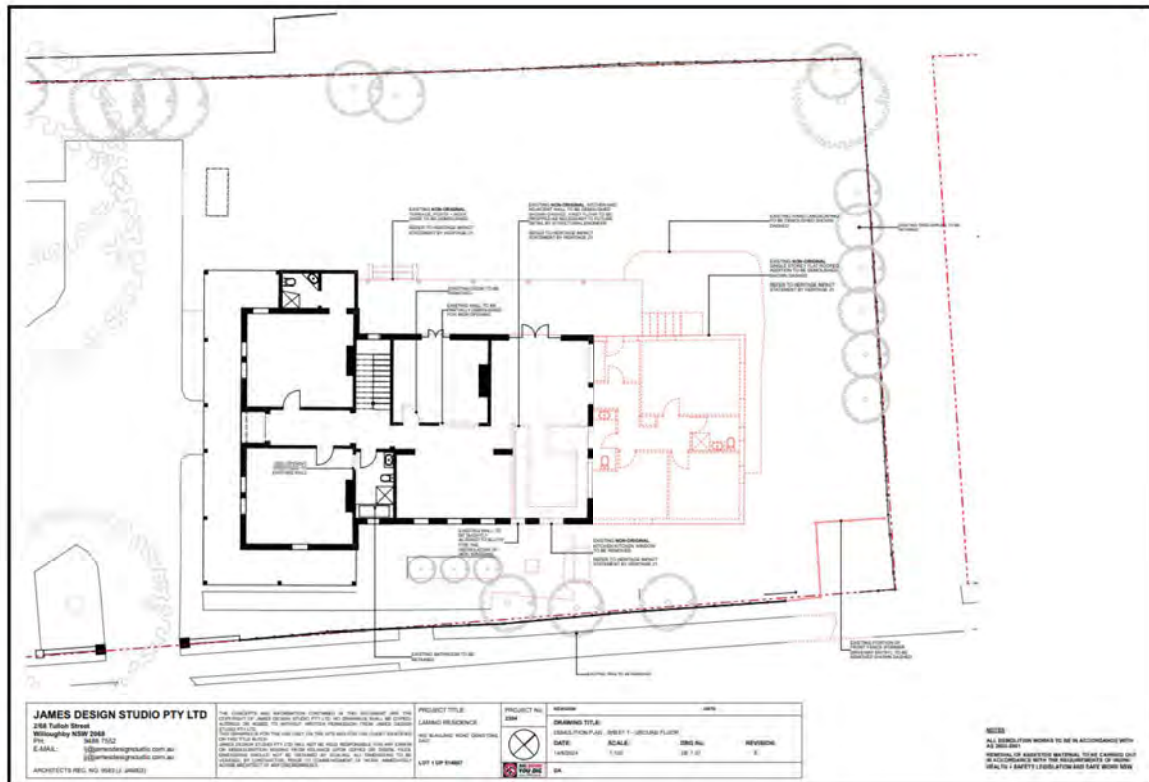


Figure 52. Demolition Plan – Sheet 1 – Ground Floor

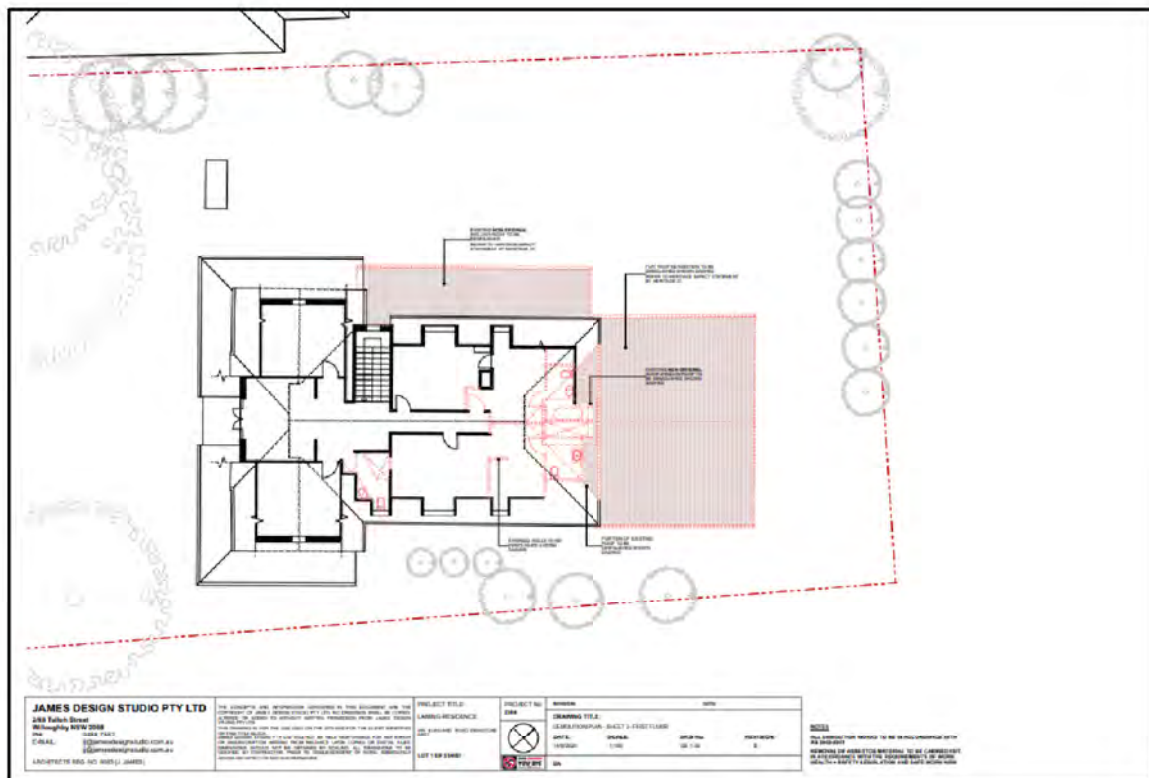


Figure 53. Demolition Plan – Sheet 2 – First Floor



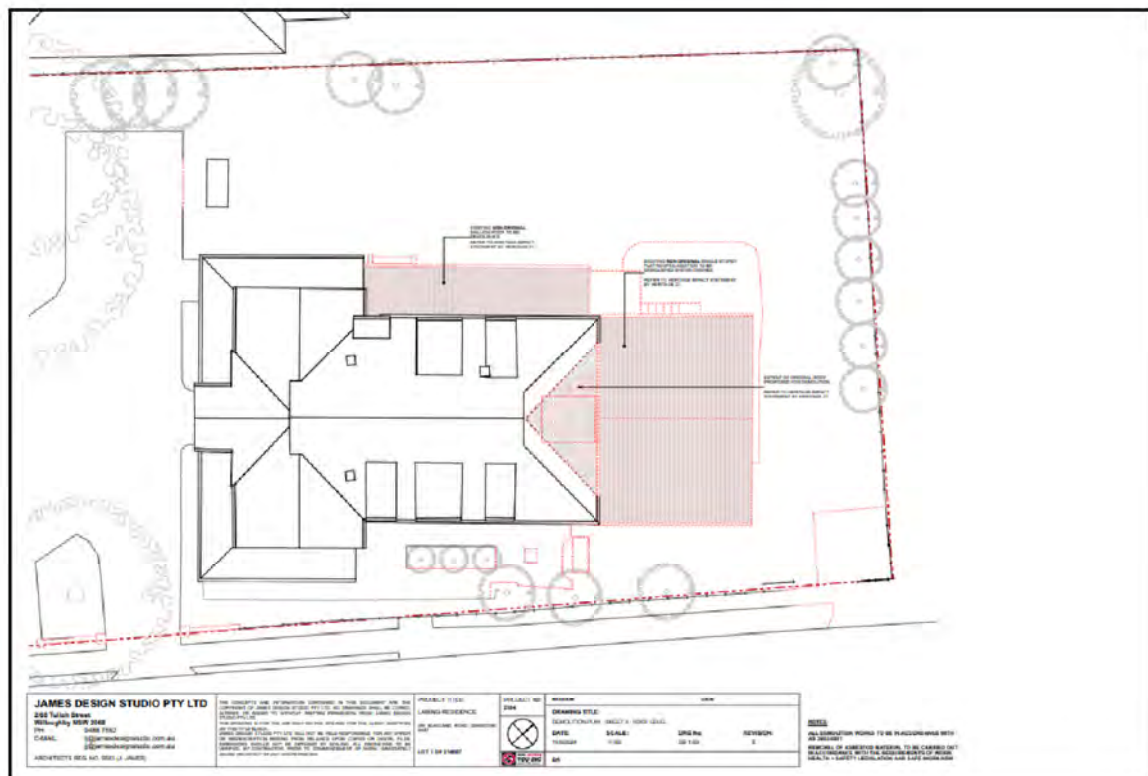


Figure 54. Demolition Plan – Sheet 3 – Roof Level

