

Meeting Date: Thursday 12 July 2018
Location: Council Chambers, Level 1A, 1 Pope Street, Ryde
Time: 5.00pm

City of Ryde Local Planning Panel Meetings will be recorded on audio tape for minute-taking purposes as authorised by the Local Government Act 1993. City of Ryde Local Planning Panel Meetings will also be webcast.

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DEVELOPMENT APPLICATIONS

- 2 101 WESTERN CRESCENT, GLADESVILLE. Alterations and Additions to dwelling including a new garage and basement storage within the front setback. LDA2017/0546**

Report prepared by: Assessment Officer - Town Planner

Report approved by: Acting Senior Coordinator - Assessment; Acting Manager - Development Assessment; Director - City Planning and Environment

File Number: GRP/09/6/12/1/2 - BP18/710

City of Ryde Local Planning Panel Report

DA Number	LDA2017/0546
Site Address & Ward	101 Western Crescent, Gladesville East Ward
Zoning	R2 Low Density Residential under RLEP 2014
Proposal	Alterations and additions to dwelling including a new garage and basement storage within the front setback.
Property Owner	Bruce Lane
Applicant	Tony McLain
Report Author	Madeline Thomas Assessment Officer -Town Planner
Lodgement Date	21 December 2017
No. of Submission	Nineteen (19) submissions received objecting to the development.
Cost of Works	\$485,000.00
Reason for Referral to RLPP	Contentious Development – Development is the subject of 10 or more unique submissions by way of objection.
Recommendation	Approval

ITEM 2 (continued)

1. Executive Summary

The following report is an assessment of a development application for alterations and additions to the existing dwelling at No. 101 Western Crescent, Gladesville.

The alterations and additions involve a first floor studio addition and a new detached garage located within the front setback.

The development has been assessed in respect of the relevant planning instruments and the application is non-compliant with the following:

Ryde Development Control Plan 2014 (Part 3.3 – Dwelling Houses and Dual Occupancy (Attached))

- The development results in the proposed detached garage being located in the front setback, approximately 500mm from the front boundary. This does not comply with the controls within the Ryde Development Control Plan (RDCP) 2014 in regard to front setbacks. These controls require the front setback to be generally 6m, with the garage setback 1m behind the building façade. This is considered an acceptable design solution, as it is consistent with existing parking arrangements on the southern/south western side of Western Crescent due to the slope constraints occurring on these properties.
- The development fails to comply with the RDCP 2014 requirement in respect to the excavation depth proposed for the new garage. The RDCP 2014 requires a maximum excavation depth of 1.2m. This development has proposed maximum excavation depth of 2.1m. The excavation depth is required to facilitate vehicular access, and will result in a similar appearance to the existing garage, simply with a larger building footprint.
- The development fails to comply with the RDCP 2014 requirement regarding visual privacy of the adjoining properties. The proposed deck is considered to pose views into the adjoining property. A condition of consent in relation to a privacy screen is recommended to resolve this non-compliance.

Other Issues

- Council's Development Engineer has identified the proposed absorption trench is insufficient in size to accommodate the proposed development. A condition of consent is recommended to resolve this non-compliance.

ITEM 2 (continued)

- The existing chimneys are of considerable age, and currently do not meet Building Code of Australia (BCA) compliance in regard to their height in relation to the highest structure within a 3.6m radius. As a result, a condition of consent is recommended and included in the draft conditions that the height of the two existing chimneys be increased to ensure the proposal is compliant with the BCA and to reduce adverse impacts to adjoining properties.

Following an assessment of the development application, it is considered that these non-compliances are acceptable on planning grounds.

During the two separate notification periods, Council received three (3) submissions to the original notification period and eighteen (18) submissions for the second notification period. All of the submissions objected to the development. The issues raised in the submissions related to concerns with the building height, overshadowing, bulk and scale, the intended use and chimney smoke. These matters are addressed in full detail in Section 9 of this report.

The development is considered to be consistent with the desired future character of the precinct as identified in the relevant planning instruments.

The development application is therefore recommended for approval subject to appropriate conditions of consent provided in Attachment 3 of this report.

2. The Site and Locality



Figure 1 – Aerial view of the subject site and surrounds

ITEM 2 (continued)

The site is located on the south western side of Western Crescent, Gladesville and is legally known as Lot 1 in DP 1232306, No. 101 Western Crescent, Gladesville. The site has a foreshore frontage to Glades Bay.

The site is slightly irregular rectangular shape, and has an area of 1,457m².

Currently, the site accommodates a single storey brick dwelling and detached brick garage. The garage is within the front setback, which is consistent with the neighbouring dwellings due to the slope constraint occurring on this side of Western Crescent. Landscaping consists of planted species within a domestic setting.

The site slopes from the north eastern (front) boundary (RL 20.3) to the south western (rear) boundary (approximately RL 6.0) that has a frontage to Parramatta River by approximately 14m. It is noted that the existing dwelling is located on the part of the site that is not affected by severe slope. Within the foreshore building line is the part of the site most affected by slope.

Figure 1 above shows the site in its context.

Figures 2 to 5 show photographs of the subject site.



Figure 2: Western Crescent frontage of the site showing existing detached garage.

ITEM 2 (continued)



Figure 3: The subject site as viewed from the existing dwelling towards the existing detached garage



Figure 4: View of the front of the existing house at No. 101 Western Crescent.

ITEM 2 (continued)



Figure 5: View of the backyard looking toward the waterfront.

3. The Proposal

The proposal is for the alterations and additions to the existing dwelling, including a new garage with basement storage within the front setback.

Details of the proposed development are as follows:

Detached garage

The site currently contains a detached garage/storage area within the front setback, which is proposed to be demolished, and where a replacement garage is proposed.

The proposed detached garage will have a larger building footprint than the existing garage/storage, being a double garage with a width of 6.43m and depth of 6m. This form of garage is consistent with other garages along this side of Western Crescent given the site topography.

Given the slope that exists from the street, the detached garage will have storage underneath that can be accessed from the rear of the garage (see **Figure 6**).

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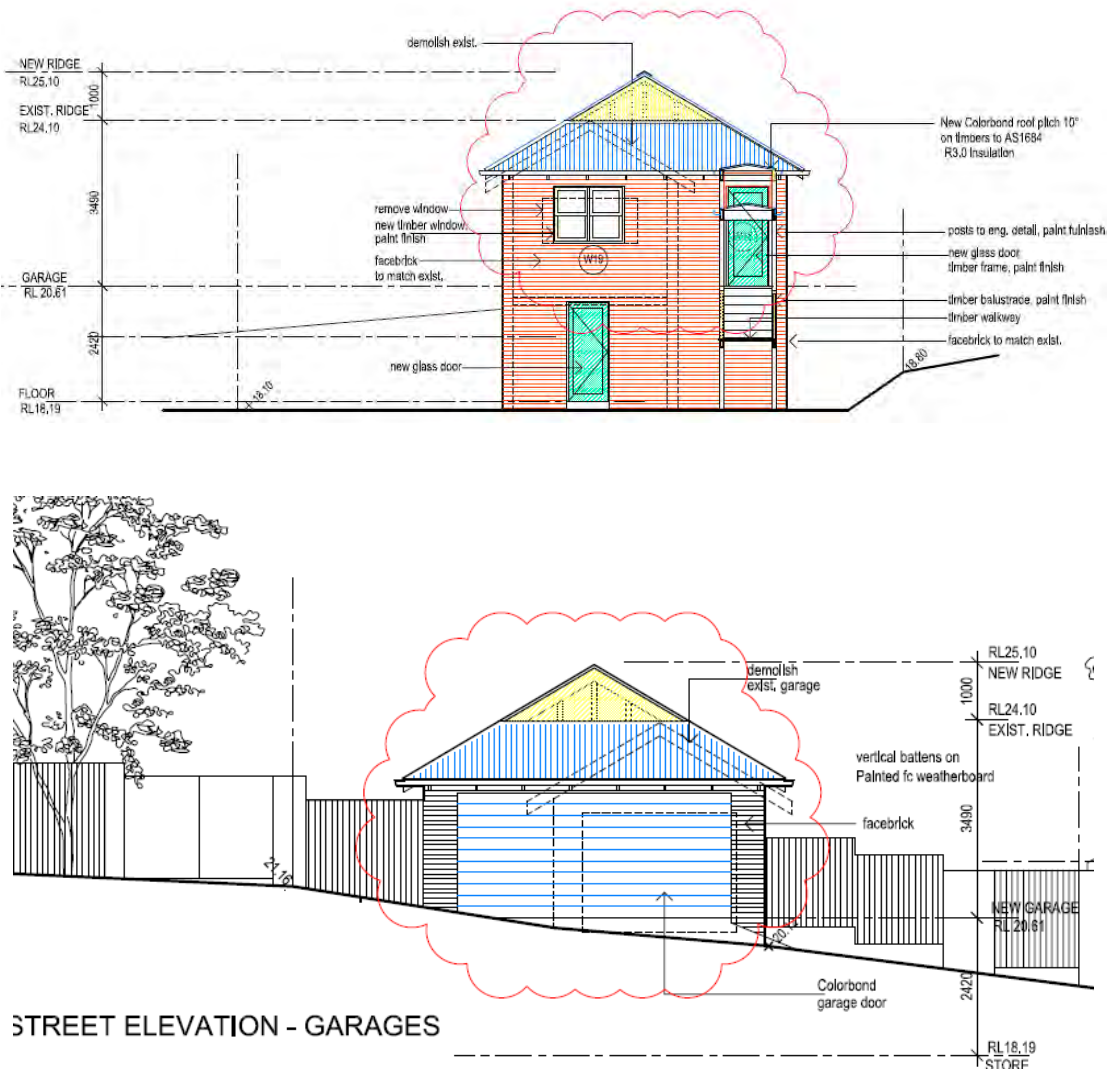


Figure 6: Elevations of proposed garage.

Additions to existing dwelling

The existing dwelling is a single storey dwelling. The additions to the existing dwelling are detailed below:

- Addition of an elevated walkway from the proposed detached garage to connect to the dwelling;
- A second storey addition for a studio/office at the front of the dwelling that is accessed from the abovementioned walkway;
- New Colorbond roof for the entire dwelling; and
- New rear deck.

ITEM 2 (continued)

Figure 7 below details the layout of proposed development.

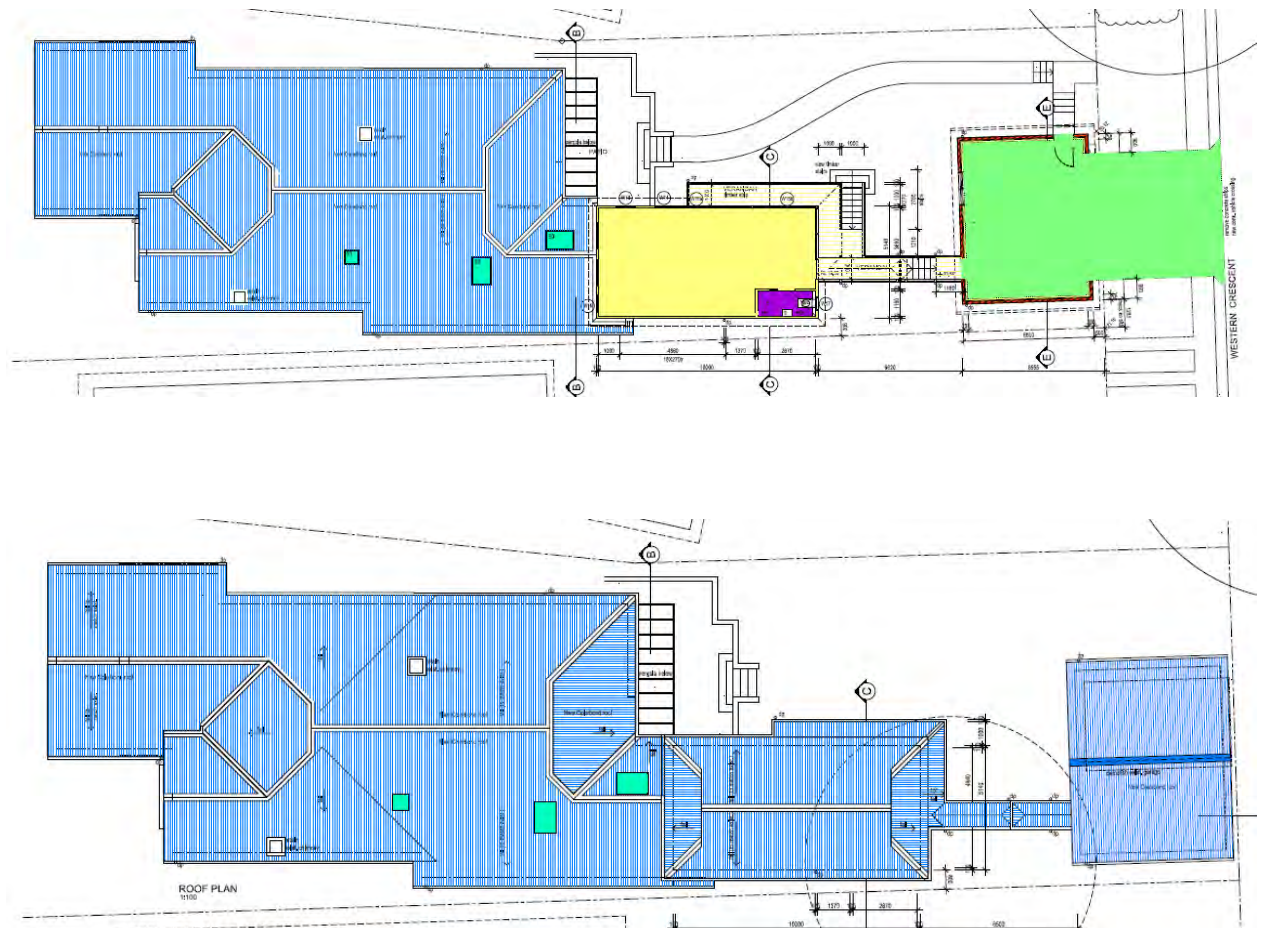
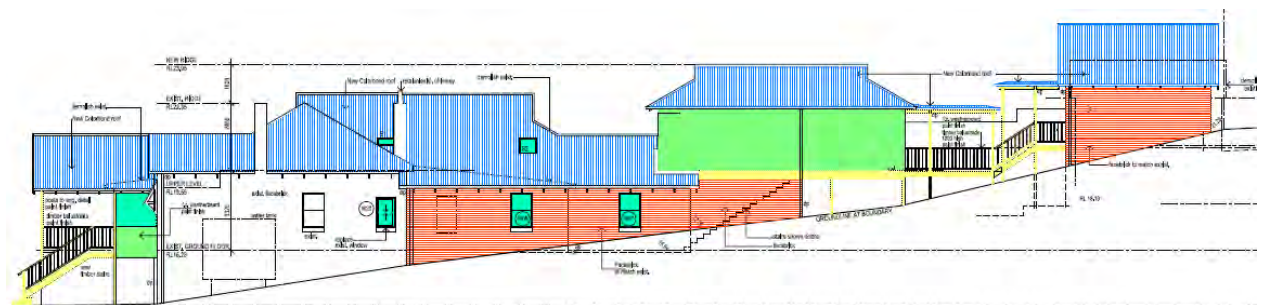


Figure 7: Site layout.

Figure 8 below details the development as viewed from the south (top) and north (bottom) elevation.



ITEM 2 (continued)



Figure 8: South and North elevations.

4. Background

The development application was submitted to Council on 21 December 2017.

A letter was sent to the applicant on 19 March 2018 which identified various issues with the application. These issues included:

Planning Issues

- The side setback to the southern boundary of the proposed second storey studio was proposed at 900mm. The RDCP 2014 requires second storey additions to be not less than 1.5m from any side boundary.
- Additionally, the plans provided did not clearly identify the ground floor additions as achieving a 900mm setback from the southern boundary, as required by the RDCP 2014 and the Building Code of Australia. Plans need to show a clear dimension for this setback that is compliant with the RDCP 2014.
- Concerns were raised in regard to the potential for overlooking from the proposed open walkway to the private open space/pool area at No. 103 Western Crescent. An appropriate privacy screen was requested to be included on amended plans.
- Whilst it was acknowledged that the proposed garage was similar in bulk and scale to the garage at No. 99 Western Crescent, the garage for No. 99 is not considered to be an accurate example of the existing or desired character of the street. The proposed garage was considered to be excessive, particularly in regard to the roof design. Additionally, the garage exceeded the maximum garage width within the RDCP 2014 of 6m by 1.6m. Amended plans were requested to be submitted showing the proposed garage with a modified roof form, such as a dutch gable, in order to reduce the prominence of the garage to the street, and that the garage width be reduced to comply with the 6m control.

ITEM 2 (continued)Structural Engineering Issues

The application was referred to Council's Consultant Structural Engineer (Cardno) for assessment. The initial assessment identified the following issues:

- The Geotechnical report identified that the proposed absorption trench was within a portion of the site identified as a potentially unstable.
- There were inconsistencies identified between the proposed stormwater design and the geotechnical report

Development Engineering Issues

The application was referred to Council's Development Engineer for assessment. The initial assessment identified the following issues:

- The applicant has not provided sufficient details for the bedrock and any affects related to having the absorption trench within close proximity to land prone to slope instability.
- The stormwater plan did not address the garage RL's being lower than the adjacent verge and carriageway. Amended plans were requested to provide drainage grates at the garage entry to avoid excess runoff entering the garage.

The applicant submitted amended plans on 13 April 2018 that satisfactorily addressed the above request for additional information, as outlined below:

- The amended plans provided reduced the setback of the second storey studio to meet the minimum 1.5m side setback requirement.
- The amended plans clearly identified the dimension of the ground floor setback to the southern boundary as being 900mm, thereby complying with both the BCA and RDCP 2014.
- The amended plans included a 1.6m high privacy screen along the southern side of the proposed walkway, mitigating any overlooking into No. 103 Western Crescent.
- The width of the proposed garage was reduced in the amended plans, and the roof form was modified to include a dutch gable.

The amended plans had sufficient changes to justify re-notification to adjoining neighbours, and are the subject of this report.

ITEM 2 (continued)

5. Planning Assessment

An assessment of the development in respect to Section 4.15 of the Environmental Planning and Assessment Act is detailed below.

5.1 State Environmental Planning Instruments

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

An amended BASIX Certificate (see Certificate No. A316325 dated 14 May 2018) has been submitted with the application.

The Certificate confirms that the development will meet the NSW government's requirements for sustainability, if it is built in accordance with the commitments set out in the BASIX Certificate.

A standard condition has been included in the Draft Consent requiring compliance with this BASIX certificate (see **Condition 3** and **66**).

Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

This planning instrument contains provisions that must be assessed when Council is considering a development application. These issues are in regard to biodiversity, ecology and environment protection; public access to and use of foreshores and waterways; maintenance of a working harbour; interrelationship of water and foreshore uses; foreshore and waterways scenic quality; maintenance, protection and enhancement of views and boat storage facilities.

The location of the proposed stormwater system at the rear of the existing dwelling is within close proximity to some vegetation separating the dwelling from the foreshore. Therefore, Council's Consultant Landscape Architect assessed the impact on any vegetation within the rear setback of the dwelling. Subject to conditions of consent imposed by Council's Consultant Landscape Architect (see **Conditions 32, 45, 46, 47, 48, 49, 50 and 51**) and Council's Development Engineer (see **Condition 37 and 65**), the proposal allows for the retention of all trees within the rear setback, and thus does not impact the foreshore area of the subject site in regard to biodiversity, ecology and environmental protection.

In addition to the above consideration of the retention of vegetation, the minor nature of the proposal and the location of the proposed works results in no specific controls in respect of this planning instrument being considered relevant to this assessment.

ITEM 2 (continued)

5.2 Ryde LEP 2014

The following is an assessment of the proposed development against the applicable provisions from the RLEP 2014.

Clause 2.3 - Zone Objectives and Land Use Table

The site is zoned 'R2 Low Density Residential' under the provisions of the RLEP 2014.

The proposed alterations and additions are permitted in this zoning as a "dwelling house".

The objectives of the zone include the following:

- *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 is considered to be consistent with the above objectives as the development contributes to the variety of housing within the Gladesville area, and complements the existing street character.

Clause 4.3 - Height of Buildings

Clause 4.3(2) states that the height of a building on this site is not to exceed the maximum height shown on the Height of Buildings Map.

The map specifies the maximum height for any building on the site as 9.5m. Building height is defined in this planning instrument as meaning the vertical distance between ground level (existing) at any point 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.

The proposed development responds to the site's topography, and is stepped down the site, as identified in **Figure 9** below. Therefore, multiple measurements for the height of the building are assessed as part of this application.

The proposed alterations and additions result in the maximum building height being 7.8m. The maximum height is measured for the existing dwelling with the proposed new roof. It is noted the new roof raises the ridge level from the existing roof.

ITEM 2 (continued)

The proposed studio has an overall height of 6.68m, and the proposed garage has an overall height of 5m.

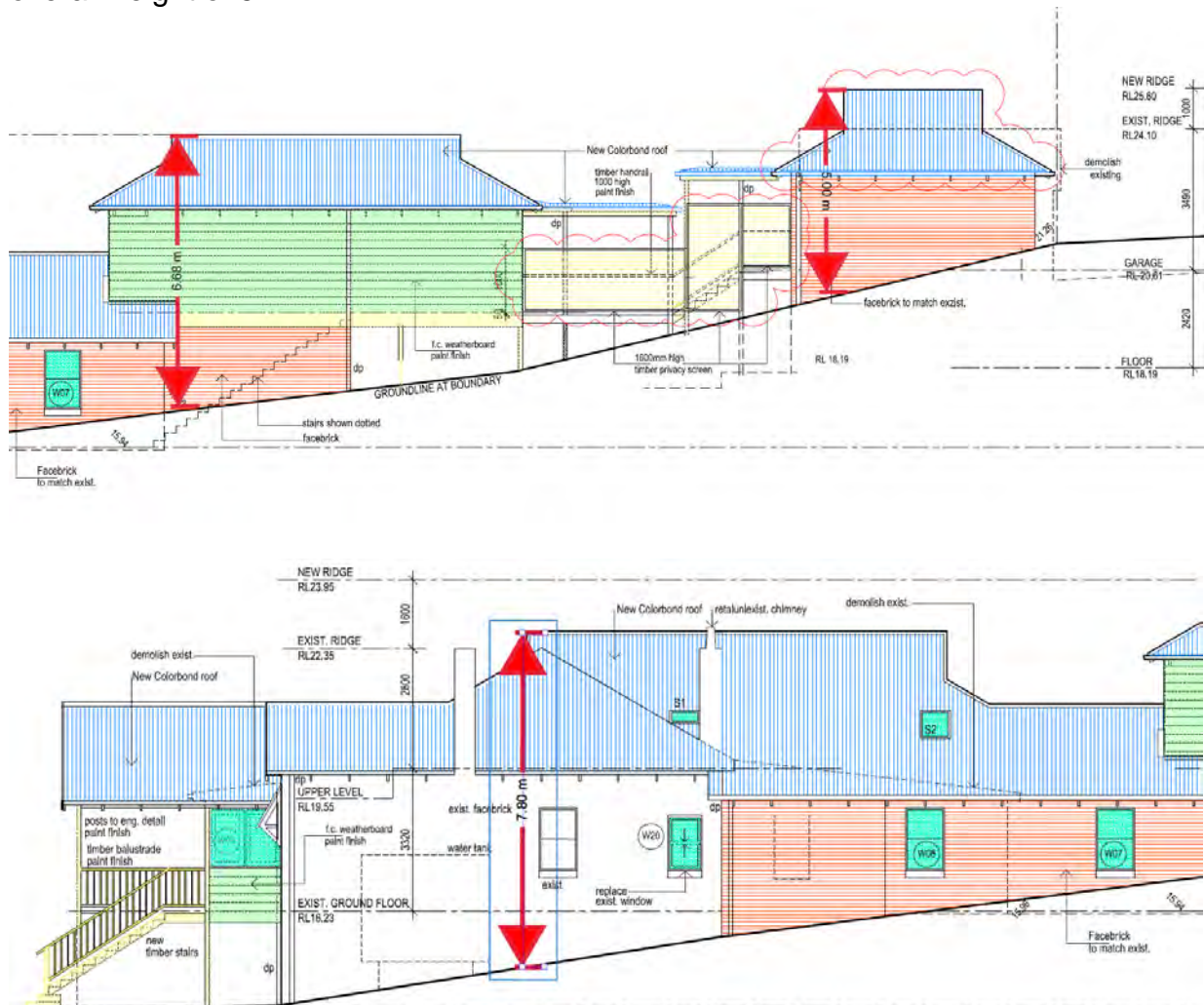


Figure 9: Elevations illustrating compliance with height control.

It is noted that the existing chimneys are recommended to be increased so that the chimneys are 1m higher than new ridge level (i.e. RL 22.8) for the part of the roof the chimneys are located.

Given the definition of building height excludes chimneys, the maximum building height is still considered to be 7.8m. Nevertheless, the raised chimney height does not result in the chimney exceeding the maximum building height of 9.5m.

ITEM 2 (continued)

Clause 4.4 Floor Space Ratio

Clause 4.4(2) states the floor space ratio (FSR) of a building is not to exceed the maximum specified on the FSR Map. The FSR Map specifies a maximum FSR of 0.5:1 for the site.

The site has an area of 1,457m², and therefore, the maximum gross floor area for the site is 728.5m². The proposed development results in the following gross floor area:

- Ground floor: 219.5m²
- First Floor: 40.5m²
- 298.1m² (minus) 36m² (garage)
- **Total GFA = 262.1m²**

Therefore, the proposed development has an FSR of 0.18:1, which, which complies with the maximum permitted FSR for the site under Clause 4.4(2).

Other provisions

The table below considers other provisions relevant to the evaluation of this proposal:

Provision	Comment
Clause 6.1 - Acid sulfate soils	The site is located within Class 5 acid sulfate soils. The site is within 500m of land identified as Class 2 acid sulfate soils. The applicant has stated that the proposed excavation will be occurring at RL 13 and RL 17 (AHD). Therefore, the preparation of an acid sulfate soils management plan is not required in this instance, as the proposed works will not occur at a height below 5m AHD, and are unlikely to lower the water table below 1m AHD.
Clause 6.2 - Earthworks	The proposed development includes excavation for the proposed garage and additions. Council's Development Engineer requires that a sediment and erosion control plan to be submitted prior to the issue of a Construction Certificate. See Condition 38 . Accordingly the development is considered satisfactory in respect of this clause.
Clause 6.4 - Stormwater management	The development has proposed the stormwater management system so that the development discharges to an absorption trench. Council's Development Engineer has identified that this absorption trench is insufficient in length (54m is required). As a result, Council's Development Engineer has provided a condition (see Condition 37) which specifies that the absorption trench should be replaced with an onsite dispersal system.

ITEM 2 (continued)

5.3 Draft Environmental Planning Instruments

There are no draft environmental planning instruments that affect the site.

5.4 Development Control Plans

Sydney Harbour Foreshores and Waterways Area DCP 2005

As the site falls within the Foreshores and Waterways Area of the SREP, the Sydney Harbour Foreshores and Waterways Area DCP 2005 is relevant to this assessment.

A full assessment of the proposal under the Sydney Harbour Foreshores and Waterways Area DCP 2005 is illustrated in the compliance table at **Attachment 2**.

The proposal is compliant with the controls within the Sydney Harbour Foreshores and Waterways Area DCP 2005.

City of Ryde Development Control Plan 2014 (RDCP 2014)

The following sections of the RDCP 2014 are of relevance, being:

- **Part 3.3 – Dwelling Houses and Dual Occupancy (attached).**
- **Part 7.2 - Waste Minimisation and Management.**
- **Part 8.1 - Construction Activities.**
- **Part 8.2 - Stormwater Management.**
- **Part 9.3 - Car Parking.**

A full assessment of the proposal under the Ryde DCP 2014 is illustrated in the compliance table at **ATTACHMENT 1**.

The non-compliances identified in the table are assessed in detail below:

1. Clause 2.9.1a & c - Front setback and garage setback (justifiable)

The RDCP 2014 (Section 2.9.1a) has a requirement that dwellings are to be generally setback 6.0m from the front boundary.

Additionally, the RDCP 2014 (Section 2.9.1c) also has a requirement that garages are to be setback a minimum of 1.0m behind the dwelling's front façade.

The proposal has a 500mm setback to Western Crescent, which is a similar setback to the existing detached garage/storage area.

ITEM 2 (continued)

The south-western side of Western Crescent north of the Ross Street intersection is constrained by significant slope, including within the front setback. As a result of the slope constraint, garages and parking structures are predominately located on the front boundary or within 6.0m of the front boundary.

This is demonstrated in **Figures 10, 11 and 12** below.



Figure 10 – Existing garage at No. 99 Western Crescent within the front setback.



Figure 11 – Existing garage at No. 93 Western Crescent within the front setback.

ITEM 2 (continued)



Figure 12 – Existing garage at No. 91 Western Crescent within the front setback.

The proposed garage setback is therefore considered to be acceptable for the following reasons:

- The proposed garage has a similar footprint to the existing garage (which is to be demolished);
- The slope of the site limits the locations available for parking spaces; and
- The proposed garage and setback is consistent with the street character.

2. Clause 2.6.2b - Cut level (justifiable)

The RDCP 2014 (Section 2.6.2b) has a requirement that the maximum excavation depth within the building footprint is to be 1.2m.

The proposal includes storage underneath the proposed garage, and proposes an excavation level up to 2.1m. Therefore, the proposed development exceeds this control by 900mm. It is noted that the existing garage already contains storage below the garage, as shown in **Figure 13** below.



Figure 13: Existing garage storage.

ITEM 2 (continued)

Given the width of the replacement garage is greater than the existing garage, further excavation is required to achieve the storage for the entire width of the garage (see **Figure 14** below). The depth of excavation required is approximately 2.1m at the front of the garage, with the eastern elevation of the proposed garage/storage roughly joining the existing ground level.

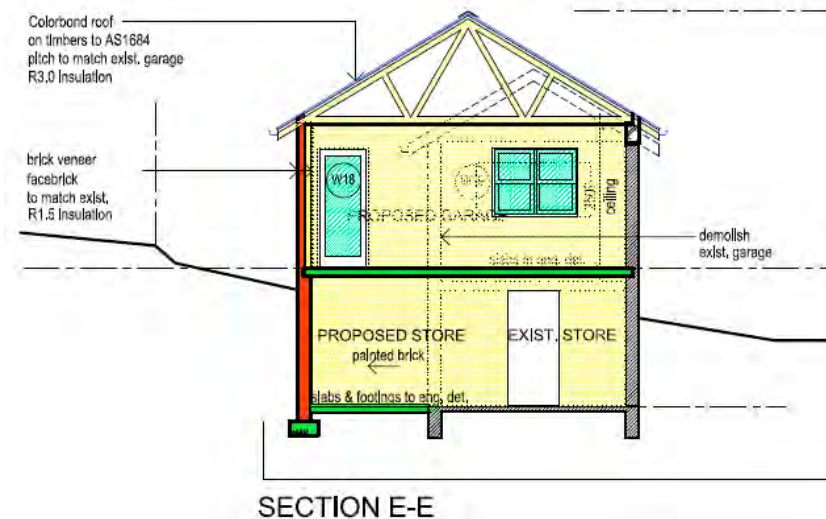


Figure 14 – Proposed garage section.

The level of excavation proposed is considered acceptable for the following reasons:

- The level of excavation responds appropriately to the site's topography;
- It is consistent with the existing development; and
- It does not result in any privacy issues for adjoining neighbours.

3. Clause 2.14c - Visual Privacy (resolved by condition)

The RDCP 2014 (2.14c) has a requirement that terraces and balconies are not to overlook neighbour's living areas and private open space.

The proposed rear deck is considered to pose direct views into the adjoining property (No. 99 Western Crescent).

A 1.8m high privacy screen shall be installed on the north western side of the balcony from the wall extending towards the rear boundary to ensure view lines are directed to the rear boundary, as shown in **Figure 15** below.

A condition of consent has been included in the draft consent (see **Condition 1a**).

ITEM 2 (continued)

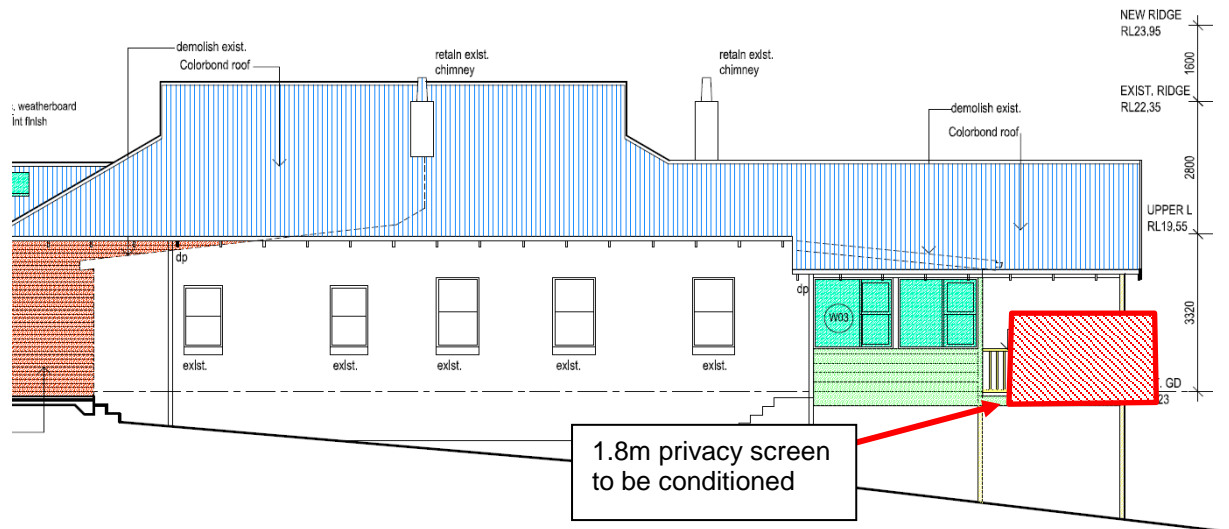


Figure 15 – Location of privacy screen required on northern elevation.

This non-compliance is therefore able to be resolved by an appropriate condition of consent.

5.5 Planning Agreements OR Draft Planning Agreements

There are no planning agreements or draft planning agreements for this Development.

5.6 Section 7.11 - Development Contributions Plan – 2007 Interim Update (2014)

As the development involves the demolition of the existing garage

Council must consider the provisions of *AS201-1991: The Demolition of Structures*.

Appropriate conditions of consent have been included to reflect this Australian Standard (see **Conditions 16 to 22**).

6. The likely impacts of the development

Most of the impacts associated with the proposed development have already been addressed in the report.

The development is considered satisfactory in terms of environmental impacts.

ITEM 2 (continued)

7. Suitability of the site for the development

The proposed development is considered to be a suitable development for the site, being permissible in the zone. As detailed earlier in this report, the development is consistent with the emerging character of the area and appropriately responds to the natural and built environmental assets and constraints of the site.

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

Foreshore Building Line

The proposed alterations and additions are occurring at the front of the site, and do not occur within (or within close proximity to) the foreshore building line. The foreshore building line is limited to 15m from the southern boundary of No. 101 Western Crescent, with the proposed alterations and additions are not within the building line and the foreshore area, and therefore, this does not warrant concern.

Landslip/Slope Instability

A satisfactory Geotechnical Report with suitable conditions has been provided to suitably address the landslip/slope instability.

Heritage

Council's Heritage Officer has raised no issues with the proposed development.

8. The Public Interest

The development is considered to be in the public interest as it is reasonably consistent with the relevant planning controls. Where variations to the planning controls occur in terms of front setbacks and excavation level, the proposed variation is not considered to have any potential impact to adjoining properties. The development complies with the objectives of the planning controls.

9. Submissions

Public Exhibition No. 1

In accordance with the RDCP 2014 *Part 2.1 Notice of Development Applications*, the owners of surrounding properties were given notice of the application between 17 January 2018 and 02 February 2018.

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In response, three (3) submissions were received over the notification period from the following properties:

Address
103 Western Crescent, Gladesville
35 Ross Street, Gladesville
95 Western Crescent, Gladesville

The submissions raised the following issues:

- **Smoke from existing chimneys**

Due to the amended plans, this issue has been discussed in detail later in this report under Public Exhibition No. 2

- **Visual privacy regarding balcony on south western elevation**

The owners of No. 35 Ross Street expressed concern that the balcony on the south western elevation would pose views to their pool and private open space.

Comment

This balcony is located towards the north western side of the house, with the pool of No. 35 Ross Street being located to the south of proposed balcony. Furthermore, this balcony will be located approximately 40m from the backyard of No. 35 Ross Street, and direct views to the pool will be obscured by the dwelling at No. 103 Western Crescent and significant landscaping (including mature trees) between the properties.

Therefore, this issue does not warrant a reason for the refusal of this application.

- **Bulk and height of proposed garage, studio and walkway**

Due to the amended plans, this issue has been discussed in detail later in this report under Public Exhibition No. 2

- **Visual privacy regarding walkway and studio to No. 103 Western Crescent**

Due to the amended plans, this issue has been discussed in detail later in this report under Public Exhibition No. 2

- **Overshadowing to No. 103 Western Crescent**

Due to the amended plans, this issue has been discussed in detail later in this report under Public Exhibition No. 2

ITEM 2 (continued)

- **Side setback**

Concern was raised in the submission that the side setback for the proposed additions did not meet the minimum ground floor setback of 900mm, and first floor setback of 1.5m was not met.

Comment

The plans that were initially submitted were not compliant in regard to the above setbacks. Amended plans were provided that comply with the side setbacks identified in the Ryde DCP 2014.

Therefore, this issue was addressed by the amended plans.

- **Retaining wall**

Concern was raised that the existing retaining wall on the dividing boundary between No. 101 and No. 103 Western Crescent would be compromised as a result of the proposed construction, leading to structural issues for both No. 101 and 103 Western Crescent. This retaining wall is adjoined by the driveway for No. 103 Western Crescent.

Comment

Appropriate conditions have been included in the conditions of consent in regard to managing the structural integrity of the existing retaining wall, including a condition that a certified structural engineer must design and certify all engineering works (see **Condition 25**). Additionally, the Geotechnical Report provides recommendations in regard to support for the retaining wall that are imposed by a condition of consent (see **Condition 11**).

Therefore, this does not warrant reason for refusal of this application.

- **Tree protection**

Concern was raised that the tree on the south eastern boundary of No. 101 Western Crescent would be impacted by the proposed development, resulting in a loss of amenity for No. 103 Western Crescent.

Comment

The tree in question is a *Glochidion ferdinandi* (Cheese Tree), as shown in **Figure 16** below.

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Figure 16 – *Glochidion ferdinandi* (Cheese Tree) located on southern boundary

The development will result in the Tree Protection Zone (TPZ) being encroached by 16.43%. An arborist report was submitted with the application that detailed the methods to be implemented to protect and retain this tree. Council's Consultant Landscape Architect has reviewed the report, and has considered the recommendations in the Arborist Report to be adequate. Although the development will encroach into the TPZ by 16.43%, the design of the dwelling is to be above the existing ground levels supported on isolated piers which will significantly reduce the level of impact to the tree. With appropriate protection measures in place and Arborist supervision undertaken during construction, the retention of the tree is achievable. These measures will be imposed by conditions of consent (see **Conditions 32, 45, 46, 47, 48, 49, 50 and 51**).

Therefore, this does not warrant reason for refusal of this application.

- **Single occupancy**

Due to the amended plans, this issue has been discussed in detail later in this report under Public Exhibition No. 2

ITEM 2 (continued)

- **Car parking**

Due to the amended plans, this issue has been discussed in detail later in this report under Public Exhibition No. 2

- **Dilapidation report**

Concern was raised that the proposal will damage the driveway at No. 103 Western Crescent.

Comment

A condition of consent has been included that all the proposed development is to be within the site boundaries of No. 101 Western Crescent. Additionally, conditions in regard to all engineering works are to be designed and certified by a structural engineer. Furthermore, the Geotechnical Report recommends a Dilapidation Survey be undertaken for the dwelling at No. 103 Western Crescent. A condition has been imposed that the recommendations of the Geotechnical Report be complied with (see **Condition 11**). Additionally, separate conditions have been imposed that a Dilapidation Report is to be undertaken for No. 103 Western Crescent (see **Conditions 29 and 68**).

This does not warrant refusal of this application.

Public Exhibition No. 2

In accordance with the RDCP 2014 *Part 2.1 Notice of Development Application*, owners of surrounding properties were given notice of the amended application between 23 April 2018 and 03 May 2018.

In response, eighteen (18) submissions were received over the notification period from the following properties:

Address
103 Western Crescent, Gladesville (2)
48B Ross Street, Gladesville
Submission did not provide address
96 Western Crescent, Gladesville
112 Western Crescent, Gladesville
50 Ross Street, Gladesville
80 Western Crescent, Gladesville

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89 Western Crescent, Gladesville
91a Western Crescent, Gladesville
81 Western Crescent, Gladesville
114 Western Crescent, Gladesville
77 Western Crescent, Gladesville
95 Western Crescent, Gladesville
84 Western Crescent, Gladesville
86 Western Crescent, Gladesville
75 Western Crescent, Gladesville
94 Western Crescent, Gladesville
105 Western Crescent, Gladesville

Note: the total number of unique submissions received during both public exhibition periods is 19 due to two (2) duplicate submissions being received on both occasions.

Figure 17 below details the location of submissions in relation to the subject site.



Figure 17 - Location of submissions in relation to the subject site

ITEM 2 (continued)

The submissions in response to the amended plans raised the following issues:

- **Overshadowing**

Concerns have been raised that the overshadowing cause by the proposed garage and studio will exceed the controls within the Ryde DCP 2014.

The submission also states that no additional shadow to the courtyard of No. 103 Western Crescent should be permitted.

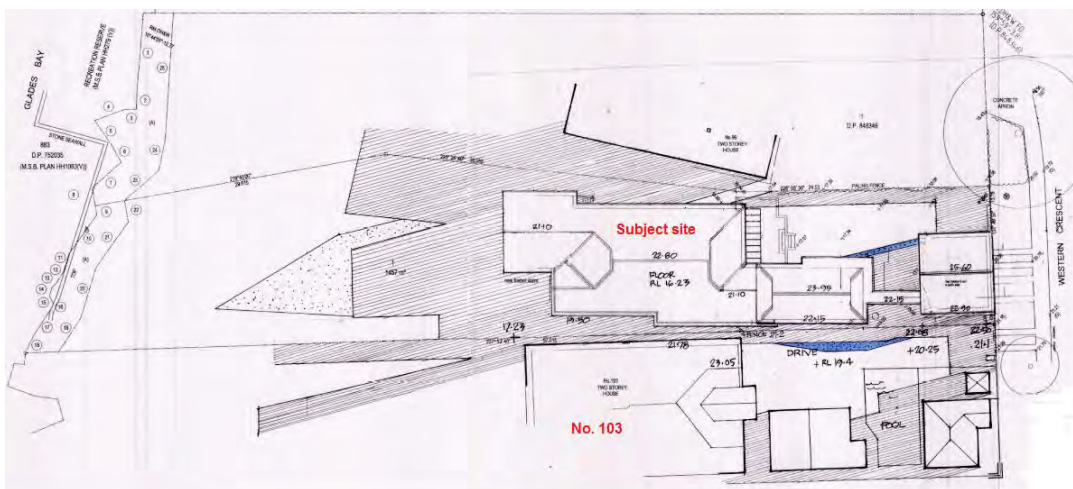
Concern was also raised that amended shadow diagrams were not provided with the amended plans, and that overshadowing was still non-compliant with the RDCP 2014.

Comment

The RDCP 2014 requires that:

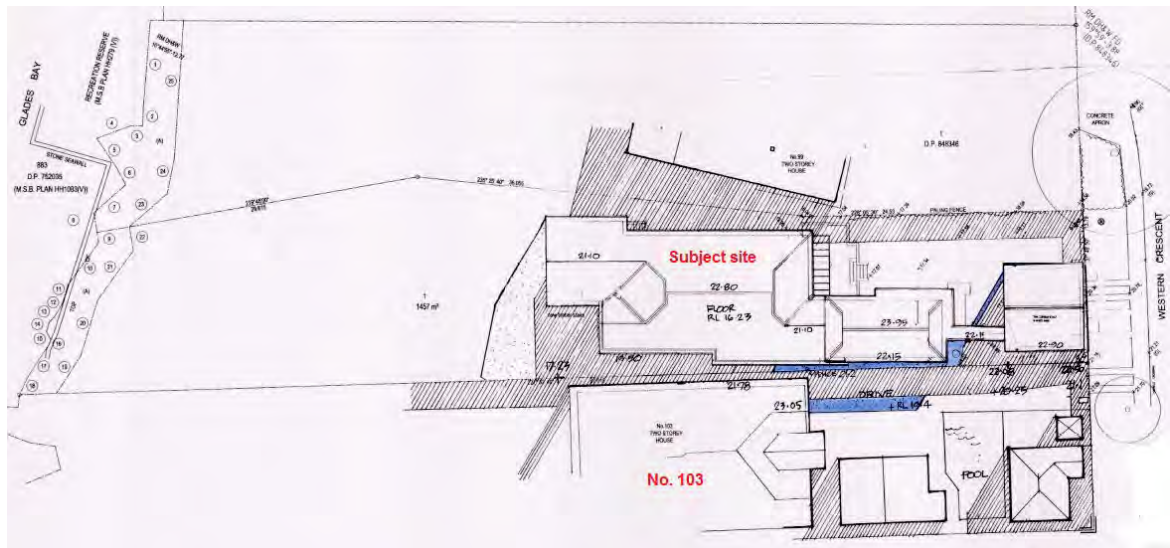
- North facing living room windows of neighbouring dwellings are to receive at least 3 hours of sunlight between 9am and 3pm on 21 June over a portion of their surface, where this can be reasonably maintained given the orientation topography of the subject and neighbouring sites; and
- Sunlight to at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

Figure 18 below details the extent of overshadowing between 9.00am and 3.00pm on 21 June. The additional overshadowing is demonstrated in blue.