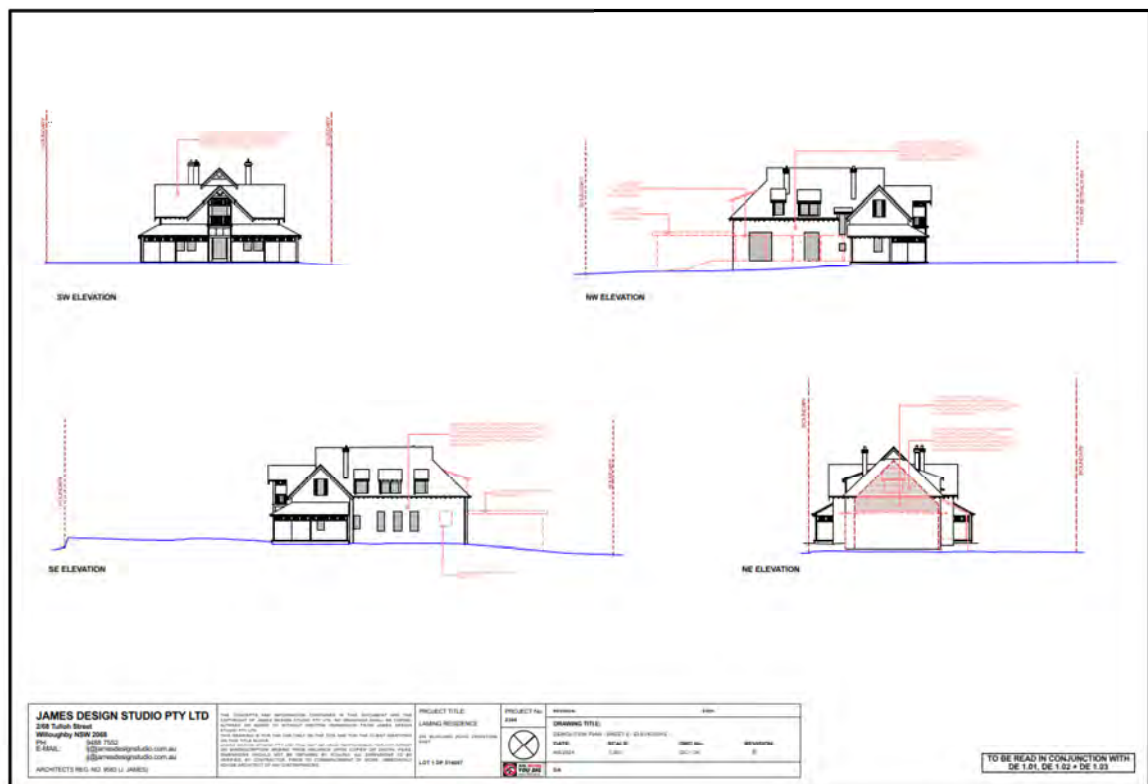


Figure 55. Demolition Plan – Sheet 4 – Elevations

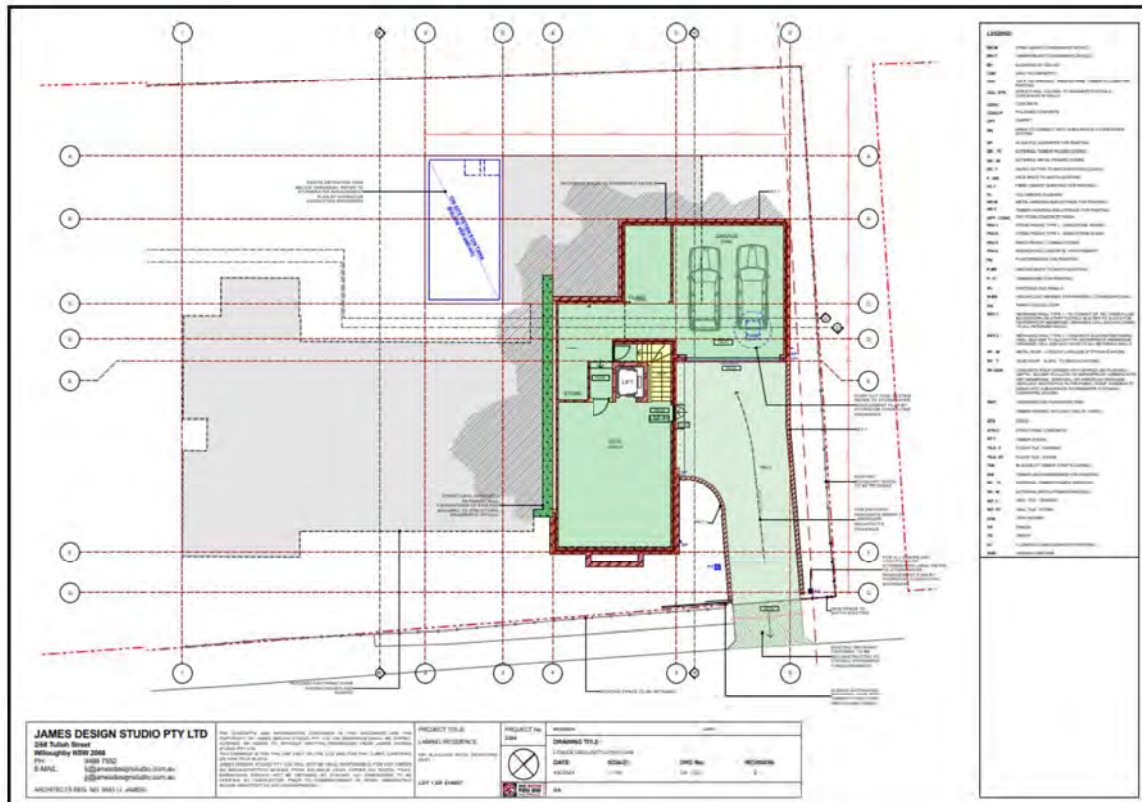


Figure 56. Lower Ground Floor Plan

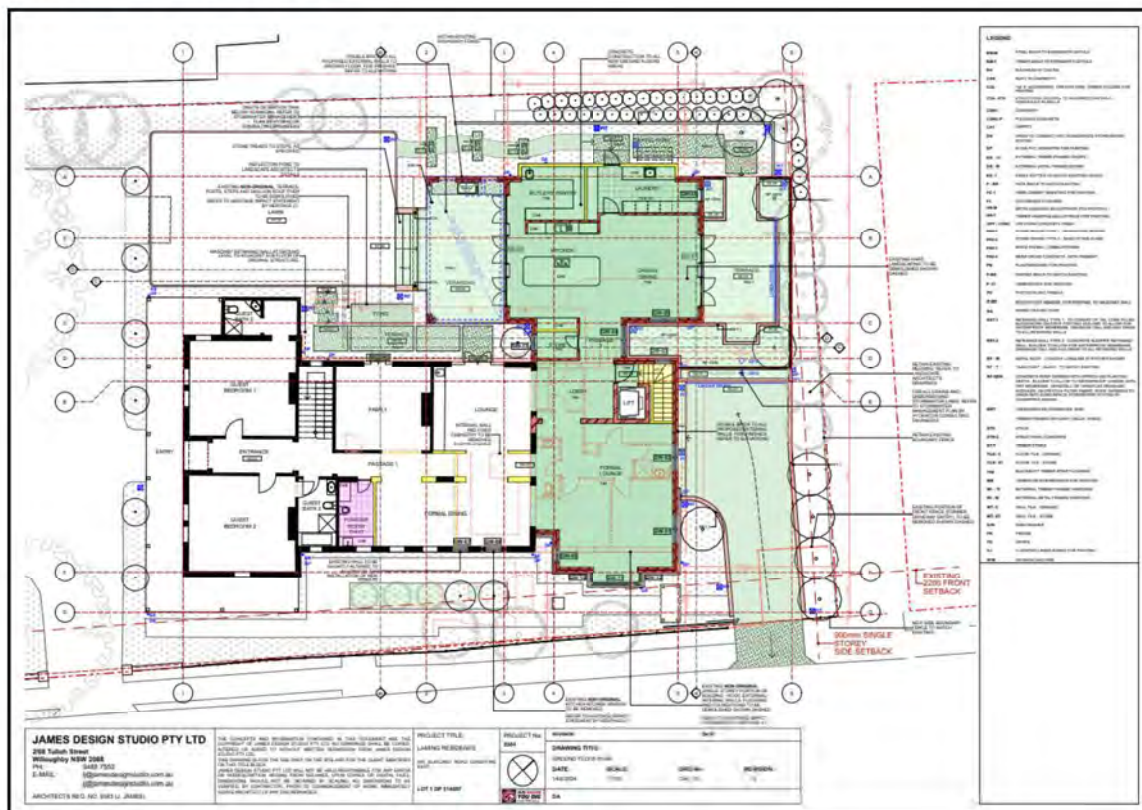
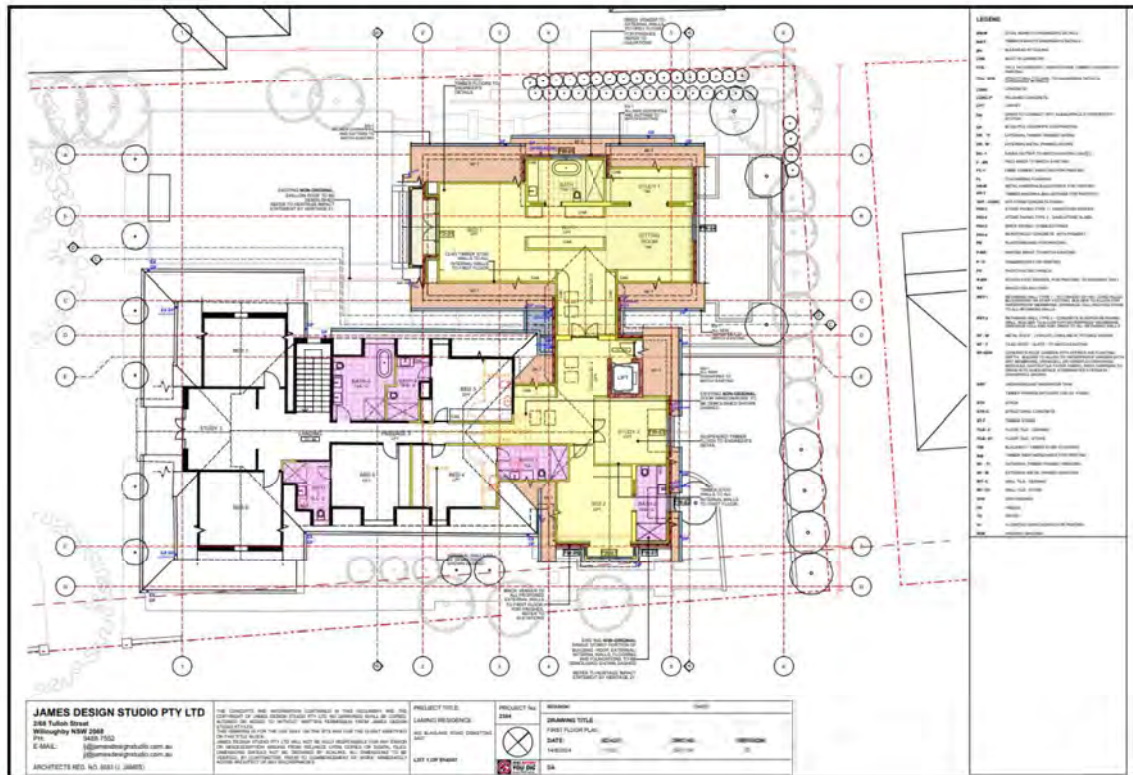
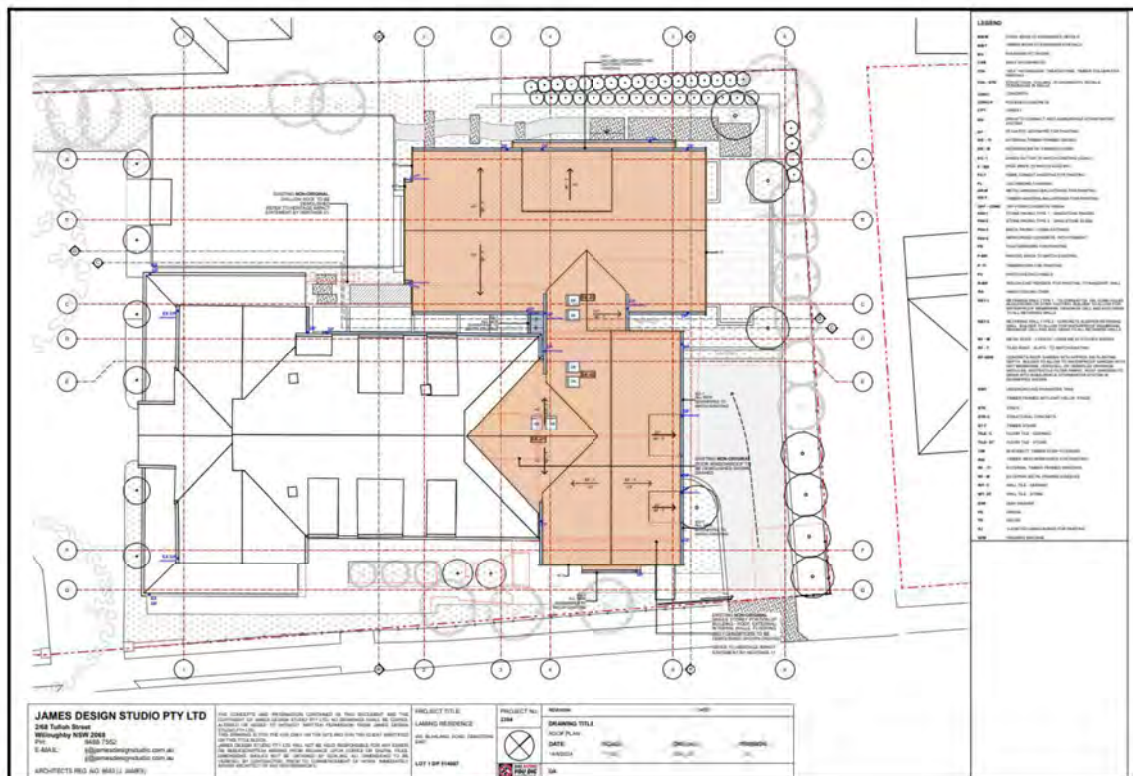