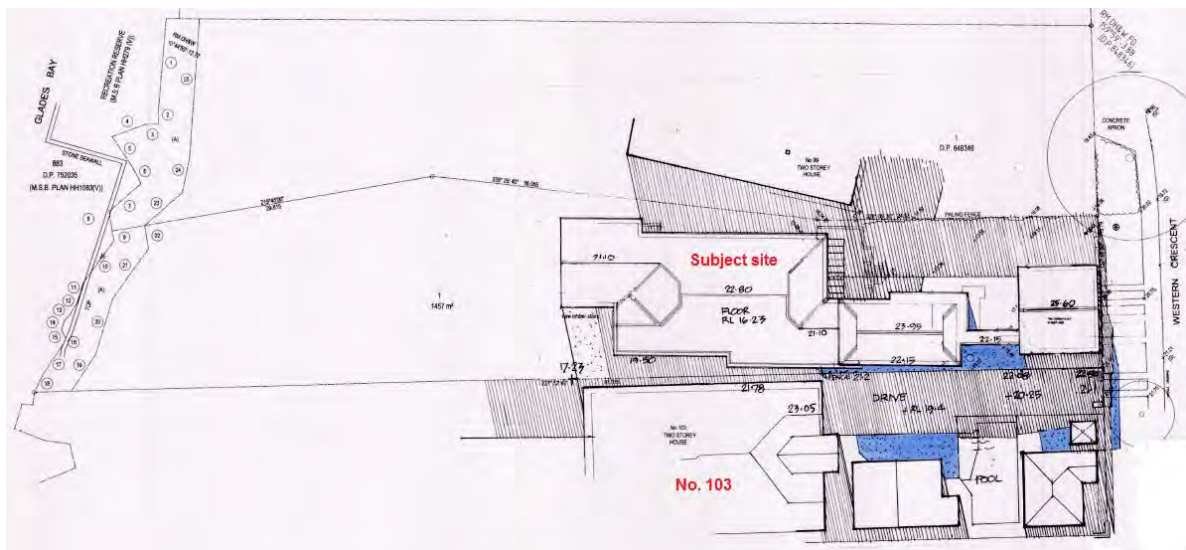


Shadows at 9.00am on 21 June

ITEM 2 (continued)



Shadows at Noon on 21 June.



Shadows at 3.00pm on 21 June.

Figure 18 – Shadows cast over No. 103 Western Crescent on 21 June.

The proposed development will not prevent any north facing living area windows from receiving a minimum of 3 hours sunlight. It is noted that the room in the northern corner of No. 103 Western Crescent is a bedroom, and not a living area.

Additionally, the pool area and associated private open space at the front of No.103 Western Crescent will still receive at least 2 hours sunlight between 9am and 3pm on June 21 to 50% of the area.

ITEM 2 (continued)

The amendments do not result in an increase in overshadowing to No. 103 Western Crescent.

The shadow diagrams demonstrate compliance with the RDCP 2014, and therefore, this issue does not warrant refusal of this application.

- **Bulk and scale**

Concern was still raised as to the height and bulk of the proposed studio. The submission requested height poles to be erected for the studio so to properly understand the bulk of the proposed addition.

Comment

The proposed studio is compliant with the maximum building height of 9.5m that is specified in the RLEP 2014, and complies with all height and roof form controls within the RDCP 2014.

Given the proposal complies with Council's controls in regard to bulk, scale, height and overshadowing, the use of height poles was considered to be unnecessary. It is noted that amended plans have been submitted with a Dutch gable roof, which significantly reduces the bulk and scale of the detached garage.

Therefore, this does not warrant a reason for refusal of this application.

- **Plan discrepancies**

Concern was raised as to the accuracy of the ridge level on the plans. Additionally, the submission raised concern that the plans did not clearly indicate that a 900mm side setback was achieved.

Comment

The amended plans provided clearly indicate that a 1m side setback is achieved to the southern boundary (see **Figure 19** below).

It is noted that the proposal includes a replacement roof for the dwelling. Therefore, the ridge level above the existing dwelling will be increased as a result of the new roof, and therefore, the ridge level does not conflict with the survey provided, as the plans reflect the new proposed ridge height.

Therefore, the amended plans provided are accurate in regard to the ridge level.

ITEM 2 (continued)

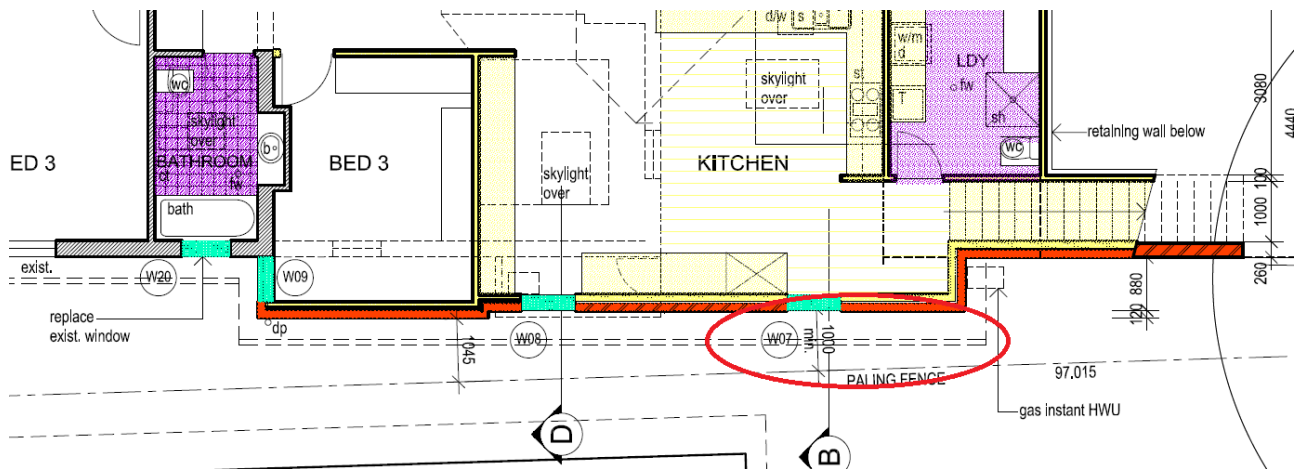


Figure 19 – Floor plan showing the provision of the 1m side setback.

The proposed building height is compliant with Council’s LEP and DCP 2014, and therefore, this issue does not warrant refusal of this application.

• **Chimneys**

Concerns were raised regarding the ongoing complaints lodged by neighbours with Council in regard to the two existing chimneys at No. 101 Western Crescent. Neighbours have previously raised concerns with Council regarding allegedly toxic emissions from the existing chimneys.

Comment

It is noted that an officer from Council’s Environmental Health Department had attended the site on multiple occasions, and had found no evidence of such emissions. Regardless, the owners of No. 101 Western Crescent were informed that they are required to:

- Burn only seasoned, dry and untreated timber.
- Increase the air supply of the chimney when they notice excessive smoke.
- Regularly clean the wood heater/fireplace and flue-chimney stack, particularly at the start of each season.
- Maintain a bright flame when burning timber, rather than leaving timber to smoulder.

ITEM 2 (continued)

Regardless, a condition of consent has been imposed (see **Condition 1b** and **33**) that, given the dwelling proposes a new roof, that both chimney heights are to be increased so that the chimney height is one (1) metre higher than the proposed ridge at the rear of the dwelling, resulting in the chimney on the southern side of the dwelling increasing in height by 1.56m, and the chimney on the northern side of the dwelling increasing by 1.7m. This condition has been included so that the chimneys are compliant with the Building Code of Australia.

An increase in chimney height may also assist in reducing the impact of the smoke for neighbouring properties.

Therefore, this does not warrant a reason for the refusal of this application.

- **Stormwater**

Concern was raised in regard to the proposed absorption trench, specifically that the geotechnical report raised concerns with this trench.

Comment

Council's Development Engineer has reviewed that amended plans. A condition has been imposed that the proposed absorption system is to be replaced with an onsite dispersal system so to adequately address the stormwater constraints and geotechnical report. The amended Geotechnical Report, and comments from Council's Consultant Structural Engineer, raise no issues with the proposed location of the proposed stormwater infrastructure.

Therefore, this issue is resolved by a condition of consent.

- **Asbestos**

Concern has been raised that the existing dwelling will contain asbestos given the age of the dwelling.

Comment

Standard conditions of consent in relation to storage, disposal and transport of any asbestos waste that may be found on site have been included in the condition of consent (see **Conditions 19** and **20**).

Therefore, this issue does not warrant refusal of this application.

ITEM 2 (continued)

- **Dual occupancy use**

The submission raised the same concerns previously raised in the first public notification period in regard to the use of the dwelling as a dual occupancy.

Comment

A condition (see **Condition 73**) has been imposed in the conditions of consent that the dwelling is to be used as a single occupancy only.

This does not warrant refusal of this application.

- **Increased level of traffic and parking concerns**

Concern was raised that size and scale of the proposed dwelling would lead to a commercial use or the use as more than one domicile, which would result in infrastructure and parking issues, including an increased level of traffic on Western Crescent and reduced access points to Western Crescent.

Comment

The proposal involves the addition of a small studio and walkway from a replacement garage only, and is not considered multi-dwelling housing. The application does not include a proposed change of use for a commercial use. Nevertheless, a condition (see **Condition 73**) has been included in the conditions of consent restricting the dwelling to the use as a single occupancy only.

The proposed alterations and additions are not considered to increase the level of traffic on Western Crescent and the surrounding road network.

The proposed garage provides two (2) parking spaces for the dwelling, which is compliant with the Section 9.3 of the RDCP 2014. Furthermore, it is noted that the proposed double garage will replace a single garage, and will not involve any additional driveway crossings to facilitate access to the new garage.

Therefore, the additional off-street parking space provided will improve parking conditions on Western Crescent.

This does not warrant refusal of this application.

- **Concern with use for student accommodation**

Concern was raised that the proposed use of the dwelling will be for backpackers and student accommodation.

ITEM 2 (continued)Comment

This application has not proposed a change of use for student accommodation or a boarding house. The approved use as a dwelling house will not change as a result of this proposal.

Nevertheless, a condition (see **Condition 73**) has been included in the conditions of consent restricting the dwelling to the use as a single occupancy only.

This does not warrant refusal of this application.

- **Combined length of proposed alterations and additions**

Concern was raised that the combined length of the existing home and the proposed studio exceeds 45m which is double or more than the length of existing building in the local area.

Comment

The proposed alterations and additions do not result in a dwelling with a significantly increased building footprint.

The proposed studio extends the length of the dwelling by approximately 8m. The walkway provided from the garage to the new studio is a semi-open structure, and is located between the detached garage and studio, and therefore, does not increase the overall length of the existing dwelling towards the rear boundary.

The addition of the proposed deck at the rear of the existing dwelling is not considered to add bulk and detract from the existing street character, particularly given it cannot be viewed from the street.

This does not warrant refusal of this application.

10. ReferralsInternal Referrals**Development Engineer**

The amended plans were referred to Council's Development Engineer for consideration.

ITEM 2 (continued)

The following comments have been provided:

“Stormwater Management

The proposed stormwater management system for the development discharges to Parramatta River via absorption trench at the rear of the development. This development is exempt from having to provide OSD system in accordance with City of Ryde’s OSD exclusion mapping zone.

A review of the revised plans and commentary from Geotechnical Engineer has noted the following matters which need to be addressed;

- The trench provided is 9m in length. The trench length required is 54m to accommodate the pervious area runoff for the site discharging to the absorption trench. Given the soil type and the rear downstream backing to Parramatta River, the best solution is to replace the absorption system with onsite dispersal system.*
- The revised geotechnical report highlights the potential for the trenches to be surcharged and for overflow to occur; the frequency of such an event will depend on the rainfall patterns. To mitigate this, a mound needs to be created after the trenches to stop overflows exiting the site and causing environmental degradation downstream. Furthermore, provide OSD to control the flow discharging to the onsite dispersal system. The OSD is to have total detention storage of 11.50m³ and maximum permitted site discharge rate (PSD) of 11.08 l/s.*

These can be dealt within the standard condition of consent regarding stormwater management.

Vehicle Access and Parking

The garage opening, width and depth satisfy AS2890.1 design requirements. The garage has sufficient width to allow for dual parking spaces.

Recommendation

Assessment of the engineering components of the proposed development has revealed the following matters;

- The trench length provided is not adequate. Replace the absorption system with onsite dispersal system given the rear yard falls to Parramatta River.*

ITEM 2 (continued)

- *Revised geotechnical report highlights the potential for the trenches to be surcharged and for overflow to occur. Create a mound after the trenches & provide an OSD to control the flow discharging to the onsite dispersal system. The OSD is to have total detention storage of 11.50m³ and maximum permitted site discharge rate (PSD) of 11.08 l/s.*

There are no objections to the proposed development with respect to the engineering components. The above can be dealt within the standard condition of consent.”

Council's Senior Coordinator of Development Engineering was asked to provide further comments in regard to the location of proposed stormwater management system in regard to vegetation at the rear of the dwelling.

The following comments have been provided:

“In response to concerns regarding the potential removal of trees arising from construction of the dispersal trench at the rear of the site, Council’s engaged arborist consultant has inspected the site with respect to the proposed trench location and vegetation conditions and advised (amongst other matters);

- *The proposed dispersal trench should be reduced in width from 9.5m to 6m to provide additional clearance from existing trees to be retained. This would be sufficient to ensure there is minimal disturbance to existing root matter.*
- *The proposed trench is to be located as far as possible to the edge of the sandstone bench, again to maximise the level of clearance from trees to be retained.*
- *The proposed trench excavation is to be undertaken by hand under the supervision of a suitable qualified arborist.*

With respect to stormwater management, the reduction of the trench width to 6m would not have any detrimental impact in terms of stormwater management as the proposed stormwater management system is to implement an OSD system so as to reduce the rate of stormwater runoff to the downstream area. Additionally there is no objection to the relocation of the trench closer to the foreshore as the presence of exposed sandstone strata immediately downstream would have no difference.

ITEM 2 (continued)

In consultation with the consultant it is also agreed that the nominated size of the trench, which the applicants stormwater consultant has simply replicated a typical absorption system detail, may be reduced in scope in terms of excavation and implement a perforated ag-line, so as to assist in the placement of this system amongst root matter in the area.

Recommendation

Following consultation with the Council's engaged arborist, the condition concerning the design and construction of the stormwater management system are to be implemented".

Conditions have been imposed under **Conditions 12 to 15, Conditions 34 to 38, Condition 44** and **Conditions 69 to 72.**

Consultant Structural Engineer (Cardno)

A referral was made to Council's Consultant Structural Engineer (Cardno), and the following comments have been made:

"As requested the amended architectural drawing and the supplementary geotechnical report dated 13 April 2018 by Davies Geotechnical Pty Ltd (Davies) have been reviewed and we comment as follows:

- 1. The issue of the architectural drawings has been revised from A to B but these drawings appear to be substantially the same.*
- 2. The supplementary report dated 13 April 2018 by Davies assesses that the installation of an absorption trench system for the disposal of stormwater if constructed as recommended will not alter the advice given in the Davies' report dated 20 September 2017, i.e. "In our opinion there are no requirements for any special measures to be incorporated into the proposed additions in regards to slope instability risk, other than good practice for construction relating to excavations, footings and drainage for the proposed building work as discussed further below".*

Cardno assesses that the Davies Geotechnical reports dated 20 September 2017 and 13 April 2018 satisfy Council's normal requirements for geotechnical reports submitted in relation to developments on sites shown on Council's maps as being at risks of slope instability.

ITEM 2 (continued)

3. *Should Council's officers decide to approve this application, then Cardno suggests that this approval be conditional requiring that all design and construction works be executed in full compliance with all of the recommendations as contained in the Davies Geotechnical reports dated 20 September 2017 and 13 April, 2018."*

Conditions have been imposed under **Conditions 1 and 11.**

Consultant Landscape Architect

A referral was made to Council's Consultant Landscape Architect, and the following comments have been provided:

"This assessment considers the proposed impact on existing trees and landscaping as part of a development application for the purposes of alterations and additions to an existing dwelling house at the subject site being 101 Western Crescent, Gladesville.

No trees are proposed for removal as part of the alterations and additions. Two (2) trees are located away from the proposed works and as such should not be affected provided standard tree protection measures are in place. One (1) tree is to suffer a major (16%) level of encroachment from the new building footprint and walkways on site. Despite this, as described within the Arborist Assessment, provided appropriate Arborist supervision is carried out and protection measures are in place, impacts should be capable of being mitigated to a sustainable level.

Minimal additional or modification to existing landscaping is proposed as part of the alterations and additions, with only minor paving additions at the ground floor dwelling entry to be undertaken."

A second referral was made to Council's Consultant Landscape Architect in regard to the impact the proposed stormwater management system would have on vegetation at the rear of the dwelling.

The following comments have been provided:

"These comments are centred around the potential of the revised stormwater design to impact on trees located within the rear open space, in particular the location of the proposed absorption trench. Given the presence of trees within the rear open space were not considered as part of the applicant's development application, the site was re-inspected on Tuesday the 26th of June 2018 to confirm the location of trees and verify the trench location to determine if design modifications were necessary to minimise impacts.

ITEM 2 (continued)

The following recommendations are made to ensure impacts to existing trees located on the subject site and neighbouring allotment are mitigated to a sustainable level:

- The stormwater disposal trench is to be reduced in length from 9.5m to 6m to provide additional clearance from the existing trees to be retained and push the proposed excavation works to the outer areas of the Tree Protection Zones whereby less root matter is likely to be disturbed during construction.*
- The stormwater disposal trench is to be located as far to the west and as close as possible to the terrace edge as possible, again to provide additional clearance from the existing trees and push the proposed excavation works to the outer areas of the Tree Protection Zones whereby less root matter is likely to be disturbed.*
- The proposed tunnel trench pipe is to be substituted for a flexible ag-pipe to enable it to be threaded between any existing tree roots identified which are to be maintained intact.*
- The 450x450mm sediment control pit located adjacent to the absorption trench should be centred within the lawn area between the existing *Angophora costata* located on the subject site and the group of *Casuarina cunninghamiana* located on the adjoining allotment to the north.*
- A high level of tree protection and Arborist supervision will be necessary to ensure impact are mitigated during construction. This includes strictly hand digging within the TPZ areas under the supervision of a suitably qualified Arborist with all tree roots maintained intact.*

Conditions have been imposed under **Conditions 32, 45, 46, 47, 48, 49, 50** and **51**.

Heritage Officer

A referral was made to Council's Heritage Officer, who made the following comments:

"Consideration of the heritage impacts:

The subject site contains a single storey detached dwelling house which displays the principal characteristics attributed to the early 20th century and of the Federation bungalow architectural style.

ITEM 2 (continued)

The dwelling is oriented to face Glades Bay and as such, the rear elevation presents to the streetscape. Nonetheless, the dwelling itself is situated towards the centre of the site, and is partially lower than the street level, whereby having a relatively silent contribution to the streetscape.

The dwelling appears to have been subject to previous structural and cosmetic alterations and is not presently identified as an item of heritage significance. Nonetheless, given the age of the dwelling, it is recommended that a photographic archival recording be undertaken prior to any changes being made to the dwelling.

The site itself is situated within the vicinity of a number of identified sites of Aboriginal heritage significance. Given the topography of the site and that it is at the interface of the Parramatta River / Glades Bay foreshore, the site has high potential to yield further Aboriginal cultural heritage resources.

The proposed development includes alterations and additions to the existing dwelling, together with the construction of a new garage with basement level storage area. Minimal excavation works are proposed, associated with the garage. These excavation works are also concentrated towards the higher (street front) end of the site, where the managed landscape has been most disturbed.

In this manner, the proposed alterations and additions are unlikely to impact on any potential Aboriginal cultural resources that may be present on the site.

Given the above considerations, I do not consider an Aboriginal Heritage Assessment to be warranted in this circumstance and the proposal is supported on heritage grounds.”

Conditions have been imposed under **Conditions 53** and **64**.

Environmental Health Officer

A referral was made to Council's Environmental Health Officer, and the following comments were made:

“I refer to the application for 101 Western Crescent Gladesville. The applicant proposes a number of alterations and additions to the existing dwelling, a new roof, raising the ridge height of the existing roof, new studio and new garage facing Western Crescent. No alterations are proposed to the existing chimneys.

ITEM 2 (continued)

Environmental Health have received numerous complaints from neighbours concerning smoke and odour, amongst other matters, allegedly caused by both 101 and 99 Western Crescent Gladesville.

I have attended the site and reviewed the plans submitted for LDA2017/546. My comments are based on the information submitted, a site inspection, review of the complaints and a review of the following legislation:

- *Protection of Environment Operations Act, 1997*
- *Protection of Environment Operations (Clean Air) Regulation 2010*
- *Protection of Environment Operations (General) Regulation 2009*
- *National Code of Construction Volume Two (Building Code of Australia).*

As the applicant is proposing to install a new roof in the portion of the dwelling containing the chimneys and raise the height of the ridgeline in this section of the dwelling, the applicant shall therefore be required to comply with the current Building Code of Australia in regards to the chimneys although the applicant does not propose any alteration to the existing chimneys.

The Building Code of Australia (performance based) requires that the height of the chimney shall be a minimum of 300mm above the highest point of the ridgeline within 3.6 metres of the chimney (i.e. of the subject building). However, this height increase may not assist to reduce the impact of smoke in the neighbouring premises. Therefore, it is recommended that the height of the chimney be raised 1 metre above the new proposed ridgeline in the section of the building at the rear of the dwelling.

This may assist to reduce the impact of smoke in the neighbouring premises, however will not eliminate the smoke drift altogether. As discussed with Council's Senior Coordinator of Building and Compliance, I recommend that the specific conditions regarding raising the chimney height and upgrading the structure of chimney, hearth, fireplace and footings be included should the application be approved. The applicant should be advised that a structural engineer may assist regarding the structural adequacy of the existing chimneys and appurtenant features."

Conditions have been imposed under **Conditions 1b, 19, 20, 21, 22, 23, 33 and 74.**

ITEM 2 (continued)

11. Conclusion

After consideration of the development against the relevant section of the Environmental Planning and Assessment Act 1979 and the relevant statutory and policy provisions, the proposal is considered suitable for the site and is in the public interest. The development application is recommended for approval subject to conditions for the following reasons:

- 1) The proposed development satisfies the objectives of the R2 Low Density Residential zone. The development is also permissible and complies with the development standards under the RLEP 2014.
- 2) The development results in breaches to the RDCP 2014 in respect to the garage being located within the front setback. However, the proposed garage has a similar footprint to the existing garage and the slope of the site results in no other options for the garage location. In addition, the garage is consistent with the existing streetscape.
- 3) The development results in breaches to the RDCP 2014 in respect to maximum excavation. Despite this, the extent of the excavation is acceptable as it will not result in any adverse impacts to adjoining properties and is consistent with the existing development.
- 4) Appropriate conditions of consent have been imposed to address any overlooking issues and impacts from the existing chimneys. These conditions will ensure that the development is not likely to adversely impact the residential amenity of adjoining properties.

The issues raised in the submissions have been adequately addressed in the assessment report.

12. RECOMMENDATION:

Pursuant to Section 4.16 of the *Environmental Planning and Assessment Act 1979*, the following is recommended:

- (a) That the City of Ryde Council Local Planning Panel grant consent to development application LDA2017/0546 for the Additions and alterations to dwelling including a new garage and basement storage within the front setback at 101 Western Crescent, Gladesville, subject to the conditions of consent in **Attachment 3** of this report.

And

ITEM 2 (continued)

(b) That the persons who made submissions be advised of this decision.

ATTACHMENTS

- 1 Compliance Check
- 2 Foreshores DCP Compliance Table
- 3 Draft Conditions of Consent
- 4 Geotechnical Report - 28 September 2017 (Version A)
- 5 Geotechnical Report - 13 April 2018 (Version B)
- 6 A3 Plans - subject to copyright provisions - CIRCULATED UNDER SEPARATE COVER

Report Prepared By:

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Report Approved By:

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ITEM 2 (continued)

ATTACHMENT 1

Compliance Check - Quality Certification

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

LDA No: LDA2017/0546	Date Plans Rec'd:
Address: 101 Western Cr Gladesville	
Proposal: Additions and alterations to dwelling including a new garage and basement storage within the front boundary.	
Constraints Identified: Landslip/Slope Instability, Within 100m of heritage item, Aboriginal Heritage, Bushland, Foreshore building line, Acid sulfate (Class 5),	

COMPLIANCE CHECK

Ryde LEP 2014	Proposal	Compliance
4.3(2) Height		
9.5m	7.9m	Yes
4.4(2) & 4.4A(1) FSR		
0.5:1 Site area: 1457m ² Max GFA: 728.5m ²	Ground floor: 219.5m ² First Floor: 40.5m ² 298.1m ² (minus) 36m ² (garage) Total GFA = 262.1m² (or 0.18:1)	Yes

DCP 2014	Proposed	Compliance
<i>Part 3.3 - Dwelling Houses and Dual Occupancy (attached)</i>		
Desired Future Character		
Development is to be consistent with the desired future character of the low density residential areas.	The proposed development is consistent with the desired future character of the low density residential area as detailed further in this table.	Yes

ITEM 2 (continued)

ATTACHMENT 1

DCP 2014	Proposed	Compliance
Dwelling Houses		
<ul style="list-style-type: none"> - To have a landscaped setting which includes significant deep soil areas at front and rear. - Maximum 2 storeys. - Dwellings to address street - Garage/carports not visually prominent features. 	<p>Front and rear gardens proposed.</p> <p>Two storeys</p> <p>Given the slope of the site, the dwelling is unable to address the street. The proposed garage will address the street, which is the existing arrangement, and is consistent with the streetscape.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
Alterations and Additions		
<ul style="list-style-type: none"> - Design of finished building appears as integrated whole. - Development to improve amenity and liveability of dwelling and site. 	<p>Achieved, given site constraints.</p>	<p>Yes</p>
Public Domain Amenity		
<p>Streetscape</p> <ul style="list-style-type: none"> - Front doors and windows are to face the street. Side entries to be clearly apparent. - Single storey entrance porticos. - Articulated street facades. 	<p>The garage is the only building element that addresses the street, given the significant slope constraint of the site. This is considered acceptable, as it is the existing arrangement, and is also consistent with the existing streetscape.</p>	<p>Yes</p>
<p>Public Views and Vistas</p> <ul style="list-style-type: none"> - A view corridor is to be provided along at least one side allotment boundary where there is an existing or potential view to the water from the street. Landscaping is not to restrict views. Garages/carports and outbuildings are not to be 	<p>Given the existing house is stepped to address the slope, the additions will not restrict views.</p>	<p>Yes</p>

ITEM 2 (continued)

ATTACHMENT 1

DCP 2014	Proposed	Compliance
located within view corridor if they obstruct view. Fence 70% open where height is >900mm.		
Pedestrian & Vehicle Safety <ul style="list-style-type: none"> - Car parking located to accommodate sightlines to footpath & road in accordance with relevant Australian Standard. - Fencing that blocks sight lines is to be splayed. 	New garage is in the same location as the existing garage. No issues with sightlines given close proximity to street.	Yes
Site Configuration		
Deep Soil Areas <ul style="list-style-type: none"> - 35% of site area min. - Min 8x8m deep soil area in backyard. - Front yard to have deep soil area (only hard paved area to be driveway, pedestrian path and garden walls). - Dual occupancy developments only need 1 of 8 x 8m area (doesn't have to be shared equally). 	Permeable (deep soil) area: Greater than 50% of site. Rear DSA dimensions: greater than 8m x 8m provided. Front DSA: Not applicable given garage fronts street and slope constraint.	
Topography & Excavation <p>Within building footprint:</p> <ul style="list-style-type: none"> - Max cut: 1.2m - Max fill: 900mm <p>Outside building footprint:</p> <ul style="list-style-type: none"> - Max cut: 900mm - Max fill: 500mm - No fill between side of building and boundary or close to rear boundary - Max ht retaining wall 900mm 	Within BF Max cut: 2.1m Max fill: Nil Outside BF Max cut: Nil Max fill: Nil	No (justifiable)

ITEM 2 (continued)

ATTACHMENT 1

DCP 2014	Proposed	Compliance
Height		
- 2 storeys maximum (storey incl basement elevated greater than 1.2m above EGL).	2 storeys proposed.	Yes
- 1 storey maximum above attached garage incl semi-basement or at-grade garages.	Garage is single storey with storage underneath.	Yes
Wall plate (Ceiling Height) - 7.5m max above FGL <i>or</i> - 8m max to top of parapet <i>NB:</i> <i>TOW = Top of Wall</i> <i>EGL = Existing Ground Level</i> <i>FGL = Finished Ground Level</i>	TOW RL: 22.29 FGL below (lowest point): RL: RL 16.29 Wall plate height = 6m	Yes
9.5m Overall Height <i>NB:</i> <i>EGL = Existing Ground Level</i>	Max point of dwelling RL: 22.95 EGL below ridge (lowest point): RL: 15.15 Overall Height = 7.8m	Yes
Habitable rooms to have 2.4m floor to ceiling height (min).	2.5m min room height.	Yes
Setbacks		
SIDE Single storey dwelling - 900mm to wall - Includes balconies etc	To wall min : 1m from southern boundary 2.1m to northern boundary	Yes
SIDE First floor addition - 1500mm to wall - Includes balconies etc	To wall min 1.5m from southern boundary.	Yes

ITEM 2 (continued)

ATTACHMENT 1

DCP 2014	Proposed	Compliance
SIDE Two storey dwelling - 1500mm to wall - Includes balconies etc	n/a	
Side setback to secondary frontage (cnr allotments): 2m to façade and garage/carports	n/a	
Front - 6m to façade (generally) - Garage setback 1m from the dwelling façade - Wall above is to align with outside face of garage below. - Front setback free of ancillary elements eg RWT, A/C	Garage is setback 500mm from front boundary. This is the existing arrangement, and is consistent with the streetscape given the significant slope constraint along the south western side of Western Crescent.	No (justifiable)
Rear - 8m to rear of dwelling OR 25% of the length of the site, whichever is greater. Note: 24.25m is 25% of site length.	46m to rear deck	Yes
Sites wider than they are long - One side setback of 8m or 20% of allotment width, whichever is greater. - Rear setback 4m min (in addition to 8m side setback).	n/a	n/a
Outbuildings		
Car Parking & Access		
General - Dwelling: 2 spaces max, 1 space min. - Dual Occupancy	Number/location of car spaces: 2 spaces in the form of a double garage.	Yes

ITEM 2 (continued)

ATTACHMENT 1

DCP 2014	Proposed	Compliance
(attached): 1 space max per dwelling. - Where possible access off secondary street frontages or laneways is preferable. - Max 6m wide or 50% of frontage, whichever is less. - Behind building façade.	Access from: Western Crescent External width: 6m	Yes
Garages - Garages setback 1m from façade. - Total width of garage doors visible from public space must not exceed 5.7m and be setback not more than 300mm behind the outside face of the building element immediately above. - Garage windows are to be at least 900mm away from boundary. - Free standing garages are to have a max GFA of 36m ² - Materials in keeping or complimentary to dwelling.	n/a garage is the building element addressing the street. Width of opening: 5.7m Door setback: n/a Windows: Setback: n/a no garage windows Floor Area: 36m ² Materials: consistent with existing garage.	n/a Yes n/a n/a Yes Yes
Parking Space Sizes (AS) o Double garage: 5.4m wide (min) o Single garage: 3m w(min) o Internal length: 5.4m (min)	Internal measurements: 6m x 6m	Yes
Driveways Extent of driveways minimised		
Semi-basement Car Parking - Ramps must start 2m from the boundary (not on public land). - Walls are not to extend beyond walls of dwelling above.	n/a	n/a

ITEM 2 (continued)

ATTACHMENT 1

DCP 2014	Proposed	Compliance
Landscaping		
<p>Trees & Landscaping</p> <ul style="list-style-type: none"> - Major trees retained where practicable - Physical connection to be provided between dwelling and outdoor spaces where the ground floor is elevated above NGL eg. stairs, terraces. - Obstruction-free pathway on one side of dwelling (excl cnr allotments or rear lane access) - Front yard to have at least 1 tree with mature ht of 10m min and a spreading canopy. - Back yard to have at least 1 tree with mature ht of 15m min and a spreading canopy. - Hedging or screen planting on boundary mature plants reaching no more than 2.7m. - OSD generally not to be located in front setback unless under driveway. 	<p>Achieved.</p> <p>Achieved – mature tree to be retained.</p> <p>Achieved.</p> <p>Foreshore frontage at rear – adequate planting already achieved.</p> <p>OSD not required.</p>	<p>Yes</p>
<ul style="list-style-type: none"> - Landscaped front garden, with max 40% hard paving 	<p>With exception of garage, hard paving is less than 40% between the front of the dwelling and the street frontage.</p>	<p>Yes</p>
<p>Landscaping for lots with Urban Bushland or Overland Flow constraints</p> <ul style="list-style-type: none"> - Where lot is adjoining bushland protect, retain and use only native indigenous vegetation for distance of 10m from bdy 	<p>No fill proposed. Vegetation is largely retained.</p>	<p>Yes</p>

ITEM 2 (continued)

ATTACHMENT 1

DCP 2014	Proposed	Compliance
adjoining bushland. - No fill allowed in overland flow areas. - Fences in Overland Flow areas must be of open construction so it doesn't impede the flow of water.		
Dwelling Amenity		
Daylight and Sunlight Access - Living areas to face north where orientation makes this possible. - 4m side setback for side living areas where north is to the side allotment boundary. <u>Subject Dwelling:</u> - Subject dwelling north facing windows are to receive at least 3hrs of sunlight to a portion of their surface between 9am and 3pm on June 21. - Private Open space of subject dwelling is to receive at least 2 hours sunlight between 9am and 3pm on June 21. <u>Neighbouring properties are to receive:</u> - 2 hours sunlight to at least 50% of adjoining principal ground level open space between 9am and 3pm on June 21. - At least 3 hours sunlight to a portion of the surface of north facing adjoining living area windows between	Living areas are unchanged, but face north/north west regardless. N facing windows: remain unchanged. Achieved. Hours of sunlight to adjoining principal open space: POS for 103 Western is located within front setback and partially at rear. Both of which will still receive at least 2 hours	Yes Yes Yes

ITEM 2 (continued)

ATTACHMENT 1

DCP 2014	Proposed	Compliance
9am and 3pm on June 21.	sunlight. No living room windows of 103 Western face north at front of site. Potential living room window at rear will be unaffected given the siting of the first floor addition.	
Visual Privacy <ul style="list-style-type: none"> - Orientate windows of living areas, balconies and outdoor living areas to the front and rear of dwelling. - Windows of living, dining, family etc placed so there are no close or direct views to adjoining dwelling or open space. - Side windows offset from adjoining windows. - Terraces, balconies etc are not to overlook neighbouring dwellings/private open space. 	Privacy screen provided along walkway to prevent views into neighbouring POS. No windows on southern elevation (2 nd storey).	Yes
Acoustic Privacy Layout of rooms in dual occupancies (attached) are to minimise noise impacts between dwellings eg: place adjoining living areas near each other and adjoining bedrooms near each other.	n/a	n/a
View Sharing <ul style="list-style-type: none"> - The siting of development is to provide for view sharing. 	Achieved.	
Cross Ventilation <ul style="list-style-type: none"> - Plan layout is to optimise access to prevailing breezes and to provide for cross ventilation. 	Achieved.	

ITEM 2 (continued)

ATTACHMENT 1

DCP 2014	Proposed	Compliance
External Building Elements		
<p>Roof</p> <ul style="list-style-type: none"> - Articulated. - 450mm eaves overhang minimum. - Not to be trafficable Terrace. - Skylights to be minimised and placed symmetrically. - Front roof plane is not to have both dormer windows and skylights. <p>Attic Dormer Windows</p> <ul style="list-style-type: none"> - Max 2 dormer windows with a max total width of 3m. - Highest point to be 500mm min below roof ridge and 1m min above the top of gutter. - Total roof area of attic dormer: 8m² - Front face to be setback 1m min back from external face of wall below. - Balconies set into roof not permitted. 	<p>3 skylights proposed, not visible from street.</p> <p>New colorbond roof proposed.</p>	
Fencing		
<p>Front/return:</p> <ul style="list-style-type: none"> - To reflect design of dwelling. - To reflect character & height of neighbouring fences. - Max 900mm high for solid (picket can be 1m). - Max 1.8m high if 50% open (any solid base max 900mm). - Retaining walls on front bdy max 900mm. - No colorbond or paling - Max width of piers 350mm. 	<p>No front/return fence proposed.</p>	

ITEM 2 (continued)

ATTACHMENT 1

DCP 2014	Proposed	Compliance
Side/rear fencing: - 1.8m max o/a height.	No fence proposed. Any replacement fencing is up to neighbours to negotiate.	
Special requirements for Battleaxe Lots – not applicable		
External Clothes Drying Area		
External yard space or sheltered ventilated space for clothes drying	Existing clothes drying area to be utilised.	Yes
Part 7.2- Waste Minimisation & Management		
Submission of a Waste Management Plan in accordance with Part 7.2 of DCP 2014.	The applicant has submitted a Waste Management Plan in accordance with Part 7.2 of DCP 2014.	Yes
Part 8.2 - Stormwater Management		
Stormwater & Floodplain Management		
Drainage is to be piped in accordance with Part 8.2 - Stormwater & Floodplain Management.	Development Engineer has provided comments.	Yes
Part 9.5 – Tree Preservation		
Where the removal of tree(s) is associated with the redevelopment of a site, or a neighbouring site, the applicant is required to demonstrate that an alternative design(s) is not feasible and retaining the tree(s) is not possible in order to provide adequate clearance between the tree(s) and the proposed building and the driveway.	No trees being removed. The tree near the southern boundary is to be retained and protected as directed in arborist report.	Yes

ITEM 2 (continued)

ATTACHMENT 1

BASIX		
<p>All ticked "DA plans" commitments on the BASIX Certificate are to be shown on plans (list) BASIX Cert A316325 dated 14 May 2018</p> <ul style="list-style-type: none"> • RWT 5000L • Swimming Pool <ol style="list-style-type: none"> 1. <28kL 2. outdoors • Thermal Comfort Commitments – Construction. • TCC – Glazing. • Solar Gas Boosted HWS w/41-45 RECS+ • HWS Gas Instantaneous 5 star. • Natural Lighting <ol style="list-style-type: none"> 1. kitchen 2. bathrooms () 		
<p>Correct description of property/proposal on 1st page of Certificate.</p>	<p>Correct details on certificate.</p>	<p>-</p>

Summary of Issues/Non compliances:

- Excavation level (justifiable)
- Garage/Front setback (justifiable)
- Visual privacy (resolved by conditions)

Certification

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

Name Madeline Thomas

Signature

Date

ITEM 2 (continued)

ATTACHMENT 2

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

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

For the purposes of the following assessment, the subject site has been identified as being located within the Landscape Character Type 14, being the low topographic developed areas of the Lane Cove and Parramatta Rivers.