Figure 57. Ground Floor Plan



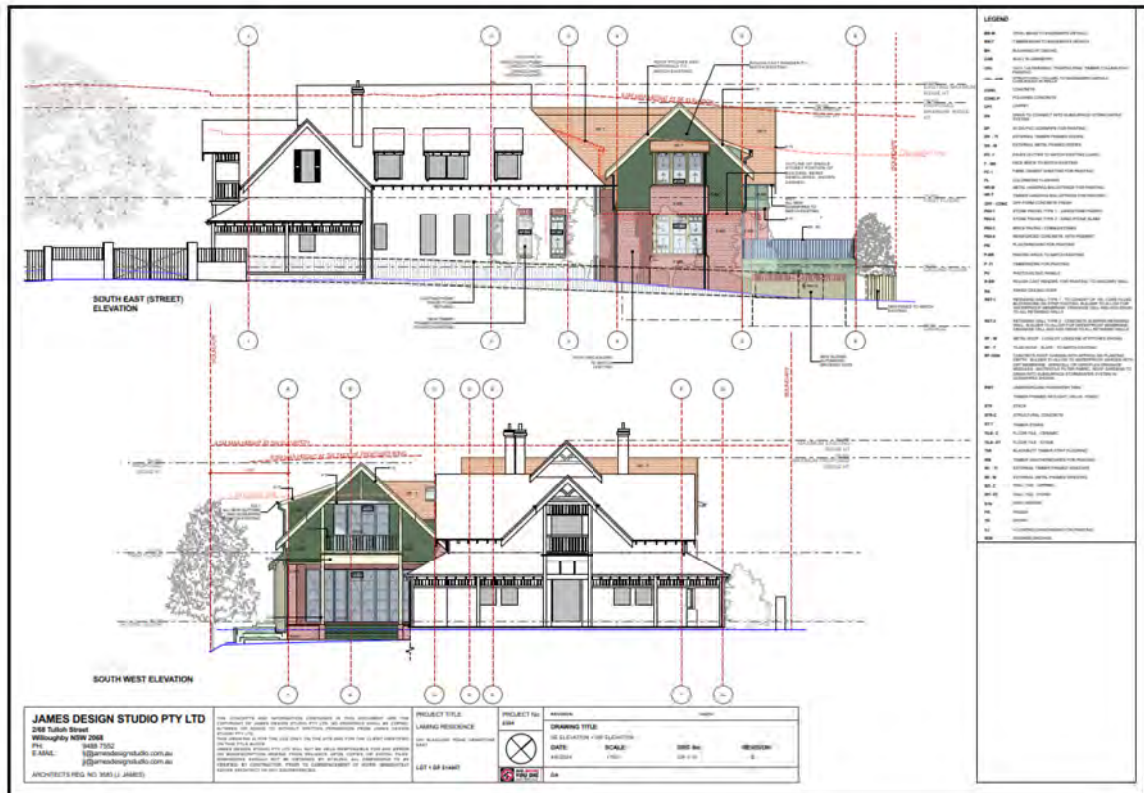


**Figure 58. First Floor Plan**

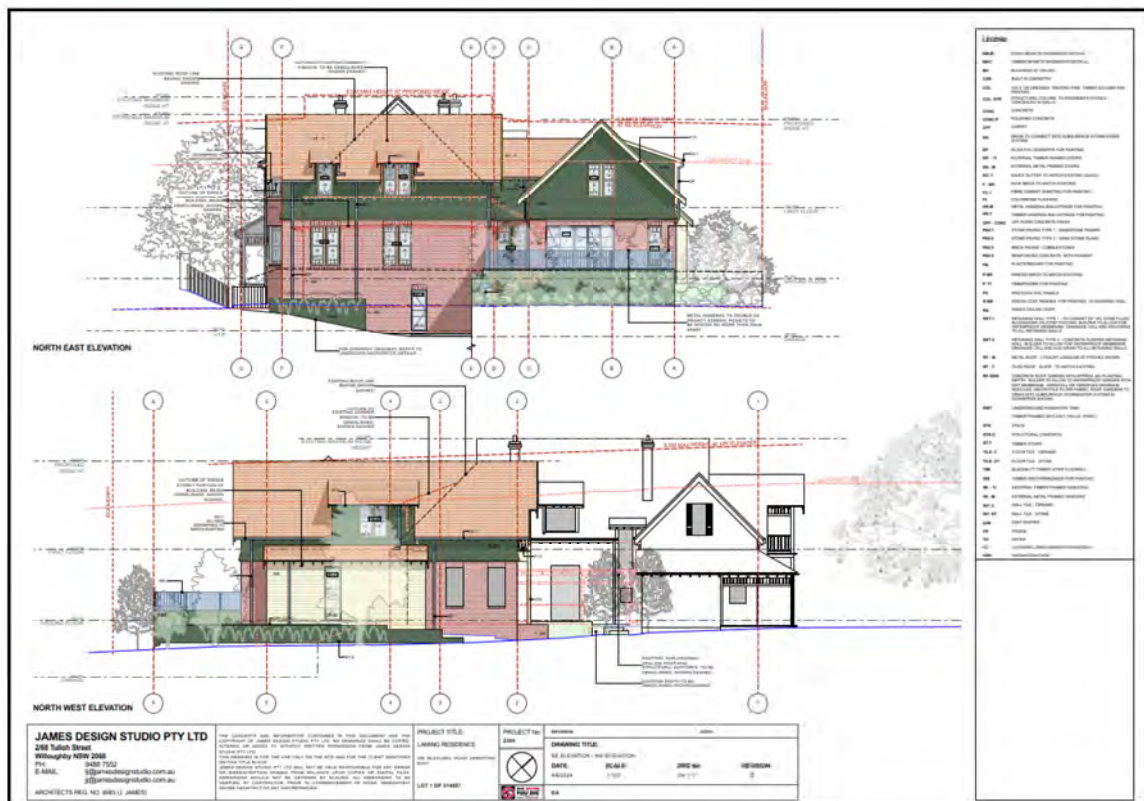


**Figure 59. Roof Plan**

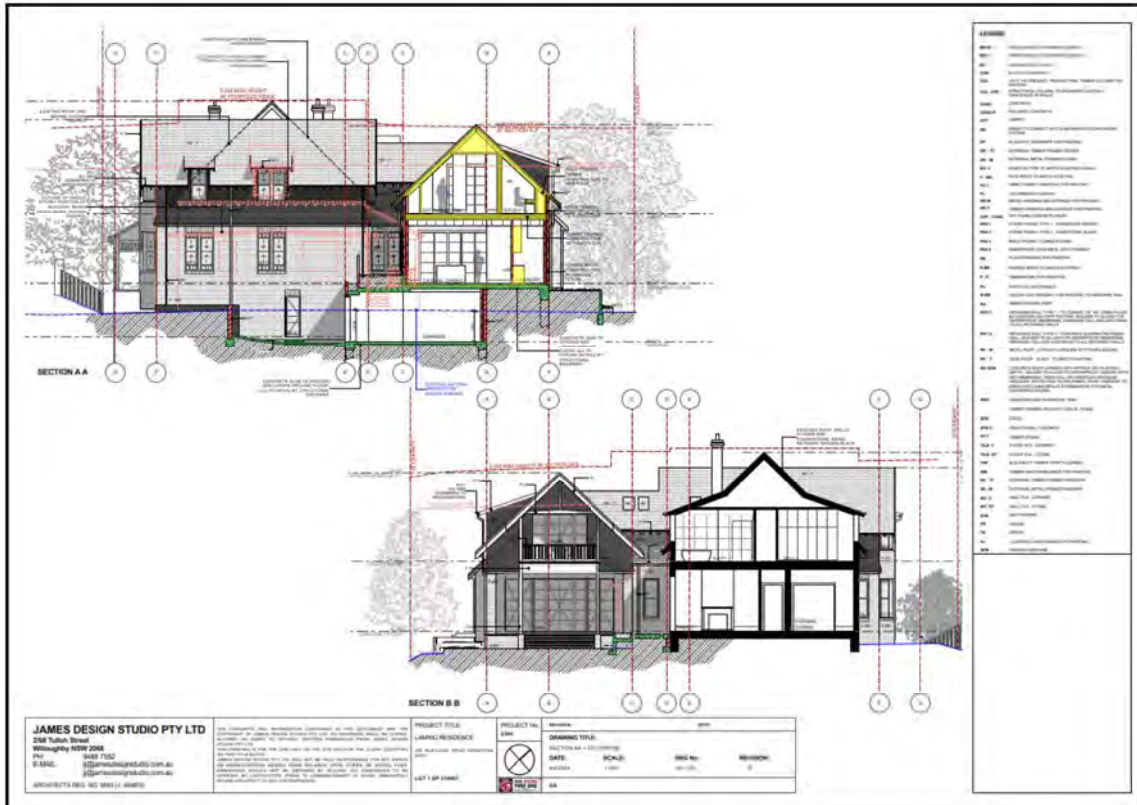




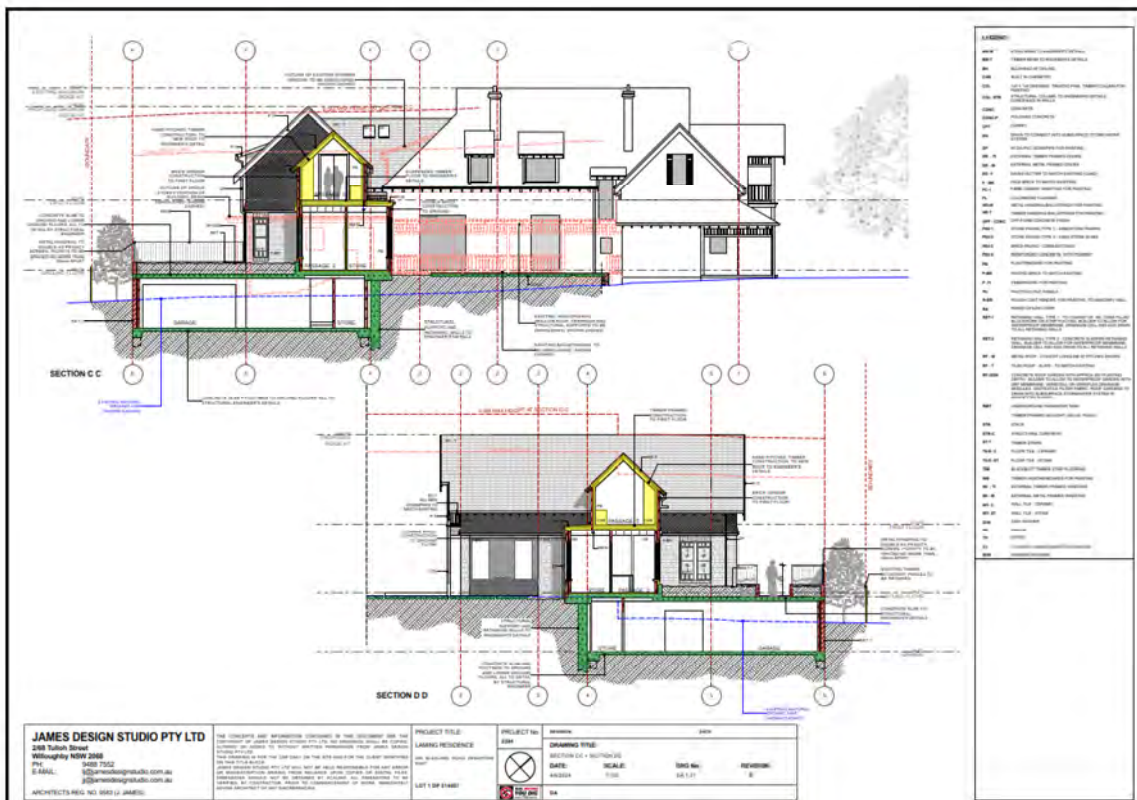
**Figure 60. SE Elevation – SW Elevation**



**Figure 61. NE Elevation – NW Elevation**



**Figure 62. Section AA – Section BB**



**Figure 63. Section CC – Section DD**



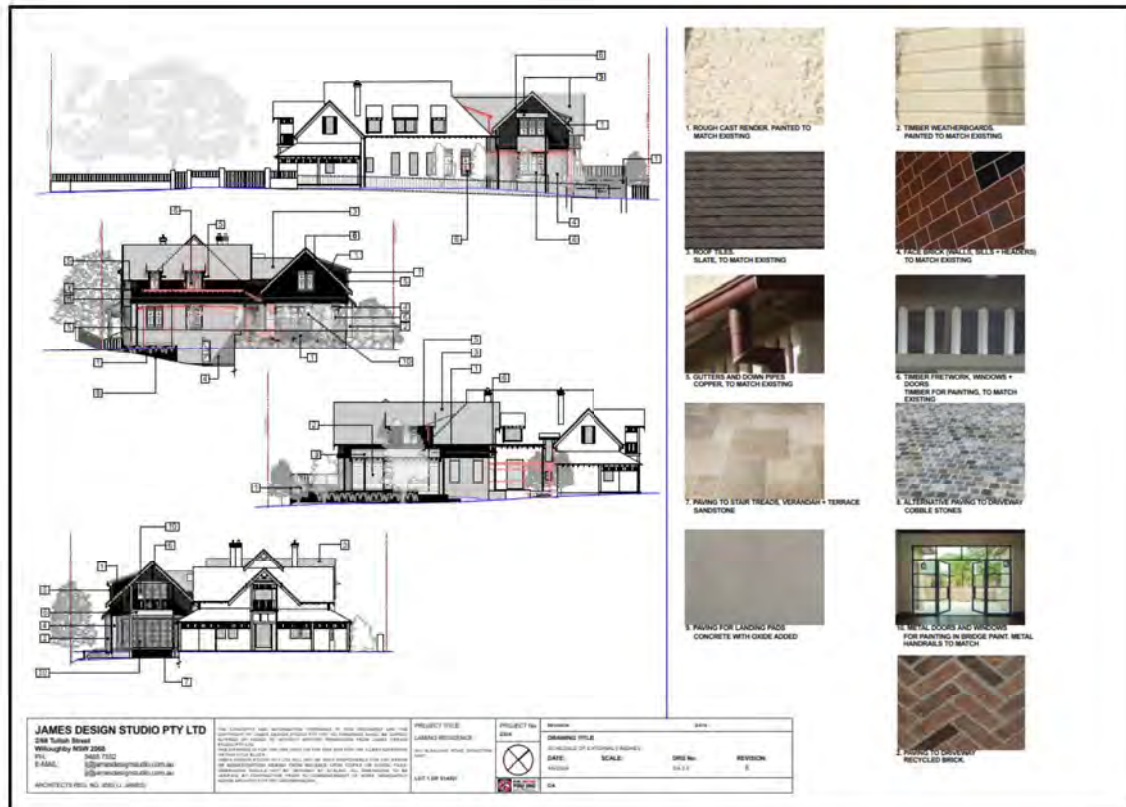


Figure 64. Schedule of External Finishes

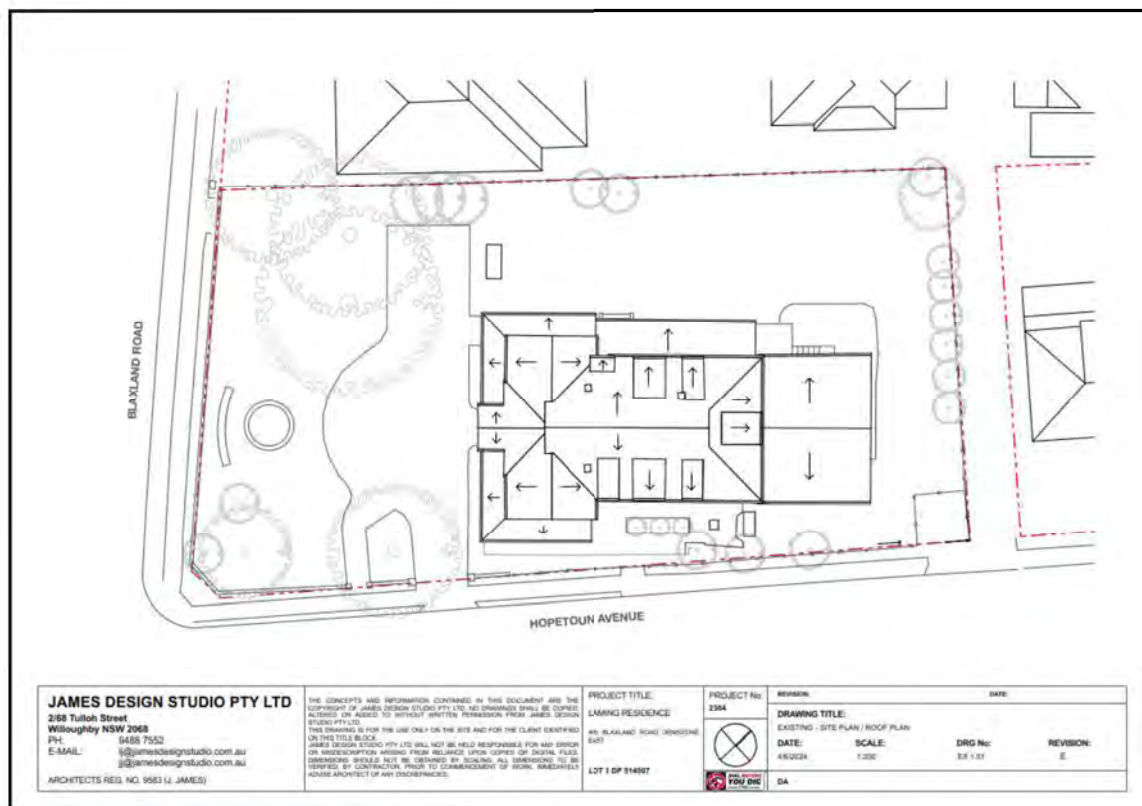


Figure 65. Existing – Site Plan/Roof Plan



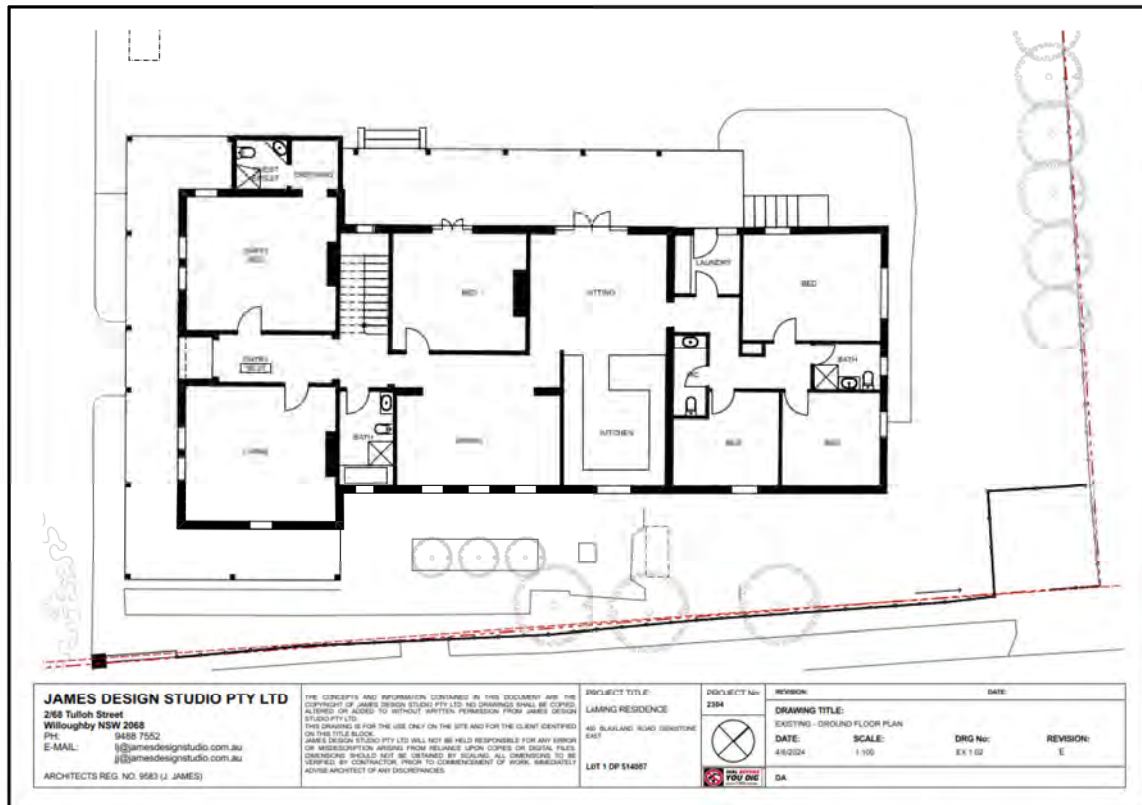


Figure 66. Existing – Ground Floor Plan

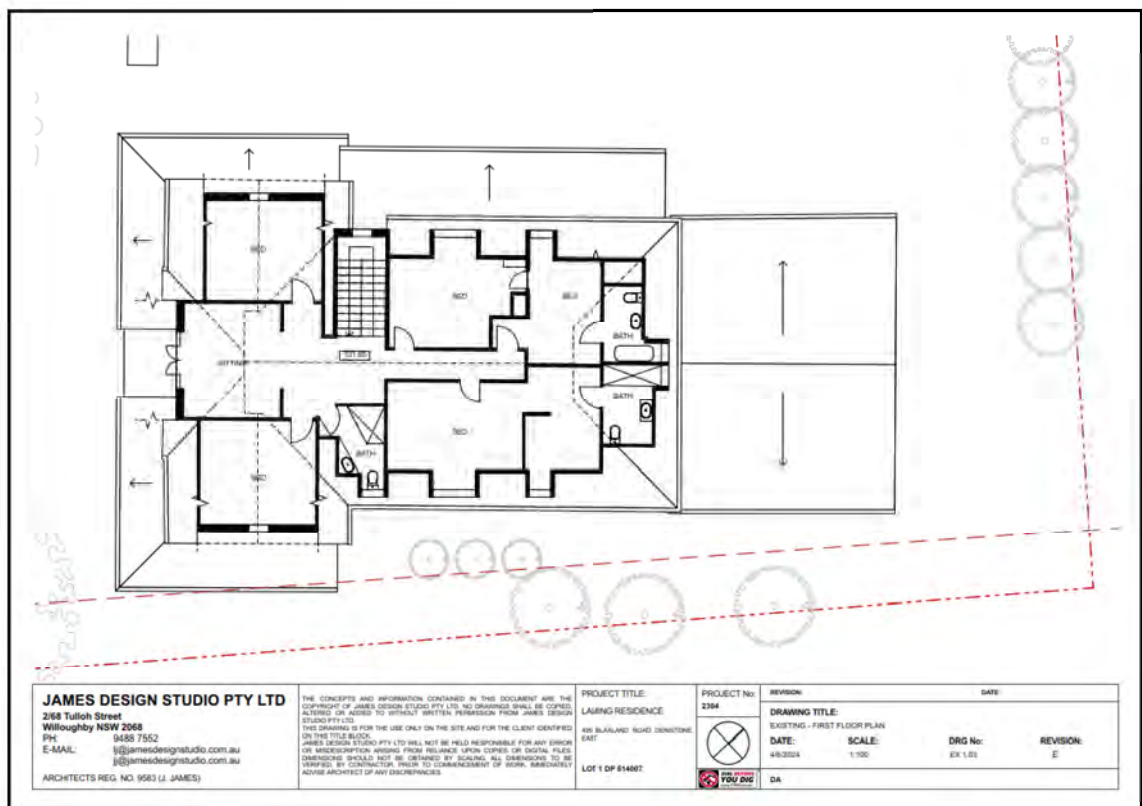


Figure 67. Existing – First Floor Plan

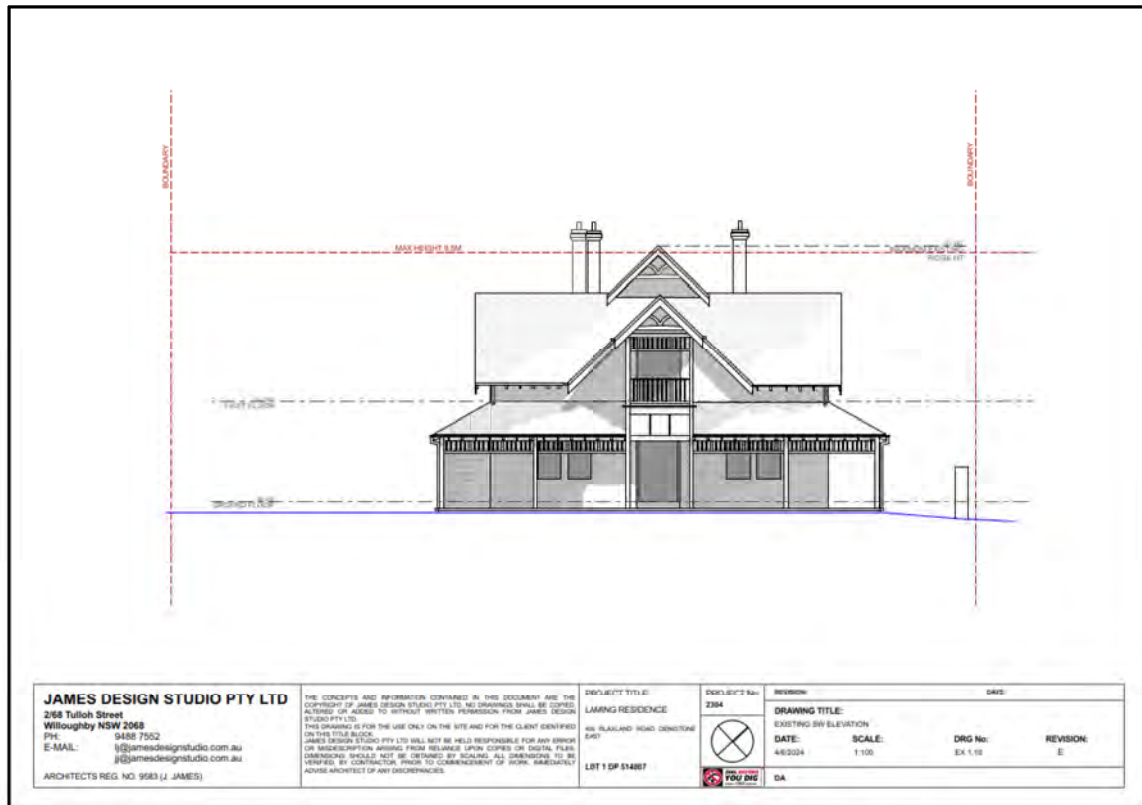


Figure 68. Existing SW Elevation

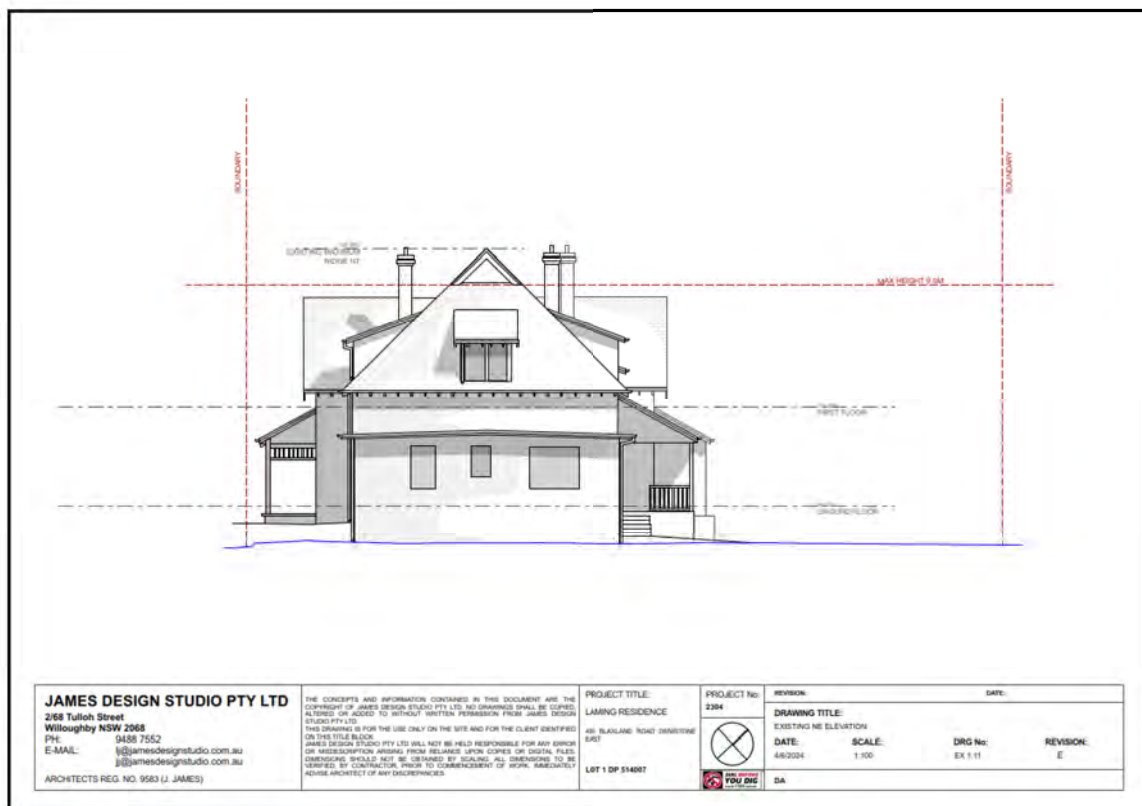


Figure 69. Existing NE Elevation

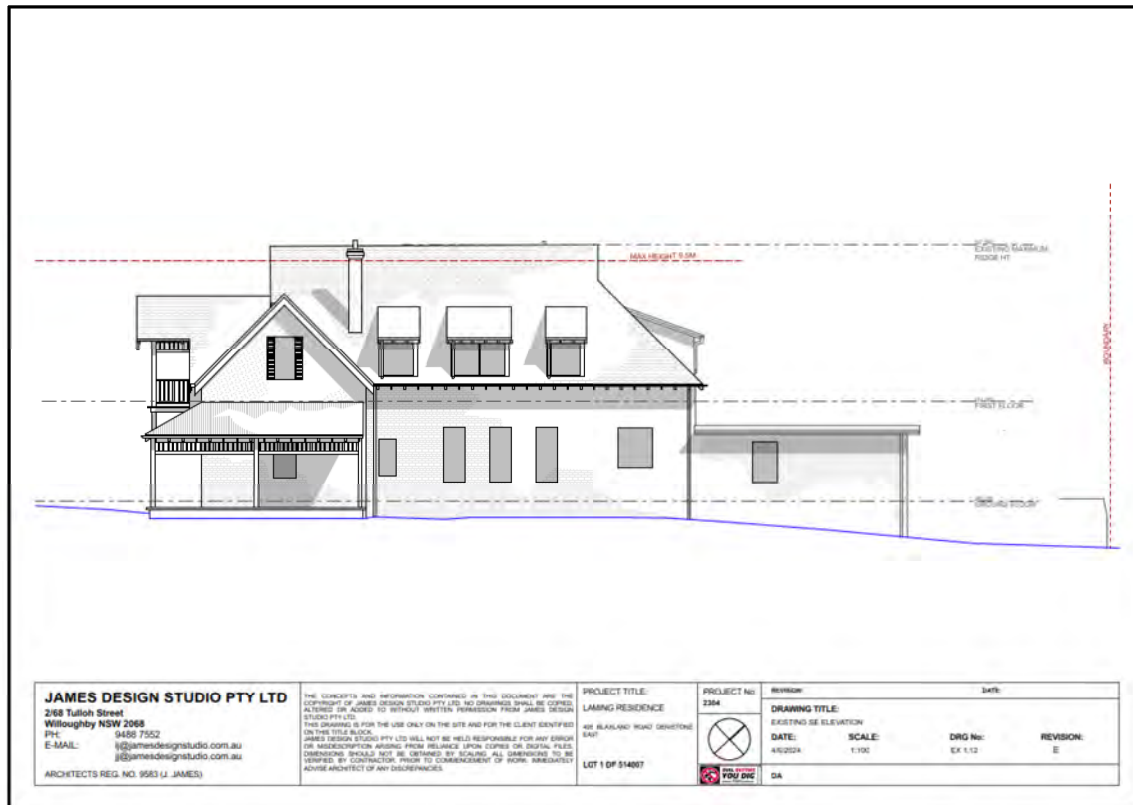


Figure 70. Existing SE Elevation

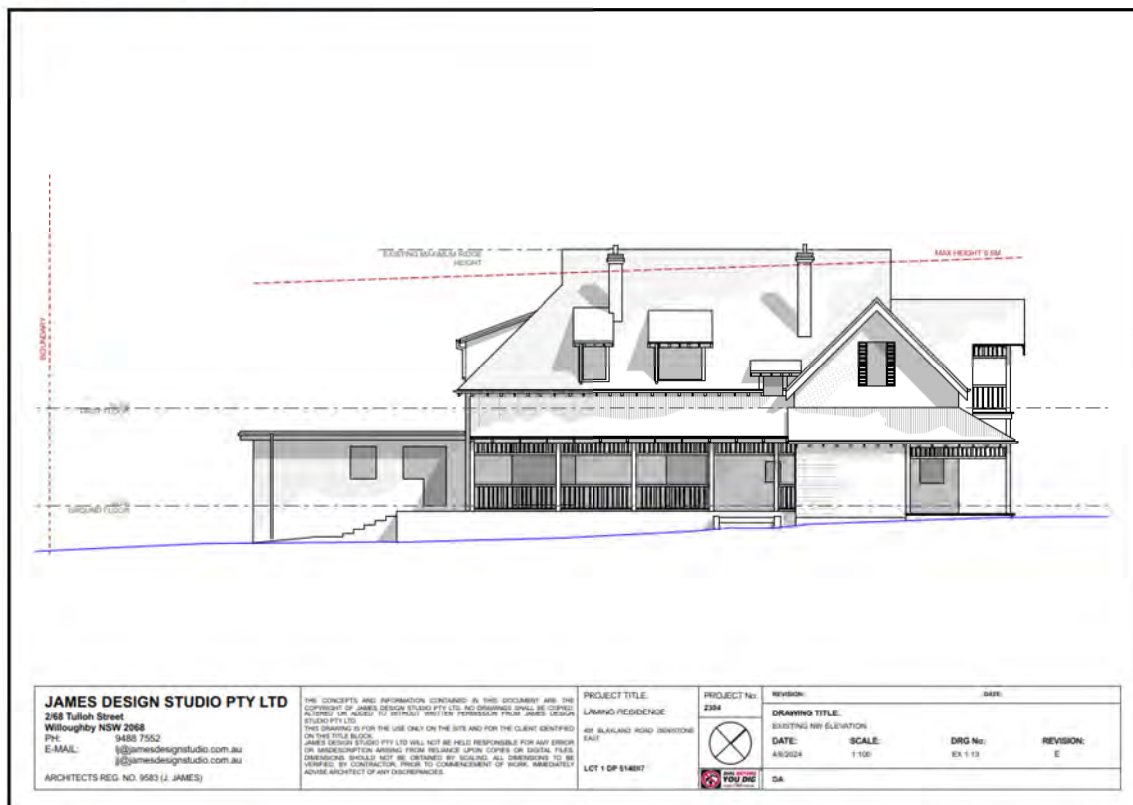


Figure 71. Existing NW Elevation





**Figure 72. Site Photos**



**Figure 73. Overall Landscape DA Plan Legend**

## 6.0 ASSESSMENT OF HERITAGE IMPACT

### 6.1 Heritage Management Framework

Below we outline the heritage-related statutory and non-statutory constraints applicable to the subject site including the objectives, controls and considerations which are relevant to the proposed development as described in Section 5.0 above. These constraints and requirements form the basis of this Heritage Impact Assessment.

#### 6.1.1 Ryde Local Environmental Plan 2014

The statutory heritage conservation requirements contained in Section 5.10 of the *Ryde Local Government Area Local Environmental Plan 2014* ("RLEP") are pertinent to any heritage impact assessment for future development on the subject site. The relevant clauses for the site and proposal are outlined below:

- (1) *Objectives*
- (2) *Requirement for consent*
- (4) *Effect of proposed development on heritage significance*
- (5) *Heritage assessment*

#### 6.1.2 Ryde Development Control Plan 2014

Our assessment of heritage impact also considers the following sections of the Ryde Development Control Plan 2014 ("RDCP") that are pertinent to the subject site and proposed development. These include:

### Part 3 – Development Type

#### 3.3 Dwelling Houses and Dual Occupancy

- 2.0 General Controls