Provision	Proposal	Compliance
Cl. 21 Biodiversity, Ecology and Environmental Protection		
(a) Development should have neutral or beneficial effect on quality of water entering waterways	The proposed development will see alterations and additions to an existing dwelling house. As there is no change in land-use proposed and works are considered minor in terms of biodiversity, ecology and natural environment impacts it is considered the proposed development will have a neutral effect on the quality of water entering waterways.	Yes
(b) Development should protect and enhance terrestrial and aquatic species, populations and ecological communities and, in particular, should avoid physical damage and shading of aquatic vegetation (such as seagrass, saltmarsh and algal and mangrove communities)	With all works associated with the proposed development occurring well above the MWHM it is considered there will be minimal impacts on any terrestrial and aquatic species, populations and ecological communities. Additionally it is noted that there is no proposal to remove any aquatic vegetation. The shadow diagrams submitted with the subject development application indicate the proposed development will not over shadow aquatic areas due to the site's orientation, as such it is considered unlikely that it will negatively impact on terrestrial and aquatic vegetation.	Yes

ITEM 2 (continued)

ATTACHMENT 2

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

ITEM 2 (continued)

ATTACHMENT 2

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

ITEM 2 (continued)

ATTACHMENT 2

Provision	Proposal	Compliance
Cl. 24 Interrelationship of Waterway and Foreshore Uses		
(a) Development should promote equitable use of the waterway, including use by passive recreation craft	Proposal will not inhibit or prevent equitable use of waterway by passive recreation craft and presents no change from the existing relationship with the waterway.	Yes
(b) Development on foreshore land should minimise any adverse impact on the use of the waterway, including the use of the waterway for commercial and recreational uses	Proposal will not inhibit or prevent equitable use of waterway for commercial or recreational uses and presents no change from the existing relationship with the waterway.	Yes
(c) Development on foreshore land should minimise excessive congestion of traffic in the waterways or along the foreshore	Development does not seek to increase or impede any existing traffic conditions in the waterway or along the foreshore and presents no change from the existing relationship with the waterway.	Yes
(d) Water-dependent land uses should have propriety over other uses	Not applicable.	N/A
(e) Development should avoid conflict between the various uses in the waterways and along the foreshores	No change to existing use of site and waterway as part of the proposed development. It is therefore considered conflicts between various uses in the waterways & along the foreshore will be avoided.	Yes
Cl. 25 Foreshore and WaterWays Scenic Quality		
(a) The scale, form, design and siting of any building should be based on an analysis of:		
(I) the land on which it is to be erected, and	The proposal is considered to respect the existing topography, vegetation and foreshore of the subject site and surrounding land.	Yes
(II) the adjoining land, and	No adverse effect identified upon adjoining residential land or nearby waterway as the proposal adheres to all controls set out in the Ryde DCP 2014 which aim to mitigate any adverse effects resulting from proposed development.	Yes

ITEM 2 (continued)

ATTACHMENT 2

Provision	Proposal	Compliance
(III) the likely future character of the locality	The proposal will not adversely affect the likely future character of the locality due to the proposed alterations and additions having a design and character that is consistent and in line with that of the surrounding locality and the desired future character of the low density residential zone.	Yes
(b) development should maintain, protect and enhance the unique visual qualities of Sydney Harbour and its islands, foreshores and tributaries	The proposed development is considered compatible with surrounding development and is not proposing any design that is inconsistent with the existing foreshore character. It is therefore considered the proposed development will not have any adverse impacts on visual qualities on Sydney Harbour and its islands, foreshores & tributaries.	Yes
(c) the cumulative impact of water-based development should not detract from the character of the waterways and adjoining foreshores	Proposed development is totally land based and proposes no water based development. It is therefore considered that proposed development does not detract from the character of the waterways and adjoining foreshores.	Yes
<i>Cl. 26 Maintenance, Protection and Enhancement of Views</i> (a) Development should maintain, protect and enhance views (including night views) to and from Sydney Harbour	Views to and from Sydney Harbour will be maintained.	Yes
(b) Development should minimise any adverse impacts on views and vistas to and from public places, landmarks and heritage items	Views and vistas to and from public places, landmarks and heritage items have generally been maintained through appropriate setbacks, heights and terracing of building form. It is considered that adverse impacts have been minimised.	Yes

ITEM 2 (continued)

ATTACHMENT 2

Provision	Proposal	Compliance
(c) The cumulative impact of development on views should be minimised	The cumulative impact on views is considered to be acceptable as all major views have been maintained through appropriate design of the proposed alterations and additions.	Yes
Cl. 29 Consultation required for certain development applications		
(1) The consent authority must not grant development consent to the carrying out in the Foreshores and Waterways Area of development listed in Schedule 2, unless: (a) it has referred the development application to the Advisory Committee, and (b) it has taken into consideration any submission received from the Advisory Committee within 30 days after the date on which the application was forwarded to the Committee	It is acknowledged that the subject site is located within the Foreshores and Waterways Area as depicted in Figure 1 of this report. The proposed development does not include any items included in relation to Schedule 2 of the SREPSHC 2005. (a) As per Cl.29(3) (see below), it is the opinion of the assessment officer that the proposed development is minor and does not, to any significant extent, increase the scale, size or intensity of the use of the proposed buildings and works over that of the existing arrangements on site. Accordingly, the development application has not been referred to the Advisory Committee. (b) Noted.	N/A
(2) In the case of an application to carry out development for more than one purpose, of which one or more is listed in Schedule 2 and one or more is not, the consent authority is only required to refer to the Advisory Committee that part of the application relating to development for a purpose so listed.	(2) Noted.	Noted.
(3) This clause does not apply to development that consists solely of alterations or additions to existing buildings or works and that, in the opinion of the consent authority, is minor and does not, to any significant extent, increase the scale, size or intensity of use of those buildings or works.	(3) As the proposed works are not identified under Schedule 2 of the SHCREP this clause does not apply.	N/A

ITEM 2 (continued)

ATTACHMENT 2

Provision	Proposal	Compliance
Part 6 Wetlands protection		
Wetlands Protection Area along Lane Cove / Parramatta River frontage	The subject site is located within a Wetlands Protection Area..	Yes
Cl. 62 Requirement for Development Consent		
(2) Development may be carried out only with development consent	The proposed development is currently seeking development consent via LDA2017/0546 under assessment with Ryde City Council.	Yes
(3) Development consent is not required by this clause: (a) For anything (such as dredging) that is done for the sole purpose of maintaining an existing navigational channel, or (b) For any works that restore or enhance the natural values of wetlands being works: (i) that are carried out to rectify damage arising from a contravention of this plan, and (ii) that are not carried out in association with another development, and (iii) that have no significant impact on the environment beyond the site on which they are carried out.	Not applicable. The proposed development does not include maintenance of an existing navigational channel. The proposed development does not include any works that aim to restore or enhance the natural values of wetlands	N/A
Cl. 63 Matters for Consideration		
(2) The matters to be taken into consideration are as: (a) The development should have a neutral or beneficial effect on the quality of water entering the waterways,	The proposed development will see alterations and additions to an existing dwelling house. As there is no change in land-use proposed and works are considered minor in terms of biodiversity, ecology and environmental impacts it is considered the proposed development will have a neutral effect on the quality of water entering the waterways.	Yes
(b) The environmental effects of the development, including effects on: (i) the growth of native plant communities, (i) the survival of native wildlife populations, (iii) the provision and quality of	No impact on the growth of native plant communities due to all existing vegetation being retained and all proposed works to be located above the MHW. Wildlife populations are considered to be unharmed as result of the proposed development due to all existing habitats being retained. The quality of habitats for both	Yes

ITEM 2 (continued)

ATTACHMENT 2

Provision	Proposal	Compliance
<p>habitats for both indigenous and migratory species,</p> <p>(iv) the surface and groundwater characteristics of the site on which the development is proposed to be carried out and of the surrounding areas, including salinity and water quality and whether the wetland ecosystems are groundwater dependant,</p> <p>(c) Whether adequate safeguards and rehabilitation measures have been, or will be, made to protect the environment.</p> <p>(d) Whether carrying out the development would be consistent with the principles set out in <i>The NSW Wetlands Management Policy</i> (as published in March 1996 by the then Department of Land and Water Conservation).</p> <p>(e) Whether the development adequately preserves and enhances local native vegetation,</p> <p>(a) Whether the development application adequately demonstrates: (i) how the direct and indirect impacts of the development will preserve and enhance wetlands, and</p>	<p>indigenous and migratory species is fully retained as part of the proposed development.</p> <p>The proposed development is considered to have no adverse affects on surface and groundwater characteristics of the site and surrounding areas due to there being no significant change to land use and the development being in compliance with the stormwater controls set out in the Ryde DCP 2014.</p> <p>Plans submitted as part of the proposal indicate that safeguards have been put in place to ensure all runoff, sedimentation & siltation is controlled so as to protect the environment.</p> <p>Rehabilitation measures are not considered necessary due to no works being undertaken below the MHWM.</p> <p>The development is identified as being within a wetland protection area.</p> <p>With all works associated with the proposed development occurring well above the MWHM and the fact that the additions will only be on a portion of the site that are currently paved areas it is considered there will be minimal impacts on the wetland area. As such, it is considered that the proposed development is consistent with the principles set out in <i>The NSW Wetlands Management Policy</i>.</p> <p>The development is considered to adequately preserve the local native vegetation through retaining all existing local native vegetation.</p> <p>The development is identified as being within a wetland protection area. With all works associated with the proposed development occurring well above the MHWM and the fact that the additions will only be on a</p>	

ITEM 2 (continued)

ATTACHMENT 2

Provision	Proposal	Compliance
<p>(ii) how the development will preserve and enhance the continuity and integrity of the wetlands, and</p> <p>(iii) how soil erosion and siltation will be minimised both while the development is being carried out and after it is completed, and</p> <p>(iv) how appropriate on-site measures are to be implemented to ensure that the intertidal zone is kept free from pollutants arising from the development, and</p>	<p>portion of the site that site that are currently paved areas it is considered there will be minimal impacts on the wetland area. As such, it is considered that the proposed development is unlikely to have any direct or indirect impacts on the wetland. The development will not enhance the wetlands.</p> <p>The development is identified as being within a wetland protection area. With all works associated with the proposed development occurring well above the MWHM and the fact that the additions will only be on a portion site that are currently paved areas it is considered there will be minimal impacts on the wetland area. As such, it is considered that the proposed development is unlikely to adversely impact the continuity and integrity of the wetlands. The development will not enhance the wetlands.</p> <p>Soil erosion and siltation is not considered to be an issue as standard conditions of consent have been applied to ensure that soil erosion and siltation will be managed appropriately during the demolition and construction stages. Following construction all existing stormwater controls will remain unchanged.</p> <p>The plans submitted as part of the proposal indicate there will be some ground disturbance, however standard conditions of consent have been applied which will ensure that the intertidal zone is kept free from pollutants during demolition and construction stages.</p>	
<p>(v) that the nutrient levels in the wetlands do not increase as a consequence of the development, and</p>	<p>The development is not identified as being within any wetland protection areas.</p>	<p>Yes</p>

ITEM 2 (continued)

ATTACHMENT 2

Provision	Proposal	Compliance
(v) that the nutrient levels in the wetlands do not increase as a consequence of the development, and	The development is not identified as being within any wetland protection areas.	Yes
(vi) that stands of vegetation (both terrestrial and aquatic) are protected or rehabilitated, and	No development is proposed within the stands of existing vegetation (both terrestrial and aquatic) therefore protecting them from any adverse impacts.	Yes
(vii) that the development minimises physical damage to aquatic ecological communities, and	The development has aimed to minimise any adverse impacts on the aquatic ecological communities through ensuring no works are undertaken below the MHWM.	Yes
(viii) that the development does not cause physical damage to aquatic ecological communities,	With all development works being located above the MHWM, it is considered that no physical damage to aquatic ecological communities will occur as result of the proposed development.	Yes
(g) Whether conditions should be imposed on the carrying out of the development requiring the carrying out of works to preserve or enhance the value of any surrounding wetlands.	No conditions to be imposed on the development in regards to carrying out works to preserve or enhance the surrounding wetlands.	Yes
Provision	Proposal	Compliance
<p>Statement of Character and Intent These areas are mostly developed with detached residential development on the upper slopes and boat shed and wharves along the foreshore</p> <p>Further development in these areas must consider protecting key visual elements including rock outcrops native vegetation, vegetation in and around dwellings and maintaining the density and spacing of development</p>	<p>The proposed development is for the alterations and additions to an existing dwelling house</p> <p>The proposed development is not considered to impact on any rock outcrops or native vegetation being located a sufficient distance away from rock outcrops and existing foreshore vegetation</p> <p>Density and spacing of the development remains unchanged as part of the proposal. Accordingly the proposed development is considered to be consistent with the character and intent for development in the Landscape Character Type 14 area</p>	Yes

ITEM 2 (continued)

ATTACHMENT 2

Provision	Proposal	Compliance
<p>Performance criteria:</p> <ul style="list-style-type: none"> • -consideration is given to the cumulative and incremental effects of further development along the foreshore and to preserving the remaining special features; • development is to avoid substantial impact on the landscape qualities of the foreshore and minimise the removal of natural foreshore vegetation, radical alteration of natural ground levels, the dominance of structures protruding from rock walls or ledges or the erection of sea walls, retaining walls or terraces; • landscaping is carried out between buildings to soften the built environment; and • existing ridgeline vegetation and its dominance as the backdrop to the waterway, is retained. 	<p>Consideration has been given to the cumulative and incremental effects of further development along the foreshore. The proposed development is considered to be consistent with the character and established built form of the waterfront. Additionally it is noted that the alterations and additions are to be located above the MHWM.</p> <ul style="list-style-type: none"> • It is considered that minimal impacts will result as part of the development, no natural existing foreshore vegetation is proposed to be removed, natural ground levels close to the shoreline have been maintained and no erection of rock walls, sea walls or ledges have been proposed. • Plans indicate that there will be only minor changes to existing landscaping • No existing mature ridgeline vegetation was identified during the site inspection. 	<p>Yes</p>
<p>(c) Development should have neutral or beneficial effect on quality of water entering waterways</p>	<p>The proposed development will see alterations and additions to an existing dwelling house. As there is no change in land-use proposed and works are considered minor in terms of biodiversity, ecology and environmental impacts it is considered the proposed development will have a neutral effect on the quality of water entering waterways.</p>	<p>Yes</p>

ITEM 2 (continued)

ATTACHMENT 3

Draft conditions of consent – 101 Western Crescent, Gladesville

LDA2017/0546

GENERAL

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

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

Document Description	Date	Plan No/Reference
Site Plan	07/04/2018	2640, DA01, Revision B
Ground Floor Plan	13/04/2018	2640, DA03, Revision B
Upper Floor Plan	13/04/2018	2640, DA04, Revision B
Roof Plan	13/04/2018	2640, DA05, Revision B
Elevations, Sections	13/04/2018	2640, DA06, DA07, DA08, Revision B
Geotechnical Report prepared by Davies Geotechnical Consulting Engineers	28 September 2017	17-037. A
Geotechnical Report prepared by Davies Geotechnical Consulting Engineers	13 April 2018	17-037.B
Stormwater Drainage Concept Plan	13/04/2018	2640, DA08, Revision B
Site Waste Minimisation and Management Plan by Tony McLain	12/12/2017	-
Arboricultural Report prepared by Axiomarbor	November 2017	-

Prior to the issue of a **Construction Certificate**, the following amendments shall be made (as marked in red on the approved plans):

- a) **Privacy Screen.** A privacy screen is to be installed along the north western side of the proposed rear deck. The screen is to have a minimum height of 1.8m from the finished floor level of the deck and is to direct or obstruct viewing away from the rear yard of No. 99 Western Crescent.
- b) **Chimney Modification.** The two existing chimneys shall be increased in height so that they are one metre higher than the proposed new ridge level at the rear of the dwelling. Therefore, the height of the chimneys or flue must terminate not less than RL 23.8 (Australian Height Datum).

ITEM 2 (continued)

ATTACHMENT 3

- The Development must be carried out in accordance with the amended plans approved under this condition.
2. **Building Code of Australia.** All building works approved by this consent must be carried out in accordance with the requirements of the Building Code of Australia.
 3. **BASIX.** Compliance with all commitments listed in BASIX Certificate numbered A316325, dated 14 May 2018.
 4. **Support for neighbouring buildings.** If the development involves excavation that extends below the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
 - a) Protect and support the adjoining premises from possible damage from the excavation, and
 - b) Where necessary, underpin the adjoining premises to prevent any such damage, in accordance with relevant Australian Standards.
 5. **Hours of work.** Building activities (including demolition) may only be carried out between 7.00am and 7.00pm Monday to Friday (other than public holidays) and between 8.00am and 4.00pm on Saturday. No building activities are to be carried out at any time on a Sunday or a public holiday.
 6. **Hoardings.**
 - (a) A hoarding or fence must be erected between the work site and any adjoining public place.
 - (b) Any hoarding, fence or awning erected pursuant this consent is to be removed when the work has been completed.
 7. **Development to be within site boundaries.** The development must be constructed wholly within the boundaries of the premises. No portion of the proposed structure shall encroach onto the adjoining properties. Gates must be installed so they do not open onto any footpath.
 8. **Public space.** The public way must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances, without prior approval from Council.

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ATTACHMENT 3

9. **Public Utilities.** Compliance with the requirements (including financial costs) of any relevant utility provider (e.g. Energy Australia, Sydney Water, Telstra, RMS, Council etc) in relation to any connections, works, repairs, relocation, replacements and/or adjustments to public infrastructure or services affected by the development.
10. **Roads Act.** Any works performed in, on or over a public road pursuant to this consent must be carried out in accordance with this consent and with the Road Opening Permit issued by Council as required under section 139 of the Roads Act 1993.
11. **Geotechnical Report.** All design and construction works are to be executed in full compliance with all of the recommendations as contained in the Davies Geotechnical reports dated 20 September 2017 and 13 April, 2018.

Engineering Conditions

12. **Design and Construction Standards.** All engineering plans and work inside the property shall be carried out in accordance with the requirements of the relevant Australian Standard. 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 2014 DCP Part 8.5 "Public Domain Works", except otherwise as amended by conditions of this consent.
13. **Service Alterations.** All mains, services, poles, etc., which require alteration shall be altered at the applicant's expense.
14. **Restoration.** Public areas must be maintained in a safe condition at all times. Restoration of disturbed road and footway areas for the purpose of connection to public utilities will be carried out by Council following submission of a permit application and payment of appropriate fees. Repairs of damage to any public stormwater drainage facility will be carried out by Council following receipt of payment. Restoration of any disused gutter crossings will be carried out by Council following receipt of the relevant payment.
15. **Road Opening Permit.** The applicant shall apply for a road-opening permit where a new pipeline is proposed to be constructed within or across the footpath. Additional road opening permits and fees may be necessary where there are connections to public utility services (e.g. telephone, electricity, sewer, water or gas) required within the road reserve. No works shall be carried out on the footpath without this permit being paid and a copy kept on the site.

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DEMOLITION CONDITIONS

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

A Construction Certificate is not required for Demolition.

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

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ATTACHMENT 3

20. **Asbestos – disposal.** All asbestos wastes must be disposed of at a landfill facility licensed by the New South Wales Environmental Protection Authority to receive that waste. Copies of the disposal dockets must be retained by the person performing the work for at least 3 years and be submitted to Council on request.
21. **Waste management plan.** Demolition material must be managed in accordance with the approved waste management plan.
22. **Disposal of demolition waste.** All demolition waste must be transported to a facility or place that can lawfully be used as a waste facility for those wastes.
23. **Imported fill – type.** All imported fill must be Virgin Excavated Natural Material as defined in the *Protection of the Environment Operations Act 1997*.

PRIOR TO CONSTRUCTION CERTIFICATE

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

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

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

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

24. **Compliance with Australian Standards.** The development is required to be carried out in accordance with all relevant Australian Standards. Details demonstrating compliance with the relevant Australian Standard are to be submitted to the Principal Certifying Authority prior to the issue of the **Construction Certificate**.
25. **Structural Certification.** The applicant must engage a qualified practising structural engineer to provide structural certification in accordance with relevant BCA requirements prior to the release of the **Construction Certificate** for the following:
 - a) The alterations and additions proposed in the plans and documentation identified in Condition 1, and

ITEM 2 (continued)

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- b) The existing retaining wall on the southern boundary.
26. **Security deposit.** The Council must be provided with security for the purposes of section 4.17(6) of the *Environmental Planning and Assessment Act 1979* in a sum determined by reference to Council's Management Plan prior to the release of the **Construction Certificate**. (dwelling houses with delivery of bricks or concrete or machine excavation)
27. **Fees.** The following fees must be paid to Council in accordance with Council's Management Plan prior to the release of the **Construction Certificate**:
- (a) Infrastructure Restoration and Administration Fee
 - (b) Enforcement Levy
28. **Long Service Levy.** Documentary evidence of payment of the Long Service Levy under Section 34 of the Building and Construction Industry Long Service Payments Act 1986 is to be submitted to the Principal Certifying Authority prior to the issuing of the **Construction Certificate**.
29. **Dilapidation Survey.** A dilapidation survey is to be undertaken that addresses all properties (including any public place) that may be affected by the construction work namely No. 103 Western Crescent, Gladesville. A copy of the survey is to be submitted to the PCA (*and Council, if Council is not the PCA*) prior to the release of the **Construction Certificate**.
30. **Sydney Water – Building Plan Approval.** The plans approved as part of the Construction Certificate must also be approved by Sydney Water prior to excavation or construction works commencing. This allows Sydney Water to determine if sewer, water or stormwater mains or easements will be affected by any part of your development. Please go to www.sydneywater.com.au/tapin to apply.
31. **Reflectivity of materials.** Roofing and other external materials must be of low glare and reflectivity. Details of finished external surface materials, including colours and texture must be provided to the Principal Certifying Authority prior to the release of the **Construction Certificate**.
32. **Arborist supervision.** A Project Arborist is to be engaged to prepare a Tree Protection Plan for the site as part of the Construction Certificate documentation. The Arborist is to recommend measures to protect the trees throughout the construction process in accordance with AS 4970-2009 Australian Standard – Protection of trees on development sites. Tree Protection Zones, the extent of protective fencing and ground protection are to be clearly marked on the Construction Certificate plans.

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33. **Compliance with BCA – Chimneys.** The hearths, fireplaces and footings shall be upgraded to comply with the requirements of the Building Code of Australia.

Engineering Conditions

34. **Driveway Access Levels.** The applicant is to apply to Council, pay the required fee, and have issued site specific driveway access levels by Council prior to the issue of the Construction Certificate.
35. **Vehicle Footpath Crossing(s).** Concrete footpath crossings and associated gutter crossovers must be constructed fronting the approved vehicle access location(s). The crossing(s) must be constructed in plain reinforced concrete with location, design and construction shall conform to Council requirements and AS 2890.1 – 2004 (Offstreet Parking). Accordingly, prior to issue of Construction Certificate an application shall be made to Council for driveway crossing alignment levels. These issued levels are to be incorporated into the design of the driveway access and clearly delineate on plans submitted with the Construction Certificate application.
36. **Vehicle Access & Parking.** All internal driveways, vehicle turning areas, garages and vehicle parking space dimensions must be designed and constructed to comply with the relevant section of AS 2890 (Off-street Parking standards).
37. **Stormwater Management.** 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 shall be collected and piped by gravity flow to the proposed trenches at rear of the property in accordance with the requirements of City of Ryde DCP 2014 Part 8.2 (Stormwater and Floodplain Management) and associated annexures, and generally in accordance with the approved stormwater plans by Tony Mclain Architect on drawing; DA08 (rev: B) and subject to any mark-ups on the stormwater plans in red and the below variation:
- To prevent disturbance to root matter in the area, the dispersal trench is to be modified as follows. The trench must;
 - be reduced in width to be more than 6m wide,
 - be located as close to the western (downstream) face of the sandstone bench as possible,
 - be located such to be equidistant from significant trees to be maintained.

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- implement a perforated ag line with diameter of sufficient capacity for the designed system to replace the plastic arched liner typically installed with absorption/ dispersal systems, so as to assist with the installation of the system in the area and prevent the severance of significant root matter.
- To minimise the impact of stormwater dispersal on **the** downstream area, the dispersal system is to incorporate a mound along the downstream edge of the trench. An onsite detention system must also be implemented to control the degree of discharge. Based on the approved development area, the detention storage will warrant 11.50m³ of detention storage and a maximum permitted site discharge rate (PSD) of 11.08 L/s. This is to be confirmed by the consultant in preparation of the detailed plans.

Accordingly, detailed engineering plans and certification demonstrating compliance with this condition are to be submitted with the application for a Construction Certificate.

- The certification must state that the submitted design (including any associated components) are in accordance with the requirements of AS 3500.3 (2003) and any further detail or variations to the design are in accordance with the requirements of City of Ryde DCP 2014 Part 8.2 (Stormwater and Floodplain Management) and associated annexures.
 - The submitted design is consistent with the approved architectural and landscape plan and any revisions to these plans required by conditions of this consent.
 - The direct discharge to Sydney Harbour must be in accordance with the requirements of NSW Maritime. Written approval and any conditions are to be submitted with the Stormwater Plans and documentation required by this condition.
38. **Erosion and Sediment Control Plan.** An Erosion and Sediment Control Plan (ESCP) must be prepared by a suitably qualified consultant, detailing soil erosion control measures to be implemented during construction. The ESCP is to be submitted with the application for a Construction Certificate. The ESCP must be in accordance with the manual *“Managing Urban Stormwater: Soils and Construction”* by NSW Department – Office of Environment and Heritage and must contain the following information:

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

The ESCP must be submitted with the application for a Construction Certificate. This condition is imposed to protect downstream properties, Council's drainage system and natural watercourses from sediment build-up transferred by stormwater runoff from the site.

PRIOR TO COMMENCEMENT OF CONSTRUCTION

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

39. Site Sign

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

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

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

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

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43. **Safety fencing.** The site must be fenced prior to the commencement of construction, and throughout demolition and/or excavation and must comply with WorkCover New South Wales requirements and be a minimum of 1.8m in height.
44. **Development to be within site boundaries.** The development must be constructed wholly within the boundaries of the premises. No portion of the proposed structure shall encroach onto the adjoining properties. Any doors/gates on the boundary must be installed so they do not open onto any footpath.
45. **Tree Work.** All tree pruning work must be undertaken in accordance with Australian Standard 4373: Pruning of Amenity Trees (2007), Safe Work Australia Guide for Managing Risks of Tree Trimming and Removal Work (2016) and other applicable legislation and codes.
46. **Tree Protection Fencing.** All protective fencing and signage around TPZs must be located in accordance with AS4970: Protection of trees on development sites. In this regard, any fencing required to be constructed around the TPZ is to be in accordance with AS4687 Temporary fencing and hoardings.
47. **Stormwater Trench/Pit Locations.** The alignment of stormwater infrastructure is to be located as far away from existing trees to be retained as practical. Should the excavation for the stormwater pits and trenches conflict with any major structural roots (greater than >25 mm diameter) of existing trees, their location and alignment is to be modified in consultation with the Project Arborist to avoid impact. Under no circumstances should roots be severed or cut without prior approval from the Project Arborist.
48. **Excavation within TPZ.** Any excavation 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.
49. **Tree Protection.** All tree protection works including installation of any fencing is to be undertaken prior to any demolition or site clearing works on site.
50. **Root Mapping.** Prior to any machine excavation works occurring on site, exploratory hand excavation using non-motorised manual hand tools is to be carried out in the presence of the Project Arborist to determine whether footing locations may require repositioning to avoid conflict with existing tree roots of trees to be retained.

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ATTACHMENT 3

51. **Footing Locations.** The location of isolated pier footings must be capable of relocation or repositioning to avoid conflict with any significant roots identified within the Tree Protection Zones of those trees to be retained.
52. **Property above/below Footpath Level.** Where the ground level adjacent the property alignment is above/below the ultimate footpath level, as set by Council, adequate measures are to be taken (either by means of constructing approved retaining structures or batters entirely on the subject property) to support the subject land/footpath. An approved fence shall be erected along the boundary for public safety in instances where the property slopes down, away from the boundary.
53. **Photographic Archival Recording.** Prior to the commencement of any works, including the dismantling of fabric or demolition, a basic Photographic Archival Recording shall be undertaken and submitted to Council. Written confirmation must also be obtained from Council's Heritage Advisor, confirming that the Photographic Archival Recording is of an acceptable quality that satisfies the requirements of this condition. The Photographic Archival Recording shall be prepared in accordance with the guidelines "*Archival Recording of Heritage Items Using Film or Digital Capture*" published by the Heritage Division of the Office of Environment and Heritage.

One complete copy of the Photographic Archival Recording shall be submitted to Council and shall contain (for digital projects):

- A brief report or introduction which explains the purposes of the Photographic Archival Recording and gives a brief description of the subject site, as well as details of the sequence in which images were taken. The report may also address the limitations of the photographic record and may make recommendations for future work;
- A site plan, marked up to indicate where the photographs were taken and the direction of the photograph;
- The report should include all technical details including camera and lenses, image file size and format, technical metadata associated with the images, and colour information;
- Catalogue sheets, photographic plan, supplementary maps;
- Colour thumbnail image sheets (e.g. A4 page with six images by six images) showing images and reference numbers. The thumbnail sheets should be processed with archivally stable inks on archivally acceptable photographic paper and cross referenced to catalogue sheets;

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- One full set of 10.5x14.8cm (A6) colour prints, with at least one (1) image of each complete elevation externally and rooms internally, processed with archivally stable inks on archivally acceptable photographic paper.
- A CD or DVD containing electronic image files saved as TIFF and RAW files with associated metadata, and cross-referenced to catalogue sheets.

The report should be presented on archival quality paper in a suitable archival binder and slipcase, and all storage of individual components must be in archival quality packaging suitable for long term storage.

DURING CONSTRUCTION

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

54. **Critical stage inspections.** The person having the benefit of this consent is required to notify the Principal Certifying Authority during construction to ensure that the critical stage inspections are undertaken, as required under clause 162A(4) of the *Environmental Planning and Assessment Regulation 2000*.
55. **Noise from construction and demolition work.** All feasible and reasonable measures must be implemented to minimise the emission of noise from demolition and construction work.
56. **Survey of footings/walls.** All footings and walls within 1 metre of a boundary must be set out by a registered surveyor. On commencement of brickwork or wall construction a survey and report must be prepared indicating the position of external walls in relation to the boundaries of the allotment.
57. **Sediment/dust control.** No sediment, dust, soil or similar material shall leave the site during construction work.
58. **Use of fill/excavated material.** Excavated material must not be reused on the property except as follows:
 - (a) Fill is allowed under this consent;
 - (b) The material constitutes Virgin Excavated Natural Material as defined in the *Protection of the Environment Operations Act 1997*;
 - (c) the material is reused only to the extent that fill is allowed by the consent.

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ATTACHMENT 3

59. **Construction materials.** All materials associated with construction must be retained within the site.
60. **Site Facilities**
The following facilities must be provided on the site:
- (a) toilet facilities in accordance with WorkCover NSW requirements, at a ratio of one toilet per every 20 employees, and
 - (b) a garbage receptacle for food scraps and papers, with a tight fitting lid.
61. **Site maintenance**
The applicant must ensure that:
- (a) approved sediment and erosion control measures are installed and maintained during the construction period;
 - (b) building materials and equipment are stored wholly within the work site unless an approval to store them elsewhere is held;
 - (c) the site is clear of waste and debris at the completion of the works.
62. **Work within public road.** At all times work is being undertaken within a public road, adequate precautions shall be taken to warn, instruct and guide road users safely around the work site. Traffic control devices shall satisfy the minimum standards outlined in Australian Standard No. AS1742.3-1996 "Traffic Control Devices for Work on Roads".
63. **Tree protection – no unauthorised removal.** This consent does not authorise the removal of trees unless specifically permitted by a condition of this consent or identified as approved for removal on the stamped plans.
64. **Archaeology.** As required by the *National Parks and Wildlife Service Act 1974* and the *Heritage Act 1977*, in the event that Aboriginal cultural heritage or historical cultural fabric or deposits are encountered/discovered where they are not expected, works must cease immediately and Council and the Heritage Division of the Office of Environment and Heritage (OEH) must be notified of the discovery. In the event that archaeological resources are encountered, further archaeological work may be required before works can re-commence, including the statutory requirement under the Heritage Act 1977 to obtain the necessary approvals/permits from the Heritage Division of the OEH.

Note: The *National Parks and Wildlife Service Act 1974* and the *Heritage Act 1977* impose substantial penalty infringements and / or imprisonment for the unauthorised destruction of archaeological resources, regardless of whether or not such archaeological resources are known to exist on the site.

ITEM 2 (continued)

ATTACHMENT 3

Engineering Conditions

65. **Stormwater Management - Construction.** The stormwater drainage system on the site must be constructed in accordance with the Construction Certificate version of the Stormwater Management Plan by Tony Mclain Architect on drawing; DA08 (rev: B) submitted in compliance to the condition labelled “Stormwater Management.”

To prevent disturbance to root matter in the area, the dispersal trench must be hand excavated with no severance of significant tree roots and this excavation is to be under the supervision of a suitably qualified arborist so as to ensure the preservation of crucial and significant tree roots.

PRIOR TO OCCUPATION CERTIFICATE

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

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

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

66. **BASIX.** The submission of documentary evidence of compliance with all commitments listed in BASIX Certificate numbered A316325, dated 14 May 2018.
67. **Letterboxes and street/house numbering.** All letterboxes and house numbering are to be designed and constructed to be accessible from the public way. Council must be contacted in relation to any specific requirements for street numbering.

ITEM 2 (continued)

ATTACHMENT 3

68. **Post-construction dilapidation report.** The submission of a post-construction dilapidation report which clearly details the final condition of all property, infrastructure, natural and man-made features that were recorded in the pre-commencement dilapidation report. A copy of the report must be provided to Council, any other owners of public infrastructure and the owners of the affected adjoining and private properties, prior to the issue of any **Occupation Certificate**.
69. **Redundant Footpath Crossing.** The existing footpath crossing(s) and associated gutter crossover(s) which are not accessing approved vehicle access points must be removed and restore kerb and gutter, verge and footway to match existing adjoining sections. All new levels and materials must be flush and consistent with adjoining sections and all costs are to be borne by the applicant. The works must be completed to Councils satisfaction, prior to the issue of any Occupation Certificate.
70. **Stormwater Management - Work-as-Executed Plan.** A Work-as-Executed plan (WAE) of the as constructed Stormwater Management System must be submitted with the application for an Occupation Certificate. The WAE must be prepared and certified (signed and dated) by a Registered Surveyor and is to clearly show the constructed stormwater drainage system (including the onsite detention system) and finished surface levels which convey stormwater runoff.
71. **Stormwater Management – Positive Covenant(s).** A Positive Covenant must be created on the property title(s) pursuant to the relevant section of the Conveyancing Act (1919), providing for the ongoing maintenance of the onsite detention & onsite dispersal system components incorporated in the approved Stormwater Management system. This is to ensure that the drainage system will be maintained and operate as approved throughout the life of the development, by the owner of the site(s). The terms of the instrument are to be in accordance with the Council's terms for these systems as specified in City of Ryde DCP 2014 - Part 8.4 (Title Encumbrances) - Section 7, and to the satisfaction of Council, and are to be registered on the title prior to the release of the Occupation Certificate for that title.
72. **Compliance Certificates – Engineering.** To ensure that all engineering facets of the development have been designed and constructed to the appropriate standards, Compliance Certificates must be obtained for the following items and are to be submitted to the Accredited Certifier prior to the release of any Occupation Certificate. All certification must be issued by a qualified and practising civil engineer having experience in the area respective of the certification unless stated otherwise.

ITEM 2 (continued)

ATTACHMENT 3

- a) Confirming that all components of the parking areas contained inside the site comply with the relevant components of AS 2890 and the City of Ryde DCP 2014, Part 9.3 “Car Parking”.
- b) Confirming that the Stormwater Management system (including any constructed ancillary components such as onsite detention) servicing the development complies with the City of Ryde DCP 2014 Part 8.2 (Stormwater and Floodplain Management) and associated annexures, and has been constructed to function in accordance with all conditions of this consent relating to the discharge of stormwater from the site.
- c) Confirming that erosion and sediment control measures were implemented during the course of construction and were in accordance with the manual “*Managing Urban Stormwater: Soils and Construction*” by the NSW Department – Office of Environment and Heritage and the City of Ryde DCP 2014, Part 8.1 “Construction Activities”.
- d) Compliance certificate from Council confirming that all external works in the public road reserve and alteration to Council assets located in the property have been completed to Council’s satisfaction.

OPERATIONAL CONDITIONS

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

73. **Single dwelling only.** The dwelling is not to be used or adapted for use as two separate domiciles or a boarding house.
74. **Air pollution.** The use of the premises, including any plant or equipment installed on the premises, must not cause the emission of smoke, soot, dust, solid particles, gases, fumes, vapours, mists, odours or other air impurities that are a nuisance or danger to health.

ITEM 2 (continued)

ATTACHMENT 4

DAVIES GEOTECHNICAL

CONSULTING ENGINEERS

28 September 2017

17-037.A

Mr B Lane
c/- Tony McLain Architect
2 Dock Rd
BALMAIN NSW 2041

Dear Bruce,

re: **DA-STAGE GEOTECHNICAL ASSESSMENT
PROPOSED ALTERATIONS, NO.101 WESTERN CRESCENT GLADESVILLE NSW**

1.0 INTRODUCTION

In response to a request from Tony McLain Architect, Davies Geotechnical Pty Ltd has undertaken a geotechnical assessment of the above site, in regard to proposed building additions. This report will be submitted to Ryde Council as part of a Development Application.

Ryde Council requires a geotechnical assessment and report as part of the DA process, addressing the potential impact of slope instability risk for the site. The following report provides our opinions and recommendations on geotechnical issues concerning the potential impact of slope instability risk associated with the proposed works.

Details of the proposed alterations are shown on drawings prepared by Tony McLain Architect, and are described further below.

The assessment was undertaken in accordance with the scope of work outlined in our proposal letter date 11 July 2017, involving the following activities:-

- site inspection by our Principal Geotechnical Engineer on 30 August 2017, and liaison with Ryde Council to confirm the slope instability risk mapping for the site;
- review of information provided, as referenced herein and assessment of geotechnical issues;
- reference to published geology and soils mapping and information in our files; and
- preparation of this report based on the information provided.

2.0 BACKGROUND

The site lies within an area mapped as having risks associated with slope instability. Ryde Council require a geotechnical assessment of the potential impact of slope instability risk for the proposed development.

Reference to Ryde Council's mapping and risk zoning prepared for Council by Coffey Partners International Pty Ltd (Coffey Partners) (reference 1) and Geotechnique Pty Ltd (reference 2) indicates that the site is mapped as M3a (Moderate Risk) zone "...located near steep slopes, cliff lines and boulders in sandstone terrain....".

The following report provides our assessment within the framework of the geotechnical risk assessment undertaken by Coffey Partners and updated by Geotechnique.

Davies Geotechnical Pty Ltd ABN 44 070 628 787
PO Box 732 Pennant Hills NSW 1715 | telephone (02) 9481 8912
Email: daviesgeotek@bigpond.com

ITEM 2 (continued)

ATTACHMENT 4

Bruce Lane
DA-Stage Geotechnical Assessment
No.101 Western Crescent Gladesville NSW

- 2 -

28 September 2017
17-037.A

It should be noted that the current AGS 2007 Guidelines for Landslide Risk Assessment (reference 3) that are now generally followed by the geotechnical profession in the Sydney Basin Region have revised the method of landslide risk assessment that was adopted by Coffey Partners in their report to Ryde Council. Accordingly, the following report does not constitute a complete landslide risk assessment under current guidelines.

3.0 SITE FEATURES / EXISTING DEVELOPMENT

3.1 Geology

The slopes of this locality are formed on the Triassic-age Hawkesbury Sandstone (reference 4) and the GyMEA erosional soil landscape (reference 5).

The local combination of the general geology and colluvial soil accumulations, and topography of the locality, have resulted in particular slope features that have (by our experience) a propensity for higher risk in regard to potential for slope instability.

For the sandstone terrain of the locality, hazards associated with rock falls or collapse of cliff lines and escarpment features are prevalent.

3.2 Site Features, No.101 Western Crescent

The site at No.101 is located on the south-western (downhill) side of Western Crescent, two properties along the road from the intersection with Ross St.

The site is on a moderately sloping undulating hillside with a general fall to the south-west to the shoreline of Glades Bay. The property adjoins residential developments on both sides.

Figure 1 and Figure 2 attached provide a locality plan and a survey plan of the site. Figures 3A–3C provide site photographs showing selected features and general views of the property and existing development.

The natural slope gradient from front to rear is in the range 6° – 8°, steepening at the rear to an average 30° across a sandstone escarpment zone that drops some 10m in height overall to a flat rear area adjacent to the shoreline of Glades Bay on the Parramatta River.

Uphill of the escarpment zone, two distinct sandstone ledges varying between approximately 1m and 2m height outcrop intermittently across the slope. The escarpment zone comprises a (+/-) 5m high cliff face bordering the flat rear area of the block.

The land has a cross fall from SE to NW. The front of the property is benched into the slope by excavation along the SE boundary to depths of 1m – 2m, and across the front boundary to a depth up to approximately 1.5m.

Sandstone bedrock is evident in the excavation bordering the patio area at the front of the dwelling against the SE boundary with No.103, and is inferred close to the surface towards the street frontage near the tree against the SE boundary.

Figure 4 provides a geotechnical plan of the significant slope features and the interpreted bedrock profile is indicated on the slope section provided in Figure 5.

The land on No.103 is partly built up with fill (estimated 0.6m depth) supporting a paved driveway against the boundary with No.101. The fill is supported on the boundary by an ad-hoc wall up to about 0.8m height above the natural surface. The support wall appears to be generally of old concrete block construction and old mass concrete elsewhere.

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At the front of the property the boundary retaining wall against No.103 is of more recent concrete block construction and is at least 1.8m high (photo 2324 in Figure 3C).

The property at No.101 is developed with a single-storey brick residence on sandstone masonry foundation walls with a timber clad veranda addition at the rear and a detached elevated garage at the front. Photographs supplied to us of the general area of the proposed additions are shown below.



Top Left
View to SW across front yard of No.101 (area of proposed additions)

Top Right
View NE to Western Crescent frontage, elevated garage on front boundary.

Bottom Left
View SE across front patio area, to boundary with No.103. Area of existing excavation

[photos supplied by client]

The exterior brick walls of the dwelling appear in good order (casual observation only around parts of the building exterior). The stone foundation wall at the rear north-western corner of the dwelling has experienced a localised footing settlement, cracking and rotation (Figure 3B), which most likely is the result of excavation for the sewer line immediately adjacent to that corner of the dwelling.

Established development in its present general form is evident on No.101 and adjoining properties in the 1943 aerial imagery (<http://maps.six.nsw.gov.au/>), found in the NSW Land & Property SIX Maps website.

A survey plan covering part (the front portion) of the property, prepared by Norton Survey Partners, ref. No.33809, dated 6 June 2017, is provided in Figure 2.

The following features of the slope and the development on No.101 were recorded from observations at the time of our site visit, relevant to slope stability aspects of the site:-

- there were no signs indicative of large-scale natural slope movements or recent instability affecting the developed area of the property;

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- the physical developments on No.101 and on adjoining properties (as far as can be seen from casual observation) are in good order and do not indicate evidence of having been affected by slope movements;
- the stone foundation wall at the rear of the dwelling on No.101 has experienced a localised footing settlement at the northern corner, which appears due to excavation for the adjacent sewer line. This is not indicative of any slope instability;
- weathering and undercutting of rock exposures on the sandstone escarpment at the rear of the property is a continuing natural process and has resulted in displacement of some large and small rock blocks in the past; human activity in quarrying and thus disturbing the rock face is likely to have occurred at this location; however, whilst these processes do influence the slope stability of the rear slope area, they are of negligible influence upon the development further uphill.

4.0 PROPOSED DEVELOPMENT

The proposed development at No.101 involves the following work:

- additions to the existing building structure at the front, which will require extension of the existing excavated area further towards the front of the block;
- a new building addition within the front yard;
- duplication of the garage structure at the front, including conversion of the sub-floor area to a dedicated storage area; this will involve excavation against the front boundary and towards the side boundary for benching of the sub-floor area;
- internal alterations for the existing dwelling;
- a deck addition at the rear of the dwelling.

Excavation requirements are discussed further below.

Details of the proposed development were emailed to us, comprising plans, elevations and sections prepared by Tony McLain Architect, Project No.2640, drawing numbers DA02 to DA08 dated 22 June 2017.

Extracts from the supplied information are provided in Figures 4, 6 & 7 attached herewith.

5.0 DISCUSSION AND RECOMMENDATIONS

5.1 Slope Instability Risk

The landslide risk mapping viewed at Ryde Council's offices confirms the rear portion of the site is within a zone of Moderate Risk (M3a) "*....located near steep slopes, cliff lines and boulders in sandstone terrain....*".

Attachment A herewith provides an explanation of the Slope Instability Risk Zones.

The approximate limit of the M3a zone is indicated on the slope section in Figure 5. That zone is some 15m down slope from the rear of the dwelling (the limit of the present development on the property) and is well beyond influence upon the slope conditions and development further uphill.

It is possible the major cliff line within the escarpment area has been disturbed by quarry activity in the past. There is evidence of displaced sandstone blocks in that zone. However, the upper sandstone ledge outcrops bordering the escarpment cliff line area do not present evidence of rockfall hazards or other instability of any significance within their immediate location.

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We did not observe features within the developed area of the property that would indicate large-scale slope movements or instability have occurred (last 100 years or so, or at least since development of the area).

In our opinion, there are no requirements for any special measures to be incorporated in the proposed additions in regard to slope instability risk, other than good practice for construction relating to excavations, footings and drainage for the proposed building works as discussed further below.

Important factors relating to slope conditions and the impacts of development, which commonly influence the risks of slope instability, are discussed in Attachment B. The attachment also includes extracts from the AGS 2007 Guidelines, namely "*Some Guidelines for Hillside Construction*" and "*Examples of Good and Poor Hillside Practice*".

5.2 General/Restrictions

The general recommendations of the Ryde Council mapping for development within the M3a landslip risk zone specify certain requirements in regard to footings and any potential for unstable/detached sandstone blocks or rock falls to influence the development. These are indicated in Attachment A.

As noted above, the particular slope features associated with the M3a zone as mapped for Ryde Council, and as confirmed from our observations of the site, are located beyond the influence zone for the existing and proposed development.

Although no particular requirements need to be specified for the proposed development for landslide risk issues, the following recommendations are to be incorporated in the work for the proposed development on No.101, to reflect normal engineering requirements and expectations of the design for the site slope and local site conditions.

5.3 Footings

Footings for the new building work are to be taken below any existing or new fill and to a bearing on or within sandstone bedrock. The footings are to be designed and detailed by a suitably experienced and qualified practising consulting structural engineer.

A serviceability bearing pressure of 1000kPa (Pells et al 1998, reference 6) is recommended for footings bearing in sandstone bedrock, subject to approval by the engineer at the time of building.

The existing footing below the sandstone masonry foundation wall at the rear of the dwelling will require underpinning to below the depth of influence of the adjacent sewer line, and the distressed wall structure (refer photos in Figure 3B) reconstructed as part of the proposed works at that area of the dwelling.

New footings for the proposed deck at the rear of the dwelling are to be taken to a depth below the influence zone affecting the adjacent sewer line.

5.4 Stormwater Drainage

All roofwater and other stormwater from the development is to be piped to discharge at the Parramatta River, or approved stormwater system, in accordance with the requirements of Ryde City Council.

5.5 Excavation Conditions/Support Requirements

For the building addition to the front of the existing dwelling, the required excavation extending further into the front yard is in the range of approximately 1.0m – 1.4m depth (refer Section AA on Figure 7).

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We assume the line of excavation on the southern side will approximately follow the edge of the existing patio area against the southern boundary.

Consequently, by maintaining the current set-back of excavation from the boundary, the future excavation should not undercut the existing ad-hoc boundary wall under the fence line against No.103. If that is not the case for the design, temporary support for the boundary and adjacent driveway edge on No.103 will be necessary and should be detailed by a structural engineer as part of the documentation for construction certificate.

We anticipate that sandstone bedrock will be encountered in this area of the site, in the strength range of Class III/Class II Sandstone (Pells et al, reference 6).

The rock conditions could be variable locally due to jointing, and from the effects of weathering. Overburden materials are anticipated to comprise sandy soil possibly containing detached sandstone fragments up to small boulder size.

Excavation in rock is anticipated to be capable of self-support with vertical excavation faces. This will be subject to the actual rock conditions being verified progressively during the excavation, and assumes the excavation methods adopted by the builder will result in sound rock conditions.

Excavation against the front boundary for benching down to the proposed sub-floor storage area below the garage will be approximately 1m maximum depth from existing surface in that area (refer Section AA on Figure 7), and is expected to be mostly in soil materials above the bedrock.

Excavation for the proposed garage duplication and deepening will be close to or against the face of the existing support wall along the front boundary and would locally remove the footing support for the wall. On the southern side, this excavation will approach the boundary wall against No.103 (refer Section EE on Figure 7). Consequently, the ground and footing conditions at these locations will require verification by test excavation, to be undertaken by the builder and witnessed by a geotechnical engineer prior to commencement of the works for the garage extension, and any temporary support requirements confirmed by the structural engineer.

General excavation in soil weak or weathered rock layers should be trimmed to a temporary (short-term) batter of no steeper than 45° (1H:1V) for limited depths (say 0.5m). Soil layers deeper than 0.5m should be benched back from the line of excavation. Permanent excavation faces in soil or weak rock should be faced / supported by landscaping walls.

Variations from these recommendations would need to be verified by a geotechnical engineer's inspection. Detailed requirements will be governed by the soil depth and bedrock conditions, to be determined prior to commencement of the bulk excavation.

Where reliance is placed on vertical excavation faces in bedrock, any requirements for local treatment or additional support of the excavated rock faces if appropriate to the work (eg, dental concrete, shotcrete, rock bolts) which may be dictated by variations in the rock weathering, material strength or structural features (bedding and jointing), are to be determined by a geotechnical engineer during the progress of the excavation.

5.6 Rock Excavation

Recommended generic controls for rock excavation are provided in Attachment C for guidance in planning the proposed excavation work. Specific requirements noted elsewhere herein, or developed as part of the design following development consent, may supersede the general recommendations in Attachment C.

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A dilapidation survey of the adjoining dwelling structure on No.103 is recommended prior to commencement of excavation.

Excavation methods and equipment should be limited to rock sawing and small hydraulic rock hammer equipment, or pneumatically operated hand excavation tools. Use of rock hammer equipment closer than 3m to the adjoining development would only be permitted if:-

- the size of hammer is limited to a Krupp 300kg or equivalent, or smaller,
- vibration monitoring of adjoining properties is undertaken in accordance with recommendations determined by a geotechnical engineer, to verify that the use of the equipment does not result in vibrations at the adjoining structures exceeding a peak particle velocity (PPV) of 5mm/sec, and
- all recommendations provided in Attachment C and/or as otherwise developed from the engineering design are strictly followed.

Any variations proposed to the recommended procedures or equipment (as above), such that the risk of damage to the developments on adjoining properties might be increased, must be assessed by a geotechnical engineer prior to commencement, on the basis of potential for damage due to vibration effects.

5.7 Excavation Support Design

The excavation support requirements for temporary and permanent design situations are to be detailed by a suitably experienced consulting structural/civil engineer. Any temporary support walls should be capable of being installed prior to, or contemporaneously with the progress of the bulk excavation. Details are to be prepared by the structural/civil engineer and reviewed by a geotechnical engineer.

The temporary excavation batters as noted above in soil overburden can be adopted for design purposes and construction planning, subject to the batter slopes being achieved in the available space.

At all times, the excavation will be required to maintain stable conditions within the property and on the adjoining land. The design parameters and requirements for any temporary shoring proposed by the builder should be assessed and detailed at the time of construction, and approved by the structural engineer.

The ground conditions exposed in the excavation should be observed and assessed by a geotechnical engineer. The rock levels and rock conditions should be determined in relation to the requirements and restrictions for excavation in accordance with Attachment C, and the requirements of the engineering design for temporary and permanent excavation support.

6.0 SUMMARY / LIMITATIONS

The recommendations discussed in the above report are provided on the basis of the limited geotechnical assessment carried out. The assessment confirms that, from the geotechnical viewpoint, the proposed additions on No.101, as detailed on the drawings referenced above, can be undertaken.