  - 2.2 Dwelling Houses
    - 2.2.2 Additions and alterations to Dwelling Houses
- 2.5 Public Domain Amenity
  - 2.5.1 Streetscape
  - 2.5.2 Public Views and Vistas

#### 6.1.3 Recommended Management

The following Recommended Management for the site has been extracted from the State Heritage Inventory:

*DOCUMENTATION: A Heritage Impact Statement is required by Council to accompany any Development Application for non-minor work.*



*Please consult Council staff about your proposal and the level of documentation that will be required as early as possible in the process.*

*Note that Council has adopted planning provisions to assist in the making of minor changes that will not have any impact on the significance of properties without the need to prepare a formal application or Heritage Impact Statement. In this case Council must be consulted in writing to confirm the nature of the works.*

*APPROACHES TO MANAGING THE HERITAGE SIGNIFICANCE OF THE PROPERTY: (Note: the detailed requirements for each property will be determined on a case-by-case basis. The following advice provides general principles that should be respected by all development.)*

*Further subdivision of the land is discouraged. The overall form of the building should be retained and conserved and new uses should be restricted to those that are historically consistent and/or able to be accommodated within the existing fabric with minimal physical impact.*

*All significant exterior fabric should be retained and conserved.*

*The setting of the property should be protected from the impacts of development and significant plantings, walls, paths and other landscape elements should be retained in a manner that will not threaten the viability of significant gardens, landscapes or views.*

*The external surfaces and materials of significant facades (generally, but not limited to, those visible from the street or a public place including the water) should be retained, and painted surfaces painted in appropriate colours.*

*Sandstone and face brickwork should not be painted or coated.*

*Significant door and window openings should not be enlarged or enclosed.*

#### *OPPORTUNITIES FOR CHANGE:*

*All development should respect the principle of 'do as much as necessary but as little as possible'. In most instances, new work should not attempt to replicate historic forms. A 'contemporary neutral' design that sits quietly on the site, and enhances the quality of the item, will be a more sympathetic outcome than a 'fake' historic building.*

*Respecting the scale and overall forms, proportions and rhythms of the historic fabric is critical.*

*As a general principle, all major alterations and additions should NOT:*

- result in demolition of significant fabric*
- result in excessive site cover;*



- *be visually prominent or overwhelm the existing buildings.*
  - *intrude into any views of the property from the public domain, including the water;*
- and should be:*
- *located behind the historic building/s on the site;*
  - *visually subservient and have minimal impact on heritage significance including that of views over the property.*

*Single storey extensions will generally be preferred over two-storey forms unless there is a sound heritage reason to do otherwise. Attic rooms must be accommodated in the original roof form.*

*Solid fences or high walls on street boundaries and structures - including car parking structures - forward of the front building line are strongly discouraged.<sup>19</sup>*

#### 6.1.4 NSW Department of Planning and Environment Guidelines

In its guidelines for the preparation of Statements of Heritage Impact, the NSW Department of Planning and Environment provides a list of considerations in the form of questions aiming at directing and triggering heritage impact assessments.<sup>20</sup> These are divided into sections to match the different types of proposals that may occur on a heritage item, item in a heritage conservation area or in the vicinity of heritage. Below are listed the considerations which are most relevant to the proposed development as outlined in Section 5.0 of this report.