The rear part of the site is mapped as M3a (Moderate Risk) "*...located near steep slopes, cliff lines and boulders in sandstone terrain...*". This is confirmed from our site observations. The proposed development on No.101 is remote from the M3a area, and does not have an influence on the slope conditions in that area.

In regard to Ryde Council's requirements with respect to the slope instability risk zoning for this site, it is our opinion that the proposed development would not increase the risk of slope instability for the

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present site conditions. This is contingent on the recommendations of this report being implemented in the design, and followed during construction.

The report provides recommendations for the engineering design prior to construction, and controls for the construction activity, including inspections and advice by a geotechnical engineer, concerning the excavations intended as part of the proposed works.

We assume that appropriate conditions will be included in the development consent to ensure the intent for, and outcomes of the recommended geotechnical controls for the design and construction of the proposed works are followed.

If, during construction, any conditions are encountered that vary significantly from those described, inferred or assumed in the above report, it is a condition of the report that we be advised so that those conditions, and the conclusions discussed in the report, can be reviewed and alternative recommendations assessed, if appropriate.

Attachment D (Limitations of This Report) is provided for further understanding of the context of the investigation undertaken, and the limits of the recommendations provided in the report.

The assessment reported above is based on a geotechnical inspection and slope mapping of the site and immediately adjoining slope areas. Whilst general slope stability issues have been considered in regard to the proposed development, this report does not constitute a slope instability risk appraisal under current AGS 2007 Guidelines.

We trust the above report is adequate for your needs at this time. We will be pleased to assist with any further advice or geotechnical services required in regard to the proposed development. Please contact us if you require further information.

Yours faithfully
DAVIES GEOTECHNICAL Pty Ltd



Warwick N Davies MIEAust CPEng NER (Civil)
Principal Geotechnical Engineer

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Attachments:

- Figure 1 – Locality Plan
- Figure 2 – Site Survey Plan
- Figures 3A, 3B, 3C – Site Photographs 30/8/17
- Figure 4 – Geotechnical Plan
- Figure 5 – Geotechnical Slope Section
- Figure 6 – Proposed Excavation(Plan Areas)
- Figure 7 – Proposed Excavation(Sections)

- Attachment A – Explanation of Slope Instability Risk Zones (Ryde City Council)
- Attachment B – Important Factors Influencing the Stability of Slopes for Urban/Residential Development
- Attachment C – General Guidelines for Control of Rock Excavations
- Attachment D – Limitations of This Report

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REFERENCES

1. Coffey Partners International Pty Ltd. *Instability Risk Zoning, Ryde Municipal Council*. Report No. S9378/1-AC, May 1991.
2. Geotechnique Pty Ltd, *Report to Ryde City Council*, ref. No.4365/1-AB, 2 July 2002.
3. *Practice Note Guidelines for Landslide Risk Management 2007 [and Commentary]*, Australian Geomechanics, Vol.42, No.1, March 2007.
4. Geol. Sur. NSW, Dept Min Resources (1983). *Geological Series Sheet 9130 (Sydney) 1:100,000*.
5. Chapman, G.A. and Murphy, C.L. (1989), Soil Landscapes of the Sydney 1:100,000 sheet. Soil Conservation Service of NSW, Sydney.
6. Pells P.J.N., Mostyn G. and Walker B.F. (1998). "*Foundations on Sandstone and Shale in the Sydney Region*" Australian Geomechanics, Number 33 Part 3 Dec.1998.

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ATTACHMENT 4

ATTACHMENT A

City of Ryde
Slope Instability Risk Zones

Low Risk Zone

It is considered that development of areas designated at Low Risk is unlikely to be affected by slope failure problems due to natural features. Specific geotechnical investigations of these areas is not considered necessary unless development involves major slope modifications.

Moderate Risk Zone

Areas designated as Moderate Risk (i.e. areas M1 and M2) exhibit sufficiently steep slopes and residual/slopewash cover overlying shale, that some concern exists on the possibility of slope instability, particularly in the case of uncontrolled development.

Zone M1

It is recommended that in areas designated M1, where slope angles generally exceed 10°, and where there is some evidence to indicate concern on the possibility of slope instability, proposed development should be subject to geotechnical assessment by a suitably qualified Geotechnical Engineer or Engineering Geologist. This should involve an initial inspection of surface features, with subsurface investigations required where conditions are confirmed to be adverse.

Zone M2

In areas designated M2, where slope angles are generally in the range of 5° to 10°, it is recommended that Council officers initially assess whether individual building applications warrant geotechnical assessment. In these areas it is generally recommended that the height of uncontrolled fill and excavations be restricted to a maximum of one (1) metre, unless supported by an engineered retaining structure. In addition, structures in these areas should be founded on weathered shale, below any residual/slopewash materials.

Zone M3a

The development of areas designated as Moderate Risk (M3a) located near steep slopes, cliff lines and boulders in sandstone terrain, should ensure that structures are founded on in-situ sandstone, not potentially unstable detached blocks of sandstone. Where development is proposed adjacent to a steep escarpment it is recommended that the proposed development be initially assessed by Council Officers who would decide whether or not a geotechnical assessment is required. In addition to reduce the likelihood of rockfalls, the removal and/or stabilisation of potentially unstable rock blocks should be undertaken.

High Risk Zone

In the areas designated High Risk, where features indicate active, recent or potential slope instability, development should be regarded with concern. It is recommended that any proposed development within these areas, should be subject to a geotechnical investigation of surface features supported by subsurface investigation to define the geotechnical parameters which are required to more accurately define the degree of risk associated with such development.

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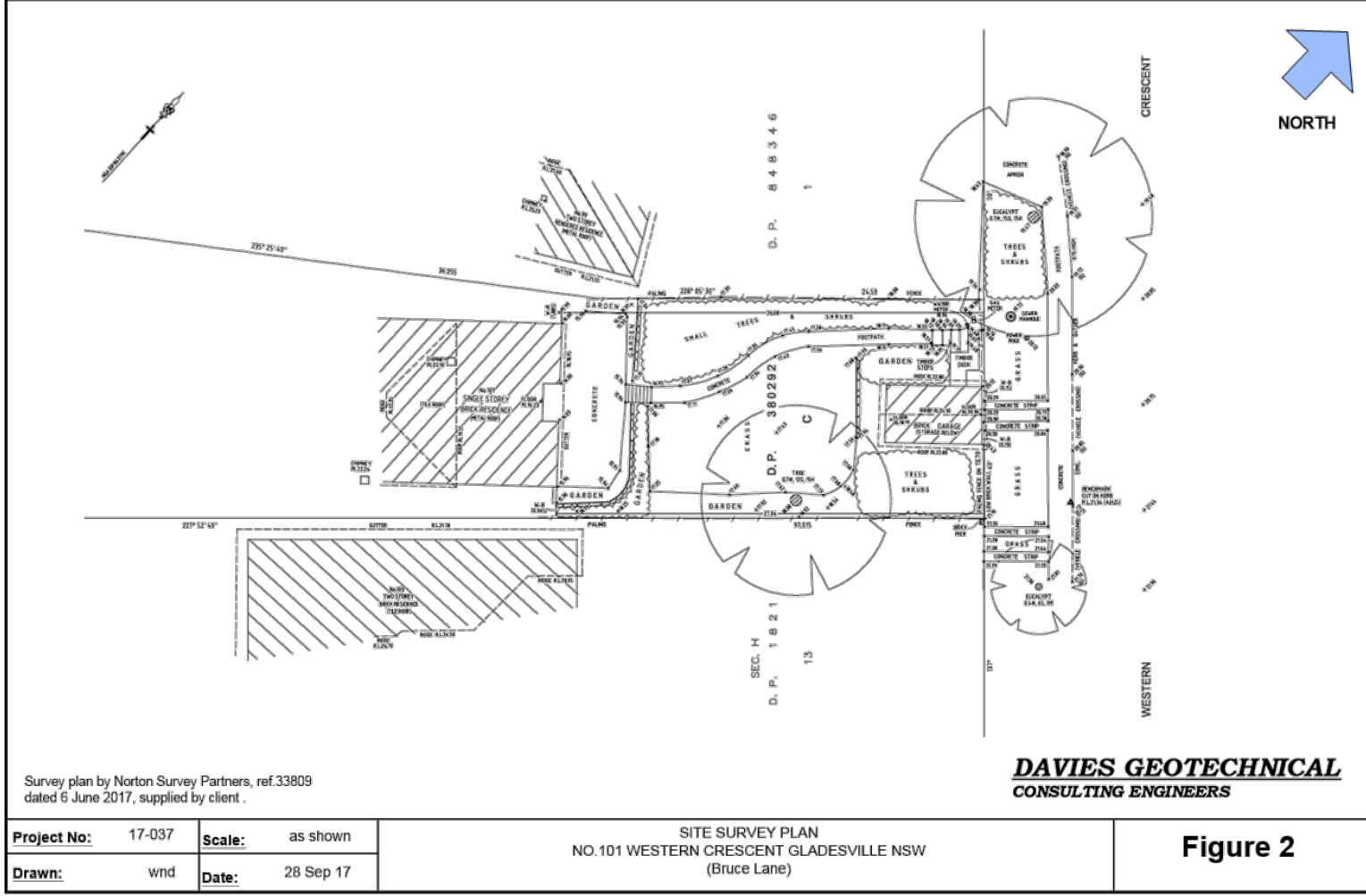
ITEM 2 (continued)

ATTACHMENT 4



ITEM 2 (continued)

ATTACHMENT 4



ITEM 2 (continued)

ATTACHMENT 4



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ATTACHMENT 4



2311 - Rear of dwelling No.101



2306 - Footing settlement, wall rotation and displacement at rear corner of dwelling. Note sewer manhole at base of wall.

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Project No: 17-037	Scale: NTS	SITE PHOTOGRAPHS 30/8/17 NO.101 WESTERN CRESCENT GLADESVILLE NSW (Bruce Lane)	Fig 3B
Drawn: wnd	Date: 28 Sep 17		

ITEM 2 (continued)

ATTACHMENT 4



2323 - Front of dwelling No.101, view south to area of excavation for additions



2318 - Patio at front of dwelling, view east to area of excavation for additions



2325 - View south across front yard of No.101, area of proposed additions



2324 - View east at front SE corner of No.101, 1.8m(+) high block retaining wall on boundary with No.103

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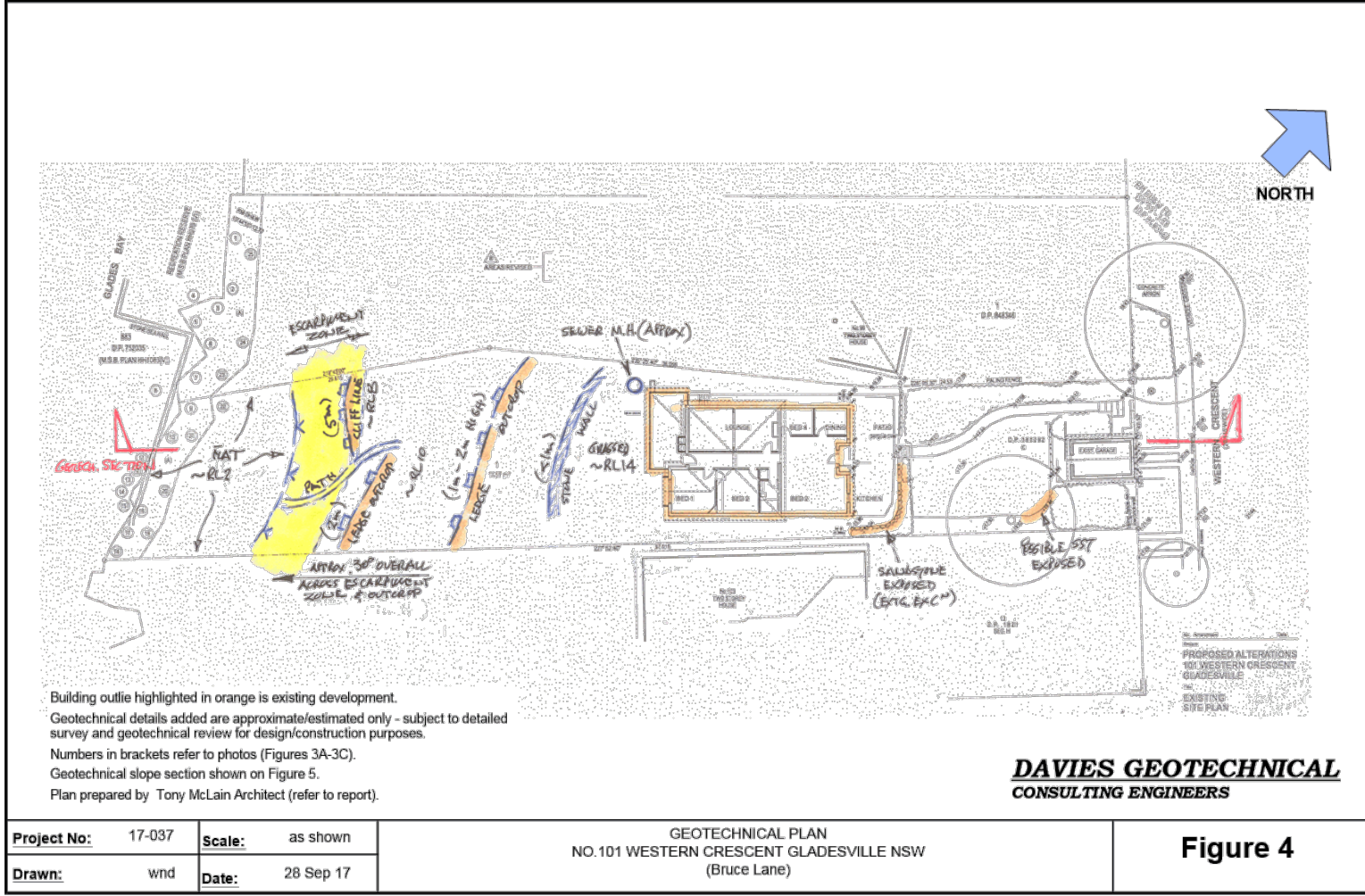
Project No:	17-037	Scale:	NTS
Drawn:	wnd	Date:	28 Sep 17

SITE PHOTOGRAPHS 30/8/17
NO.101 WESTERN CRESCENT GLADESVILLE NSW
(Bruce Lane)

Figure 3C

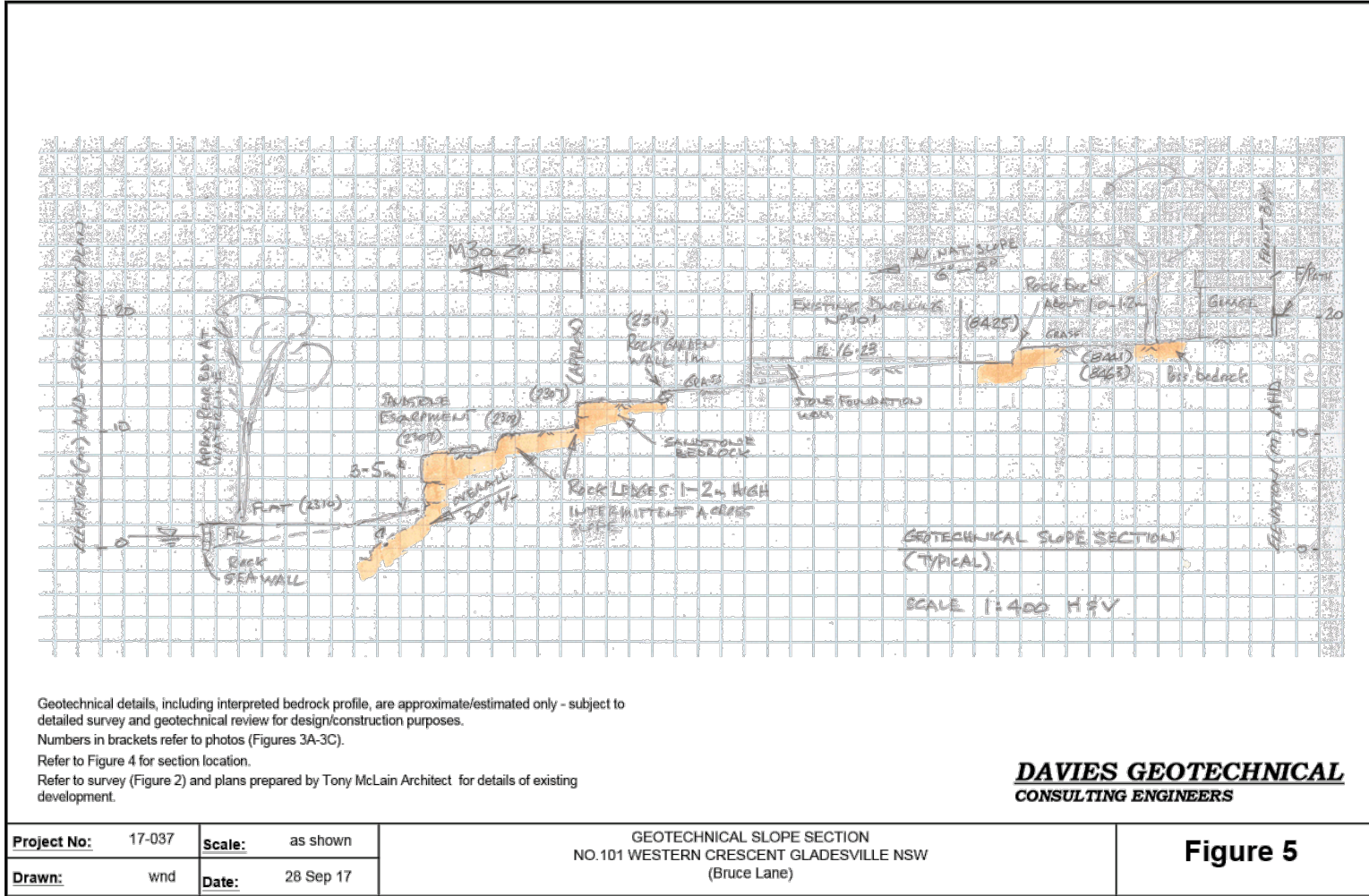
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ATTACHMENT 4



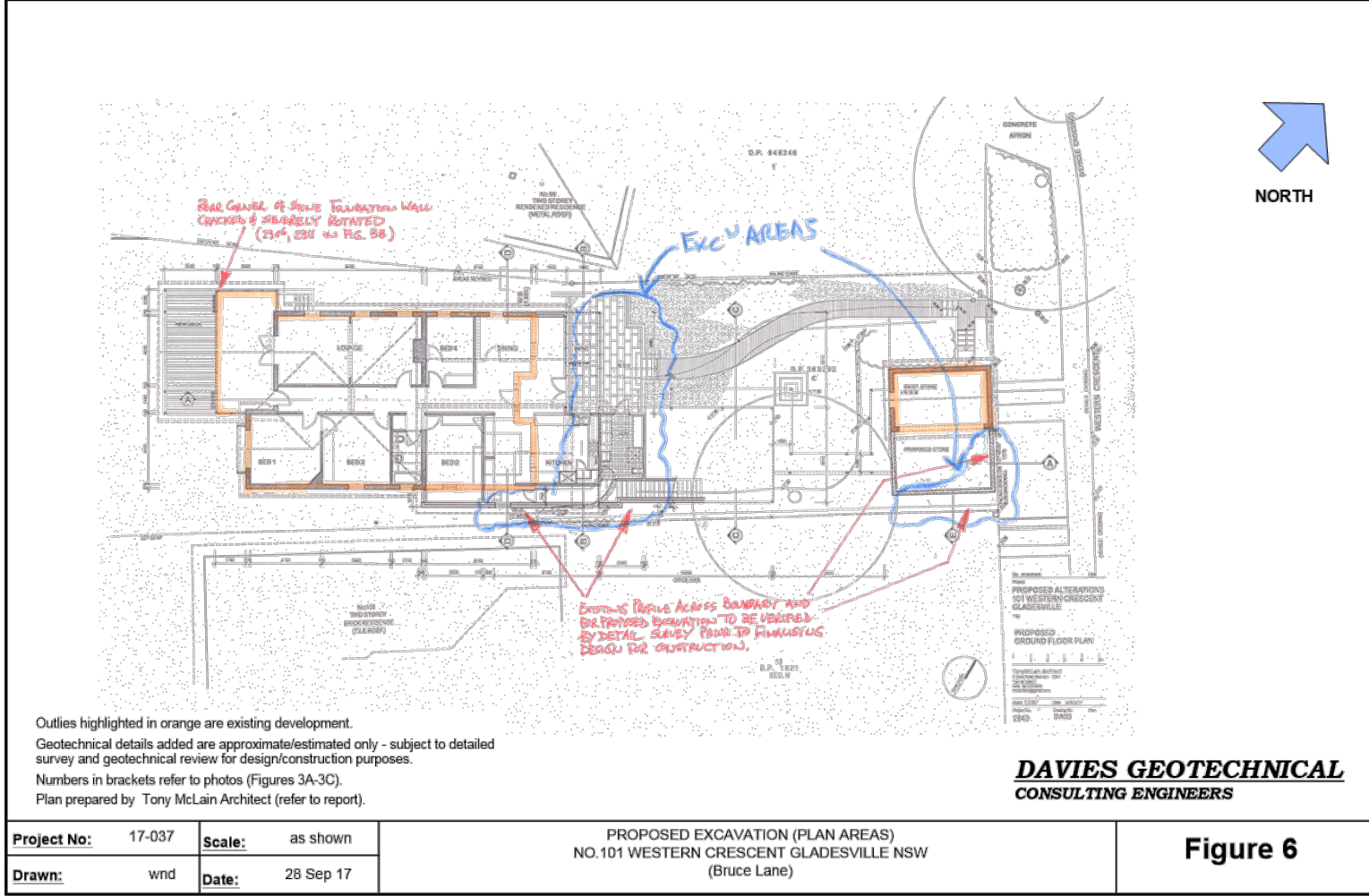
ITEM 2 (continued)

ATTACHMENT 4



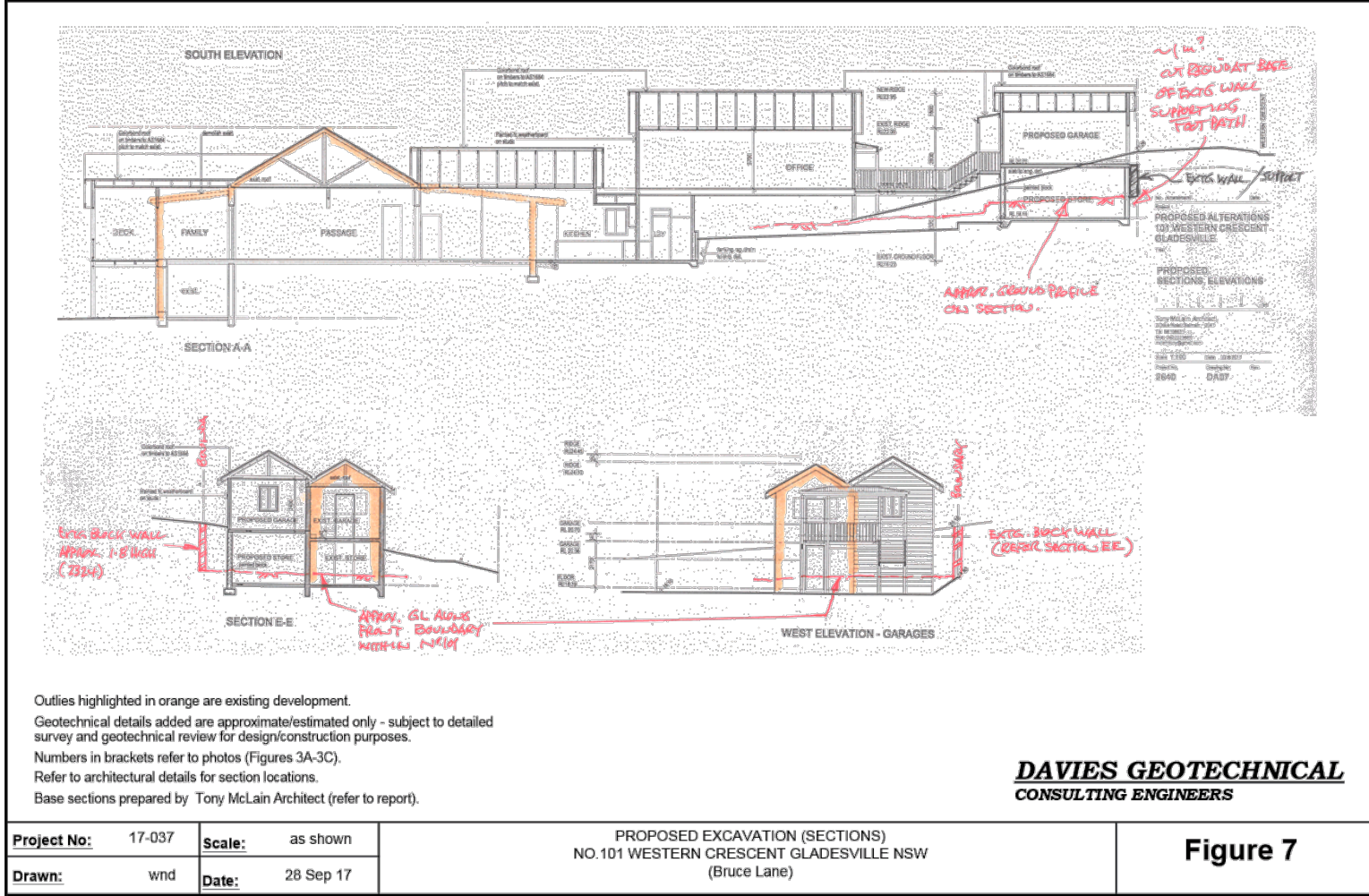
ITEM 2 (continued)

ATTACHMENT 4



ITEM 2 (continued)

ATTACHMENT 4



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ATTACHMENT B

**IMPORTANT FACTORS INFLUENCING ASSESSMENT OF STABILITY
OF SLOPES FOR URBAN/RESIDENTIAL DEVELOPMENT**

B1. Limitations of the Assessment Procedure

Assessment procedures carried out for this appraisal are in accordance with the recommendations of the current AGS Risk Classification System, and with accepted local practice. The following limitations must be acknowledged:-

- ◇ the assessment of the stability of natural slopes requires a great degree of judgment and personal experience, even for experienced practitioners with good local knowledge;
- ◇ the assessment must be based on development of a sound geological model; slope processes and process rates influencing landsliding or landslide potential will vary according to geomorphological influences;
- ◇ the likelihood that landsliding may occur on a given slope is generally hard to predict and is associated with significant uncertainties;
- ◇ different practitioners may produce different assessments of risk;
- ◇ actual risk of landsliding cannot be determined; risk changes with time;
- ◇ consequences of landsliding need to be considered in a rational framework of risk acceptance;
- ◇ acceptable risk in relation to damage to property from landslide activity is subjective; it remains the responsibility of the owner and/or local authority to decide whether the risk is acceptable; the geotechnical practitioner can assist with this judgement;
- ◇ the extent and methods of investigation for assessment of landslide risk will be governed by experience, by the perceived risk level, and by the degree to which the risk or consequences of landsliding are accepted for a specific project.
- ◇ the assessment may be required at a number of stages of the project or development; frequently (due to time or budget constraints imposed by the client) there will be no opportunity for long-term monitoring of the slope behaviour or groundwater conditions, or for on-going opportunity for the slope processes and performance of structures to be reviewed during and after development; such limitations should be recognised as relevant to the assessment.

B2. Slope Instability

In the Sydney Basin region, natural slope instability is mostly confined to the talus or colluvial material, but in some cases occurs in the residual clay soil overburden. The underlying bedrock on natural slopes, even in highly weathered form, is generally stable. Exceptions can occur and are known, particularly in the Illawarra and Newcastle regions.

In most of the reported slope failures in the Sydney Basin region, the cause of failure may be traced to one of the following factors:

- (i) interference with natural drainage features,
- (ii) introduction of additional water to the area,
- (iii) excavation or removal of soil or rock from the toe (bottom) of the slope,
- (iv) addition of soil or rock to the top of the slope.

There have been some slope failures with no immediately apparent cause and it is our opinion that these failures resulted from natural changes in the groundwater conditions in the slope during or some time after very heavy or prolonged periods of rainfall.

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Continuing or intermittent downslope soil movement is an on-going natural geological process. It may be modified (accelerated or slowed) by the activities of man. Such movements become of concern when their magnitudes or rates have the potential to threaten the integrity of man-made improvements or threaten life or safety. A broad assessment of slope stability risk is presented in this report and it should be recognised that there is always a possibility that unpredicted slope movements can occur.

Developments can be designed to tolerate, or be isolated from, the effects of minor slope movements. Geotechnical assessment and design input, and monitoring will usually be required for such purposes.

In the case of creeping hillslopes, design that isolates the structure from the effects of slope creep is preferable. For example, retaining walls should be separated from the house structure so that if they move as a result of soil creep or other slope influences, the movements are not transmitted to the house. Where this cannot be achieved for the design, significant strengthening of the structure and/or its foundations, or other measures to modify the potential for slope movements, or the capacity of the structure to accommodate slope movements, will be required.

B3 Development on Slopes

B3.1 General

Some risk of slope instability is always attached to the development of land on slopes formed on talus and colluvium, and on residual soils. The various levels of risk normally expected for development of land on such slopes, and some guidelines for hillside construction, are discussed elsewhere in this report.

B3.2 Effects of Construction on Slope Stability

The stability of apparently stable land may be adversely affected by various activities on the land or in the vicinity, as follows:

- the diversion of surface water onto the land by new roads, houses, landscaping, or other construction activities,
- the placing of filling either above or beside the land,
- the excavation or removal of soil or rock from the area below (downhill) of the land,
- the construction of absorption areas for stormwater or effluent, or other systems whereby liquids are introduced into the soil and rock.

B3.3 Effects of Drainage on Slope Stability

Good surface and subsurface drainage will almost always improve the stability of a slope. Where a new structure, modifications to an existing structure or landscaping is proposed on a slope, it is highly likely that some form of surface or subsurface drainage will be required to maintain or improve the stability of the slope.

A geotechnical engineer should review all proposed construction, developments or alterations on slopes, to assess the effect on slope stability and any required drainage.

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ATTACHMENT 4

PRACTICE NOTE GUIDELINES FOR LANDSLIDE RISK MANAGEMENT 2007

APPENDIX G - SOME GUIDELINES FOR HILLSIDE CONSTRUCTION

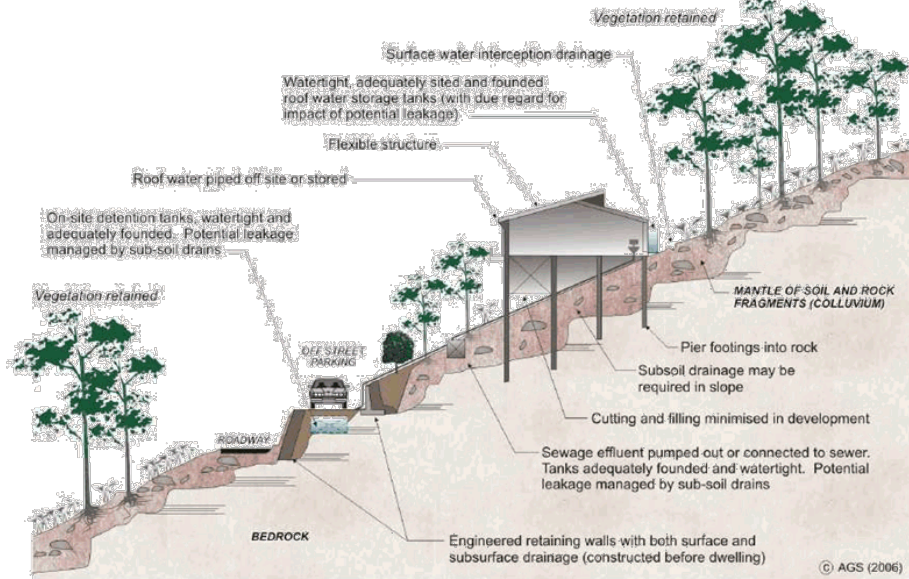
	<i>GOOD ENGINEERING PRACTICE</i>	<i>POOR ENGINEERING PRACTICE</i>
ADVICE		
GEOTECHNICAL ASSESSMENT	Obtain advice from a qualified, experienced geotechnical practitioner at early stage of planning and before site works.	Prepare detailed plan and start site works before geotechnical advice.
PLANNING		
SITE PLANNING	Having obtained geotechnical advice, plan the development with the risk arising from the identified hazards and consequences in mind.	Plan development without regard for the Risk.
DESIGN AND CONSTRUCTION		
HOUSE DESIGN	Use flexible structures which incorporate properly designed brickwork, timber or steel frames, timber or panel cladding. Consider use of split levels. Use decks for recreational areas where appropriate.	Floor plans which require extensive cutting and filling. Movement intolerant structures.
SITE CLEARING	Retain natural vegetation wherever practicable.	Indiscriminately clear the site.
ACCESS & DRIVEWAYS	Satisfy requirements below for cuts, fills, retaining walls and drainage. Council specifications for grades may need to be modified. Driveways and parking areas may need to be fully supported on piers.	Excavate and fill for site access before geotechnical advice.
EARTHWORKS	Retain natural contours wherever possible.	Indiscriminatory bulk earthworks.
CUTS	Minimise depth. Support with engineered retaining walls or batter to appropriate slope. Provide drainage measures and erosion control.	Large scale cuts and benching. Unsupported cuts. Ignore drainage requirements
FILLS	Minimise height. Strip vegetation and topsoil and key into natural slopes prior to filling. Use clean fill materials and compact to engineering standards. Batter to appropriate slope or support with engineered retaining wall. Provide surface drainage and appropriate subsurface drainage.	Loose or poorly compacted fill, which if it fails, may flow a considerable distance including onto property below. Block natural drainage lines. Fill over existing vegetation and topsoil. Include stumps, trees, vegetation, topsoil, boulders, building rubble etc in fill.
ROCK OUTCROPS & BOULDERS	Remove or stabilise boulders which may have unacceptable risk. Support rock faces where necessary.	Disturb or undercut detached blocks or boulders.
RETAINING WALLS	Engineer design to resist applied soil and water forces. Found on rock where practicable. Provide subsurface drainage within wall backfill and surface drainage on slope above. Construct wall as soon as possible after cut/fill operation.	Construct a structurally inadequate wall such as sandstone flagging, brick or unreinforced blockwork. Lack of subsurface drains and weepholes.
FOOTINGS	Found within rock where practicable. Use rows of piers or strip footings oriented up and down slope. Design for lateral creep pressures if necessary. Backfill footing excavations to exclude ingress of surface water.	Found on topsoil, loose fill, detached boulders or undercut cliffs.
SWIMMING POOLS	Engineer designed. Support on piers to rock where practicable. Provide with under-drainage and gravity drain outlet where practicable. Design for high soil pressures which may develop on uphill side whilst there may be little or no lateral support on downhill side.	
DRAINAGE	Provide at tops of cut and fill slopes. Discharge to street drainage or natural water courses. Provide general falls to prevent blockage by siltation and incorporate silt traps. Line to minimise infiltration and make flexible where possible. Special structures to dissipate energy at changes of slope and/or direction.	Discharge at top of fills and cuts. Allow water to pond on bench areas.
SURFACE	Provide filter around subsurface drain. Provide drain behind retaining walls. Use flexible pipelines with access for maintenance. Prevent inflow of surface water.	Discharge roof runoff into absorption trenches.
SUBSURFACE	Usually requires pump-out or mains sewer systems; absorption trenches may be possible in some areas if risk is acceptable. Storage tanks should be water-tight and adequately founded.	Discharge sillage directly onto and into slopes. Use absorption trenches without consideration of landslide risk.
SEPTIC & SULLAGE	Control erosion as this may lead to instability. Revegetate cleared area.	Failure to observe earthworks and drainage recommendations when landscaping.
EROSION CONTROL & LANDSCAPING		
DRAWINGS AND SITE VISITS DURING CONSTRUCTION		
DRAWINGS	Building Application drawings should be viewed by geotechnical consultant	
SITE VISITS	Site Visits by consultant may be appropriate during construction/	
INSPECTION AND MAINTENANCE BY OWNER		
OWNER'S RESPONSIBILITY	Clean drainage systems; repair broken joints in drains and leaks in supply pipes. Where structural distress is evident see advice. If seepage observed, determine causes or seek advice on consequences.	

ITEM 2 (continued)

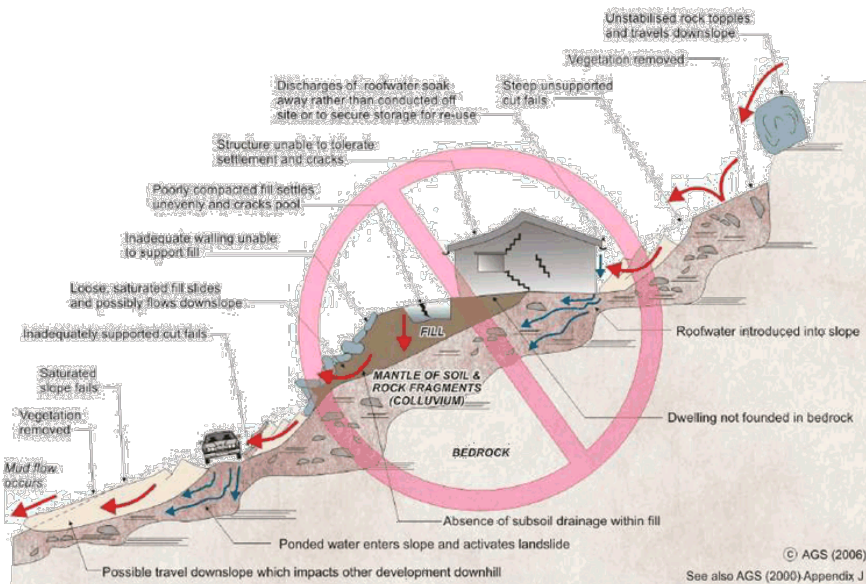
ATTACHMENT 4

PRACTICE NOTE GUIDELINES FOR LANDSLIDE RISK MANAGEMENT 2007

EXAMPLES OF **GOOD** HILLSIDE PRACTICE



EXAMPLES OF **POOR** HILLSIDE PRACTICE



ITEM 2 (continued)

ATTACHMENT 4

Bruce Lane
DA-Stage Geotechnical Assessment
No.101 Western Crescent Gladesville NSW

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17-037.A

ATTACHMENT C

GENERAL GUIDELINES FOR CONTROL OF ROCK EXCAVATIONS

Where building constructions on adjacent properties are sensitive to ground vibrations, either in terms of proximity to the proposed excavation, or potential for cracking, controls by the excavation contractor over the rock excavation are necessary, and are recommended, so that excessive vibration effects are not generated.

We recommend that the following general practice be adopted for minimising potential vibration effects, subject to site-specific evaluation being carried out by a suitably experienced geotechnical engineer or engineering geologist.

- Bulk excavation should be commenced at the centre of the site, and progressed out towards the boundaries. Test excavations should be undertaken at the edges of the excavation outline, to assess the rock depths and rock conditions in advance of the bulk excavation extending to the boundary lines. A suitably experienced geotechnical engineer should confirm the rock conditions and support requirements at the boundaries during the initial excavation stage.
- The excavation activities must be controlled by the contractor, so that ground vibrations at the adjoining residential structures are limited to a level that would not cause damage to the structure(s). Unless otherwise determined by specific engineering assessment of the subject building or other structure, we recommend an upper limit of vibrations at the structure equivalent to a peak particle velocity (PPV) in the range of 5–10 mm/sec should be adopted. Although this is somewhat conservative, it is considered a reasonable basis for the assessment of suitable controls.
- The above, or other suitable limit, is expected to be achievable by reasonable controls over use of rock breaker equipment. For example, one or all of the following may be appropriate:-
 - the rock breaker or other equipment is restricted to an operating weight determined using established correlations between the distance from the source of vibrations and the level of vibration effects (expressed as PPV),
 - the use of the equipment is restricted to about one-half of full operating capacity,
 - smaller (rather than larger) rock breakers would be more suitable in maintaining vibration levels within required limits, and are less likely to be worked in excess of reasonable limits.
- At all times, the excavation equipment must be operated by experienced personnel, according to the manufacturer's instructions, and in a manner consistent with minimising vibration effects.
- Use of rock sawing, chemical rock splitting, or pneumatic hand equipment, although less productive, would reduce or possibly eliminate risks of damage to adjoining property through vibration effects transmitted via the ground. Such techniques may be considered for portion or all of the bulk excavations, if an alternative to rock breaking is necessary.

Monitoring of vibrations transmitted from the site excavation works may not be necessary, providing the limitations on the excavation equipment and its usage, as above, are adhered to.

Rock saw attachments can be employed to cut the perimeter walls of the excavations so as to minimise overbreak in the rock face and to reduce the transmission of vibrations to adjacent residential structures.

DAVIES GEOTECHNICAL
CONSULTING ENGINEERS

ITEM 2 (continued)

ATTACHMENT 4

Bruce Lane
DA-Stage Geotechnical Assessment
No.101 Western Crescent Gladesville NSW

28 September 2017
17-037.A

The initial selection of plant may be made to with reference to the recommendations provided herein. However it is recommended that a site-specific monitoring trial be carried out at the commencement of excavation if vibration is likely to be a critical issue for the development.

To minimise further the effects of hydraulic rock hammer equipment, the work method should allow for the following:

- ❖ excavation of loose or rippable sandstone by bucket or single tyne attachments prior to commencement of rock hammering; care should be taken to ensure that loosening of sandstone blocks does not continue into the adjacent foundation areas;
- ❖ progressive breakage from open excavated faces;
- ❖ selective breakage along open joints where these are present;
- ❖ orientation of the rock hammer in a direction away from property boundaries and into the existing open excavation;
- ❖ use of rock hammers in short bursts to prevent generation of resonant frequencies;
- ❖ removal of large blocks away from the edge of the excavation and to a greater distance from adjacent structures prior to breaking up for transport from site.

It should be noted that vibrations that are below threshold levels for building damage are nevertheless discernable to persons, and may be experienced beyond the site boundaries. As such this would not necessarily be of concern for the integrity of the adjoining developments.

DAVIES GEOTECHNICAL
CONSULTING ENGINEERS

ITEM 2 (continued)

ATTACHMENT 4

Bruce Lane
DA-Stage Geotechnical Assessment
No.101 Western Crescent Gladesville NSW

28 September 2017
17-037.A

ATTACHMENT D

LIMITATIONS OF THIS REPORT

Soil and rock formations are variable. Information presented as part of this report may indicate the approximate subsurface conditions only at the specific test locations. Boundaries between zones on logs or stratigraphic sections are often not distinct, but rather are transitional and have been interpreted.

The precision with which subsurface conditions are indicated depends largely on the frequency and method of sampling, and on the uniformity of subsurface conditions. The spacing of test sites also usually reflects budget and schedule constraints.

Groundwater conditions described in this report refer only to those observed at the place and under circumstances noted in the report. The conditions may vary seasonally or as a consequence of construction activities on the site or adjacent sites.

Where ground conditions encountered at the site differ significantly from those anticipated in the report, either due to natural variability of subsurface conditions or construction activities, it is a condition of this report that Davies Geotechnical Pty Ltd be notified of any variations and be provided with an opportunity to review the recommendations of this report. Recognition of changed soil and rock conditions requires experience and it is recommended that a suitably experienced geotechnical engineer be engaged to visit the site with sufficient frequency to detect if conditions have changed significantly.

The comments given in this report are intended only for the guidance of the design engineer, or for other purposes specifically noted in the report. The number of boreholes or test excavations necessary to determine all relevant underground conditions which may affect construction costs, techniques and equipment choice, scheduling, and sequence of operations would normally be greater than has been carried out for design purposes. Contractors should therefore rely on their own additional investigations, as well as their own interpretations of the borehole data in this report, as to how subsurface conditions may affect their work.

DAVIES GEOTECHNICAL
CONSULTING ENGINEERS

ITEM 2 (continued)

ATTACHMENT 5

Tony McLain Susan McLain
4/26 Grove Street, Birchgrove
NSW 2041
mclaintony@gmail.com

Architects

Tel 98108631

Mob: 0402223665

The General manager
City of Ryde

By hand

Attention : Madeline Thomas



13th April, 2018

Re No 101 WESTERN CRESCENT, GLADESVILLE
LDA 2017/0546

Dear Sir,

As requested we have amended the plans (issue B) in accordance with your letter of 19th March. To summarise –

1. The Upper floor has been set in 1500 mm from the side boundary.
2. A privacy screen has been added to the walkway from the garage to the studio.
3. The garage has been reduced in width to 6m.
4. A trench grate has been added in front of the garage.
5. The roof form of the garage is now a Dutch gable.
6. **STORMWATER**
An amended Geotechnical Report has been prepared addressing the proposed absorption pit location . The Report concludes that the potential impacts in this area are " considered to be minimal or negligible"
See DAVIES GEOTECHNICAL Report – (17-037.B)

From an architectural point of view this is the preferred solution rather the suggested direct discharge to Parramatta River . A direct discharge solution would involve major earthworks , the excavation of the escarpment and the disturbance of the natural vegetation downhill from the proposed absorption trench.

We consider that these changes overcome the objections raised concerning streetscape , overshadowing , loss of privacy and building bulk.

Please contact us if any more information is required.

Regards,

Tony McLain

Tony McLain. (Registered Architect , 4291)

ITEM 2 (continued)

ATTACHMENT 5

DAVIES GEOTECHNICAL
CONSULTING ENGINEERS

13 April 2018

17-037.B

Tony McLain Architect
Unit 4, 26 Grove St
BIRCHGROVE NSW 2041

Dear Tony,

re: **DA-STAGE GEOTECHNICAL ASSESSMENT LDA2017/0546**
PROPOSED STORMWATER ON-SITE ABSORPTION SYSTEM
PROPOSED ALTERATIONS, NO.101 WESTERN CRESCENT GLADESVILLE NSW

Introduction / Background

In response to your request, we provide our comments on the proposed on-site disposal system for stormwater associated with the proposed re-development on No.101 Western Crescent.

Our DA-stage geotechnical report 17-037.A dated 28 September 2017 for this development stated:

Stormwater Drainage

All roofwater and other stormwater from the development is to be piped to discharge at the Parramatta River, or approved stormwater system, in accordance with the requirements of Ryde City Council.

An alternative method is now proposed in lieu of piping the stormwater to the Parramatta River, involving an absorption trench disposal system at the rear of the site, beyond the dwelling. Details of the proposed absorption system were emailed to us for comment.

Ryde City Council's letter dated 19 March 2018 advises review comments from Cardno Consulting Engineers. We note that Cardno have not properly quoted our report in regard to the recommendation we made for stormwater disposal (full extract from our report as above). Importantly, our recommendation included possible alternative disposal to piping into Parramatta River, namely "....or approved stormwater system".

In addition, Cardno state our recommendation for stormwater to be piped to the Parramatta River ".... is at odds with the absorption trench system". That is self-evident. However, the proposed absorption system is consistent with our contention (implied in our earlier report), that other approved stormwater systems may be available for consideration.

Cardno have requested a revised geotechnical report in the following terms:

Before this application can be further assessed it is recommended that the applicant to have the architect amend his drawing DA08 to show the stormwater discharging into the Parramatta River, or ask their geotechnical engineer to revise his report to amend Section 5.4 and to take account of the absorption trench when assessing slope instability risks."

Council states: "..... the report does not provide sufficient details for the bedrock and any effects related to having (an) absorption trench within close proximity to land prone to slope instability.". These matters are addressed below.

Davies Geotechnical Pty Ltd ABN 44 070 628 787
PO Box 732 Pennant Hills NSW 1715 telephone (02) 9481 8912
Email: daviesgeotek@bigpond.com

ITEM 2 (continued)

ATTACHMENT 5

Tony McLain Architect
DA-Stage Geotechnical Assessment
No. 101, Western Crescent, Gladesville, NSW
13 April 2018
17-037.B

Our comments below provide an update to our earlier report to address the proposed alternative stormwater disposal system, and are to be read as supplementary to, and in conjunction with, our previous report.

Proposed Stormwater Absorption System

Concept details of the location and intended construction for the absorption trench are shown on Drawing No. 2640/DA-08 Rev B dated 13 April 2018 (attached herewith).

The location is within a benched area of the sandstone slope identified on the slope section provided as Figure 5 in our earlier report, between the upper and middle rock ledge outcrops "2307" and "2308", these identifiers corresponding to photographs of the same numbering in Figure 3A of the report.

Tests undertaken on 11 April 2018 at the proposed trench location confirm topsoil and sandy loam to depths of 0.55m (Pit 1) and 0.4m (Pit 2). Photographs supplied to us are provided as an attachment herewith.

In our opinion, the following features are important and favourable in regard to the proposed absorption system and its potential to influence the local slope conditions:-

- the proposed absorption system is common on slopes of this character,
- roofwater from the existing development has been disposed ad-hoc over the rear slope of the property for at least 75 years without obvious adverse effects on the slope conditions,
- the location of the disposal trench is sufficiently remote from the top of the escarpment zone,
- there is adequate soil cover over the bedrock surface to accommodate the on-site disposal in a controlled manner,
- any minor landscaping improvements on the bench can be undertaken at the time of the development, consistent with the proposed construction,
- the disposal system facilitates controlled distribution of the seepage water through the soil profile and ultimately over the bedrock surface or into the bedrock structure, consistent with normal groundwater seepage that occurs on these slopes from time to time in response to rainfall events.

The proposed absorption trench system must be designed and detailed by an experienced hydraulic engineer.

Depending on the design storm event and duration adopted for the design of the infiltration system, overflow from the disposal trenches may occur. The disposal design must accommodate the possibility of the absorption trench being surcharged, resulting in overland flow occurring from the trench, at some time over the design life of the system. The frequency of such occurrences is dependent on rainfall patterns.

Any trench overflow should be controlled by suitable means incorporated in the design and construction so that surface erosion downslope from the trench does not occur.

Summary & Opinion

- The proposed on-site stormwater absorption system could be included as part of the proposed site development, subject to the recommendations above being followed.
- Potential impacts of the on-site disposal for the slope conditions at the rear of the property are considered to be minimal to negligible.

DAVIES GEOTECHNICAL
CONSULTING ENGINEERS

ITEM 2 (continued)

ATTACHMENT 5

Tony McLain Architect
DA-Stage Geotechnical Assessment
No.101 Western Crescent Gladesville NSW

13 April 2018
17-037.B

- Inclusion of the proposed absorption trench system in the development does not alter our conclusions and opinions stated in our previous report regarding slope instability risk generally, or in regard to the M3a Zone.

Appendix A – Limitations of This Report – is provided for further understanding of the context of the investigation undertaken, and the limits of the recommendations provided in the report.

We trust the above is adequate for your needs at this time. Please contact the undersigned if you require further information

Yours faithfully
DAVIES GEOTECHNICAL Pty Ltd


Warwick N. Davies MIEAust CPEng NER (Civil)
Principal Geotechnical Engineer

b17037L.docx

Attachments:
Site Plan, Dwg. 2640/DA-08/B
Site Photos and Soil Tests 11/4/18
Appendix A – Limitations of this report

- 3 153 COX'S ROAD, NORTH RYDE. Internal modification to convert existing dwelling to a Dual Occupancy (Attached) and Strata Subdivision – Under Division 1 of State Environmental Planning Policy (Affordable Rental Housing) 2009. LDA2017/0226**

Report prepared by: Creative Planning Solutions; Acting Senior Coordinator - Assessment

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

File Number: GRP/09/6/12/1/2 - BP18/714

City of Ryde Local Planning Panel Report

DA Number	LDA2017/0226
Site Address & Ward	153 Cox's Road, North Ryde East Ward
Zoning	R2 Low Density Residential Zone
Proposal	Internal modification to convert existing dwelling house to a dual occupancy (attached) & strata subdivision - under Division 1 of <i>State Environmental Planning Policy (Affordable Rental Housing) 2009</i>
Property Owner	Sajjad Falamaki
Applicant	Sajjad Falamaki
Report Author	Ben Tesoriero – Consultant Planner
Lodgement Date	16 June 2017
No. of Submissions	Two (2) submissions.
Cost of Works	\$19,780.00
Reason for Referral to RLPP	Development that contravenes a development standard imposed by an environmental planning instrument by more than 10% or non-numerical development standards. <i>Schedule 1, Part 3 of Local Planning Panels Direction</i>

ITEM 3 (continued)

Recommendation	Refusal
Attachments	<ol style="list-style-type: none"> 1. Plans submitted with the development application; 2. Plans associated with the CDC (CDC-015106) for the dwelling house; 3. Plans associated with the CDC (CDC-17320) for the secondary dwelling; and 4. Clause 4.6 written variation in respect to Clause 4.1(2)(b) of LEP 2014.

1. Executive Summary

This report considers a development application which seeks consent for the conversion of a recently constructed dwelling house undertaken as complying development, to a dual occupancy (attached) development pursuant to Division 1 of *State Environmental Planning Policy (Affordable Rental Housing) 2009* (SEPP ARH). The proposal also seeks consent for subdivision of the dual occupancy (attached) building.

The application was notified in accordance with the provisions of the *Ryde Development Control Plan 2014* (DCP 2014) and two (2) submissions were received objecting to the proposed development on the following grounds:

- Inadequate site area and frontage to accommodate a dual occupancy (attached) development;
- Impact on the character of the area; and
- Approval of the DA would set a poor precedent, and not be in the public interest.

A preliminary assessment of the application was undertaken, and on 2 August 2017 a letter was issued to the applicant recommending withdrawal of the application based on a number of planning issues inherent to the proposal, and beyond an amendment Council would be willing to consider under Section 55 of the *Environmental Planning and Assessment Regulation 2000*.

These issues related to fundamental non-compliances with development standards under the *Ryde Local Environmental Plan 2014* (LEP 2014) and Council's DCP 2014, impacts on the character of the area, insufficient information submitted with the application, and a non-compliant BASIX Certificate.

ITEM 3 (continued)

On 28 August 2017, additional information in support of the application was submitted to Council for consideration, including legal advice the applicant had sought in relation to the subject site's inability to meet development standards prescribed by the LEP 2014 for dual occupancy (attached) developments.

Throughout the balance of 2017 and early 2018 legal advice was sought from Council's General Counsel, which was provided in March 2018 to assist with the completion of the planning assessment.

Also delaying the determination of the application was Council's difficulty in having the applicant agree to an internal site inspection of the dwelling house, which was not arranged until 16 January 2018.

The application has now been assessed against the matters for consideration under Section 4.15 of the *Environmental Planning and Assessment Act 1979* (the Act). This has raised a number of significant issues regarding the applicability of the SEPPARH under which the application has been lodged, along with non-compliances with key development standards within LEP 2014, and non-compliances with the development controls for dual occupancy (attached) developments under DCP 2014.

The Section 4.15 assessment has also determined that the development is unsuitable for the subject site, and approval of the application would not be in the public interest.

As a result, this assessment recommends that LDA2017/0226 be refused for the reasons outlined within the conclusion contained in Section 11 of this assessment report.

2. The Site and Locality



Figure 1 – Aerial view of the subject site and surrounds

ITEM 3 (continued)

The site is legally defined as LOT 159 in DP 28396 and is known as No. 153 Cox's Road, North Ryde.

Figure 1 above shows the site in its context.

The site is a rectangular shaped allotment with a 15.24m north-eastern frontage to Cox's Road and a depth of 35.05m. The site area is 534.162m².

The topography of the local area gently slopes from the north-west to the south-east across the subject site.

Improvements on the site include a building which was approved by a private certifier as a dwelling house via the complying development pathway (CDC-015106) on 10 December 2015.

Figure 2 below shows the dwelling as viewed from Cox's Road.



Figure 2 – The dwelling located on the subject site.

Adjoining the site to the north-west at No. 155 Cox's Road is a single-storey weatherboard dwelling house with a tiled roof.

Adjoining the site to the south-east at No. 147-151 Cox's Road is a single storey brick building with a tiled roof being used as a Child Care Centre.

ITEM 3 (continued)

Adjoining the north-eastern rear boundary of the site are single storey dwelling houses fronting Schumack Street.

Opposite the subject site on the south-western side of Cox's Road is the broader Macquarie Hospital site.

The local area north of the Cox's Road alignment is characterised by single and two storey dwelling houses, as well as some more recent dual occupancy developments interspersed throughout. South of Cox's Road the Macquarie Hospital and its sprawling grounds also contribute to the character of the local area.

Bus services operate along Cox's Road in both directions, with the nearest bus stop being located immediately in front of the subject site. A return bus stop on the southern side of Cox's Road is located approximately 90m south-east of the site.

Notably for the subject proposal, buses service these stops at a frequency which meets the definition of 'accessible area' within Clause 4 of *State Environmental Planning Policy (Affordable Rental Housing) 2009* (SEPPARH). Further discussion on this point is provided later in this assessment report when assessing the proposal's consistency with Division 1 of the SEPPARH.

3. The Proposal

The proposal principally includes internal modifications to convert an existing dwelling house to a dual occupancy (attached) and strata subdivision - under Division 1 of SEPPARH. Some minor external modifications are also necessitated, such as the erection of a dividing fence in the rear yard to delineate the respective private open space areas.

The floorplan layout for the existing dwelling house on the site is essentially a reflected duplication, or a mirror image. As such, minimal works are required to facilitate the conversion of the dwelling house to a dual occupancy (attached) building.

The key changes proposed to convert the dwelling house to a dual occupancy (attached) include filling in of a small opening to create a common wall between the two dwellings and installation of a second staircase to allow Dwelling B on the eastern side of the site to access the first floor.

A wall to divide the existing centrally located double garage into two (2) single car garages is also proposed.

On the first floor the proposal includes installation of a new floor above the existing double garage to fill in an existing void for the purposes of creating additional bedrooms for the dual occupancy dwellings.

ITEM 3 (continued)

The minor works proposed to divide the existing dwelling house into two separate dwellings is demonstrated in **Figures 3 to 8** below.

The layouts of each dwelling within the dual occupancy (attached) development are proposed to be as follows:

Dwelling A – western side of allotment

The ground floor of the dwelling includes an entry on the western side of the front façade which opens onto a small lounge area. Beyond is a hallway which leads past a bathroom and laundry to an open plan kitchen, dining and living room area to the rear. Adjacent is glass sliding doors which open out to a covered alfresco area and rear yard beyond.

A single car garage is accessed via a sliding door adjacent to the bathroom in the hallway.

The first floor of the dwelling comprises four (4) bedrooms, an informal living area and a bathroom. Both the master bedroom and Bedroom 4 include an en-suite bathroom.

Dwelling B – eastern side of allotment

The ground floor of the dwelling includes an entry on the eastern side elevation which is accessed via the side passageway. The dwelling entry opens into an open plan kitchen, living and dining room which in turn opens out to a covered alfresco area and the rear yard. To the left of the dwelling entry, toward the front of the dwelling is a laundry, and a small hallway which leads to a guest bedroom and en-suite bathroom.

A single car garage is accessed via a sliding door adjacent to the bathroom in the small hallway.

The first floor of the dwelling comprises four (4) bedrooms, an informal living area and a bathroom. The master bedroom contains an en-suite bathroom and a walk-in-robe.

Within the applicant's Statement of Environmental Effects, it is indicated that the proposal provides an affordable housing component of approximately 73m², or 16.4% of the development which will be used for affordable housing and this will be allocated to the eastern dwelling (i.e. Dwelling B). It is noted that the applicant did not provide a plan which detailed the location of the 73m² affordable housing component.

ITEM 3 (continued)

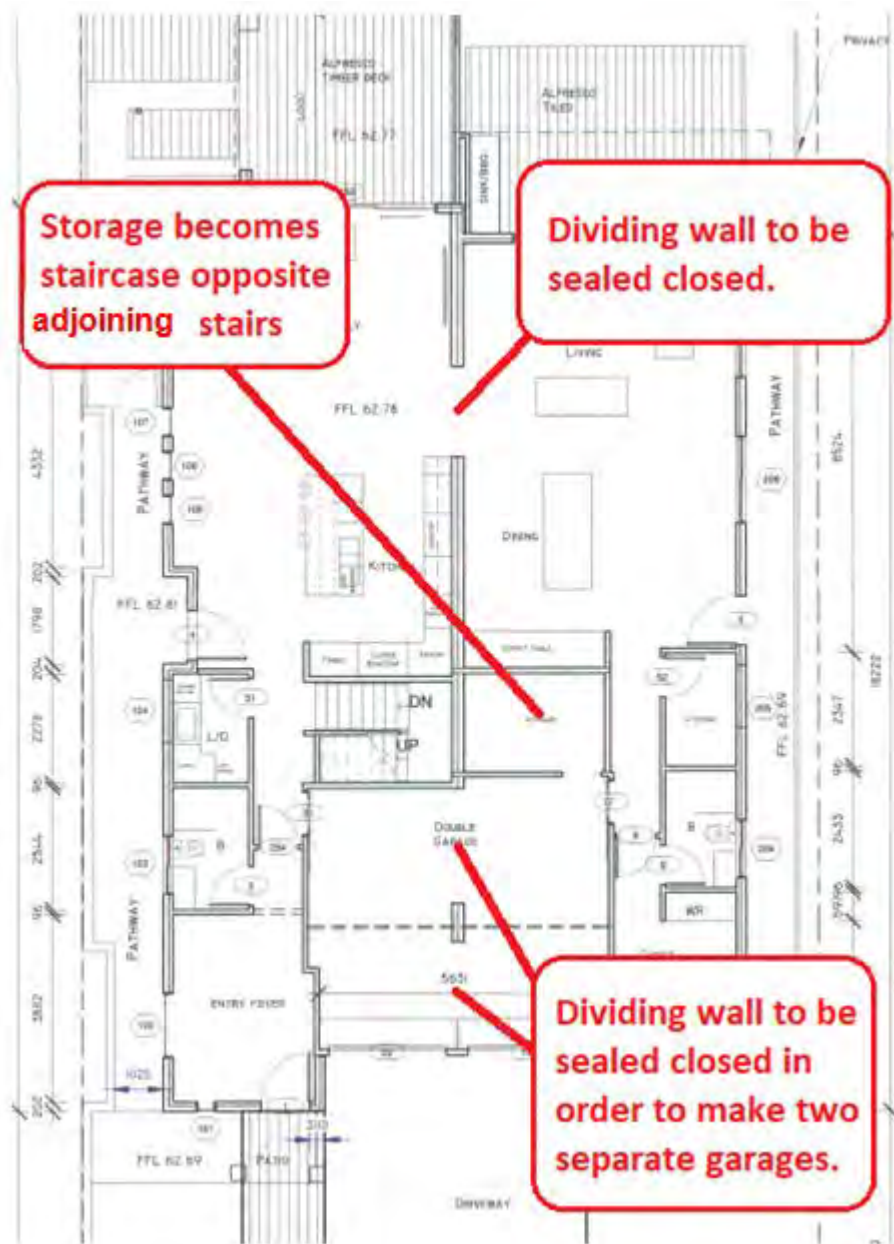


Figure 3 – Existing ground floor plan of the recently constructed dwelling house with the relatively minor modifications highlighted that are necessary to facilitate the conversion of the building into a dual occupancy (attached) development.

ITEM 3 (continued)

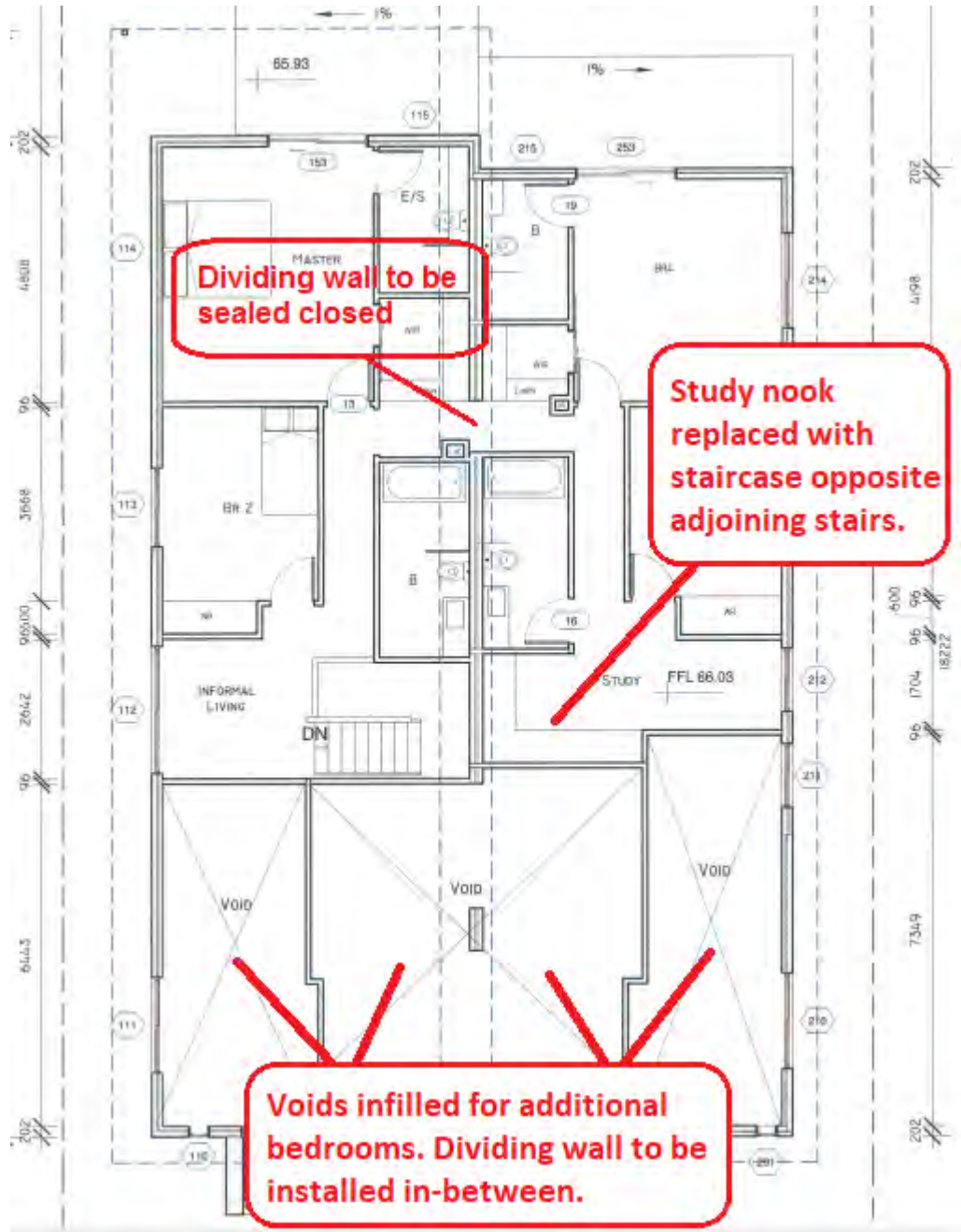


Figure 4 – Existing first floor plan of the recently constructed dwelling house with the relatively minor modifications highlighted that are necessary to facilitate the conversion of the building into a dual occupancy (attached) development.

ITEM 3 (continued)



Figure 5 – Void above existing double garage to be replaced with a new floor to accommodate additional bedrooms for each dwelling within the proposed dual occupancy. Noted is the glass sliding doors in the upper void to a new front balcony, ceiling lights and supports for a new floor. As such, it is apparent the dwelling house was constructed with the intent of filling in the void.

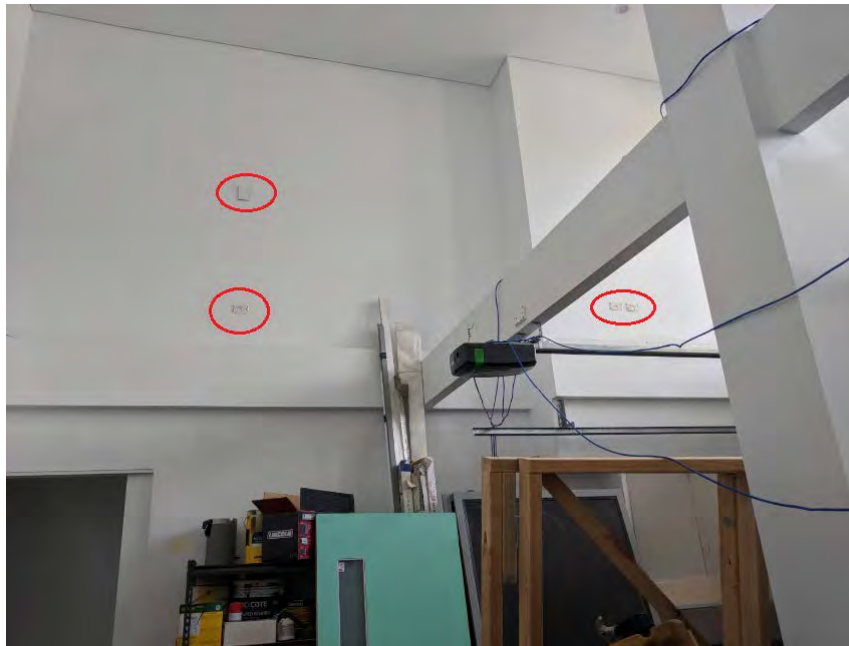


Figure 6 – Power points and lights switches shown in the upper void area, along with supports for the new floor are further evidence the dwelling house was constructed in anticipation of increasing the gross floor area of the building.

ITEM 3 (continued)



Figure 7 – Dwelling house entry which front Cox’s Road to become the entry for Dwelling A within the dual occupancy (attached) proposal. It is also noted that the void area above the dwelling entry is proposed to be filled in to create a new bedroom on the first floor of the dwelling. It would appear this has already been anticipated with the dwelling house construction with the inclusion of operable windows in the upper void, power points, and supports for a new floor already in place.



Figure 8 – Party wall within the roof cavity showing an apparent continuation to the ceiling in anticipation of conversion of the dwelling house to a dual occupancy (attached) building.

ITEM 3 (continued)

4. Background

The existing building on the subject site was approved by a private certifier as a dwelling house via the complying development pathway (CDC-015106) on 10 December 2015.

A further Complying Development Certificate (CDC-17320) was issued on 20 November 2017 for the conversion of part of the existing dwelling to establish a two-storey secondary dwelling.

LDA2017/0226 was lodged with Council on 16 June 2017 for an internal modification to convert an existing dwelling house into a dual occupancy (attached) and strata subdivision - under the SEPPARH.

On 26 June 2017 the application was notified to neighbouring properties in accordance with the provisions of the DCP 2014. In response to the notification, two (2) submissions were received in objection to the proposal. Concerns raised by the objectors were on the basis of the development's inadequate frontage width having regard to Council's LEP 2014, and that any approval of the proposal would establish a poor precedent that could be unjustifiably replicated.

The assessment of the application was outsourced to consultant's Creative Planning Solutions Pty Limited (CPS) on 26 June 2017. Following receipt of the application, a preliminary assessment of the proposal was undertaken. The result of this preliminary assessment identified the application was found to be unsatisfactory having regard to a number of planning issues inherent to the proposal, and beyond an amendment Council would be willing to consider under Section 55 of the *Environmental Planning and Assessment Regulation 2000*.

Accordingly, the applicant was issued with a letter on 2 August 2017 recommending that the application be withdrawn based on the following issues:

- Minimum Road Frontage

With a frontage of 15.24m, the subject site fails to comply with the 20m minimum road frontage development standard for dual occupancies prescribed under Clause 4.1B(2)(b) of the LEP 2014.

- Character of the Local Area

The proposal will result in a development incongruous to the Cox's Road streetscape, and inconsistent with the desired future character of the local area given it proposes a dual occupancy development on an allotment with a frontage 24% less than that prescribed by Council's LEP2014.

ITEM 3 (continued)

Streetscape concerns were also raised in relation to Dwelling B including no front door or entry fronting the street. The proposed entry is via a side passage which is not clearly apparent from the street.

- Front Setback

Section 2.9.1 of Part 3.3 of DCP2014 states that dual occupancy buildings are generally to be setback 6m from the front street boundary. The current building for a dwelling house was pursued under the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* (Codes SEPP) which has been setback 4.62m to the front façade.

This setback is therefore non-compliant with the provisions of DCP2014 and considered inappropriate for a dual occupancy development.

- Rear Setbacks

Section 2.9.3 of Part 3.3 of DCP 2014 states that the rear of the dual occupancy building is to be set back from the rear boundary a minimum distance of 25% of the length of the site or 8m, whichever is greater.

The proposal has a rear setback which ranges between 7m and 6.2m which is non-compliant with DCP 2014. Again, although the rear setback was a manifest of the dwelling house's approval under the Codes SEPP, it was contended the rear setback is not appropriate for a dual occupancy.

- Waste Management Plan

Section 1.7 of Part 7.2 of DCP2014 states that all applications for development to which this part applies must be accompanied by a Site Waste Minimisation and Management Plan.

The applicant has not submitted a Waste Management Plan.

- BASIX

The applicant's submitted BASIX requirements for the proposed development stipulate the provision of natural lighting to four (4) bathrooms.

Natural lighting has not been provided to all bathrooms on the ground floor. It is noted two (2) bathrooms on the first floor will however receive natural lighting.

ITEM 3 (continued)

On 23 August 2017 the applicant submitted a response to Council's letter dated 2 August 2017. The response included no changes to the design of the development, but instead relies upon justifications provided by the applicant's solicitor in relation to the issues outlined above.

The response is summarised as follows:

- Minimum Road Frontage

The applicant's solicitor has attempted to justify the proposal's non-compliance with the minimum road frontage requirement under clause 4.1B(2)(b) of LEP 2014 by arguing this clause does not apply to the proposed development given the application has been lodged pursuant to the SEPPARH, and that Clause 4.1B is inconsistent in its entirety with clause 14(1)(b) of the SEPP. To support their argument, the applicant's solicitor makes reference to *Amine, Mouhamad & ANOR v Bankstown City Council [2014] NSWLEC 1188* (Amine).

Notwithstanding, to address Council's argument the applicant has also submitted a Clause 4.6 written request to vary clause 4.1B(2)(b) of LEP 2014.

The satisfactoriness of this written request, along with the arguments of 'Amine' are discussed later in this report as part of the section 4.15 assessment.

- Character of the Local Area

The applicant's solicitor argues the existing building is approved and contributes to the existing character of the local area which will not change as a result of the subject application.

To further justify any arguments on the basis of 'character' the applicant draws attention to other dual occupancy development approved nearby, including No. 171 Coxs Road (LDA2015/0436), No. 101 Coxs Road (LDA2015/0526) and No. 167 Coxs Road (LDA2013/0235).

In response to Council's comments of Dwelling B not including a front door or entry to the street, the applicant has suggested that Council impose a condition of consent to amend Dwelling B to include an entry foyer/informal lounge area fronting the street.

The applicant also refers back to their submitted Statement of Environmental Effects for an assessment on the character of the local area.

ITEM 3 (continued)

- Front Setback

In response to the proposal's non-compliance with the front setback control under Council's DCP 2014, the applicant argues the proposal is compliant with the Codes SEPP and as such is adequate.

The applicant also argues that the current setback meets the objectives of the control, and therefore should be supported.

- Rear Setbacks

Similarly, in response to the proposal's non-compliance with the rear setback control under Council's DCP 2014, the applicant argues the proposal is compliant with the Codes SEPP and as such is adequate.

The applicant also argues that the rear setback control is the result of a deck structure that is otherwise exempt development under the Codes SEPP, and nonetheless meets the objectives of the rear setback control under DCP 2014.

- Waste Management Plan

The applicant submitted a Waste Minimisation and Management Plan, and as such satisfies this matter raised by Council.

- BASIX

Although the floor plans do not indicate a window opening for the ground floor bathrooms, the applicant has drawn Council's attention to the elevations which do show windows. In the event this DA was being recommended for approval (which it is not), then this discrepancy can be addressed by way of condition to ensure these windows remain, despite what is depicted on the floor plans.

Following receipt of the applicant's response to Council's letter, a meeting was held between Council staff on 24 October 2017 to discuss the issues with the application. At this meeting it was agreed that Council would continue to pursue the applicant in order to gain permission to enter the dwelling house for the purposes of undertaking a site inspection, as it was understood Council had been denied internal access to the dwelling. It was also agreed that advice from Council's General Counsel would be sought on the following:

1. Whether there was an inconsistency between Clause 4.1B(2)(b) of LEP 2014 and Clause 14(1)(b) of the SEPPARH in respect to the road frontage; and

ITEM 3 (continued)

2. The appropriateness of the applicant's proposal to include only 16.4% of the buildings gross floor area as affordable housing, despite the threshold provisions of Clause 13(1) of the SEPPARH requiring a minimum 20% of the gross floor area to be provided as affordable housing.

It was not until 16 January 2018 that Council were successful in being able to arrange an internal site inspection with the applicant. Attending the site inspection was the consultant planner, Council staff and the applicant. The photographs captured of the site inspection are provided throughout this assessment report and demonstrate a number of features that would appear to confirm the dwelling house was constructed with the intention of it being a dual occupancy (attached) building. This includes a party wall dividing the building into two, power points and operable windows in the upper roof voids in anticipation these voids would become an extra floor within the building, as well as sliding doors in the upper void areas to non-trafficable roof terraces with the intention these will provide future access to balconies.

At the site inspection the applicant drew to Council's attention another Complying Development Certificate issued by an accredited private certifier (CDC No. 17320) for the inclusion of a granny flat (secondary dwelling) within the south-eastern dwelling pursuant to Division 2 of SEPPARH, noting this is the same dwelling within the proposed dual occupancy development that is to accommodate a 16.4% component of affordable housing under LDA2017/0226.

The applicant was unclear how the intended granny flat approval would interrelate with LDA2017/0226, saying it was their "*fallback*" option should the subject application not be approved.

At the site inspection, a number of aspects of the existing dwelling house on the site were observed as being beyond that which would be permitted by the complying development provisions for dwelling houses under the Codes SEPP – including the treatment of the building and works on site to the south-eastern side boundary with the adjacent child care centre.

Legal advice was provided in the form of a response from Council's General Counsel which confirmed the following:

- Regarding clause 4.1B(2)(a) of LEP 2014 and clause 14(b)(1) of the SEPPARH, there is a clear inconsistency between the permitted site area and as such, the SEPPARH prevails in permitting a site area of 450m².

ITEM 3 (continued)

- With respect to any inconsistency between the LEP 2014 and SEPPARH with respect to road frontage (i.e. clause 4.1B(2)(b)), the SEPPARH is silent whereas the LEP 2014 requires a frontage to be equal or greater than 20m. Therefore, because the SEPPARH is silent on this provision it is considered that there is no conflict and that the frontage requirement of LEP 2014 continues to apply.
- On the amount of gross floor area provided for the purposes of affordable housing, it was advised that Clause 13 of the SEPPARH is not a development standard and cannot be varied by a SEPP 1 objection. Therefore the development would need to satisfy the 20% affordable housing provision requirement of Clause 13 of the SEPPARH.

On 16 March 2018 Council issued the applicant with a letter detailing the outstanding issues with the proposal, including the position of Council on critical matters. The applicant was afforded a final opportunity to withdraw the application and receive a 50% refund. The applicant was also advised that if a response was not received by 30 March 2018 that a determination would be made on the basis of the information received to date, and no refund of DA fees would be available.

The applicant did not provide Council with a response to the letter dated 16 March 2018, and as such the application is referred to the City of Ryde Local Planning Panel for determination.

5. Planning Assessment**5.1 State Environmental Planning Instruments****State Environmental Planning Policy (Building Sustainability Index: BASIX)**

New dwellings within New South Wales require a BASIX Certificate to be lodged with the DA. The proposal is to convert a dwelling house into a dual occupancy (attached) building, therefore creating a new dwelling.

Submitted with the DA was the following BASIX Certificates:

- BASIX Certificates No. 669743S_04 dated 22 June 2016 for a separate dwelling house.
- BASIX Certificate No. A284161 dated 15 June 2017 for Alterations and Additions.

To be valid for consideration, BASIX Certificate No. 669743S_04 needed to have been lodged within 3 months of the date of issue. However, given the DA was lodged on 16 June 2017 the BASIX Certificate is invalid, and as such cannot be considered in relation to the proposed development.

ITEM 3 (continued)

BASIX Certificate No. A284161 dated 15 June 2017 was valid at the time of DA lodgment. Notably however, this BASIX Certificate is for Alterations and Additions.

BASIX categorises projects for assessment into three distinct residential building types:

- Single dwelling.
- Multi-dwelling.
- Alterations and Additions.

Dual occupancy development falls within the multi-dwelling building type, whereas alterations and additions cover the following only:

- Addition to existing house;
- Swimming pool;
- Basement or attic;
- Sunroom;
- Spa room;
- Sauna; and
- Secondary dwelling (granny flat) (conversion of existing habitable space).

Given the BASIX Certificate relied upon by the applicant is for Alterations and Additions, and not for a Dual Occupancy, the BASIX Certificate supplied with the DA is not accepted.

State Environmental Planning Policy No 55 – Remediation of Land

In accordance with clause 7 of the SEPP 55, a consent authority must consider whether the land is contaminated before providing consent to the carrying out of any development on the land.

In accordance with the Planning Guidelines SEPP 55 – Remediation of Land, prepared by Department of Urban Affairs and Planning in 1998, the history of land use needs to be considered as an indicator of potential contamination. Where there is no reason to suspect contamination after acting substantially in accordance with these guidelines, the proposal may be processed in the usual way. It is noted that Table 1 on page 12 of the guidelines provides for a list of activities that is likely to cause contamination.

ITEM 3 (continued)

The guideline further provides for a list of potential contamination indicators, which have been considered in this assessment and are addressed as follows:

Zoning

The subject site is currently zoned for residential purposes, that is R2 Low Residential Density, as per the LEP 2014.

Previous zoning

Prior to the LEP 2014 the subject site was also zoned for residential purposes, being R2 Low Density Residential, pursuant to the LEP 2010.

Proposed use

The proposed development seeks to continue using the land for residential purposes.

Discharge from adjoining land

Adjoining properties are similarly zoned for residential purposes or a child care centre.

Physical evidence of contamination

Subject to a desktop review of aerial imagery and the site inspection, there is no evidence to suggest that the subject site or any adjoining sites have previously been used for commercial, industrial, or agricultural activities as detailed in Table 1 of the guidelines.

Environmental Licences or Notices

There are no known clean-up notices or licences issued by the Environmental Protection Authority that apply to the site.

Therefore, there is no evidence to suggest that the land is contaminated or in need of further land contamination investigation.

Accordingly, the subject site is considered to have satisfied the provisions of SEPP 55.

State Environmental Planning Policy (Affordable Rental Housing) 2009***Clause 3 – Aims of Policy***

The proposed development is considered to offend the following aims of the SEPPARH as outlined within Clause 3:

- (b) to facilitate the effective delivery of new affordable rental housing by providing incentives by way of expanded zoning permissibility, floor space ratio bonuses and non-discretionary development standards.*

ITEM 3 (continued)Comment

The gross floor area to be provided as affordable housing within the development is to be allocated in part of one dwelling within the dual occupancy. This 'part' is not a separate domicile, but rather a component of the dwelling that has not been labelled on the plan, but is nonetheless referred to in the applicant's Statement of Environmental Effects as a component of approximately 73m², or 16.4% of the development which will be used for affordable housing and this will be allocated to the eastern dwelling (i.e. Dwelling B).

As such, the applicant intends on having part of the dwelling as general housing, and part of the dwelling as affordable housing, but having all residents live within a single household.

When queried on this at the site inspection on 16 January 2018, Council were advised by the applicant that a complying development certificate had been issued by an accredited private certifier (CDC No. 17320) for inclusion of a granny flat (secondary dwelling) within the eastern dwelling pursuant to Division 2 of SEPPARH, noting this is the same dwelling within the proposed dual occupancy development that is to accommodate the affordable housing component under LDA2017/0226.

This is considered inconsistent with the intent of the SEPPARH which seeks to allocate a minimum number of dwellings as affordable housing, not bedrooms or a granny flat within a dwelling used for general housing.

The following is provided from the *Infill Affordable Rental Housing Factsheet* by Department of Planning and Environment in August 2014:

"What is infill development?"

The term 'infill affordable rental housing' includes dual occupancy, multi-dwelling housing or residential flat building development. In the context of the AHSEPP it relates to development that contains a percentage of affordable dwellings as provided for in Division 1 of the AHSEPP."

Note: Underlined for emphasis.

The above-mentioned inconsistency is also apparent when referring to clause 17(1)(a)(i) of the SEPPARH which requires the imposition of a restriction under section 88E of the *Conveyancing Act 1919* that the dwellings proposed to be used for the purposes of affordable housing will be used for the purposes of affordable housing for a minimum 10 years, and managed by a registered community housing provider.

ITEM 3 (continued)

In addition to the above, the applicant has not provided any evidence to Council that a registered community housing provider has shown interest in committing to managing the applicant's affordable portion of Dwelling B.

In these circumstances, the proposal's attempt at provision of 'affordable housing' will be inconsistent with Division 1 of the SEPPARH which seeks to facilitate the effective delivery of new affordable rental housing (see clause 3(b)) in the form of dual occupancy dwellings, multi dwelling housing, or residential flat buildings – not granny flats within these developments.

Clause 8 – Relationship with other environmental planning instruments

Despite the applicant's assertions, it is considered that there is no inconsistency between Clause 4.1B(2)(b) of the LEP 2014 which prescribes a minimum 20m frontage requirement for dual occupancy (attached) and Clause 14(1)(b) of the SEPPARH which prescribes a site area development standard of 450m².

A frontage dimension (in other words a distance measurement) and an area calculation are not two in the same standards. This is confirmed through Clause 4.1B(2) of LEP 2014 which differentiates site attributes separately on frontage dimension and site area.

Legal advice on this point has been provided by Council's General Counsel which has also confirmed there to be no inconsistency between Clause 4.1B(2)(b) of LEP 2014 and Clause 14(1)(b) of the SEPPARH.

Further confirmation on this development standard is provided in the recent judgment of *Jakovljevic v City of Ryde Council [2018] NSWLEC 1257* whereby the Commissioner notes the development standard under Clause 4.1B(2) has two standards, one for site area and one for site frontage.

In an attempt to support either argument, the applicant has submitted a Clause 4.6 written request to vary the development standard. This written request is assessed under the LEP 2014 assessment later in this report.

Clause 10 – Development to which Division applies

Clause 10 of the SEPPARH prescribes that Division 1 of the SEPP applies to development for the purposes of dual occupancies, multi dwelling housing or residential flat buildings if the development concerned is permitted with consent under another environmental planning instrument, is not a heritage item, and is located in an accessible area if the site is within the Sydney region.

ITEM 3 (continued)

The site at No. 153 Cox's Road is located within the R2 Low Density Residential Zone which permits dual occupancy (attached) development with consent. Furthermore, the site does not include or comprise of a heritage item, nor is it located within a heritage conservation area.

A bus stop is located in front of the subject site which is serviced by buses that meet the frequency requirements of the SEPPARH, and as such the site is considered to be within an accessible area, noting that the City of Ryde is a local government area within the Sydney region.

Clause 13 - Floor space ratios

The following provisions of clause 13(1) are reproduced below:

"This clause applies to development to which this Division applies if the percentage of the gross floor area of the development that is to be used for the purposes of affordable housing is at least 20 per cent."

Importantly, the *Infill Affordable Rental Housing Factsheet* by Department of Planning and Environment in August 2014 states the following in relation to the minimum amount of affordable housing to be granted a floor space ratio bonus:

"The minimum amount of affordable housing a provider must offer in order to be granted a bonus floor space is 20 per cent of the total gross floor area in multi-dwelling housing and residential flat buildings and 50 per cent affordable housing in a dual occupancy."

The Factsheet therefore implies that for dual occupancy developments, at least one whole dwelling needs to be provided as affordable, by virtue of the 50% affordable housing requirement for dual occupancies.

According to the Statement of Environmental Effects, 73m² or 16.4% of the development is proposed to be used for affordable housing and this will be allocated to the eastern dwelling, being Dwelling B.

As such, by the applicant's own account, the percentage gross floor area to be provided as affordable housing is less than the minimum required, and therefore pursuant to Clause 13(1) of the SEPPARH, Clause 13 of the SEPP does not apply.

In the circumstances of there being no floor space ratio bonus applying to the development, the underlying floor space ratio development standard contained with LEP 2014 applies as there is no longer any inconsistency between the applicable floor space ratio standards of the SEPPARH and the LEP 2014.

ITEM 3 (continued)

As outlined later within this assessment report when discussing the proposal's consistency with LEP 2014 generally, the floor space ratio of the proposed dual occupancy (attached) development has been assessed as 0.7:1.

Regarding the level of floor space attributed to affordable housing, it is noted that the legal advice from Council's General Counsel has indicated that the minimum provision of affordable housing under Clause 13 of Division 1 of the SEPPARH is a threshold issue.

Discussions with the New South Wales Department of Planning and Environment (DPE) on 13 June 2018 have confirmed the same – that is the minimum provision of affordable housing under Clause 13 of Division 1 of the SEPPARH is a 'threshold' issue to the application of Division 1 of the SEPP.

Given the proposal includes only 16.4% of its gross floor area as affordable housing, the advice received indicates the proposal would not benefit from the infill affordable rental housing provisions under Division 1 of the SEPPARH.

This position of Council and the DPE is supported by the *Infill Affordable Rental Housing Factsheet* which states the following in relation to its overview of the infill development planning controls in the SEPPARH:

"Proportion of affordable housing: Between 20% and 50% of the gross floor area of the development."

Clause 14 – Standards that cannot be used to refuse consent

Clause 14 of the SEPPARH provides a number of development standards that cannot be used to refuse consent to a development made under Division 1.

Each of the relevant standards are covered below, followed by a comment on how the application performs against each development standard:

Standard	Requirement	Comment	Compliance
(1)(b) Site area	if the site area on which it is proposed to carry out the development is at least 450 square metres	The subject site has an area of around 534m ² and therefore complies	Yes
(1)(c) Landscaped area	at least 30 per cent of the site area is to be landscaped	160m ² or 30% of the site is proposed to be landscaped area and therefore complies	Yes

ITEM 3 (continued)

Standard	Requirement	Comment	Compliance
(1)(d) Deep soil zones	there is soil of a sufficient depth to support the growth of trees and shrubs on an area of not less than 15 per cent of the site area, and if practicable, at least two-thirds of the deep soil zone is located at the rear of the site area	25% of the site area is to be deep soil zone and 74.82% of the deep soil zone is located at the rear of the site and therefore complies	Yes
(1)(e) Solar access	living rooms and private open spaces for a minimum of 70 per cent of the dwellings of the development receive a minimum of 3 hours direct sunlight between 9am and 3pm in mid-winter.	While the shadow diagrams submitted with the application would appear to indicate a compliant level of solar access is achieved, it is evident these solar access diagrams have not taken into consideration the cantilevered roofs and balconies that are located over the top of the north facing windows to the living rooms. As such, it is considered that the proposal would not achieve compliance with the minimum solar access requirements of the SEPP.	No
(2)(a) Parking	In any other case: <ul style="list-style-type: none"> at least 0.5 parking spaces are provided for each dwelling containing 1 bedroom; at least 1 parking space is provided for each dwelling containing 2 bedrooms; and at least 1.5 parking spaces are provided for each dwelling containing 3 or more bedrooms, 	Each dwelling within the dual occupancy development is to include four or more bedrooms. Accordingly at least 1.5 parking spaces are to be provided for each dwelling. This equates to three (3) car parking spaces being required to achieve compliance with the standard. The proposal includes a single lock-up garage for each dwelling, therefore providing two (2) car parking spaces in total. This fails to achieve compliance with the standard. Despite this non-compliance, it is noted that the provisions of Council's DCP 2014 prescribe that only one (1) parking space is required to be provided for each dual	Yes No

ITEM 3 (continued)

Standard	Requirement	Comment	Compliance
		occupancy (attached) dwelling, and as such compliance with Council's car parking requirements are achieved. As per clause 14(3) of the SEPPARH, a consent authority may consent to development to which Division 1 applies whether or not the development complies with the standards set out in clause 14.	
(2)(b) Dwelling size	if each dwelling has a gross floor area of at least 95 square metres in the case of a dwelling having 3 or more bedrooms	Each dwelling within the dual occupancy contains four (4) or more bedrooms and has a gross floor area of at least 186m ² . Therefore compliance with this standard is achieved.	Yes

Clause 16A – Character of local area

The provisions of clause 16A of the SEPPARH state:

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

For guidance on the compatibility of development with the character of the local area, reference is made to the NSW Land and Environment Court Planning Principle established in *Project Venture Developments Pty Ltd v Pittwater Council [2005] NSWLEC 191* at 22-31.