##### ***Partial demolition of a heritage item (including internal elements)***

- *Is the partial demolition essential for the heritage item to function?*
- *If partial demolition is proposed because of the condition of the fabric, can the fabric be repaired?*
- *Are important features and elements of the heritage item affected by the proposed partial demolition (e.g. fireplaces in buildings)?*
- *Will the proposed partial demolition have a detrimental effect or pose a risk to the heritage item and its significance? If yes, what measures are proposed to avoid/mitigate the impact?*
- *Identify and include advice about how significant elements, if removed by the proposal, will be salvaged and reused.*

<sup>19</sup> Heritage NSW, "Highbury House," State Heritage Inventory, Heritage Item ID: 2340130, accessed 23 May 2024, <https://www.hms.heritage.nsw.gov.au/App/Item/ViewItem?itemId=2340130>.

<sup>20</sup> Department of Planning and Environment, *Guidelines for preparing a statement of heritage impact* (Paramatta: Department of Planning and Environment, NSW Government, 2023), <https://www.environment.nsw.gov.au/research-and-publications/publications-search/statements-of-heritage-impact>.

### **Alterations and additions**

- *Do the proposed works comply with Article 22 of The Burra Charter, specifically Practice note article 22 — new work (Australia ICOMOS 2013b)?*
- *Are the proposed alterations/additions sympathetic to the heritage item? In what way (e.g. form, proportion, scale, design, materials)?*
- *Will the proposed works impact on the significant fabric, design or layout, significant garden setting, landscape and trees or on the heritage item's setting or any significant views?*
- *How have the impact of the alterations/additions on the heritage item been minimised?*
- *Are the additions sited on any known or potentially significant archaeological relics? If yes, has specialist advice from archaeologists been sought? How will the impact be avoided or mitigated?*

### **New landscape works and features**

- *How has the impact on the heritage significance of the existing landscape been minimised?*
- *Are works to the landscape or pathways necessary to comply with the access requirements of the Disability Discrimination Act 1992?*
- *Has evidence (archival or physical) of previous landscape work been investigated? Is the original landscape work being reinstated?*
- *Will any known or potential archaeological relics be affected by the landscape works? How will this be mitigated? Has advice been sought from a suitably qualified archaeologist?*
- *Do the proposed works impact views to, from and within adjacent heritage items?*

### **Works adjacent to a heritage item or within the heritage conservation area (listed on an LEP)**

- *Will the proposed works affect the heritage significance of the adjacent heritage item or the heritage conservation area?*
- *Will the proposed works affect views to, and from, the heritage item? If yes, how will the impact be mitigated?*
- *Will the proposed works impact on the integrity or the streetscape of the heritage conservation area?*



## 6.2 Heritage Impact Assessment

Below we assess the impact that the proposed development would have upon the subject site, and the heritage item in the vicinity. This assessment is based upon the Historical Context (refer to Section 2.0), the Physical Evidence (refer to Section 3.0), Heritage Significance (refer to Section 4.0) the Proposal (refer to Section 5.0), a review of the Heritage Management Framework (refer to Section 6.1).

### 6.2.1 Summary

The subject site comprises Highbury House, a Federation period dwelling decorated in the Arts and Crafts architectural style, which has landmark qualities within the Denistone East area. Situated on a prominent corner lot, it presents to Blaxland Road and Hopetoun Avenue whereby its significance is generally tied to its aesthetic, representativeness and historical significance. The site is locally listed under Schedule 5 on the *Ryde LEP 2014* as “Highbury House” (Item I18). It is located opposite and within the visual catchment of another local heritage item, “Stone Marker” (Item I200); however, there is no historical connection between the subject site and this item.

The proposal involves a set of alterations and additions to the heritage item, delineated above in Section 5.1 of this report. The proposed major alterations and additions are localised to the north-east and north-west elevations, which currently feature postwar additions of little significance including the flat-roof addition and the secondary timber verandah. There is no significant fabric associated with these features, as non-meaningful additions, and their removal to facilitate sympathetic development would not have a negative impact to the subject building.

The proposed major addition to the original built form is situation at the north-eastern portion of the lot and connected to the main dwelling. High quality materials and finishes would be adopted to gesture the architectural language and Arts and Crafts style of the original built form, and to respect the significance of the item. The design of the addition has carefully considered the holistic preservation of the original built form, including the retention of all significant fabric and architectural features. The inclusion of the basement would be sited underneath the addition to prevent any excavation beneath the heritage item and minimises the risk of damage or structural issues to the building.

We note that the addition would be visible from the surrounding streetscapes; however, given the high quality of architectural design, we believe this is acceptable and would not compromise the vistas to the item. The south-east and south-west elevations, which present to Hopetoun Avenue and Blaxland Road respectively, would feature a gable front that has been sited below the primary hipped ridge line of the original built form. It would provide a visual continuation of the steep gable roof forms of the dwelling. The openings would follow the rhythm and proportionality of the existing fenestration pattern. Ultimately, the addition would present traditional architectural features and we believe this is appropriate to the surrounding area. Whilst a contemporary addition could also be accommodated, this would not be keeping with the character of the Blaxland Road streetscape



which generally features brick masonry dwellings, from various vintages, within a garden setting. In our opinion, the proposal would remain harmonious with this.

The remainder of the proposal, in our opinion, is generally minor and would have a neutral impact to the heritage significance of the item. The removal of the later addition window on the south-east elevation, and replacement with two vertically proportioned windows, would enhance the presentation and symmetry of this façade. The interior works within the original built form are minimal and would not involve the removal of any key heritage architectural features. They generally relate to renewing the kitchen and bathroom areas, which is not an exceptional proposal and there is an established precedent in this regard when it comes to modernising historic homes. There are some minor alterations to the layout; however, this is generally localised to removal of non-original partitions. The introduction of new openings is acceptable, given the readability of the layout would remain wholly intact.

The landscaping works are generally minor and would be limited to the rear of the subject site. We note that the front portion of the site would remain intact, and no mature trees would be removed from this area. The dwelling would retain its garden setting under this proposal. The inclusion of a driveway from Hopetoun Avenue is acceptable and we believe it has been placed in the most appropriate location to minimise any visual impact to the place.

In terms of the impact to the heritage item in the vicinity, we note that the works would not be highly visible from the Stone Marker, nor would they obstruct key view lines to this item. As such, we firmly assert that these works would not compromise the integrity of the heritage item in the immediate vicinity of the subject site.

In conclusion, we are of the opinion that the proposal achieves design excellence and is responsive to specific site restrictions and the overall character of the area. We reiterate that the primary built form would be retained, conserved, and enhanced. Further, we believe the proposal would create a new and meaningful architectural layer to the subject site.

### 6.2.2 Impact Assessment Against the RLEP 2014

The statutory heritage conservation requirements contained in Section 5.10 of the *Ryde LEP 2014* are pertinent to any heritage impact assessment for future development on the subject site. We assess the proposal against the relevant clauses below.

CLAUSE	ASSESSMENT
<b>(1) Objectives</b>	The proposal would entail work to a site listed as a heritage item and located in the vicinity of a heritage item, both listed under Schedule 5 of the <i>Ryde LEP 2014</i> . It is our general assessment that the proposed height, scale, massing and materials proposed (as detailed in Section 5.0 above) would not engender a negative impact on the heritage significance of the subject site, which is a heritage item, and also the heritage item located in the vicinity of the site, including their contributory fabric and general setting.



<b>(2) Requirement for consent</b>	This Development Application is lodged to Council to gain consent for the works proposed to a heritage item and in the vicinity of a heritage item listed under Schedule 5 of the <i>Ryde LEP 2014</i> .
<b>(4) Effect of proposed development on heritage significance</b>	This Statement of Heritage Impact accompanies the Development Application in order to enable Ryde Council, as the consent authority, to ascertain the extent to which the proposal would affect the heritage significance of the aforementioned heritage items.
<b>(5) Heritage assessment</b>	

### 6.2.3 Recommended Management

The following table addresses the Recommended Management for the subject site, as detailed in the State Heritage Inventory.

Recommended Management	Assessment
<p><i>DOCUMENTATION: A Heritage Impact Statement is required by Council to accompany any Development Application for non-minor work.</i></p> <p><i>Please consult Council staff about your proposal and the level of documentation that will be required as early as possible in the process.</i></p> <p><i>Note that Council has adopted planning provisions to assist in the making of minor changes that will not have any impact on the significance of properties without the need to prepare a formal application or Heritage Impact Statement. In this case Council must be consulted in writing to confirm the nature of the works.</i></p>	<p>This report serves as a Heritage Impact State for the proposal, which is considered to be non-exempt works.</p>
<p><i>APPROACHES TO MANAGING THE HERITAGE SIGNIFICANCE OF THE PROPERTY: (Note: the detailed requirements for each property will be determined on a case-by-case basis. The following advice provides general principles that should be respected by all development.)</i></p> <p><i>Further subdivision of the land is discouraged. The overall form of the building should be retained and conserved and new uses should be</i></p>	<p>The proposal does not involve any subdivision.</p> <p>The proposal would involve the retention of the overall form of the original dwelling, which would remain the prominent architectural element on the site. It would remain in use as a residential dwelling, modified to accommodate the needs of the current owner.</p> <p>We note that no modification is proposed to the external brick masonry envelope, and the external, original openings would not be widened or infilled.</p> <p>All significant exterior fabric and features would be retained under this proposal. The exception to this is a small portion of the existing roof form to facilitate the proposed addition. Whilst Heritage 21 generally endorses the use of a low-level link and</p>