Within this planning principle, the character of the local area is to be assessed principally on the visual catchment in which the development will be viewed.

ITEM 3 (continued)

Having regard to the above, the visual catchment is generally taken to that depicted in **Figure 9** below.



Figure 9 - The visual catchment in which the development will be viewed for the purposes of establishing the residential character of the local area. Essentially the area bound by Cox's Road, Blamey Street, Schumack Street and the allotments at 143 Cox's Road and 14 Schumack Street. It is acknowledged that the curtilage area of the Macquarie Hospital site on the opposite side of Cox's Road falls within the visual catchment of the site and as such is an attribute of the local area's character, however by nature of its land use it is contended this area does not contribute to the residential character of the area.

A brief account of the local area character is bullet pointed below, taking reference from Schedule 1 of Part 3.5 of the DCP 2014 '*Guidelines for Local Area Character Assessment*':

- Building Typology.
- Building Heights.
- Site Coverage and Floor Space Ratio.
- Scale and Form of Dwellings.
- Frontage Treatment.
- Building Style and Finishes.
- View and Vistas.

ITEM 3 (continued)

The proposal is considered to be incompatible with the character of the local area identified above for the following reasons:

Building Typology

For the most part, the physical aspects of the building will remain unchanged, except for the works required to create two dwellings from the existing dwelling house on the site.

This creation of two dwellings will intensify the use of the site, with this increase in density considered to be inconsistent with the existing dwelling density of the local area, including that pertaining to newly constructed dual occupancy (attached) buildings.

For example, the dual occupancy (attached) development at No. 145 Cox's Road has a frontage of 20m and is in-line with the planned residential densities for the low density residential areas prescribed by clause 4.1B(2)(b) of LEP 2014.

Site Coverage and Floor Space Ratio

The proposed dual occupancy (attached) development will result in a floor space ratio for the site of 0.7:1, which is 108m², or 40% greater than the 0.5:1 floor space ratio limit for the site under LEP2014.

Regarding site coverage, deep soil areas for the site have been calculated at 25% of the site area, falling considerably short of the 35% required to achieve compliance with the provisions of DCP2014. On this point it is noted that the deep soil provisions of clause 14(1)(d) of the SEPPARH are complied with, however the applicability of Division 1 of the SEPP generally in relation to the proposed development has been argued as part of this assessment.

Scale and Form of Dwellings

While it is noted that the building envelope will remain largely unchanged as a result of the proposed development, consenting to this application would enable the legitimisation of a building constructed for the purposes of circumventing Council's scale and density requirements for dual occupancy (attached) buildings, thus setting a poor precedent which Council would not want to see replicated.

Frontage Treatment

With the proposal falling 24% short of achieving the minimum frontage requirement for dual occupancy (attached) developments, hard surface areas associated with the double-width driveway, patio areas, retaining walls and raised boardwalks dominate the frontage. The small portions of landscaping in the front setback are inadequate in size and dimension to accommodate any substantial planting, and as such fail to comply with Section 2.13 of Part 3.3 of DCP 2014 which requires the front garden to have at least one (1) tree capable of reaching a minimum mature height of 10m with a spreading canopy.

ITEM 3 (continued)

In line with the planning principle established in the Land & Environment Court case *Project Venture Developments Pty Ltd v Pittwater Council*, to test whether a proposal is compatible with its context, two questions should be asked.

- *Is the proposal's appearance in harmony with the buildings around it and the character of the street?*

Comment

The building envelope will remain largely unchanged as a result of the proposed development as the building has been constructed with a form and layout anticipating its conversion into a dual occupancy (attached) development.

Nevertheless, there will be an apparent increase in density to the site by consenting to the subject application. This comes about via the perceived increase in density from converting one dwelling into two dwellings, which will also see the floor space ratio of the building increase from around 0.6:1 to 0.7:1.

- *Are the proposal's physical impacts on surrounding development acceptable? The physical impacts include constraints on the development potential of surrounding sites.*

Comment

The proposal includes minimal changes to its building envelope as the dwelling house was constructed in a manner to be readily converted into a dual occupancy (attached) development.

Accordingly, the impacts on adjoining development as a result of the development are already inherent to the site, and as such will not change significantly as a result of the subject DA.

The responses to the two key questions established within *Project Venture Developments Pty Ltd v Pittwater Council* demonstrate the proposal could be argued as being compatible with its existing context.

Despite this, while it is noted that the building envelope will remain largely unchanged as a result of the proposed development, it is reiterated that consenting to this application would enable the legitimisation of a building constructed for the purposes of circumventing Council's scale and density requirements for dual occupancy (attached) buildings, thus setting a poor precedent which Council would not want to see replicated.

The impact of such a decision in terms of its potential to transform the character of the low density residential areas of Ryde is an important consideration by the consent authority, and one which is considered unacceptable in the opinion of the consultant planner when having regard to the provisions of Clause 16A of the SEPPARH.

ITEM 3 (continued)

Critically, it is acknowledged the afore-mentioned planning principle covers situations where the planning controls envisage a change of character, in which case compatibility with the future character is more appropriate than with the existing.

On this point it is noted that the provisions of the Low Rise Medium Density Housing Code are due to commence on 6 July 2018, except for the City of Ryde local government area which remain a deferred matter. As such, any assertions that the introduction of this Code is likely to have a profound effect on the propagation of dual occupancy development within the local area is not supported.

In this instance, the guiding instrument for the development of dual occupancy (attached) developments remains the LEP2014. In this regard, it is noted that the proposed development fails to achieve consistency with the development standards relating to minimum frontage, minimum site area, floor space ratio, and subdivision standards.

Owing to these non-compliances, it follows that the proposal is not consistent with the desired future character of the local area, as guided by LEP 2014.

Clause 17 – Must be used for affordable housing for 10 years

The provisions of clause 17 of the ARHSEPP provide that:

- (1) *A consent authority must not consent to development to which this Division applies unless conditions are imposed by the consent authority to the effect that:*
 - (a) *for 10 years from the date of the issue of the occupation certificate:*
 - (i) *the dwellings proposed to be used for the purposes of affordable housing will be used for the purposes of affordable housing, and*
 - (ii) *all accommodation that is used for affordable housing will be managed by a registered community housing provider, and*
 - (b) *a restriction will be registered, before the date of the issue of the occupation certificate, against the title of the property on which development is to be carried out, in accordance with section 88E of the Conveyancing Act 1919, that will ensure that the requirements of paragraph (a) are met.*

Comment

As outlined earlier, the proposal intends to allocate only a 16.4% component within the eastern dual occupancy dwelling (Dwelling B) for the purposes of 'affordable housing'.

ITEM 3 (continued)

To do so is considered inconsistent with the definition of 'affordable housing' provided within section 1.4 of the Act which refers to households, not part of one house that may be affordable and another part of the house which is not.

In these circumstances, the consent authority is unable to apply the condition required by Clause 17 of the SEPP to the proposed development, and as such must not consent to development to which Division 1 applies.

The assessment of the application has identified further barriers with granting consent to the proposed development, which can be tied to the inability to impose the condition required by Clause 17 of the SEPPARH. These are explored further below:

At the site inspection on 16 January 2018, the applicant drew to Council's attention another Complying Development Certificate issued by an accredited private certifier to the subject site (CDC No. 17320) for inclusion of a granny flat (secondary dwelling) within the south-eastern dwelling pursuant to Division 2 of SEPPARH, noting this is the same dwelling within the proposed dual occupancy development that is to accommodate the affordable housing component under LDA2017/0226.

If it is the applicant's intention to have the granny flat component of Dwelling B as the nominated affordable housing component of the development, this in itself raises the following issues:

1. The development would then essentially comprise of three (3) dwellings, being Dwelling A, Dwelling B and the secondary dwelling within Dwelling B being used as affordable housing.

This is inconsistent with the description of the proposed development for which the applicant is seeking consent for under LDA2017/0226.

2. With three (3) dwellings located on the subject site, the proposal would no longer constitute a dual occupancy (attached) development.

By definition, the current planning legislation does not allow for secondary dwellings in the circumstance where there is a dual occupancy on the site, noting that the definition of a secondary dwelling allows only the principal dwelling and a secondary dwelling on the site:

"Secondary dwelling means a self-contained dwelling that:

- (a) is established in conjunction with another dwelling (the principal dwelling),*
and
- (b) is on the same lot of land as the principal dwelling, and*
- (c) is located within, or is attached to, or is separate from, the principal dwelling.*

ITEM 3 (continued)

Regarding the definition above, it is noted that Clause 5.4 of LEP 2014 prescribes that the maximum *must not exceed* whichever of the following is the greater:

- (a) 60 square metres,
- (b) 11% of the total floor area of the principal dwelling.

As submitted within the applicant's Statement of Environmental Effects, the affordable housing component of Dwelling B is to have an area of 73m². Having regard to the provisions of Clause 5.4 above, the gross floor area of Dwelling B is approximately 177m², and as such 60m² is the maximum size of the secondary dwelling permitted.

Therefore, the secondary dwelling (at 73m²) would exceed the maximum permitted. No opportunity exists to vary this as Clause 5.4 is precluded from the utilization of Clause 4.6 of LEP 2014 by virtue of Clause 4.6(8).

Clause 18 – Subdivision

Clause 18 of the SEPPARH specifies that land on which development has been carried out under Division 1 of the SEPPARH may be subdivided with the consent of the consent authority.

Comment

The description of the proposed development on the Development Application form indicates that the proposal includes strata subdivision. However, in response to Clause 18 of the SEPPARH, the Statement of Environmental Effects states that development consent is sought for torrens title Subdivision of the dwellings.

The strata and torrens title subdivision requirements for dual occupancy developments are covered within Part 4 of LEP 2014. However it is noted that the applicant submits that these subdivision requirements of LEP 2014 are set aside due to an inconsistency between the provisions of the SEPPARH and LEP 2014.

Notably, Clause 14(1)(a) requires that a consent authority must not refuse consent to development to which Division 1 applies if the site area on which it is proposed to carry out the development is at least 450 square metres.

The term 'development' is defined within Section 1.5(1)(b) of the Act as including the subdivision of land. In these circumstances, whether the applicant is intending to pursue development for the purposes of strata or torrens title subdivision, the subdivision provisions of LEP 2014 would not apply in the circumstances of the case.

ITEM 3 (continued)

However, as has been established earlier in the assessment of the proposal under the SEPPARH, it is contended that Division 1 of the SEPP does not apply by virtue of the development providing less than the minimum amount of affordable housing required by the SEPP. In these circumstances, the proposal would not have the benefit of Clause 14(1)(a) or Clause 18 of the SEPP, and as such be subjected to the subdivision development standards contained within LEP 2014 – see further discussion below.

5.2 Ryde LEP 2014

The following is an assessment of the proposed development against the applicable provisions from the LEP 2014.

Clause 2.3 - Zone Objectives and Land Use Table

The site is zoned 'R2 Low Density Residential' under the provisions of the LEP 2014.

The proposed dual occupancy is permitted in this zoning.

The objectives of the zone include the following:

- *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 is considered to be consistent with the above objectives.

Clause 4.1A – Dual occupancy (attached) subdivisionsClause 4.1A(1)(b)

Clause 4.1A(1)(b) of LEP 2014 prescribes:

- (b) *on or after the day Ryde Local Environmental Plan 2014 (Amendment No 2) commences a dual occupancy (attached) has been constructed on the lot, and:*
- (i) *the lot has an area of at least 580 square metres and a road frontage of at least 20 metres, and*
 - (ii) *one dwelling will be situated on each lot that has an area of not less than 290 square metres and a road frontage of not less than 10 metres, and*
 - (iii) *an occupation certificate has been issued for that development.*

ITEM 3 (continued)

As outlined earlier in this assessment report, the application varies between suggesting subdivision of the development is by way of strata subdivision or torrens title subdivision.

In the circumstances the applicant is seeking torrens title subdivision of the development, as outlined under the SEPPARH assessment within the Statement of Environmental Effects, it is noted these provisions apply only to allotments with an area of 580m² and minimum road frontage of 20m. Furthermore, development consent cannot be granted until which time an Occupation Certificate has been issued.

The site area of No. 153 Cox's Road is 534m², with the road frontage being 15.24m. Furthermore an Occupation Certificate has not been issued for the development. In the circumstances, the proposal fails to achieve the development standard for torrens title subdivision of a dual occupancy (attached) development.

Despite this it is acknowledged that the application is submitted pursuant to Division 1 of the SEPPARH, and in such circumstances the provisions of Clause 14(1)(a) and Clause 18 would collectively prevail over the subdivision development standards prescribed under LEP 2014 (pursuant to Clause 8 of the SEPPARH).

Nevertheless, as discussed earlier in this assessment report, the applicability of Division 1 of the SEPPARH has been argued given the proposal will provide only 16.4% of its gross floor area as affordable housing.

Accordingly, in the circumstance where the application cannot rely upon the provisions of Division 1 of the SEPP, consent cannot be granted to the application per the provisions of Clause 4.6(8) of LEP 2014.

Clause 4.1A(2)

Clause 4.1A(2) of LEP 2014 prescribes:

“Development consent may only be granted to the strata subdivision of a dual occupancy (attached) on land in Zone R2 Low Density Residential if the land has an area of at least 580 square metres.”

Comment

Although the application varies between suggesting strata subdivision of the proposal is intended, or whether torrens title subdivision is proposed, it is noted the subject site has an area of 531.15m² and as such falls 48.85m², or 9.2% short of the minimum site area requirements for strata subdivision of dual occupancy (attached) development under the provisions of Clause 4.1A(b) of LEP 2014.

ITEM 3 (continued)

Despite this it is acknowledged that the application is being submitted pursuant to Division 1 of the SEPPARH, and in such circumstances the provisions of Clause 14(1)(a) and Clause 18 would collectively prevail over the subdivision development standards prescribed under LEP 2014 (pursuant to Clause 8 of the SEPP).

Nevertheless, as discussed earlier the applicability of Division 1 of the SEPPARH has been argued given the proposal will provide only 16.4% of its gross floor area as affordable housing.

Accordingly, in the circumstance where the application cannot rely upon the provisions of Division 1 of the SEPP, and in the absence of a Clause 4.6 written request to vary the development standard under Clause 4.1A of the LEP 2014, consent cannot be granted to the application.

Clause 4.1B – Minimum lot sizes for dual occupancies and multi dwelling housing

Clause 4.1B(2) of LEP 2014 prescribes:

(2) *Development consent may be granted for development on a lot in Zone R2 Low Density Residential for a purpose shown in Column 1 of the table to this clause if:*

- (a) *the area of the lot is equal to or greater than the area specified for that purpose and shown opposite in Column 2 of the table, and*
- (b) *the road frontage of the lot is equal to or greater than 20 metres.*

Column 1

*Dual occupancy (attached)
Multi dwelling housing*

Column 2

*580 square metres
900 square metres*

Comment

The subject site has an area of 531.15m² and as such falls 48.85m² (or 9.2%) short of the minimum site area requirement for a dual occupancy (attached) development pursuant to clause 4.1B(2)(a) of LEP 2014.

Additionally, the subject site has a road frontage of 15.24m and as such falls 4.76m (or 23.8%) short of the 20m minimum road frontage requirement for a dual occupancy (attached) development pursuant to clause 4.1B(2)(b) of LEP 2014.

A Clause 4.6 written request has been submitted by the applicant to justify the variation to the development standard under Clause 4.1B(2)(b) of LEP 2014. Despite this, it is contended the Clause 4.6 written request submitted is not well founded, and as such support for the variation is not recommended. A discussion on this follows:

ITEM 3 (continued)

Regarding the necessity to comply with the development standard, the written request argues:

- *The proposed departure is necessary to facilitate the provision of an affordable housing dwelling which will be dedicated as affordable rental housing for a period of 10 years; and*
- *There is a considerable public benefit in the provision of an affordable dwelling.*

Regarding the environmental planning grounds to vary the development standard, the written request argues:

- *Compliance would prevent the ability to provide for an additional dwelling house upon the site, and which will be dedicated as affordable rental housing for a period of 10 years.*
- *There is a significant public benefit arising from the provision of an affordable dwelling.*

The written request includes a summary which states:

- *Insistence on strict compliance with the minimum frontage standard would result in a suboptimal planning outcome as it would prevent the ability to provide an affordable rental housing dwelling on the site.*

Whether or not these statements within the written request are agreed upon generally is irrelevant in the circumstances, as the proposal being considered is not for provision of an affordable dwelling as suggested, but rather a 73m² component of one part of one dwelling within the dual occupancy (attached) development.

In addition to the above, it is considered the written request poorly indicates how consistency with the objective of the development standard is achieved, despite numerical compliance not being met.

The written request argues that to demonstrate consistency with the objectives of the particular standard, it is important to consider the aims of the SEPPARH alongside the aims of the LEP 2014. In this regard the written request appears to suggest that the objectives of the SEPPARH prevail over the objectives of the development standard in LEP 2014.

Again, whether or not this notion is agreed upon is a non-debatable point, because in the circumstances of the case whereby the development provides for only 16.4% of the gross floor area as affordable housing, this assessment report argues Division 1 of the SEPPARH does not apply.

ITEM 3 (continued)

Clause 4.3 – Height of buildings

Clause 4.3 of LEP2014 prescribes 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.

Comment

A review of the Height of Buildings Map reveals the maximum building height permitted on the land is 9.5m. The existing building on the site has a compliant building height of 8.85m, and this is not proposed to be altered under this application.

Clause 4.4 – Floor space ratio

Clause 4.3 of LEP 2014 prescribes the maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.

Comment

A review of the Floor Space Ratio Map reveals the maximum floor space ratio permitted on the land is 0.5:1.

The proposed dual occupancy (attached) development will have a floor space ratio of 0.7:1. This is a variance of 108m² (or 40%) to the development standard.

As covered earlier in this report, given the proposal provides less than the minimum gross floor area as affordable housing, no floor space ratio bonus is available to the development under clause 13 of the SEPPARH.

This leaves the proposal failing to comply with the floor space ratio development standard under LEP 2014, without a Clause 4.6 written request to support any variation to the development standard.

In these circumstances, there is no legal basis for the consent authority to consent to the application. Clause 4.6(3) of LEP 2014 states:

“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...”

5.3 Draft Environmental Planning Instruments

The Low Rise Medium Density Housing Code is due to commence on 6 July 2018, *except* for the City of Ryde local government area which has been announced by the Minister as a deferred matter.

ITEM 3 (continued)

As such, any assertions that the introduction of this Code is likely to have an effect on the propagation of dual occupancy development within the local area is not supported.

In this instance, the guiding instrument for the development of dual occupancy (attached) developments remains the LEP 2014, particularly in the circumstance where it has been demonstrated the provisions of the SEPPARH are not satisfied for the proposed development.

5.4 Development Control Plans

Ryde Development Control Plan 2014 (DCP 2014)

Part 3.3 of the DCP 2014 applies to Dwelling Houses and Dual Occupancy (attached) developments.

Given that the development only involves internal changes, the building (as approved under the CDC) has no regard to the provisions of the DCP 2014. Nevertheless, the following provides a summary of the key development controls which the proposal does not comply with and which are considered to influence the recommendation of this assessment:

1. Section 2.3 – Dwelling Houses

Section 2.2 requires dwellings are to address the street.

Further streetscape concerns are also raised in relation to the eastern dwelling including no front door or entry fronting the street. The proposed entry is via a side passage which is not clearly apparent from the street.

Note: Section 2.3 prescribes that new dual occupancy (attached) buildings are to meet the controls for new dwelling houses set out in Section 2.2.1 of Part 3 of DCP 2014.

2. Section 2.3 – Dual Occupancy (attached)

Section 2.3 notes the minimum lot sizes for dual occupancies within Clause 4.1B of the LEP 2014.

As such reference should be made to the sections contained earlier in this report relating to the proposal's compliance against the minimum lot size development standards within the LEP 2014.

ITEM 3 (continued)

3. Section 2.6.1 – Deep Soil Areas

Section 2.6.1 requires that sites are to have a deep soil area that is at least 35% of the area of the allotment.

The deep soil area for the site has been calculated at 25.05% (133.09m²), which is non-compliant with the minimum 35% specified.

On this point it is noted that the deep soil provisions of Clause 14(1)(d) of the SEPPARH are complied with, however the applicability of Division 1 of the SEPPARH generally in relation to the proposed development has been argued as part of this assessment.

Section 2.6.1 also requires that the deep soil area must include an area with minimum dimensions of 8m x 8m in the backyard.

An 8m x 8m deep soil area has not been provided within the backyard. This non-compliance is as a result of the proposed development being constructed on a non-conforming allotment with the LEP 2014 and also a reduced rear setback less than what would otherwise be prescribed by DCP 2014.

Again it is noted that the deep soil provisions of Clause 14(1)(d) of the SEPPARH are complied with, however the applicability of Division 1 of the SEPPARH generally in relation to the proposed development has been argued as part of this assessment.

4. Section 2.6.2 – Topography and Excavation

Section 2.6.2 of Part 3.3 of DCP 2014 states that the maximum height of fill is 900mm, and that the area between the adjacent side wall of the house and the side boundary is not to be filled, noting also that filled areas are not to be adjacent to side or rear boundaries.

Importantly, the provisions of Part 3 of the Code SEPP (Housing Code) stipulate that fill is not to exceed a maximum height of 1m in association with a new dwelling house outside of the building footprint.

Shown in **Figure 10** below is the considerable amount of fill that has been proposed within the rear yard, and also via the cantilevered side path along the eastern side of the dwelling house. This is not only non-compliant with the provisions of DCP2014, but would also appear to be non-compliant with the complying development standards prescribed under Part 3 of the Codes SEPP for which the dwelling house relies upon.

ITEM 3 (continued)



Figure10 - Photograph showing the level of fill associated with the proposed development. This image is captured from the rear yard of the dwelling house at 153 Cox's Road looking over the eastern boundary toward the child care centre at 147-151 Cox's Road. Noted in this image is the level of fill resulting in the finished level of the rear yard at 153 Cox's Road almost matching the height of the top of the boundary fence.

4. Section 2.7 – Floor Space Ratio

Section 2.7 reiterates the floor space ratio requirements stipulated within the LEP 2014.

Reference should be made to the sections contained earlier in this report relating to the proposal's compliance against the floor space ratio provisions of the LEP 2014 and SEPPARH.

5. Section 2.9.1 – Front Setbacks

Section 2.9.1 requires that dwellings are generally to be setback 6m from the front street boundary.

The building has been setback 4.62m to the façade which is non-compliant with the provisions of DCP 2014.

With the proposal falling 24% short of achieving the minimum frontage requirement for dual occupancy (attached) developments, hard surface areas associated with the double-width driveway, patio areas, retaining walls and raised boardwalks dominate the frontage. The small portions of landscaping in the front setback are inadequate in size and dimension to accommodate any substantial planting, and as such fail to comply with Section 2.13 of Part 3.3 of DCP 2014 which requires the front garden to have at least 1 tree capable of reaching a minimum mature height of 10m with a spreading canopy.

ITEM 3 (continued)**6. Section 2.9.3 – Rear Setbacks**

Section 2.9.3 requires that the rear of the dwelling is to be set back from the rear boundary a minimum distance of 25% of the length of the site of 8m, whichever is greater.

The subject site has a rear setback which ranges between 7m and 6.2m which is non-compliant with DCP 2014. This is partially a result of the subject site not meeting the minimum allotment size and frontage requirements of LEP 2014 for the proposed development as well as the design.

The compromised rear setback prevents the proposed development from achieving compliance with the minimum landscape planting requirements specified under Section 2.13 of DCP 2014.

7. Section 2.13 – Landscaping

Section 2.13 requires that the front garden is to have a least one (1) tree capable of reaching a minimum mature height of 10m with a spreading canopy. The front yard does not contain at least one (1) tree capable of reaching a mature height of 10m.

Section 2.13 also requires that where the backyard does not have a mature height of at least 15m high, plant a minimum of one large canopy tree in the backyard. The tree is to be capable of a mature height of at least 15m and is to have a spreading canopy. The tree is to be located in the 8m x 8m deep soil area. The backyard does not include 1 tree capable of reaching a mature height of 15m.

For the front yard area, this non-compliance is unable to be complied with due to an insufficient amount of pervious area to accommodate the responsible planting of a tree capable of growing to 10m with a spreading canopy.

The pervious areas within the rear yard of the development may potentially sustain the planting and mature growth of a tree capable of reaching 15m with a spreading canopy, however without a landscape plan showing plantings to confirm this, the proposal remains non-compliant with Section 2.13 of DCP2014.

8. Section 2.14.1 – Daylight and Sunlight Access

Section 2.14.1 requires that windows to north-facing living areas of the subject dwelling are to receive at least 3 hours of sunlight between 9 am and 3 pm on 21 June over a portion of their surface.

ITEM 3 (continued)

As covered earlier in this assessment report when discussing the proposal's compliance with the provisions of the SEPPARH, while the shadow diagrams submitted with the application would appear to indicate a compliant level of solar access is achieved, it is evident these solar access diagrams have not taken into consideration the cantilevered roofs and balconies that are located over the top of the north facing windows to the living rooms.

As such, it cannot be verified that the proposal achieves compliance with the minimum solar access requirements of the SEPPARH.

5.5 Planning Agreements OR Draft Planning Agreements

No planning agreement or draft planning agreement exists for this development.

5.6 Section 7.11 - Development Contributions Plan – 2007 Interim Update (2014)

Council's current Section 7.11 Development Contributions Plan 2007 (Interim Update 2014) effective 10 December 2014 requires a contribution for the provision of various additional services required as a result of increased development density. The contribution is based on the number of additional dwellings there are in the development proposal.

In the event the application is approved despite the recommendation of this report, then the contributions that are payable with respect to the increase housing density on the subject site (being for residential development outside the Macquarie Park Area) are as follows:

- 2 x four (4) bedroom dwellings.

The existing dwelling house on the site includes a five bedroom dwelling and has been included as a credit in the Section 7.11 Contribution calculations.

A – Contribution Type	B – Contribution Amount
Community & Cultural Facilities	\$4,227.74
Open Space & Recreation Facilities	\$10,407.85
Civic & Urban Improvements	\$3,539.91
Roads & Traffic Management facilities	\$482.86
Cycleways	\$301.62
Stormwater Management Facilities	\$958.70
Plan Administration	\$81.32
The total contribution is	\$20,000.00

ITEM 3 (continued)

5.7 Any matters prescribed by the regulations

No relevant provisions of the Regulations have been identified as pertinent in the assessment of the proposed development on the subject site.

6. The likely impacts of the development

Likely impacts on the natural and built environment:

The likely impacts of the development on the natural and built environment have been considered within the assessment of the applicable environmental planning instruments and development control plans.

Likely social and economic impacts of the development:

Given the small and unworkable provision of affordable housing nominated by the applicant, it is contended the proposed dual occupancy development will be of little social or economic benefit to the locality, other than a marginal increase in the supply of housing and also housing choice in the local area.

7. Suitability of the site for the development

The relevant matters pertaining to the suitability of the site for the proposed development have been considered in the assessment of the proposal. While there are no known environmental constraints, natural hazards or exceptional circumstances that would hinder redevelopment of the land generally, this assessment does contend the subject site is unsuitable for the proposed development owing the inability of the land to meet the key development standards for dual occupancy (attached) sites under the LEP 2014.

8. The Public Interest

The proposed development is not in the public interest as it fails to achieve the objectives and development standards of the applicable planning instruments and development control plans.

The submissions provided by the objectors in relation to the proposed development are further evidence the development is not in the public interest.

It is also argued that consent for the application is not in the public interest as it would enable the legitimisation of a building constructed for the purposes of circumventing Council's LEP 2014 requirements for dual occupancy (attached) buildings, thus setting a poor precedent which neither Council nor the public would want to see replicated.

ITEM 3 (continued)

While it may be argued that the provision of affordable housing is in the public interest, in the circumstances of the case where only a marginal and non-workable component of affordable housing is provided, it is argued the public interest is not met.

9. Submissions

On 26 June 2017 the DA was notified to neighbouring properties in accordance with the provisions of the DCP 2014.

In response to the notification, two (2) submissions were received in objection to the proposal.

The objections raised in the submissions are addressed below:

- ***The Ryde Council minimum requirements for a dual occupancy dwelling is a 20m road frontage and overall land size of 580m². This site has a 15m road frontage and is approximately 530m² which is significantly under the minimum requirements.***

Comment

The objector is referring to the development standard contained in clause 4.1B(2) of the LEP 2014 which prescribes the minimum site size for dual occupancy (attached) developments.

The proposal's non-compliance with the minimum 20m frontage requirement under LEP 2014 has been discussed in detail earlier in this assessment report.

It is noted that the applicant has submitted a Clause 4.6 written request to justify varying the development standard, however in the opinion of the assessing officer the written request has failed to satisfactorily demonstrate why it is unreasonable or unnecessary to comply with the development standard. The applicant has also failed to provide sufficient environmental planning grounds to support varying the standard.

Generally, the reasons why the applicant has failed to demonstrate the above is because the written request relies upon the benefit of the development providing affordable housing, but as demonstrated within this assessment report, the proposal provides less than the minimum required gross floor area to take advantage of the SEPPARH provisions. In the absence of adequate affordable housing being provided, the arguments contained within the written request cannot be relied upon.

In the circumstances, the provisions of Clause 4.6(3) and (4) of LEP 2014 therefore prevent the consent authority from approving the application.

ITEM 3 (continued)

- ***When the property was built initially, the construction was obviously with a dual occupancy in mind as a fire wall was built in between the two halves and each half was a mirror image of the other.***

I don't object to the dual occupancy as such but to the approach that has been taken at No. 153 Cox's Road to get to this point.

If this application is approved, will this set a precedence for dual occupancy applications to be approved on similar sized properties under the existing minimum requirements in the Ryde Council area in the future.

I am also concerned about the way this development has arisen. This house was only completed very recently. It should have been clear to Council and the private certifier that the intention all along was to convert the dwelling into a dual occupancy. Again, if this development application is approved, it will encourage other nearby residents and developers to use the same approach in their developments

Comment

The results of this assessment generally concurs with the above comments of the objectors, and has equally argued that consent for the application is not in the public interest as it would enable the legitimisation of a building constructed for the purposes of circumventing Council's LEP 2014 requirements for dual occupancy (attached) buildings, thus setting a poor precedent which neither Council nor the public would want to see replicated.

This forms one of the reasons for refusal of the application.

- ***Despite the minimum requirements Ryde Council allowed this construction to proceed.***

Comment

The existing building on the subject site was not consented to by Council. The building was approved by a private certifier as a dwelling house via the complying development pathway (CDA No. CDP2016/0778) on 2 August 2016.

Furthermore the secondary dwelling (granny flat) was also approved by a private certifier under (CDC No. 17320).

- ***I believe this character should be maintained. If this development application is approved, Council will have much more difficulty in refusing similar applications in the future as a precedent has been set.***

ITEM 3 (continued)

Comment

A detailed assessment on the character of the area and how it may be influenced by the proposed development is provided within the response to Clause 16A of the SEPPARH earlier in this report.

Generally however, the impact of a decision to approve the DA – in terms of its potential to transform the character of the low density residential areas of Ryde via poor precedent – is an important consideration by the consent authority, and one which is considered unacceptable in the opinion of the consultant planner when having regard to the provisions of Clause 16A of the SEPPARH.

10. Referrals

No internal or external referrals were carried out in relation to the subject application.

11. Conclusion

The development application is recommended for refusal for the following reasons:

- 1) The proposal has been submitted under the provisions of *State Environmental Planning Policy (Affordable Rental Housing) 2009*. However, the proposal only includes 16.4% of its gross floor area as affordable housing. This is less than the minimum proportion of affordable housing required under the threshold provisions of Clause 13(1) of the SEPPARH and accordingly, the SEPPARH does not apply to the development.
- 2) The development results in non-compliances with the following clause of LEP 2014:
 - Clause 4.1A – Dual Occupancy (Attached) subdivision;
 - Clause 4.1B(2)(a) – Minimum lot sizes for dual occupancies and multi-dwelling housing (lot size);
 - Clause 4.1B(2)(b) – Minimum lot sizes for dual occupancies and multi-dwelling housing (road frontage); and
 - Clause 4.4 – Floor space ratio.
- 3) The applicant has submitted a Clause 4.6 Exception to Development Standards under the LEP 2014 in respect to Clause 4.1(2)(b) 'minimum lot size' and 'road frontage'. The Clause 4.5 written request has failed to satisfactorily demonstrate why it is unreasonable or unnecessary to comply with the development standard, and also failed to provide sufficient environmental planning grounds to support varying the standard.

ITEM 3 (continued)

- 4) The applicant has failed to provide an acceptable BASIX Certificate in respect to *State Environmental Planning Policy (Building Sustainability Index: BASIX)*.
- 5) The development results in numerous non-compliances with Part 3.,3 of RDCP 2014. These non-compliances are in respect to the dwellings not addressing the street, deep soil areas, topography and excavation, front setbacks, rear setbacks, landscaping, daylight and sunlight access. These non-compliances contribute to the conversion of the dwelling house to a dual occupancy as being inappropriate for the subject site.
- 6) The site is unsuitable for the proposed development as the land is unable to satisfy the key development standards for dual occupancy (attached) sites under the relevant planning controls.
- 7) The development is not in the public interest as it fails to achieve the objectives and development standards of the applicable environmental planning instruments and development control plan.

Approval of this development would establish a poor precedent by consenting to a development application that would enable the legitimisation of a building constructed for the purposes of circumventing Council's planning controls for dual occupancy (attached) buildings. This is not in the public interest.

12. RECOMMENDATION:

Pursuant to Section 4.16(1)(b) of the *Environmental Planning and Assessment Act 1979*, the following is recommended:

- (a) That the City of Ryde Council Local Planning Panel refuse consent to development application LDA2017/0226 for internal modifications to convert existing dwelling house to a dual occupancy (attached) & strata subdivision - under Division 1 of *State Environmental Planning Policy (Affordable Rental Housing) 2009* at No. 153 Cox's Road, North Ryde, for the following reasons:
 1. Pursuant to Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*, the development does not comply with the following provisions of the *State Environmental Planning Policy (Affordable Rental Housing) 2009*:
 - *Clause 13 - Floor space ratios* in that the proposal only provides for 16.4% of its gross floor area as affordable housing, and therefore does not comply with the threshold provisions of Clause 13(1) under Division 1 'In-fill Affordable Housing'.

ITEM 3 (continued)

2. Pursuant to Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*, the development does not comply with the following provisions of the *State Environmental Planning Policy (Building Sustainability Index: BASIX)*:
 - *Clause 6 – ‘Buildings to which this Policy’* applies in that the BASIX Certificate relied upon by the applicant is for alteration and additions, and not for a Dual Occupancy.

3. Pursuant to Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*, the development does not comply with the following provisions of the *Ryde Local Environmental Plan 2014*:
 - *Clause 4.1A - ‘Dual occupancy (attached) subdivisions’* in that the site has an area of less than 580m² sufficient to permit strata subdivision.
 - *Clause 4.1B(2)(a) - ‘Minimum lot sizes for dual occupancies and multi dwelling housing’* in that the site area is 534.15m² and the minimum site area requirement is 580m².
 - *Clause 4.1B(2)(b) - ‘Minimum lot sizes for dual occupancies and multi dwelling housing’* in that the road frontage of the site is less than 20m.
 - *Clause 4.4 - ‘Floor space ratio’* in that the development does not benefit from the floor space ratio bonus provided for under Clause 13 of *State Environmental Planning Policy (Affordable Rental Housing) 2009* and that the floor space ratio therefore exceeds that prescribed under Clause 4.4 of the *Ryde Local Environmental Plan 2014*.
 - *Clause 4.6 - ‘Exceptions to Development Standards’* in that the written request submitted in support of varying clause 4.1(2)(b) has failed to satisfactorily demonstrate why it is unreasonable or unnecessary to comply with the development standard, and also failed to provide sufficient environmental planning grounds to support varying the standard.

4. Pursuant to Section 4.15(1)(a)(iii) of the *Environmental Planning and Assessment Act 1979*, the development does not comply with the following provisions of the *Ryde Development Control Plan 2014*:
 - *Section 2.2 – ‘Dwelling Houses’* in that proposed Dwelling B does not include a front door or entry to the street.
 - *Section 2.6.1 – ‘Deep Soil Areas’* in that the proposal provides less than the minimum 35% deep soil area required for dual occupancy (attached) developments, and does not provide for the minimum 8m x 8m deep soil area dimension within the rear yard of the development.

ITEM 3 (continued)

- *Section 2.6.2 – ‘Topography and Excavation’* in that the level of fill within the rear yard does not comply with the Section 2.6.2, nor Part 3 of the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* for which the existing dwelling house was approved.
 - *Section 2.9.1 – ‘Front Setbacks’* in that the building does not achieving the minimum frontage requirement for dual occupancy (attached) developments resulting in small portions of landscaping which are inadequate in size and dimension to accommodate any substantial tree planting.
 - *Section 2.9.3 – ‘Rear Setbacks’* in that the rear setback the non-compliant rear setback is a result of the site not meeting the minimum allotment size and frontage requirements of LEP2014 for dual occupancy (attached) developments.
 - *Section 2.13 – ‘Landscaping’* in that the development does not include the minimum vegetation planting requirements for front and rear yards due to an insufficient amount of pervious area to accommodate the responsible planting of a tree capable of growing to a mature height of 10m with a spreading canopy.
 - *Section 2.14.1 – ‘Daylight and Sunlight Access’* in that The shadow diagrams submitted with the application do not taken into consideration the cantilevered roofs and balconies that are located over the top of the north facing windows and sliding doors to the living rooms.
5. Pursuant to Section 4.15(1)(c) of the *Environmental Planning and Assessment Act 1979*, in that the site is unsuitable for the development owing the inability of the land to meet the key development standards for dual occupancy (attached) sites under the relevant planning controls.
6. Pursuant to Section 4.15(1)(e) of the *Environmental Planning and Assessment Act 1979*, in that the development is not in the public interest because:
- a) It fails to achieve the objectives and development standards of the applicable environmental planning instruments and development control plans.
 - b) It establishes an undesirable precedent that would legitimise a building constructed for the purposes of circumventing Council’s planning controls for dual occupancy (attached) buildings.

And

- (b) That the persons who made submissions be advised of this decision.

ITEM 3 (continued)**ATTACHMENTS**

- 1 Plans submitted with DA - subject to copyright provisions - CIRCULATED UNDER SEPARATE COVER
- 2 Plans associated with CDC for dwelling house - subject to copyright provisions - CIRCULATED UNDER SEPARATE COVER
- 3 Plans associated with CDC for secondary dwelling - subject to copyright provisions - CIRCULATED UNDER SEPARATE COVER
- 4 Clause 4.6 variation - C4.1(2)(b)

Report Prepared By:

**Ben Tesoriero Planning Consultant
Creative Planning Solutions**

**Tony Collier
Acting Senior Coordinator - Assessment**

Report Approved By:

**Sandra Bailey
Acting Manager - Development Assessment**

**Liz Coad
Director - City Planning and Environment**

ITEM 3 (continued)

ATTACHMENT 4

ATTACHMENT 4

**Clause 4.6 written variation in respect to Clause 4.1(2)(b) of LEP
2014**

ITEM 3 (continued)

ATTACHMENT 4

CI 4.6 Variation Request

Proposed In-fill Affordable Housing

Dual Occupancy

Pursuant to

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

**153 Coxs Rd,
North Ryde**

17 August 2017


CONSULTING ENGINEERS AUSTRALIA

ITEM 3 (continued)

ATTACHMENT 4

The subject land is zoned *R2. Low Density Residential* under the Ryde LEP 2014. The objectives of the zone are as follows:

- *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.*

Clause 4.1B(2)(b) of Ryde LEP 2014 relates to the minimum road frontage required for Dual Occupancies (attached) and defines a minimum 20 metres requirement:

"road frontage of the lot is equal to or greater than 20 metres."

The minimum road frontage control in 4.1B(2)(b) is a "development standard" to which exceptions can be granted pursuant to clause 4.6 of the LEP.

The objectives and provisions of clause 4.6 are as follows:

- (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 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.*
- (4) Development consent must not be granted for development that contravenes a development standard unless:*
- (a) the consent authority is satisfied that:*
 - (i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*

ITEM 3 (continued)

ATTACHMENT 4

(ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and

(b) the concurrence of the Secretary has been obtained.

(5) In deciding whether to grant concurrence, the Secretary must consider:

(a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and

(b) the public benefit of maintaining the development standard, and

(c) any other matters required to be taken into consideration by the Secretary before granting concurrence.

(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 E2 Environmental Conservation, Zone E3 Environmental Management or Zone E4 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) After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant's written request referred to in subclause (3).

(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,

(ca) clause 4.3, to the extent that it applies to the land identified as "Town Core" on the Ryde Town Centre Precincts Map ,

(cb) clause 4.1A, to the extent that it applies to the Torrens title subdivision of a dual occupancy (attached),

(cc) clause 6.9.

ITEM 3 (continued)

ATTACHMENT 4

The development standard in clause 4.1B(2)(b) is not “expressly excluded” from the operation of clause 4.6.

Objective 1(a) of clause 4.6 is satisfied by the discretion granted to a consent authority by virtue of subclause 4.6(2) and the limitations to that discretion contained in subclauses (3) to (8). This submission will address the requirements of subclause 4.6(3) & (4) in order to demonstrate to Council that the exception sought is consistent with the exercise of “an appropriate degree of flexibility” in applying the development standard, and is therefore consistent with objective 1(a). In this regard, the extent of the discretion afforded by subclause 4.6(2) is not numerically limited, in contrast with the development standards referred to in subclause 4.6(6).

The objectives and provisions of the development standard under Clause 4.1B are as follows:

Part 4 Principal development standards

4.1B Minimum lot sizes for dual occupancies and multi dwelling housing

(1) The objective of this clause is to achieve planned residential density in certain zones.

(2) Development consent may be granted for development on a lot in Zone R2 Low Density Residential for a purpose shown in Column 1 of the table to this clause if:

(a) the area of the lot is equal to or greater than the area specified for that purpose and shown opposite in Column 2 of the table, and

(b) the road frontage of the lot is equal to or greater than 20 metres.

<i>Column 1</i>	<i>Column 2</i>
<i>Dual occupancy (attached)</i>	<i>580 square metres</i>
<i>Multi dwelling housing</i>	<i>900 square metres</i>

It is requested that an exemption to development standard 4.1B(2)(b) is granted pursuant to clause 4.6 to permit a road frontage of 15.24m; a variation of 23.8%.

In order to address the requirements of subclause 4.6(4)(a)(ii), the objectives of clause 4.1B(2) are addressed below:

(1) The objective of this clause is to achieve planned residential density in certain zones

The proposed development has been submitted pursuant to the Affordable Rental Housing SEPP 2009. Under the SEPP, a minimum site area of 450 sqm is required which effectively overrides development standard 4.1B(2)(a) which requires a minimum lot size of 580 sqm.

Objective 4.1B(1) is achieved through the use of both provisions (a) and (b) which restrict the number of sites that are available for dual occupancy developments and in turn reduce

ITEM 3 (continued)

ATTACHMENT 4

the residential density. Given that the application is lodged under the affordable housing SEPP, it is important to consider the aims of the SEPP alongside the aims of the LEP. The SEPP aims to encourage the supply of affordable housing through the provision of *non-discretionary development standards (minimum site area)*. In turn, it could be said that the SEPP has assisted in achieving a significant portion of the objective and it must be considered whether it unnecessary to consider provision 4.1B(2)(b) given the circumstances of the current development proposal.

In this regards, it is submitted that standard 4.1B(2)(b) is unnecessary in the circumstances because of the following reasons:

1. The proposal will not result in any unreasonable impacts upon the adjoining properties as it will not affect the external form of the existing dwelling in any way,
2. the development outcome achieved by the proposal is compatible with a low density residential environment and the surrounding locality,
3. The proposed departure is necessary to facilitate the provision of an affordable housing dwelling (153a) which will be dedicated as affordable rental housing for a period of 10 years.
4. The proposal provides for a development outcome which is compatible with a low density residential environment and the surrounding locality, and
5. there is considerable public benefit in the provision of an affordable dwelling

Having regard to clause 4.6(3)(b) and the need to demonstrate that there are sufficient environmental ground to justify contravening the development standard, the assessment of this numerical non-compliance is guided by decision of the *NSW LEC Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 90* whereby Justice Pain ratified the decision of commissioner Pearson.

There are sufficient environmental planning grounds to vary the standard due to the following reasons:

1. The non-compliance will have no adverse impact upon adjoining properties and the public domain as it does not proposal any external changes to the existing dwelling,
2. the proposed development will enable the orderly and economic development of the subject site in accordance with the intentions of the EPAA 1979,
3. the proposed development creates minimal environmental footprint as it seeks to maintain the existing dwelling and only provides for additions within its existing envelope,
4. compliance would prevent the ability to provide for an additional dwelling house upon the site and which will be dedicated as affordable rental housing for a period of 10 years,
5. there is a significant public and social benefit arising from the provision of an affordable dwelling,
6. the proposal is compliant with the minimum lot size objectives of the SEPP and consequently fulfils the objectives of the LEP as it provides for an appropriate density of development of 265.6 sqm per site which is greater than 225 sqm per dual occupancy dwelling (as per the SEPP overriding this LEP control), and

ITEM 3 (continued)

ATTACHMENT 4

7. the building is compatible with the streetscape and character of the neighbourhood as it is characterised as a single dwelling.

Insistence on strict compliance with the minimum frontage standard would result in a suboptimal planning outcome as it would prevent the ability to provide an affordable rental housing dwelling on the site.

The proposed development would not contravene the objectives of the R2 zone. It will *provide for the housing needs of the community within a low density residential environment and provides for a variety of housing types*, being dual occupancies.

Having regard to all of the above, it is considered that compliance with minimum road frontage development standard is unnecessary in the circumstances of this case as the development meets the objectives that standard and the zone objectives.

Therefore, insistence upon strict compliance with the standard would be unreasonable. On this basis, the requirements of clause 4.6(3) are satisfied.

- 4 598A AND 598B BLAXLAND ROAD, EASTWOOD. Construction of a part 3 / part 4 storey residential apartment building containing 12 apartments with associated basement parking for 13 vehicles. LDA2018/0090**

Report prepared by: Acting Senior Coordinator - Major Development

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

File Number: GRP/09/6/12/1/2 - BP18/715

City of Ryde Local Planning Panel Report

DA Number	LDA2018/0090
Site Address and Ward	598A and 598B Blaxland Road Eastwood West Ward
Zoning	R4 High Density Residential under the provisions of the RLEP 2014
Proposal	Construction of a part 3/part 4 storey residential apartment building containing 12 apartments with associated basement parking for 13 vehicles
Property Owner	Jiang Zhang & Jun Wang & Shiluang Zhao
Applicant	Smith & Tzannes Architects
Report Author	Sandra McCarry Acting Senior Coordinator - Major Development
Lodgement Date	2 March 2018
No. of Submission	14 March 2018 to 28 March 2018: 2 submissions received raising concerns about the development
Cost of Works	\$3,728,942.89
Reason for Referral to Local Planning Panel	Sensitive Development – SEPP 65 applies
Recommendation	Approval subject to conditions

ITEM 4 (continued)

Attachments	<ol style="list-style-type: none"> 1. Draft Conditions of Consent 2. Amended Plans 3. Clause 4.6 written variation in respect to height
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1. Executive Summary

The following report is an assessment of a development application for the construction of a part 3/part 4 storey residential apartment building at 598A and 598B Blaxland Road, Eastwood, legally described as Lots A and B DP 396644.

The development application (as amended) proposes demolition of the existing building and the construction of a residential apartment building containing 12 residential units of 4 x 1 bedroom apartments, 8 x 2 bedrooms and basement carparking for 13 vehicles. The application also includes associated landscaping.

During the notification period (14 March 2017 until 28 March 2018) Council received two submissions raising concerns about the proposed development. One of the submissions contained a petition of 53 signatures from residents of neighbouring properties. Issues raised in the submissions included concerns such as possible structural damage to their building, flooding issues, noise, traffic, security and privacy concerns. The other submission raised concerns about damage to their trees. All of the issues raised have been addressed in the report.

Amended plans were received on 15 May 2018, however these plans were not required to be renotified as the amendments increased the side and rear setbacks.

The proposal generally complies with Council's requirements except for a variation to the 11.5m building height, (variation of between 7% to 9.9%), building separation and setbacks. These non-compliances are considered to be acceptable in the context of the development as discussed in the body of the report. The development fully complies with the floor space ratio and provides adequate amenity to future residents whilst maintaining amenity to the adjoining residential properties.

Assessment of the amended application against the relevant planning framework, and consideration of various design matters by Council's Technical Departments have not identified any fundamental issues of concern. The proposal has been amended in accordance with the Urban Design Review Panel (UDRP) recommendations and in addition, **Part 2 Condition 1(b)** has been imposed to provide a 4.5m setback along a section of the northern elevation. Consequently, this report concludes the application is sound in terms of its design, function, and relationship with its neighbours.

ITEM 4 (continued)

Council's Senior Co-Ordinator Development Engineering Services has advised that the stormwater plans nominated an easement to drain water to be acquired through 13 Ball Avenue. The acquisition of the easement will require the consent be configured as a deferred commencement warranting the registration of the easement before the consent is activated as well as detailed plans for Council review.

This report recommends a deferred commencement consent be granted to this application, in accordance with conditions provided at **Attachment 1**.

2. The Site and Locality

The development site comprises of two allotments and is legally described as Lots A and B DP 396644. The total area of the site is 916.4m². It is a regular shaped allotment with a 20.115m frontage to Blaxland Road and has an approximate 2.2m fall towards the back of the site. The property is within an overland flow path.

The existing structure is a single storey building with a curved driveway providing vehicular access to each of the dwellings. The site currently accommodates two semi-attached dwellings.

The immediate adjoining properties, to the north, south and west of the site comprise of four storey residential apartment buildings. Three to four storey apartment buildings are also situated further up and down Blaxland Road. A combination of one and two storey dwellings reside on the other side of Blaxland Road.



Figure 1: Aerial photograph of the site and surrounding area. Subject site outlined in red.

ITEM 4 (continued)



Figure 2: The site as viewed from Blaxland Road – currently contain a semi – attached dwellings.



Figure 3: The adjoining site to the north at 600 Blaxland Road - 4 storey residential apartment building.

ITEM 4 (continued)



Figure 4: Adjoining southern property - 596 Blaxland Road, 4 storey residential apartment building.



Figure 5: Streetscape along the western side of Blaxland Road, 3 to 4 storey residential apartment buildings.

ITEM 4 (continued)



Figure 6: Streetscape along the eastern side of Blaxland Road (opposite side of street), low density dwelling houses.

3. The Proposal

It is proposed to demolish the existing buildings and construct a residential apartment building comprising twelve (12) residential apartments consisting of 4 x 1 bedroom units (33%) and 8 x 2 bedroom units (67%). The building is part three/ part four storeys with a single storey basement carpark beneath. Pedestrian access to the development is from Blaxland Road on the northern side of the site, from a pathway neighboured by a low height masonry wall and landscaping. Vehicular access is located from the southern side of the site from Blaxland Road.



ITEM 4 (continued)



Figure 7: Perspectives of the proposed development as viewed from Blaxland Road.

4. Background

The application was submitted to Council on 2 March 2018.

A letter was sent to the applicant on 19 April 2018 which identified various issues with the application. These issues included:

- Drainage – request amended stormwater plan to reflect architectural plans floor levels and provide overland flow paths between the fences and building footprints.
- Floor Space Ratio - clarify total Gross Floor Area.
- Height – extent of height variation excessive, consideration to be given to lowering the building, especially given the concerns with the basement protruding above ground.
- Setbacks – the 2m setback along the northern boundary is not supported, minimum setback of 3m is required. In addition, the rear setback of 2.2m for the stairs and elevated terraces not supported. Minimum setback of 6m is required.
- Urban Design Review Panel's comments to amend side setbacks, increase deep soil area at the rear, provide private open space on the roof.

Amended plans and further information was submitted to Council on 15 May 2018. The amended/additional information addressed:

- Revised drainage/stormwater plans as requested.
- The floor space on the ground floor corridor included in the original GFA calculation but not shown on the calculation diagram, this has been corrected.

ITEM 4 (continued)

- Height lowered from maximum height of RL79.23 for lift overrun to RL77.63. The basement was lowered by 670mm. This has resulted in a maximum height exceedance of only 9.9% with maximum height of building of 12.65m.
- Setback to the northern boundary increased to minimum 3m and 6m along the rear western boundary.
- Proposed increased deep soil area, DSA is now achieved with additional communal open space being provided at the rear of the building.

These plans addressed the issues raised and it was considered that the amendments to the plans were such that it was not necessary to re-advertise the development.

The application was reviewed by the Urban Design Review Panel on 11 April 2018 and a desktop review on 24 May 2018. The Panel supports the proposal subject to some recommendations. The UDRP comments of 11 April 2018 are discussed in full further in the report.

5. Planning Assessment

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

- State Environmental Planning Policy No. 55 – Remediation of Land
- State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development
- State Environmental Planning Policy (Infrastructure) 2007
- State Environmental Planning Policy (Building Sustainability Index: BASIX)
- Deemed SEPP – Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005
- Ryde Local Environmental Plan 2014
- Ryde Development Control Plan 2014
 - Part 7.2 Waste Minimisation and Management
 - Part 9.2 Access People with Disabilities
 - Part 9.3 Car Parking
- Section 94 Contribution Plan

5.1 State Environmental Planning Instruments**State Environmental Planning Policy (Building Sustainability Index: BASIX)**

The development is identified under the Environmental Planning and Assessment Regulation 2000 as a BASIX Affected Building. As such, an amended BASIX Certificate has been submitted (No. 885946M_02, dated 24 May 2018) which provides the development with a satisfactory target rating.

ITEM 4 (continued)

Appropriate conditions have been imposed requiring compliance with the BASIX commitments detailed within the Certificate. See **Conditions 3 and 118**.

State Environmental Planning Policy No 55 – Remediation of Land

The requirements of State Planning Policy No. 55 – Remediation of Land (SEPP 55) apply to the subject site. In accordance with Clause 7 of SEPP 55, Council must consider if the land is contaminated, if it is contaminated whether it is suitable for the proposed use and if it is not suitable, can it be remediated to a standard such that it will be made suitable for the proposed development.

A Stage 1 Contamination Assessment Report prepared by Sullivan Environmental Science was submitted with the application. The report conclude:

Potential soil contamination may have occurred from the following historical activities:

- *Degradation of building materials containing asbestos and lead-based paints. Impacts may be limited to soils surrounding fibro cement structures and painted areas including the detached studio on #598A and the garage on #598B, as well as the rear areas of the main residential building on both lots.*
- *Past use of the backyard incinerator. Impacts may have occurred by spreading of ash type materials in garden beds or unsealed areas of the backyard.*
- *Past use of pesticides, particularly persistent organic compounds.*

To assess potential soil contamination, we recommend conducting a limited Stage 2 Contamination Assessment to collect soil samples in and around fibro cement structures, painted structures, the old incinerator and garden beds.

Council's Environmental Health Officer has reviewed the proposal and documentation and has raised no objections to the proposal subject to conditions, including **Conditions 51 to 54** which requires a detailed site investigation report to be submitted prior to Construction Certificate and the site to be remediated, if required.

Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 is a deemed SEPP and applies to the subject site.

ITEM 4 (continued)

The site is located within the designated hydrological catchment of Sydney Harbour and therefore is subject to the provisions of the above planning instrument. However, the site is not located on the foreshore or adjacent to the waterway and therefore, with the exception of the objective of improved water quality, the objectives of the planning instrument are not applicable to the proposed development. The objective of improved water quality is satisfied through compliance with the provisions of Part 8.2 of DCP 2014. The proposed development raises no other issues and otherwise satisfies the aims and objectives of the planning instrument.

State Environmental Planning Policy (Infrastructure) 2007.

The Infrastructure SEPP applies to the subject site given its location adjacent to a Roads and Maritime Service road, being Blaxland Road. The following provisions of the Infrastructure SEPP are applicable to this DA:

Infrastructure SEPP	Comments	Comply
<p>Clause 101 Development with frontage to a classified road</p> <p>(1) The objectives of this clause are:</p> <ul style="list-style-type: none"> (a) To ensure that new development does not compromise the effective and ongoing operation and function of classified roads; and (b) To prevent or reduce the potential impact of traffic noise and vehicle emission on development adjacent to classified roads. <p>(2) The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that:</p> <ul style="list-style-type: none"> (a) Where practicable, vehicular access to the land is provided by a road, other than a classified road; and (b) The safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of: <ul style="list-style-type: none"> i. The design of vehicular access to the land, or ii. The emission of smoke or dust from the development, or iii. The nature, volume or frequency of vehicles using the classified 	<p>The proposal will have vehicular access from Blaxland Road. The proposal was referred to Roads & Maritime Services (RMS) who advised that they would not support any right turn movements to/from the site. As such the driveway should be designed to restrict any right turn movement to/from the site onto Blaxland Road. RMS has provided a typical left in left out (LILO) driveway design, which is shown as Figure 8 below. The applicant has been provided with the design and Council's Senior Co-ordinator Development Engineer has advised that the proposal is capable of being amended, as required by RMS. Condition 1(a) has been imposed requiring this.</p> <p>A Noise Impact Assessment has been prepared by Acoustic Logic. The assessment measured external noise impacts and operational noise emission. Section 4 of the report sets out the results and recommended acoustic treatments that will ensure a reasonable level of amenity is achieved for future occupants.</p>	<p>Yes</p> <p>Yes</p>

ITEM 4 (continued)

Infrastructure SEPP	Comments	Comply
<p>road to gain access to the land.</p> <p>(c) 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.</p>	<p>The recommendations contained in the report have been imposed as a condition. See Condition 57.</p>	
<p>Clause 102 Impact of road noise or vibration on non-road development</p> <p>1. This clause applies to development for any of the following purposes that is on land in or adjacent to the road corridor for a freeway, a tollway or a transit way or any other road with an annual average daily traffic volume of more than 40,000 vehicles (based on the traffic volume data published on the website of the RTA) and that the consent authority considers likely to be adversely affected by road noise or vibration:</p> <p>(a) A building for residential uses</p> <p>2. Before determining a development application for development to which this clause applies, the consent authority must take into consideration any guidelines that are issued by the Director-General for the purposes of this clause and published in the Gazette.</p> <p>3. If the development is for the purposes of a building for residential use, the consent authority must not grant consent to the development unless it is satisfied that appropriate measures will be taken to ensure that the following LAeq measures are not exceeded:</p> <p>(a) In any bedroom in the building – 35 dB(A) at any time between 10pm and 7am</p>	<p>An Acoustic Report prepared by Acoustic Logic has been submitted as part of the Development Application. The report conclude: <i>noise intrusion from traffic onto the future occupants of the development have been assessed in accordance with the SEPP infrastructure and the City of Ryde DCP. Provided the acoustic treatments provided in the report are adhered to, the internal noise levels will satisfy the requirements of the criteria. See Conditions 57 & 58.</i></p>	<p>Yes</p>

ITEM 4 (continued)

Infrastructure SEPP	Comments	Comply
(b) Anywhere else in the building (other than a garage, kitchen, bathroom or hallway) – 40dB(A) at any time.		

Table 1: Infrastructure SEPP



Figure 8: A typical left in left out driveway design, as provided by RMS.

State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development.

This Policy aims to improve the design quality of residential flat development. This proposal has been assessed against the following matters relevant to SEPP 65 for consideration:

- Urban Design Review Panel;
- The SEPP 65 Design Quality Principles; and
- The Apartment Design Guide.

ITEM 4 (continued)
Urban Design Review Panel (UDRP.)

The proposal was reviewed by the Urban Design Review Panel on 11 April 2018 prior to lodgement and amended plans dated 15 May were reviewed on 24 May 2018 (desktop review) after the lodgement of the DA.

Below details the UDRP's comments of 11 April 2018 and how the proposal has responded to their comments.

SEPP 65 – Design Quality of Residential Flat Buildings	UDRP Comments
<p>Context and Neighbourhood Character</p> <p>Good design responds and contributes to its context. Context is the key natural and built features of an area, their relationship and the character they create when combined. It also includes social, economic, health and environmental conditions.</p> <p>Responding to context involves identifying the desirable elements of an area's existing or future character. Well-designed buildings respond to and enhance the qualities and identity of the area including the adjacent sites, streetscape and neighbourhood.</p> <p>Consideration of local context is important for all sites, including sites in established areas, those undergoing change or identified for change.</p>	<p><u>Urban Design Review Panel</u> <i>The site is located on Blaxland Road, one of the main streets in Eastwood. Access to the site is limited to this street. The site has an area of 916m², frontage to Blaxland Road of approximately 20m and a depth of approximately 46m. There is a fall from front to back of about 2m.</i></p> <p><i>The site, which is currently occupied by a single dwelling, is located in a block which consists mainly of extant three and four storey flat buildings. To the immediate north is a four storey flat building with a driveway along the side boundary shared with the subject site. Abutting the site to the south is another four storey flat building. Immediately to the west is another four storey flat building. The property is zoned R4 High Density Residential, with a maximum FSR of 1.0:1 and a maximum height of 11.5m.</i></p> <p><i>In general, and noting the exceptions detailed below, the proposal is consistent with the desired future character of the area, as expressed in Council's development controls.</i></p> <p><u>Comment:</u> Noted – the proposal is for a part 3/part 4 storey residential apartment building and presents a quality design which responds to the context of the site and surrounds. The proposal has been amended to provide a better interface with the adjoining sites with the proposal responding to the streetscape. The development is not considered to be out of context to nearby developments along the western side of Blaxland Road.</p>
<p>Built Form and Scale</p> <p>Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the street and surrounding buildings.</p> <p>Good design also achieves an appropriate built form for a site</p>	<p><u>Urban Design Review Panel</u> <i>The overall height of the building exceeds the LEP limit by almost 3m (lift shaft) and 1.5m (upper level, Units 11 and 12). The street and rear elevations (Drawing 201) show that the proposal is a reasonable fit with its existing neighbours. If the side setback non-compliances with the ADG (see below) are eliminated so that the building is more separated from its neighbours, the Panel considers the height overage acceptable, in particular the lift overrun and other elements related to the rooftop Communal Open Space. A better outcome may be possible, however, if the whole building is</i></p>

ITEM 4 (continued)

SEPP 65 – Design Quality of Residential Flat Buildings	UDRP Comments
<p>and the building's purpose in terms of building alignments, proportions, building type, articulation and the manipulation of building elements.</p> <p>Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.</p>	<p><i>lowered in the order of 0.5m to 1m. There is ample space (and room for significant planting) in the front setback to accommodate this change and it would reduce the extent of disconnect between the level of the terraces of the ground level apartments at the rear and their rear gardens.</i></p> <p><i>The front setback is consistent with those existing to either side of the subject site. There is a further step back at the top floor, which helps to reduce the perceived scale of the building as seen from the street.</i></p> <p><i>The rear setback, at 6m, is ADG compliant.</i></p> <p><i>The side setbacks need to be adjusted to address the following ADG shortfalls:</i></p> <ul style="list-style-type: none"> <i>– Northern side setback, Bedroom B1 in unit 03 and above and B1 in unit 02 and above has its window 3m from the boundary (should be 6m). The screening shown is not considered acceptable – it constrains the outlook from the room and does not address acoustic privacy concerns</i> <i>– Northern side setback, the angled window to the living area/kitchen (Unit 02 and above) is also technically too close to the side boundary (although this strategy is in some situations regarded as acceptable). It is not required and results in a deep kitchen bench of questionable utility.</i> <i>– Southern side setback, Bedroom B1 in unit 04 and above has its window 3m from the boundary (should be 6m).</i> <i>– Southern side setback, Bedrooms B1 and B2 in unit 01 and above have their windows 4.5m from the boundary (should be 6m).</i> <p><u>Comment:</u> The proposal has been amended (15 May 2018) with the building lowered by 670mm and the lift overrun reduced in height, as recommended by the Panel. Whilst there is still a height non compliance, the extent of non compliant has been reduced and is considered acceptable. See full discussion further in the report.</p> <p>Along the northern boundary, on the ground floor and 1st level, the proposal has a setback of 3m for a length of 24m and then increased to 4m. However a desktop review of the plans by UDRP on 24 May 2018 advised that the rear section of the building, the setback should be increased to 4.5m and has advised that the kitchen/living room and balconies of Units 2, 6 & 10 should be setback 4.5m. The applicant has agreed to this amendment by way of a condition, accordingly Condition 1(b) has been imposed. The applicant has provided a sketch (See Figure 9 below) illustrating that this can be achieved plus still complying with the minimum apartment and balcony size required under the ADG.</p> <p>The proposal has increased the rear setback to 6m and the basement reconfigured to allow for more deep soil planting at the rear which is satisfactory.</p>

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SEPP 65 – Design Quality of Residential Flat Buildings	UDRP Comments
	<p>The southern setback of 2.5m for the stairwell, 3.2m to 5.9m is supported by the UDRP. The adjoining southern property at 596 Blaxland Road is setback 3.5m from the common boundary for the majority of the building with some indentation in the middle and rear of the building. Accordingly the proposal has provided an equitable setback to the adjoining southern property whilst minimising overshadowing.</p> <p>Subject to the imposition of Condition 1(b), the UDRP are satisfied with proposed setbacks.</p>
<p>Density</p> <p>Good design achieves a high level of amenity for residents and each apartment, resulting in a density appropriate to the site and its context.</p> <p>Appropriate densities are consistent with the area's existing or projected population.</p> <p>Appropriate densities can be sustained by existing or proposed infrastructure, public transport, access to jobs, community facilities and the environment.</p>	<p><u>Urban Design Review Panel</u> <i>The development remains just within the maximum permitted FSR and the bulk and scale are generally considered appropriate given the existing surrounding development and the current zoning.</i></p> <p><u>Comment:</u> The proposal complies with the LEP 2014 FSR control and conforms to the desired density and scale of development for this location.</p> <p>The proposed design achieves a high level of amenity for residents and suitably complies with the ADG objectives in this regard.</p>
<p>Sustainability</p> <p>Good design combines positive environmental, social and economic outcomes.</p> <p>Good sustainable design includes use of natural cross ventilation and sunlight for the amenity and livability of residents and passive thermal design for ventilation, heating and cooling reducing reliance on technology and operation costs. Other elements include recycling and reuse of materials and waste, use of sustainable materials and deep soil zones for groundwater recharge and vegetation.</p>	<p><u>Urban Design Review Panel</u> <i>The applicant's presentation did not address sustainability. It is assumed that current sustainable best-practice design and materials and fittings selections will be adopted.</i></p> <p><u>Comment:</u> The applicant has provided a BASIX Certificate which indicates that the buildings will meet the energy and water use targets set by the BASIX SEPP.</p>

ITEM 4 (continued)

SEPP 65 – Design Quality of Residential Flat Buildings	UDRP Comments
<p>Landscaping</p> <p>Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in attractive developments with good amenity. A positive image and contextual fit of well-designed developments is achieved by contributing to the landscape character of the streetscape and neighbourhood.</p> <p>Good landscape design enhances the development's environmental performance by retaining positive natural features which contribute to the local context, coordinating water and soil management, solar access, micro-climate, tree canopy, habitat values and preserving green networks.</p> <p>Good landscape design optimises useability, privacy and opportunities for social interaction, equitable access, respect for neighbours' amenity and provides for practical establishment and long term management.</p>	<p><u>Urban Design Review Panel</u> <i>The proposal barely satisfies the ADG requirement for deep soil (which the Panel considers insufficient in a project of this type and situation). However, the location of deep soil is suboptimal. It is suggested that the amount of deep soil at the rear of the site should be increased by moving the western basement carpark wall away from the rear boundary by the width of a car space (2.5m). In the meeting the applicant's architect indicated that this should be possible, although the ramp down to the basement would need reconsideration.</i></p> <p><i>Communal Open Space is provided on the roof only. At 100m², the area of this space is well under the ADG requirement of 25% of the site area, equal here to 230m². The roof top space should be enlarged, although full compliance with the ADG standard is not required. The space should include a shading system to provide protection from summer sun.</i></p> <p><i>Although a landscape plan has not been submitted at this stage, the general approach shown on the architectural drawings appears to be appropriate.</i></p> <p><u>Comment:</u> The basement has been amended to allow for more deep soil planting at the rear. The development has provided two communal areas, one on the ground floor and the other on the rooftop. The space on the ground floor has been designed as a sitting area within a landscaped setting. This space will be relatively private. The space on the roof has been provided as a more active area with a BBQ and seating provided.</p> <p>Compliance is now achieved for COS, total of 232m². This is achieved by extending the rooftop terrace area and allocating the rear setback as COS.</p> <p>Amended landscape plan has been submitted and Council's Landscape Consultant has reviewed the amended landscaping plans and has advised that the plans are considered satisfactory.</p>
<p>Amenity</p> <p>Good design positively influences internal and external amenity for residents and neighbours. Achieving good amenity contributes to positive living environments and resident well-being.</p> <p>Good amenity combines appropriate room dimensions and shapes, access to sunlight,</p>	<p><u>Urban Design Review Panel</u> <i>It is assumed that all apartments satisfy ADG standards for unit sizes and room sizes and dimensions.</i> <i>The proposal generally offers good levels of internal amenity for future occupants.</i> <i>Whilst solar access falls slightly short of the ADG standard, the Panel considers that it is acceptable, given site constraints and the relatively small scale of the building. It is essential that in addition to providing adequate winter sun, the scheme properly controls sun penetration in summer. The deep balconies on the east and west facades would be ideal in a north orientation, but here they will be inadequate to prevent penetration of summer sun from the east and west. Some type of shading device is required here. The north elevation properly provides sun hoods to windows. These are also</i></p>

ITEM 4 (continued)

SEPP 65 – Design Quality of Residential Flat Buildings	UDRP Comments
<p>natural ventilation, outlook, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas and ease of access for all age groups and degrees of mobility.</p>	<p><i>shown on the south elevation, where they are not needed.</i></p> <p><u>Comment:</u> The proposal is compliant with the unit sizes and dimensions. The proposal has provided shading devices to the north facing windows. Adequate privacy measures are proposed to ensure that there will be minimal opportunities for overlooking between units, the communal open space and neighbouring development. This issue has been discussed in greater detail in the Apartment Design Guide.</p>
<p>Safety</p> <p>Good design optimises safety and security within the development and the public domain. It provides for quality public and private spaces that are clearly defined and fit for the intended purpose. Opportunities to maximise passive surveillance of public and communal areas promote safety.</p> <p>A positive relationship between public and private spaces is achieved through clearly defined secure access points and well-lit and visible areas that are easily maintained and appropriate to the location and purpose.</p>	<p><u>Urban Design Review Panel</u></p> <p><i>No issues</i></p> <p><u>Comment:</u> The development has clearly defined the public and private spaces within the development. Passive surveillance over the public domain areas will be possible from the front units overlooking Blaxland Road. The development also provides secure access points to the site and car park entry.</p>
<p>Housing Diversity and Social Interaction</p> <p>Good design achieves a mix of apartment sizes, providing housing choice for different demographics, living needs and household budgets.</p> <p>Well-designed apartment developments respond to social context by providing housing and facilities to suit the existing and future social mix.</p> <p>Good design involves practical and flexible features, including different types of communal spaces for a broad range of</p>	<p><u>Urban Design Review Panel</u></p> <p><i>Not discussed.</i></p> <p><u>Comment:</u> The proposal is for 12 apartments of 1 & 2 bedrooms. Whilst no 3 bedrooms are proposed, the development is in response to current housing demand and responds to the need for economic housing choice within an area with good public transport access, social and commercial facilities.</p> <p>An adaptable unit is also proposed.</p>

ITEM 4 (continued)

SEPP 65 – Design Quality of Residential Flat Buildings	UDRP Comments
people and providing opportunities for social interaction among residents.	
<p>Aesthetics</p> <p>Good design achieves a built form that has good proportions and a balanced composition of elements, reflecting the internal layout and structure. Good design uses a variety of materials, colours and textures.</p> <p>The visual appearance of a well-designed apartment development responds to the existing or future local context, particularly desirable elements and repetitions of the streetscape.</p>	<p><u>Urban Design Review Panel</u> <i>The proposed materials selection and the deployment of those materials on the building's facades appears to be appropriate for the context. Realistically rendered 3D images have not been provided. These are important in reaching conclusions about the architectural character and expression of the proposal.</i></p> <p><u>Comment:</u> The building facades is strongly defined with angular vertical blades, balanced architectural elements and finer balcony privacy screens adding further detail to the overall materiality. Overall, the aesthetic is contemporary and refined.</p>

A desktop review was undertaken by the UDRP of the amended plans on 24 May 2018. The Panel advised subject to increasing the side setback along the northern section to 4.5m for the kitchen/living room and balconies of Units 2, 6 & 10, no objections to the proposed development. **Condition 1(b)** has been imposed as required. The applicant has been advised of this and has agreed to the amendment and has provided a sketch drawing (**Figure 9**) below illustrating how this can be achieved.

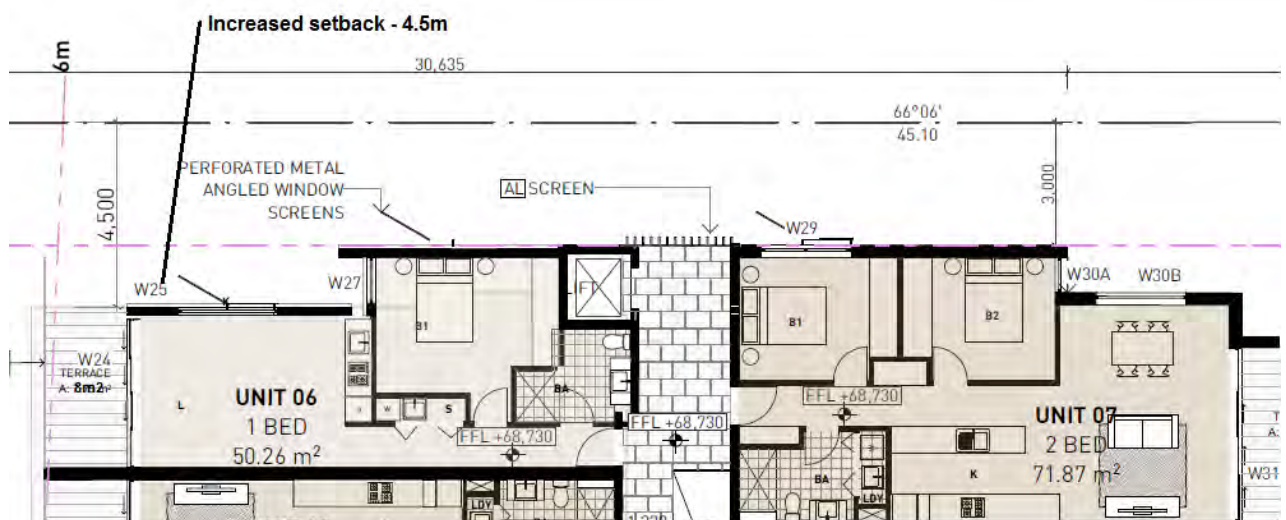


Figure 9: Sketch illustrating compliance with Council’s requirement to increase the setback to 4.5m and still comply with the minimum apartment and balcony size.

ITEM 4 (continued)
Apartment Design Guide

The SEPP also requires the Consent Authority to take into consideration the requirements of the Apartment Design Guide with regard to the proposed residential apartment building. The following table addresses the relevant matters.

Apartment Design Guide Requirement	Proposal	Complies
Part 2 Development Controls		
Building Depth Use a range of appropriate maximum apartment depths of 12-18m from glass line to glass line.	The building has a maximum depth of 13.6m and complies with the DCP requirement.	Yes
Building Separation Minimum separation distances for buildings are: <i>up to 4 storeys should be:</i> -12m between habitable rooms / balconies -9m between habitable / balconies and non-habitable rooms -6m between non-habitable rooms.	<p>The adjoining sites on the north, south and western boundaries contain 4 storey RFBs.</p> <p>Based on a 4 storey building the development should provide a 12m separation distance. Applying half the minimum separation distance required by the ADG results in a required setback to the boundary of 6m.</p> <p>The development has proposed a setback of 3m to 4m on the ground and 1st floor and 3m to 5m on Levels 2 & 3 from the northern boundary. Along the southern boundary a setback of between 2.2m to 5.8m is proposed. A 6m setback is proposed along the rear (western) boundary.</p> <p>The subject site is 20.11m wide and 45m long. Adhering to a minimal 6m setback on a site with such a narrow geometry would deem any redevelopment unduly burdened, particularly once further articulation is achieved with indentation.</p> <p>Accordingly consideration has been given to reducing the setbacks along the side boundaries provided there was no overlooking impact and architectural relief provided.</p> <p>The building separation between this development and the 4 storey RFBs at 600 Blaxland Road is approximately 7.5m to 8.6m. At 596 Blaxland Road the separation is between 6m to 9.5m and at 13 Ball Ave the building separation is 10.7m.</p>	No – variation acceptable.

ITEM 4 (continued)

	<p><u>Northern Boundary (600 Blaxland Road).</u> The adjoining building at 600 Blaxland is setback 4.5m from the common boundary.</p> <p>Along the northern elevation, a 3m to 4m setback is proposed on the ground and 1st level. On Levels 2 and 3 (the two top levels), the setback is increased to between 3m to 5m, with the front section of the building being setback 5m.</p> <p>Condition 1(b) has been imposed requiring the living/kitchen room and the rear balconies of Units 2, 6 & 10 to be setback 4.5m from the northern boundary. The increased setback will allow the northern window of Bedroom 1 of Units 2, 6 & 10 to be relocated to face west (orientated to the rear).</p> <p>Accordingly with the imposition of the above condition, the development proposes similar setbacks as the adjoining property and has minimised overlooking by orientating windows to the front and rear and including privacy screens.</p> <p><u>Southern Boundary (596 Blaxland Road).</u> Along the southern elevation, the building is setback between 3.2m to 5.8m on the ground and 1st level. For Levels 2 & 3 (the two top levels), the setback is between 4.4m to 5.8m with the front section of the building increased to 5.4m.</p> <p>Note: The side stairwell encroaches into the 3m setback to 2.2m, however this is a stairwell with timber privacy screen.</p> <p>The adjoining building at 596 Blaxland Road is setback 3.5m with a middle section of the building indented in at 7.8m from the common boundary.</p> <p>Bedroom windows and dining room windows are proposed along this elevation. All of these windows have perforated metal angle window screens to alleviate any overlooking or are high light windows (finished floor to window sill height of 1.6m).</p> <p>Where the setback is only 3.2m, the bedroom window of Units 4 & above face a section of the adjoining building which is indented in with bathroom windows facing this bedroom window. The separation between the window</p>	
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ITEM 4 (continued)

	<p>of Unit 4 & above and the adjoining building's bathroom windows is 10.8m. Accordingly, the proposed variation is not considered to adversely impact on the adjoining property in terms of overlooking.</p> <p><u>Western boundary (13 Ball Street).</u> Along the western (rear) elevation, a 6m setback is proposed. This complies with the minimum 6m setback however the adjoining building at 13 Ball Street only has a setback 4.8m to 5m, therefore the building separation is between 10.8m to 11m.</p> <p>The proposed development will have rear balconies facing 13 Ball Street which have bedroom and laundry/bathroom windows facing the subject site.</p> <p>To ensure that privacy is maintained to the bedroom windows at the rear of 13 Ball Street, a condition of consent has been imposed to require a privacy screen on the rear balconies of Units 1,5 & 9 (balconies which faces the bedroom windows). See Condition 1(c).</p> <p>No objection is raised to the non-compliance. The adjacent developments on the north and south sides of the site present risk for privacy violation by any new development proposed for this site. As a result, all apartments have been orientated to the front and back of the site which consequently create east and west facing living rooms throughout all proposed apartments.</p> <p>North and south facing windows have then been carefully treated with perforated metal externally fixed privacy screens and appropriate sill heights to maintain the privacy for the existing neighbouring apartments.</p>	
<p>Front, Rear & Side Setbacks See discussion under the relevant Development Control Plan.</p> <p>Determine street setback controls relative to the desired streetscape and building forms, for example:</p> <ul style="list-style-type: none"> • define a future streetscape with the front building line • match existing development • step back from special buildings 	<p>There is no DCP applicable to this site so the requirements of the ADG apply.</p>	

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<ul style="list-style-type: none"> • retain significant trees • in centres the street setback may need to be consistent to reinforce the street edge • consider articulation zones accommodating balconies, landscaping etc. within the street setback • use a setback range where the desired character is for variation within overall consistency, or where subdivision is at an angle to the street <ul style="list-style-type: none"> • manage corner sites and secondary road frontages <p>There is no DCP applicable to this site so the requirements of the ADG apply.</p> <p>The streetscape along this section of Blaxland Road which is of a varied setback ranging from 17m to 8m.</p>	<p>The streetscape along this section of Blaxland Road which is of a varied setback ranging from 17m to 8m. The immediate properties on either side of the subject site are setback between 10m to 10.6m. The proposed building will be setback 10m on the ground floor, with various setbacks of 8m to 11.4m on the upper levels. The setback allows for deep soil planting which provides screening to the development. The proposed setback is considered consistent with the streetscape.</p>	<p>Yes</p>
Part 3 Siting the development Design criteria/guidance		
<p>3B Orientation Building types and layouts respond to the streetscape and site while optimising solar access and minimising overshadowing of neighbouring properties in winter.</p>	<p>The building layout has been orientated to face Blaxland Road. The orientation allows for street activation.</p>	<p>Yes</p>
<p>3C Public domain interface Transition between private & public domain is achieved without compromising safety and security and amenity of the public domain is retained and enhanced.</p>	<p>The building has been amended as recommended by the UDRP which has improved the interface with Blaxland Road. Conditions 44 & 45 have been imposed requiring relocation of the existing power pole.</p>	<p>Yes</p>
<p>3D Communal & public open space Provide communal open space to enhance amenity and opportunities for landscaping & communal activities.</p> <ol style="list-style-type: none"> 1. Provide communal open space with an area equal to 25% of site; 2. Minimum 50% of usable area of communal open space to receive direct sunlight for a minimum of 2 hours between 9 am and 3 pm on 21 June. 	<p>The ADG requires that the site provide 229m² as communal open space. The development has proposed two areas that have a combined total of 232m² or 25.3%. A minimum of 50% of the COS will receive the required solar access.</p>	<p>Yes</p>
<p>3E Deep Soil Zone Deep soil zones provide areas on the site that allow for and support healthy plant and tree growth. They improve residential amenity and promote management of water and air quality.</p> <ol style="list-style-type: none"> 1. Deep soil zones are to be provided equal to 7% of the site area and with min dimension of 3m – 6m. 	<p>The development has provided 101m² of deep soil zones within the front and rear setback, this is 11% of the site area and is considered satisfactory.</p>	<p>Yes</p>

ITEM 4 (continued)

<p>3F Visual Privacy Separation between windows and balconies is provided to ensure visual privacy is achieved. Minimum required separation distances from buildings to the side and rear boundaries are as follows:</p> <table border="1" data-bbox="276 533 772 875"> <thead> <tr> <th>Building Height</th> <th>Habitable rooms & balconies</th> <th>Non habitable rooms</th> </tr> </thead> <tbody> <tr> <td>Up to 12m(4 storeys)</td> <td>6m</td> <td>3m</td> </tr> <tr> <td>Up to 25m (5-8 storeys)</td> <td>9m</td> <td>4.5m</td> </tr> <tr> <td>Over 25m (9+ storeys)</td> <td>12m</td> <td>6m</td> </tr> </tbody> </table>	Building Height	Habitable rooms & balconies	Non habitable rooms	Up to 12m(4 storeys)	6m	3m	Up to 25m (5-8 storeys)	9m	4.5m	Over 25m (9+ storeys)	12m	6m	See discussion under Building Separation.	No – variation acceptable. See full discussion under Building Separation.
Building Height	Habitable rooms & balconies	Non habitable rooms												
Up to 12m(4 storeys)	6m	3m												
Up to 25m (5-8 storeys)	9m	4.5m												
Over 25m (9+ storeys)	12m	6m												
<p>3G Pedestrian Access & entries Pedestrian access, entries and pathways are accessible and easy to identify.</p>	The development proposes a pedestrian entry to the building from Blaxland Road. The entry is accessible and easy to identify.	Yes												
<p>3H Vehicle Access. Vehicle access points are designed and located to achieve safety, minimise conflicts between pedestrians and vehicles and create high quality streetscapes.</p>	The development has proposed a 5m wide vehicle entry. This access point will provide for adequate sight distances with a waiting bay at the front to allow for vehicles to pass. Conditions 7 & 61 have been imposed to reduce the height of the return fence to allow for adequate sightline. In addition RMS will only permit left in and left out from Blaxland Road, accordingly Condition 1(a) has been imposed restricting any right turn movements to/from the site onto Blaxland Road.	Yes												
<p>3J Parking Provisions. Car parking: For development on sites that are within 800m of a railway station, the minimum parking for residents and visitors to be as per RMS Guide to Traffic Generating Developments, or Council's car parking requirement, whichever is less. Bicycle Parking Provide adequate motorbike, scooter and bicycle parking space (undercover).</p>	The site is within 800m of a railway station, (440m from Eastwood Station). RMS Guide to Traffic Generating parking rates are the same as Council's DCP 2014 car parking requirements. <ul style="list-style-type: none"> - 0.6 spaces per 1 bedroom unit. - 0.9 spaces per 2 bedroom unit. - 1.40 spaces per 3 bedroom unit. - 1 space per 5 units (visitor parking). The proposal for 12 residential units of 4 x 1 bedroom apartments, 8 x 2 bedrooms would generate the following requirement: <ul style="list-style-type: none"> - 0.6 x 4 = 2.4 - 0.9 x 8 = <u>7.2</u> 9.6 (10) resident - 12 / 5 = 2.4 (3) visitor Total required = 13 spaces.	Yes												

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	<p>Proposed = 13 spaces. The proposal is compliant with Council's DCP requirements.</p> <p>The DCP does not propose any requirements for motorbikes or scooter parking. However the development has proposed 1 motorcycle parking spaces and 2 bicycle spaces. This is consistent with the ADG requirements.</p>	
Part 4 Designing the building		
<p>4A Solar & daylight access Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid-winter. No more than 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid- winter. Design should incorporate shading and glare control, particularly for warmer months</p>	<p>70% (or 8.4) of the apartments is required to receive 2 hours of solar access. A total of 8 units (67%) will receive the required 2 hours of direct sunlight between 9am and 3pm midwinter.</p> <p>This non compliance is a result of the function of the orientation of the site and the narrowness of the site. Therefore, given the site constraints (narrow site) and limited solar access due to the location and existing neighbouring building, 600 Blaxland Road, prohibiting sun exposure until 1:15pm in the afternoon to the rear ground floor western part of the site, it is considered that full compliance would be difficult to achieve.</p> <p>In addition, it should be noted that the variation is relatively minor (3% which is less than 1 unit). The units which do not receive the required solar access are located at the southern rear portion of the building and the apartment layouts will maximise amenity to the occupants of the development. In this regard, it is considered that on merit, the development is supported.</p> <p>15% (or 2) of the apartments will receive no sunlight.</p> <p>The BASIX Certificate is included with the application demonstrating that the proposal achieves required thermal comfort levels. Materials and finishes which incorporate shading and glare control measures including external louvres and awnings are proposed.</p>	<p>No – variation acceptable.</p> <p>Yes</p>
<p>4B Natural Ventilation At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building. Apartments at ten storeys or greater are deemed to be cross ventilated only if any enclosure of the balconies at these levels allows adequate natural ventilation and cannot be fully enclosed.</p>	<p>All apartment will be cross ventilated 100%</p>	<p>Yes</p>

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<p>4C Ceiling Heights Ceiling height achieves sufficient natural ventilation and daylight access. The development is required to provide 2.7m minimum ceiling heights.</p>	<p>Each residential level has proposed 3m between floors which will accommodate 2.7m ceiling heights.</p>	<p>Yes</p>																		
<p>4D Apartment size and layout Apartments are required to have the following minimum internal areas with one bathroom:</p> <ul style="list-style-type: none"> • Studio = 35m²; • 1 bedroom = 50m²; • 2 bedroom = 70m²; • 3 bedroom = 90m²; • 4 bedroom = 102m². <p>Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room.</p> <p>Habitable room depths are limited to a maximum of 2.5 x the ceiling height. In open plan where the living, dining and kitchen are combined, there is to be a maximum depth of 8m from a window.</p> <p>Master bedrooms – minimum area 10m² Excluding wardrobe spaces.</p> <p>Living rooms or combined living/dining rooms have a minimum width of:</p> <ul style="list-style-type: none"> • 3.6m for studio and 1 bedroom apartments • 4m for 2 and 3 bedroom apartments 	<p>1 bed units (range 52m² -55m²) 2 beds units (range 70m² -81m²)</p> <p>All habitable rooms have a window compliant with the rates. All of the apartments either comply or exceed the minimum requirements.</p> <p>All bedrooms have a minimum area of 10m², excluding wardrobe space. Living rooms/combined living/dining area have a minimum width of 3.6 and 4m for 1 and 2 bedrooms, respectively.</p>	<p>Yes</p>																		
<p>4E Private Open Space and balconies All apartments are required to have primary balconies as follows:</p> <table border="1" data-bbox="300 1464 775 1753"> <thead> <tr> <th>Dwelling type</th> <th>Minimum area</th> <th>Min. depth</th> </tr> </thead> <tbody> <tr> <td>Studio apartments</td> <td>4m²</td> <td>N/A</td> </tr> <tr> <td>1 bedroom</td> <td>8m²</td> <td>2m</td> </tr> <tr> <td>2 bedroom</td> <td>10m²</td> <td>2m</td> </tr> <tr> <td>3+ bedroom</td> <td>12m²</td> <td>2.4m</td> </tr> <tr> <td>Ground or podium</td> <td>15m²</td> <td>3m</td> </tr> </tbody> </table>	Dwelling type	Minimum area	Min. depth	Studio apartments	4m ²	N/A	1 bedroom	8m ²	2m	2 bedroom	10m ²	2m	3+ bedroom	12m ²	2.4m	Ground or podium	15m ²	3m	<p>Balconies meet minimum size requirements. Ground level courtyards meet required 15m² and minimum dimensions.</p>	<p>Yes</p>
Dwelling type	Minimum area	Min. depth																		
Studio apartments	4m ²	N/A																		
1 bedroom	8m ²	2m																		
2 bedroom	10m ²	2m																		
3+ bedroom	12m ²	2.4m																		
Ground or podium	15m ²	3m																		
<p>4F Common circulation and spaces. The maximum number of apartments off a circulation core on a single level is 8. Daylight and natural ventilation should be provided to all common circulation space above ground. Windows should be provided at the end wall of the corridor.</p>	<p>The development proposes a maximum of 4 apartments to be accessed from the circulation space. The circulation space will receive daylight and natural ventilation. The development complies with this requirement.</p>	<p>Yes</p>																		

ITEM 4 (continued)

<p>4G Storage In addition to storage in kitchens, bathrooms and bedrooms, the following storage is to be provided:</p> <table border="1" data-bbox="276 443 772 633"> <thead> <tr> <th>Dwelling type</th> <th>Storage size volume</th> </tr> </thead> <tbody> <tr> <td>Studio</td> <td>4m³</td> </tr> <tr> <td>1 bedroom apt</td> <td>6m³</td> </tr> <tr> <td>2 bedroom apt</td> <td>8m³</td> </tr> <tr> <td>3 + bedroom apt</td> <td>10m³</td> </tr> </tbody> </table> <p>At least 50% of the required storage is to be located within the apartment.</p>	Dwelling type	Storage size volume	Studio	4m ³	1 bedroom apt	6m ³	2 bedroom apt	8m ³	3 + bedroom apt	10m ³	<p>All of the apartments provide adequate storage. Storage is provided in the units and in the basement carpark.</p>	<p>Yes</p>
Dwelling type	Storage size volume											
Studio	4m ³											
1 bedroom apt	6m ³											
2 bedroom apt	8m ³											
3 + bedroom apt	10m ³											
<p>4H Acoustic privacy Noise transfer is minimised through the siting of buildings, building layout, and acoustic treatments. Plant rooms, services and communal open space and the like to be located at least 3m away from the bedrooms. Appropriate noise shielding or attenuation techniques for the building design, construction and choice of materials are used to mitigate noise transmission.</p>	<p>Appropriate acoustic privacy will be provided for each apartment. Living rooms and balconies have generally been orientated away from the adjoining apartment building, reducing any voice projection from residents.</p> <p>An acoustic report has been completed by Acoustic Logic, with appropriate glazing nominated for all apartments to minimise noise impacts from Blaxland Road. Condition 57 has been imposed requiring compliance with the recommendations contained in the report.</p>	<p>Yes</p>										
<p>4K Apartment mix A range of apartment types with different number of bedrooms (1bed, 2 bed, 3 bed etc) should be provided.</p>	<p>The development has incorporated 1 (33%) & 2 (67%) bedrooms apartments. Whilst there are no 3 bedroom apartments, this development is relatively small (12 apartments), the proposed development provides housing choice which meets the general market needs.</p>	<p>No – variation acceptable.</p>										
<p>4M Facades Building facades to provide visual interest, respect the character of the local area and deliver amenity and safety for residents. Building facades are expressed by the façade.</p>	<p>The building facades are strongly articulated with the use of balconies, terraces and screening. The façade also provides an acceptable contextual fit with the surrounding development.</p>	<p>Yes</p>										
<p>4N Roof design Roof treatments are integrated into the building design and positively respond to the street. Opportunities to use the roof space for residential accommodation and open space are maximised. Roof design incorporates sustainability features.</p>	<p>The development has proposed a flat roof which is integrated with the overall development.</p>	<p>Yes</p>										
<p>4O Landscape design Landscape design contributes to the streetscape and amenity. Landscape design is viable and sustainable</p>	<p>Landscaping is proposed along the perimeter of the site, with deep soil zone within the front and rear setback. Council's Consultant Landscape Architect has advised that the amended landscaping plan is satisfactory.</p>	<p>Yes</p>										

ITEM 4 (continued)

4P Planting on structures Appropriate soil profiles are provided.	The development will comply with the minimum soil depth as specified in the ADG. Condition 64 has also been imposed to ensure compliance.	Yes
4Q Universal design Universal design features are included in apartment design to promote flexible housing for all community members. A variety of apartments with adaptable designs are to be provided.	1 adaptable unit (unit 4) and 3 universal design "silver" units (Livable Housing Guidelines) ^{*1} are proposed, which provide flexible housing stock. The development complies with these requirements.	Yes
4U Energy efficiency Development incorporates passive environmental design measures – solar design, natural ventilation etc.	The development complies with these requirements complying with the solar and natural ventilation requirement.	Yes

*1 Livable Housing Guidelines (LHD Guidelines) provides design guide lines to help make home more versatile, easier access and cost effective to better meet the changing needs of occupants over their lifetimes.