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<p><i>restricted to those that are historically consistent and/or able to be accommodated within the existing fabric with minimal physical impact.</i></p> <p><i>All significant exterior fabric should be retained and conserved.</i></p> <p><i>The setting of the property should be protected from the impacts of development and significant plantings, walls, paths and other landscape elements should be retained in a manner that will not threaten the viability of significant gardens, landscapes or views.</i></p> <p><i>The external surfaces and materials of significant facades (generally, but not limited to, those visible from the street or a public place including the water) should be retained, and painted surfaces painted in appropriate colours.</i></p> <p><i>Sandstone and face brickwork should not be painted or coated.</i></p> <p><i>Significant door and window openings should not be enlarged or enclosed.</i></p>	<p>pavilion style addition, as per best practice, we also encourage alternative options, where the design is well executed. A pavilion style addition is not appropriate in all contexts and was discounted in this instance. The proposal would involve the new addition directly extending from the hipped roof form of the original built form. We support this option given that this portion of roof is already heavily modified to accommodate a later-addition dormer, and consequently, it is unlikely much of the original timber roof structure has been retained. Further, the high quality of materials, finishes and traditional forms in design allows for a harmonious and sympathetic continuation of the south-eastern façade.</p>
<p><b>OPPORTUNITIES FOR CHANGE:</b></p> <p><i>All development should respect the principle of ‘do as much as necessary but as little as possible’. In most instances, new work should not attempt to replicate historic forms. A ‘contemporary neutral’ design that sits quietly on the site, and enhances the quality of the item, will be a more sympathetic outcome than a ‘fake’ historic building.</i></p>	<p>The proposed addition has been designed with considerably care to respect the integrity, character and significance of the Federation period dwelling. The design has opted to adopt traditional materials and forms, which gesture the architectural language of the subject building. The addition would invoke the traditional Arts and Crafts style, yet the subtle nuances in the design, for example the metal openings to the new verandah space, would ensure that it is read as a new architectural element. Whilst the scale of the addition is considered to be quite large, and would adopt two-storeys, it remains sympathetic to the Arts and Crafts style which celebrates large, projecting roof forms and an informal structure. We believe that it would be a meaningful addition and it would create enhanced amenity and space to the dwelling.</p>



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<p><i>Respecting the scale and overall forms, proportions and rhythms of the historic fabric is critical.</i></p> <p><i>As a general principle, all major alterations and additions should NOT:</i></p> <ul style="list-style-type: none"> <li><i>- result in demolition of significant fabric</i></li> <li><i>- result in excessive site cover;</i></li> <li><i>- be visually prominent or overwhelm the existing buildings.</i></li> <li><i>- intrude into any views of the property from the public domain, including the water;</i></li> </ul> <p><i>and should be:</i></p> <ul style="list-style-type: none"> <li><i>- located behind the historic building/s on the site;</i></li> <li><i>- visually subservient and have minimal impact on heritage significance including that of views over the property.</i></li> </ul> <p><i>Single storey extensions will generally be preferred over two-storey forms unless there is a sound heritage reason to do otherwise. Attic rooms must be accommodated in the original roof form.</i></p> <p><i>Solid fences or high walls on street boundaries and structures - including car parking structures - forward of the front building line are strongly discouraged</i></p>	

## 6.2.4 Impact Assessment Against the NSW Department of Planning and Environment Guidelines

As acknowledged in Section 6.1.4, the NSW Department of Planning and Environment has identified a list of considerations in the form of questions aiming at directing and triggering heritage impact assessment. Below, we assess the proposal against the most pertinent of these questions.

Question	Assessment
<b>Partial demolition of a heritage item (including internal elements)</b>	
<i>Is the partial demolition essential for the heritage item to function?</i>	The partial demolition is localised to areas of little significance, including the flat roof addition and dormer (north-east elevation), secondary verandah (north-west elevation) and square window to the south-east elevation. The removal of these elements is not essential for the heritage item to function, nor are they considered to be meaningful and worthy of conservation.
<i>If partial demolition is proposed because of the condition of the fabric, can the fabric be repaired?</i>	No, the partial demolition activities are proposed to encourage more sympathetic development to the heritage item.
<i>Are important features and elements of the heritage item affected by the proposed partial demolition (e.g. fireplaces in buildings)?</i>	No, the design has been carefully considered to prevent any adverse impacts to important features and elements.
<i>Will the proposed partial demolition have a detrimental effect or pose a risk to the heritage item and its significance? If yes, what measures are proposed to avoid/mitigate the impact?</i>	In the opinion of Heritage 21, the proposed partial demolition activities would not pose a risk to the heritage item, or its significance. The original built form would be retained and conserved in full.
<i>Identify and include advice about how significant elements, if removed by the proposal, will be salvaged and reused.</i>	Not applicable.
<b>Alterations and additions</b>	
<i>Do the proposed works comply with Article 22 of The Burra Charter, specifically Practice note article 22 — new work (Australia ICOMOS 2013b)?</i>	The Practice note article 22 identifies that the success of new work is the “quality and sensitivity of the design response”. It further notes that new work should respect the “context, strength, scale, and character of the original”. The proposed addition, in some respects, imitates the original form which is generally not encouraged. However, in this context, it is considered to be appropriate due to the excellence of the design, the responsiveness to the Arts and Crafts architectural style and the consideration of the wider setting of the item. In our opinion, a very contemporary addition would be conflicting with the character of the house and also the wider Denistone East area. The nuances in the design would ensure that some distinction can be made between the addition and the original built form.
<i>Are the proposed alterations/additions sympathetic to the heritage item? In</i>	The proposed addition would employ traditional materials, similar to the heritage item, and would include forms reminiscent of the Arts and Crafts architectural style. While it is of considerable scale,



Question	Assessment
<i>what way (e.g. form, proportion, scale, design, materials)?</i>	it would remain sympathetic and complementary to the original built form due to a high quality design.
<i>Will the proposed works impact on the significant fabric, design or layout, significant garden setting, landscape and trees or on the heritage item's setting or any significant views?</i>	Generally no, the proposed addition would remain separate from the original built form and would not interrupt or obstruct key view lines to and from the item.
<i>How have the impact of the alterations/additions on the heritage item been minimised?</i>	The impact has been minimised by siting the addition to the north-eastern portion of the lot, where it would remain recessive to the heritage item.
<i>Are the additions sited on any known or potentially significant archaeological relics? If yes, has specialist advice from archaeologists been sought? How will the impact be avoided or mitigated?</i>	It is outside our remit to assess the archaeological impact of the proposed works.
<b>New landscape works and features</b>	
<i>How has the impact on the heritage significance of the existing landscape been minimised?</i>	The proposed new landscape work would retain the front garden feature and all mature trees in this portion of the lot. The new landscaping works would generally be sited to the north of the lot and would involve the inclusion of a new driveway. We note from the historical imagery of the site that none of the trees proposed for removal were originally part of the garden.
<i>Are works to the landscape or pathways necessary to comply with the access requirements of the Disability Discrimination Act 1992?</i>	It is outside our remit to assess compliance with this act.
<i>Has evidence (archival or physical) of previous landscape work been investigated? Is the original landscape work being reinstated?</i>	A desktop analysis has been conducted of the landscape of the site, based off the historical imagery. The historical imagery indicates that the garden has undergone considerable change since the construction of the dwelling and no key features have been identified that warrant reinstatement.
<i>Will any known or potential archaeological relics be affected by the landscape works? How will this be mitigated? Has advice been sought from a suitably qualified archaeologist?</i>	It is outside our remit to assess the archaeological impact of the proposed works.
<i>Do the proposed works impact views to, from and within adjacent heritage items?</i>	The proposed landscaping would not obstruct views to and from the item. The new driveway would be located to the new addition to the building and would not result in any obstruction to the original built form. Generally, the proposed landscaping would retain the garden setting of the place.
<b>Works adjacent to a heritage item or within the heritage conservation area (listed on an LEP)</b>	
<i>Will the proposed works affect the heritage significance of the adjacent</i>	The site is located opposite and within the visual catchment of local heritage item, "Stone Marker" (Item I200); however, there is

Question	Assessment
<i>heritage item or the heritage conservation area?</i>	no historical connection between the subject site and this item. In our opinion, there would be no tangible impact to the Stone Marker. The Stone Marker is visible on Blaxland Road and the proposed additions would not detract from public engagement with this item.
<i>Will the proposed works affect views to, and from, the heritage item? If yes, how will the impact be mitigated?</i>	The proposed addition would not affect view lines to and from the item, and the setting of the Stone Marker would not be adversely impacted.
<i>Will the proposed works impact on the integrity or the streetscape of the heritage conservation area?</i>	Not applicable.



## 7.0 CONCLUSION & RECOMMENDATIONS

### 7.1 Impact Summary

The NSW Department of Planning and Environment's guidelines require the following aspects of the proposal to be summarised.<sup>21</sup>

#### 7.1.1 Aspects of the proposal which respect or enhance heritage significance

In our view, the following aspects of the proposal would respect the heritage significance of the subject site and heritage item in the vicinity:

- The design of the proposed addition has carefully considered the conservation of the original built form and retention of significant fabric and architectural features;
- The proposed addition would gesture the architectural language of the subject building and invoke the traditional Arts and Crafts architectural style;
- The proposed demolition activities are localised to fabric of little significance to allow for more sympathetic development;
- The proposal would allow for ongoing use of the heritage item as a residential dwelling, accommodating the needs of the current owner;
- The proposed landscaping would ensure the heritage item is retained in a garden setting; and
- The proposal would not impact or obstruct view lines to and from the heritage item "Stone Marker", opposite the subject site.

#### 7.1.2 Aspects of the proposal which could have detrimental impact on heritage significance

In our view, there are no aspects of the proposal which could be detrimental to the significance of the subject site and heritage item in the vicinity. The neutral and positive impacts of the proposal have been addressed above in Section 7.1.1. Recommendations are provided in Section 7.2 below as further mitigation measures.

### 7.2 Mitigation Measures/Recommendations

To ensure maximum conservation of the significance of the subject site and heritage item in the vicinity, Heritage 21 also recommends the following:

- **Photographic Archival Recording.** A Photographic Archival Recording (PAR) should be prepared by a suitably qualified Heritage Consultant prior to any development being carried out on the site. The report must consist of an archival standard photographic record of the site and buildings externally including the existing character of the streetscape, the exteriors and interiors of Highbury House, the landscape and curtilage area and general views to and

<sup>21</sup> Department of Planning and Environment, *Guidelines for preparing a statement of heritage impact*.

from the site and heritage item in the vicinity. The recording shall be undertaken in accordance with the guidelines for Photographic Recording of Heritage Items Using Film or Digital Capture (2006) prepared by the NSW Office of Environment & Heritage and copies should be retained in Council's Archives and Local Studies collection.

- **Heritage Monitoring.** During construction activities, a Heritage Architect, or suitably qualified heritage consultant, should be engaged to periodically monitor the works on site, give necessary advice and sign off upon conclusion.
- **Temporary Protection Measures.** Prior to the commencement of any work, consideration shall be given to the development of temporary protection measures that would identify potential risks and outline methodologies to negate any physical impact on significant fabric located in the vicinity of the area of works on the subject site. This is to be prepared by a suitably qualified contractor and implemented prior to the works to be monitored by the architect and followed by all tradespeople involved.

### 7.3 General Conclusion

Heritage 21 is therefore confident that the proposed development complies with pertinent heritage controls and would not engender a negative impact on the heritage significance of the subject site, and heritage item in the vicinity. We therefore recommend that Ryde Council view the application favourably on heritage grounds.



## 8.0 SOURCES

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