Three levels of performance are detailed in the LHD Guidelines, Silver Level, Gold Level and Platinum Level. The Silver Level provides for 7 core design elements which provide home occupants with the opportunity to reduce or avoid costs associated with retrofitting a home to improve access in future, should it be required.

5.2 Ryde LEP 2014

The following is an assessment of the proposed development against the applicable provisions from the Ryde Local Environmental Plan 2014.

The site is zoned R4 High Density Residential under the provisions of the RLEP 2014. The development is permitted in this zoning.

Clause 2.3 – Zone Objectives

The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone. The objectives for the R4 zone are as follows:

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

ITEM 4 (continued)

The development complies with the above objectives. It will be consistent with the desired future character for the precinct by providing residential accommodation close to education, employment, public transport and a shopping centre.

Clause 4.4 Floor Space Ratio

The FSR for the site is 1:1. The proposal will have a gross floor area of 910m² (FSR of 1:1) which complies with this control.

Clause 4.3 Height of buildings

The Height of Buildings Map specifies the maximum heights of any building on the site must not exceed 11.5m.

Building height is defined in this planning instrument as meaning “*the vertical distance between ground level (existing) at any point 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.*”

The proposal will exceed the height by between 810mm to 1.14m (maximum for lift overrun), which is a variation of between 7% to 9.9%. **Figures 10 & 11** below illustrate the 11.5m height planes, and extent of non-compliance.

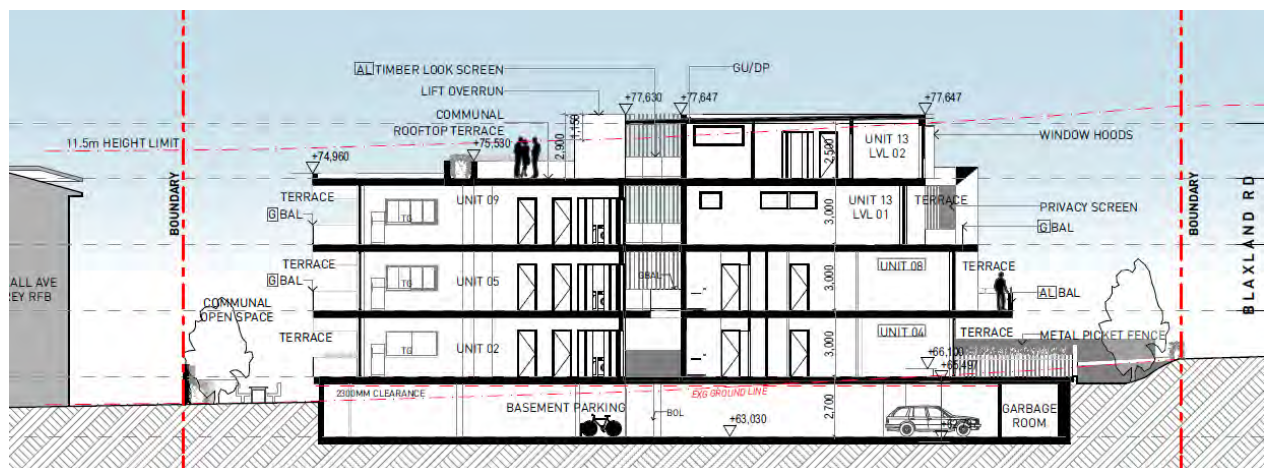


Figure 10: Side cross section illustrating the area and extent of non compliant in height.

ITEM 4 (continued)

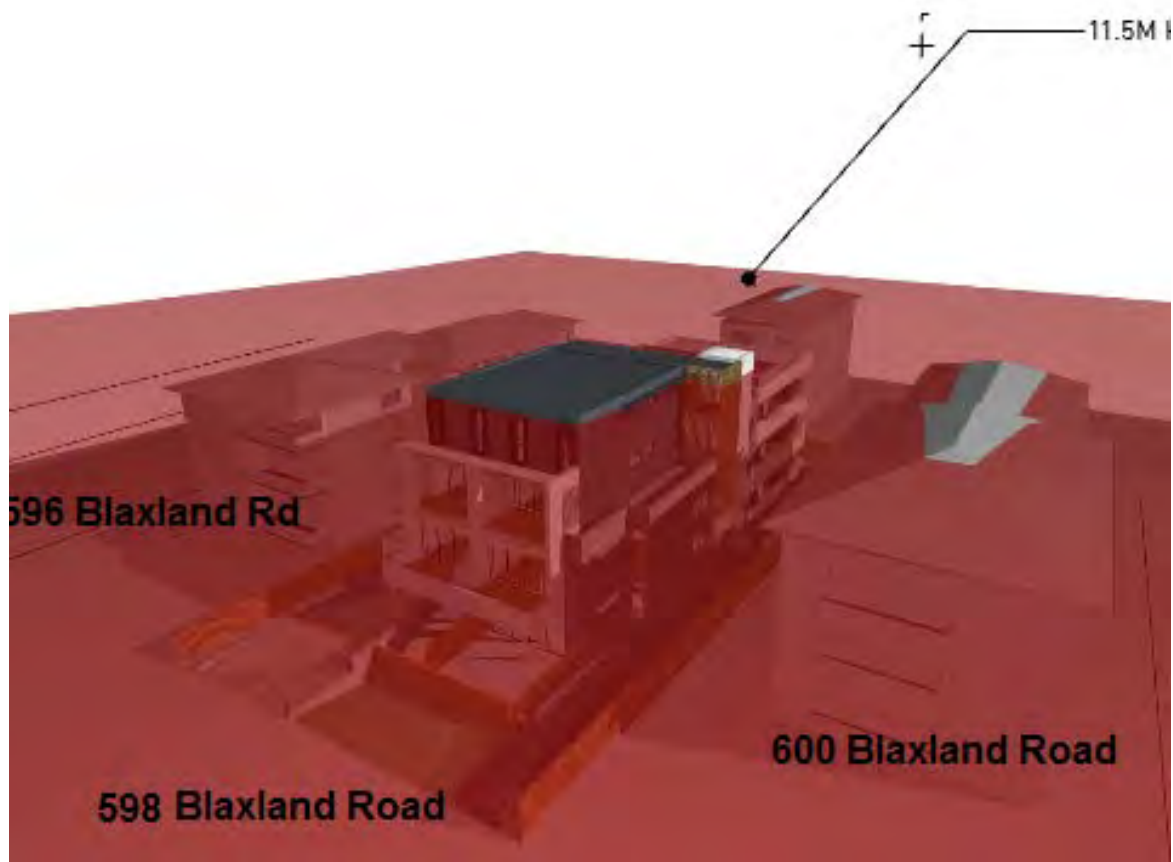


Figure 11: Height Plane illustrating the area of non compliant in grey.

Clause 4.6 Exceptions to development standards

The applicant has provided a written request seeking to justify the variation to the development standard contained in Clause 4.3. A revised Clause 4.6 statement accompanied the amended plans received 15 May 2018.

In respect to the Clause 4.6 variation the following key questions need to be addressed:

1. "Is the planning control in question a development standard?"

The proposal seeks to vary the Maximum Building Height permitted under the RLEP 2014 which is considered to be a development standard.

ITEM 4 (continued)

2. "What is the underlying objective or purpose of the development standard?"

The objectives Clause 4.3 Building Height are considered below.

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

The applicant has provided the following comments:

"The proposed 4 storey building is sited comfortably within a streetscape of 3 and 4 storey residential flat buildings. A streetscape study demonstrates that the development as presented at the street frontage is of similar scale and proportion of other development in the street"

Planner's comment

Agreed - The development is not considered to be out of character with the existing residential character of the area. The proposed variation is relatively minor and as illustrated in **Figure 12** below, the scale and proportion is similar to the adjoining residential flats buildings. In addition, the layout and form of the development break down the scale of the facades as does the use of the proposed external building materials, colours and finishes together with proposed trees planting that will soften and screen the development.



Figure 12: Streetscape with the development similar in scale to adjoining RFBs.

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

ITEM 4 (continued)

The applicant has provided the following comments:

The proposed development ensures that solar access is available to all adjoining dwellings for a minimum of two hours - apart from the ground floor dwelling of the adjoining development. An analysis that compares the proposed development with a development that complies with the height limit has demonstrated that the extent of solar access to living room windows and private open space slightly better, (although at some points in mid winter the proposal allows more sunlight than a complying proposal and at other times of the day less solar access.

Planner's Comment

Agreed -The proposed building will generally improve the appearance of the areas as it will result in the redevelopment of the site.

Due to the orientation of the land, overshadowing will occur to the southern property – 596 Blaxland Road.

As illustrated in the submitted overshadowing diagrams (**Figures 13 to 15**) the additional overshadowing from the variation is minimal with the affected apartments receiving the required solar access either in the morning or afternoon.

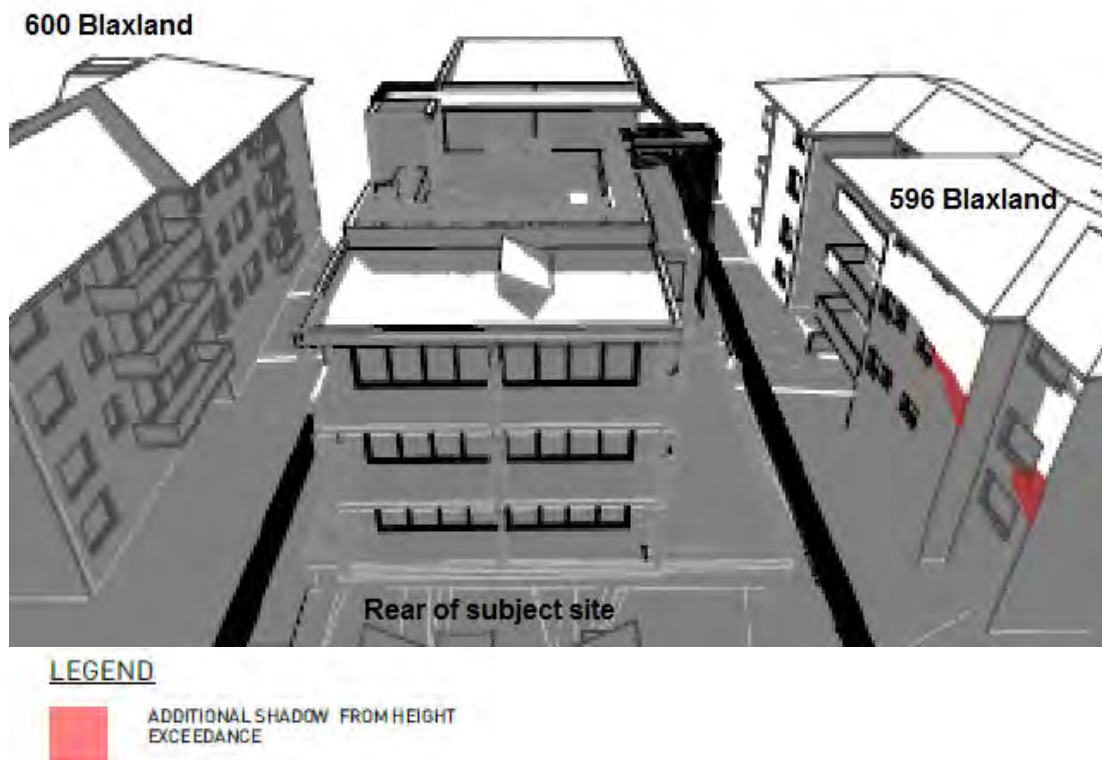


Figure 13: Overshadowing to the southern at 9am. The red section is the additional shadow due to the height exceedance.

ITEM 4 (continued)

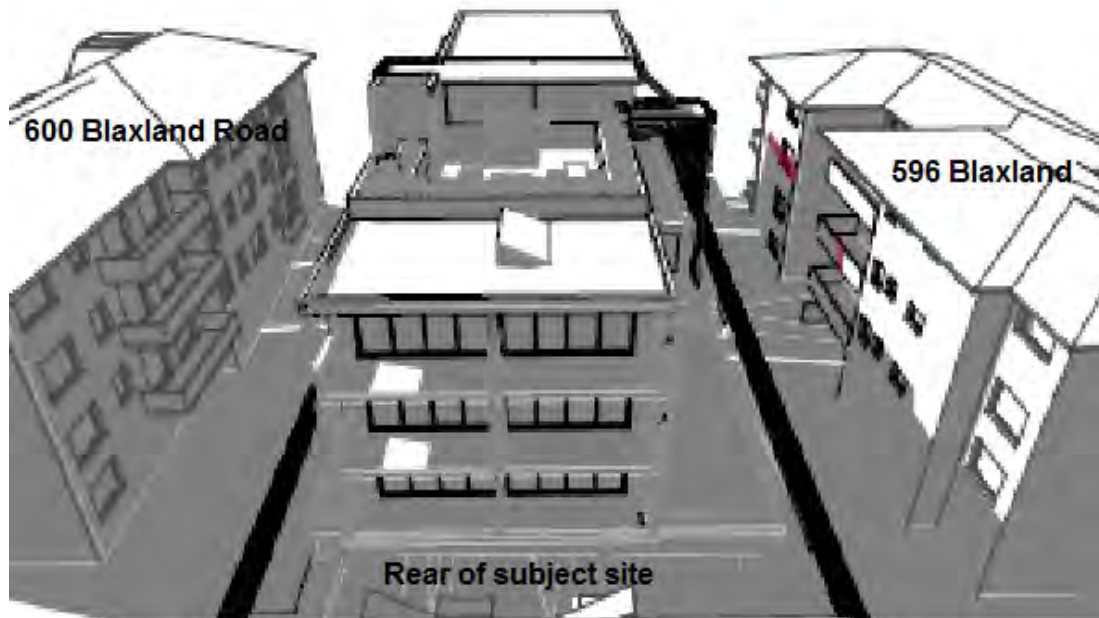


Figure 14: Overshadowing to the southern at 12 noon. The red section is the additional shadow due to the height exceedance.

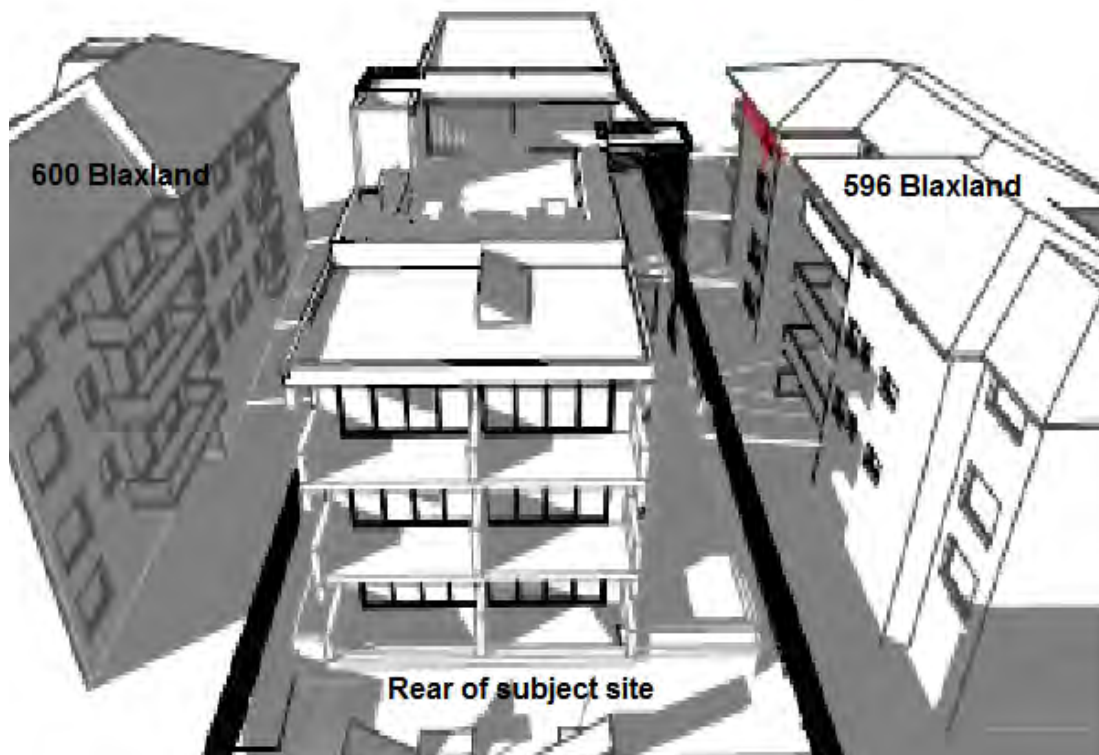


Figure 15: Overshadowing to the southern at 3pm. The red section is the additional shadow due to the height exceedance

ITEM 4 (continued)

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

The applicant has provided the following comments:

The proposed development is located between two sites that have already developed to the maximum capacity and is located with good access to public transport.

Planner's Comment

The building is well-sited, in proximity to frequent bus services and Eastwood Rail Station and within walking distance to Eastwood Shopping Centre.

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

Planner's Comment

The proposal is acceptable with regard to overshadowing (as discussed above) and impacts on the streetscape. This is primarily due to the orientation of the land and that the primary areas of non-compliance located in the central part of the roof away from the street and the rear property. The top level is stepped in, and when viewed from Blaxland Road, the top floor is over the maximum height allowed by only 417mm. This is relatively minor and not discernible from the street.

(e) to emphasise road frontages along road corridors.

The applicant has provided the following comments:

The part of the development that exceeds the height limit is located in the centre. The proposed built form is considered reflective of the high-density zoning of the land and appropriate for the site's location. The proposal will emphasise the road corridor through allowing the redevelopment of the site.

Planner's Comment

Agreed - The proposal will emphasise the road corridor through allowing the redevelopment of the site. The areas of non-compliance are located such that they do not result in significant additional height visible from Blaxland Road. There is no potential for this development to have a jarring effect in the streetscape. Instead the built form proposed for this site mediates between the two immediate 4 storeys residential flat buildings.

3. "Is compliance with the development standard consistent with the aims of the Policy and in particular does compliance with the development standard tend to hinder the obtainment of the objects specified in Section 1.3 of the Environmental Planning and Assessment Act?"

ITEM 4 (continued)

The proposal is permissible within the R4 high density zoning and achieves compliance with the objectives of the zones as identified within the assessment of the proposal against RLEP 2014. The proposed height non-compliance does not affect the proposal from achieving these objectives.

With regard to Objectives of Section 1.3 of the EP&A Act 1979, the proposal ensures fulfilment of these objectives as:

- The redevelopment of the site, notwithstanding the minor non-compliance, ensures that the proposal achieves proper management and development of cities through promoting social and economic welfare of the community and a better environment;
- The proposal, including the proposed non-compliance, supports promotion and co-ordination of the orderly and economic use and development of land. This is because the proposal has been designed with due regard to the sites surrounding context and the desired future character established by the RLEP and supporting RDCP 2014.

It should be noted that the objectives of the act are carried out through the assessment of Development Applications against a framework established by the relevant planning controls. As detailed within this assessment report the proposal, despite not achieving strict adherence to all controls, is considered acceptable on a merits basis due to the nature of the site and the anticipated desired future character of the area.

4. "Is compliance unreasonable and unnecessary in the circumstances?"

Justifications provided by the applicant for the proposed variations are below:

"In addition to achieving those objectives, the development standard is considered to be unreasonable and unnecessary having regard to the individual circumstances of the development proposed on the site.

The proposed development is an in fill development between two existing residential flat buildings of similar scale. When viewed from the street, the development has a similar scale and proportion to the adjoining development and hence is consistent with this objective.

The public benefit is served as the proposal results in better amenity for both the future residents of the proposed development (by way of access to the roof terrace communal open space) and better amenity for the adjoining property - by way of increased view to the sky and solar access resulting from increased side setbacks at the upper level.

ITEM 4 (continued)

It is unreasonable and unnecessary in this instance to apply this development standard to the proposal, as allowing the alternate massing and location of communal open space provides better amenity for the adjoining development and future residents.

Planner's Comment

Agreed - Compliance with the standard is considered to be unreasonable and unnecessary on the basis that compliance with the maximum height limit would not necessarily result in an improved outcome.

The design and layout of the proposal is a good planning outcome which fits in a constrained site which has a fall to the rear. The additional height is limited to the upper level, towards the middle of the site, located as the site falls from the street. The areas of non-compliance are set well back from the street boundary.

Additionally, the proposal does not have unreasonable impacts on surrounding properties as:

- The non-compliance does not have any significant impact on adjacent and adjoining properties as evidence in the shadow diagrams.
- The recessed nature of the top floor are unlikely to be visible from the public domain and as such, will not have an impact on the streetscape or the rear of the property and
- The proposed non-compliance does not result in an exceedance in the floor space ratio.

Overall, the development provides a better planning outcome for the particular site and also the surrounding area in terms of streetscape, rhythm of development and visual fit based on the particular urban collective in which it is located.

The benefits described above also demonstrate that compliance with the development standard is unreasonable and unnecessary when considered in the context of the development surrounding the site.

ITEM 4 (continued)

5. "Are there sufficient environmental planning grounds to justify contravening the Development Standard?"

In considering environmental planning grounds, the applicant has identified the following:

There are particular circumstances for this site that assist in the justification of the building height:

- *Site cross fall*

The building levels have been influenced by the topography and the need to achieve specified gradients for car parking and equitable access.

There is a site cross fall of approximately 2 metres from the front to the rear. It is desirable that the ground floor apartments are located at a reasonable level not too far below the street level.

The car park ramp has been designed to maximum gradients - including taking into account flood levels at the street frontage. The ground floor level is determined by this, adequate ceiling heights and also an accessible path of travel from the street to the ground floor.

- *Flooding*

Adjoining development has been designed so that the ground floor is located at ground level. However recent flood analysis has identified that the site is subject to overland flows and ponding at the rear of the site. The proposed ground floor level mitigates potential flood by having flood flow relief paths along both north and south boundaries. This is achieved through minor excavation to allow a 300mm freeboard. Lowering the building to sit within the height limit would compromise these flood flow relief paths and require additional excavation, also resulting in an incompatible relationship between the ground floor level and street level. This has the effect of making the development slightly higher than it otherwise could be. The building height controls were not developed to take the flood levels into account.

- *Roof terrace*

If the communal roof terrace was deleted, then the lift over run could be incorporated into the mass of the overall development- this would then reduce the maximum height of building from 12.64 to 12.33m. The lift is required to provide equitable access to the communal area by the Building Code of Australia.

We have located the lift to the northern side of the site to minimize the overshadowing impacts.

ITEM 4 (continued)

The inclusion of the roof terrace provides for useful communal open space for the residents in a location that has high amenity and minimizes impacts to the adjoining residential properties compared with communal open space located at rear ground level.

- *Massing to minimise impact.*

An analysis was undertaken to determine the best outcome for the front portion of the building.

A compliant option was proposed where the apartment layout at level 1 (units 7 & 8) with single storey apartments was repeated to level 2 and this was compared with the proposed layout that has the two units spread over two levels with greater setbacks to the side boundary.

Although the first option would comply with the height limit, it had a greater impact on the adjoining properties - but with respect to solar access and also visual bulk and scale.

Further when reviewing the access to the roof terrace, the proposed massing helps to conceal the roof terrace and access to it, and also provide greater enclosure.

Planner's Comment

Agreed – the proposal does not have unreasonable impacts on surrounding properties for the reasons stated above and accordingly there are sufficient environmental planning grounds to justify the contravening the standard.

“Is the objection well founded?”

As detailed in above sections the proposed variation has been considered acceptable due to minimal environmental impacts on adjoining and adjacent properties and is considered to be well founded.

6. “Would non-compliance raise any matter of significance for State or Regional planning?”

Due to the modest scale of the development and having regard to the site issues such as slope and flood levels, the proposal provides a height departure which has minimal impact. This departure is not a matter for regional or state environmental planning. The proposal achieves a good urban design outcome and the proposal is not considered to raise any matters of significance for State or Regional planning. Importantly this does not establish any precedents as the non-compliance has been considered acceptable in the merits of the specific circumstances of the site.

ITEM 4 (continued)

7. “Is there a public benefit of maintaining the Development Standard?”

The non-compliance is considered to be minor and in locations which do not adversely impact upon surrounding development. There is no public benefit of strictly complying with the standard in this particular instance given the extent and location of the height departure.

The strict compliance of the development standard would not improve the function of the development, its appearance and or visual impact when viewed from private and public domains.

Maintaining the development standard would not provide any additional public benefit than what is proposed by the development (provision of housing close to public transport, education and shops).

Conclusion

The proposal is considered to generally be satisfactory with regards to the objectives of the building height controls and the R4 High Density Zone and as such, the proposed variation is supported.

Other provisions

The table below considers other provisions relevant to the evaluation of this proposal:

Provision	Comment
Clause 5.1 Relevant acquisition authority	No part of the site is mapped as being reserved for acquisition for public purposes.
Clause 6.2 Earthworks	The proposed development includes excavation for one level of basement car park. Council’s Senior Co-ordinator Development Engineering Services has reviewed the submitted sediment and erosion control plan and it is considered satisfactory. Conditions 78 & 116 have been imposed requiring compliance with the measures proposed in the submitted plan.
Clause 6.4 Stormwater management	Council’s Senior Co-ordinator Development Engineering Services has raised no objections to the proposed stormwater management system for the site, subject to engineering conditions. Conditions Part 1, 1 & 2, Part 2, 72 & 75.

ITEM 4 (continued)

5.3 Draft Environmental Planning Instruments

There are no draft planning instruments applicable to this site.

5.4 Development Control Plans

The following sections of DCP 2014 are of relevance, being:

Note: The subject site is located outside the Eastwood Town Centre accordingly is not subject to site specific controls provided under Part 4.1 Eastwood Town Centre.

Part 9.3 - Car Parking

Car Parking has been discussed earlier in the report under the Apartment Design Guide table. The RMS Guide to Traffic Generating parking rates are the same as Council's minimum car parking requirements with the proposal complying with the minimum car parking required.

The DCP states that: *in every new building, where the floor space exceeds 600m² GFA (except for dwelling houses and multi-unit housing) provide bicycle parking equivalent to 10% of the required car spaces or part thereof.*"

Based on 10 residents car spaces, 1 bicycle spaces are required to be provided. The proposal provides for 1 motorcycle parking spaces and 2 bicycle spaces. This is consistent with Council's requirements.

The Accessibility Report accompanying the application specifies that 1 of the units will be adaptable. Council requires that a disabled space be allocated to each of these units. **Condition 66** has been imposed requiring the residential disabled car spaces are to be allocated to the adaptable units.

Part 7.2 Waste Minimisation and Management

The development involves the construction of a residential flat building, the applicant has submitted a Waste Management Plan (WMP). The WMP has been reviewed by Council's Waste Management Co-ordinator and Environment Health Officer and is considered satisfactory.

Council's Officers have considered the collection of waste, with a garbage room and bulk waste room in the basement.

ITEM 4 (continued)**Part 9.2 Access for People with Disabilities**

The application includes an Access Compliance Report prepared by Iaccess Consultants which states that the development can readily comply with the requirements of the BCA/DDA (Access for People with Disabilities).

Clause 4.13 of the DCP states that where 10-15 dwellings are provided that 1 of the dwellings are to be designed adaptable to the provisions of AS4299 Class A. The development nominates unit 04 as the adaptable dwelling, which is in accordance with Council's requirements.

Conditions 59 & 66 have been recommended requiring compliance with the recommendations of the Report and that the adaptable dwelling is allocated the disable parking space.

5.5 Planning Agreements OR Draft Planning Agreements

There is no planning agreement or draft planning agreement applicable to this application.

5.6 Section 7.11 - Development Contributions Plan – 2007 Interim Update (2014)

Council's current Section 7.11 Development Contributions Plan 2007 (Interim Update (2014) effective 10 December 2014) requires a contribution for the provision of various additional services required as a result of increased development density. The contribution is based on the number of additional dwellings there are in the development proposal. The contribution that are payable with respect to the increase housing density on the subject site (being for residential development outside the Macquarie Park Area) are as follows:

- 4 x 1 bedroom units and
- 8 x 2 bedroom units.

Note:

Currently existing on site is a single storey dwelling house on each of the allotments, accordingly a concession has been given for each of the dwelling.

ITEM 4 (continued)

A – Contribution Type	B – Contribution Amount
Community & Cultural Facilities	\$ 23,484.80
Open Space & Recreation Facilities	\$57,814.62
Civic & Urban Improvements	\$19,663.90
Roads & Traffic Management facilities	\$2,682.28
Cycleways	\$1,675.52
Stormwater Management Facilities	\$5,325.48
Plan Administration	\$ 451.72
The total contribution is	\$ 111,098.32

Condition 36 requiring the payment of the above Section 7.11 contribution prior to the issue of any Construction Certificate has been included in the recommendation of this report and which will further be indexed at the time of payment if not paid in the same quarter.

5.7 Any matters prescribed by the regulations

Nil.

6. The likely impacts of the development

Most of the impacts associated with the proposed development have already been addressed in the report. The additional impacts associated with the development or those requiring further consideration are discussed below.

Built Form

The development is consistent with the built form objectives envisaged for the area. It provides a suitable bulk and scale for a development of this size, and provides a considerable contribution to additional housing in the area in a high-quality architectural design.

Access and Traffic

The application was accompanied by a Traffic and Parking Report prepared by PDC Consultant. The report states: *the proposed development will result in a net increase of 5 vehicle trips / hour during both the AM and PM peak periods. This equates to only one additional vehicle trip every 12 minutes which will have no material impact on the performance of the external road network or key intersections in the locality.*

Council's Traffic Engineer has advised that the increase in traffic movement from this development is 4 additional vehicle trip per hour during the peak hours, which is negligible. See full discussion under "Comments from Council's Departments".

ITEM 4 (continued)

Accordingly, from a traffic perspective the development will not result in any unacceptable traffic implications to the road network.

Visual Privacy

Visual privacy is another important consideration in respect of amenity.

Whilst the proposal does not comply with building separation in accordance with the ADG requirement, the proposal minimises overlooking by orientating, where possible, main living room windows and balconies to the front and rear of the site. Where the dining room windows (Units 3 & 7) face the side property, this is located opposite a blank wall, therefore there will be no overlooking impact from these windows.

The side bedroom windows which face the adjoining side properties are provided with angled privacy screens which will prevent overlooking to the side properties. Furthermore, southern elevation is setback from 3.2m to 5.8m, providing a greater setback and articulation to alleviate any overlooking concerns.

Condition 1(c) has been imposed requiring a fixed privacy screen to be provided along the rear balconies of Units 1, 5 & 9 to prevent overlooking to the eastern windows located along the rear elevation of 13 Ball Street.

Construction Impacts

Construction impacts are controlled by Part 8.1 of the Ryde DCP 2014. Council's standard conditions of consent have been imposed to control the impact of the construction activities. See **Conditions 14 to 18, 55, 78, 89, 110 to 113**.

7. Suitability of the site for the development

The proposed development is considered to be a suitable development for the site, being permissible in the zone. As detailed earlier in this report, the development is consistent with the existing character of the area and appropriately responds to the natural and built environmental assets and constraints of the site.

8. The Public Interest

The development is considered to be in the public interest as it is reasonably consistent with the relevant planning controls. Where variations to the planning controls occur in terms of height and setbacks, the proposal has been designed to minimise any potential impact to adjoining properties. The development complies with the objectives of the planning controls, provides housing diversity and is considered to be in the public interest.

ITEM 4 (continued)

9. Submissions

The development application was advertised in the Northern District Times on 14 March 2018 and notified between the period of 14 March 2018 and 28 March 2018. During this notification period Council received 2 submissions. One submission contained a petition containing 53 signatures.

Amended plans were received on 15 May 2018, however as the amendments were an improvements from the original (reduced the height, increased setbacks and deleted the side balconies) the proposal was not required to be renotified.

The submission containing the petition were signed by residents from nearby properties, as shown on **Figure 16** below. One individual submission was received from the Body Corporate of 13 Ball Street wanting to know the contact details of the developer and whether the development will impact on trees on their land.

The concerns raised in the submissions are discussed below.

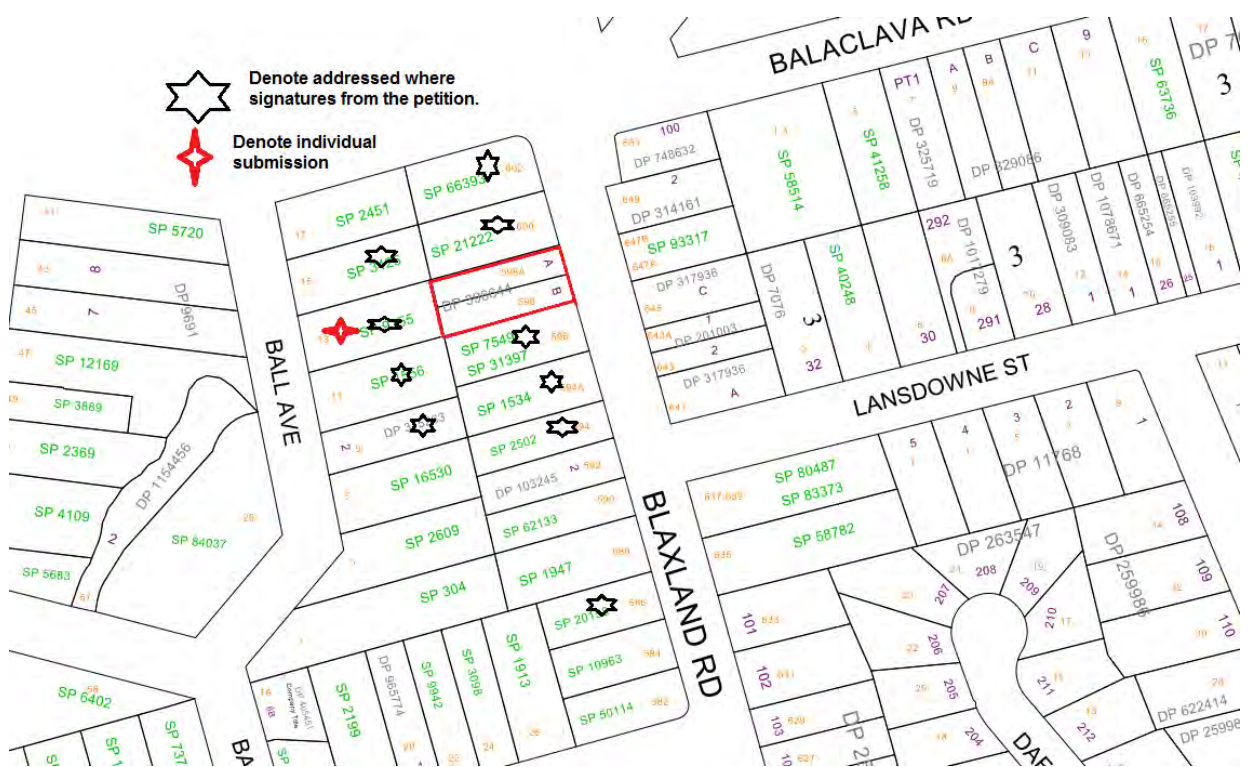


Figure 16: Black star denote location of signatures from petition and red star denote individual submission.

ITEM 4 (continued)

- *Demolition and construction of the abovementioned sites will cause substantial structural damage to the foundation of our Building! Such example occurred in May 2015 at Parkes Street in Harris Park where building development took place between two brand new apartments. Two days of heavy rain flooded the construction site which lead to the formation of two giant holes.*

The development will weaken and deteriorate the structural integrity of 596 Blaxland Road. Pre and post dilapidation reports should be done to enable compensations should damages occurs.

Comment:

A dilapidation report will be prepared as part of the Construction Certificate documentation. The developer will be required to ensure that the proposal does not undermine adjoining properties. See **Condition 77**.

- *Our building has inadequate drainage facilities that resulted in floods on several occasions. The development may contribute more flooding issues for our complex.*

Comment:

A Flood Assessment report, stormwater and drainage plans have been submitted with the application. The Flood Assessment Report conclude:

Flood Impacts

The flood impacts of the development need to be controlled to ensure that the development will not increase flood effects elsewhere having regard to:

Loss of floodplain storage volume

- *The extent of loss of floodplain storage volume is considered negligible therefore the Q100 flood storage for the local flood regimes remains effectively unchanged from the predevelopment state*

Changes in existing flood levels and velocities

- *The flood velocities and levels for the local flood regime remains effectively unchanged from the pre-development characteristics due to the minor nature of impacts upon the existing flood flow regime presented by the proposed development.*

The cumulative impact of multiple potential developments in the floodplain

- *The dynamic flooding constraints, including flows and velocities, emanate from the local flooding which also defines the design maximum water levels and flood storage volume.*

ITEM 4 (continued)

In our opinion the local flood catchment contributing flows to and through the development site is negligible therefore we believe that the consideration of cumulative impact/s would be negligible and controlled for any future developments, within Council's policies

Pre-development and post-development flood scenarios in terms of the flood extents through and around the proposed development site and on adjacent lands including public domain areas (road reserves it is evident that the impacts upon the existing flood regime induced by the proposed development are negligible, i.e. effectively nil.

Council's Stormwater Co-ordinator and Senior Co-ordinator Development Engineering Services have reviewed the submitted documentations and have raised no objections/issues with regard to flooding on the site or on surrounding properties. In accordance with Council's Floodplain Risk Management controls, **Condition 75** has been imposed to ensure measures are implemented to ensure flooding is contained. In addition an easement is required to be obtained to minimise any drainage/flooding impact from this development. See **Part 1 Condition (A) 1**.

- *If proposed development is approved the construction will cause many traffic problems on the main road.*

Comment:

Council's standard conditions of consent have been imposed to control the impact of the construction activities. Similar to any major redevelopment work, some level of inconvenience/impact may result once the construction commences. However, to address the issue and to minimise traffic impact, **Condition 55** has been imposed requiring submission of a Construction Management Plan to minimise impact of construction activities on the surrounding community, in terms of vehicle traffic (including traffic flow and parking) and pedestrian amenity adjacent to the site.

- *The demolition and development of the building will cause serious issues to the health and safety to the residents of neighbouring apartments. One major concern is the likelihood of asbestos being used in the current house. Also noise pollution will have negative impact on our lives.*

Comment:

This application does not include demolition. This will be either a separate DA or a Complying Development application (CDA). It should be noted that uncovering of asbestos is dealt with under WorkCover and **Condition 110** has been imposed with regards to handling of asbestos.

ITEM 4 (continued)

Construction impacts are controlled by Part 8.1 of the Ryde DCP 2014. Similar to any major redevelopment work, some level of inconvenience/impact such as increased noise level, may result once the construction commences. However, to address the issue Council's standard conditions of consent have been imposed to control the impact of the construction activities. These will include hours of operation, safety, noise, security and compliance with the requirements for professional and safe removal of any asbestos based materials (if applicable). See **Conditions 14 to 18, 55, 78, 89, 110 to 113.**

- *Development will remove the trees on our land (13 Ball Street) and dig very deep just next to the fence, which might impact the foundation of our building.*

Comment:

There are no neighbouring trees that will be impacted on by this development. Council's Consultant Landscape Architect has reviewed the amended architectural and landscaped plans and has not raised concerns about any neighbouring trees.

The basement will be setback 5.8m to 6.6m from the common boundary with 13 Ball Street (rear boundary) and **Condition 77** has been imposed requiring a dilapidation survey being undertaken for the adjoining neighbouring sites.

10. ReferralsInternal Referrals:

Development Engineer: 13 June 2018: Council's Senior Co-ordinator Development Engineering Services has made the following comments:

Stormwater Management

The proposed stormwater management system for the development discharges to Ball Avenue located downstream of the lot. A review of the plan has noted the following matters;

- *The concept plan has nominated an easement to drain water is to be acquired through No. 13 Ball Avenue. Whilst the plans have not clearly detailed the entire path of the easement (just the point of discharge from the subject lot) it is inferred the discharge line will be aligned with the driveway which runs the length of the downstream property and adjoins the northern boundary. There does not appear to be any imposition on the installation of the drainage line. The acquisition of the easement will however require the consent be configured as a deferred commencement warranting the registration of the easement before it is activated. Detailed plans will also be warranted for Council review.*

ITEM 4 (continued)

- *Onsite detention is noted to be located at the rear of the site, in the rear setback. It appears that the landscape plan has acknowledged this however must be considered in the assessment of deep soil landscaping.*

Vehicle Access and Parking

The development presents the following parking demands as per the DCP Part 9.3 (Parking Controls).

Unit Type	Quantity	Min.	Max.	Visitors
<i>Studio</i>	<i>0</i>	<i>0</i>	<i>0</i>	
<i>1 Bedroom</i>	<i>4</i>	<i>2.4</i>	<i>4</i>	
<i>2 Bedroom</i>	<i>8</i>	<i>7.2</i>	<i>9.6</i>	
<i>3 Bedroom</i>	<i>0</i>	<i>0</i>	<i>0</i>	
TOTALS	12	9.6	13.6	2.4
		<i>(10)</i>	<i>(14)</i>	<i>(3)</i>

Accessible Spaces Req. (1)

The development has provided a total of 13 parking spaces which would satisfy the minimum resident parking (10) and the min visitor spaces (3). The development provides 2 bicycle spaces and a motorcycle space (potentially a second at the base of the ramp).

The parking configuration is noted to provide a single disabled space which will address the accepted level of adaptable units provided.

A review of the vehicle access and parking configuration notes;

- *The development has provided a dual width vehicle entry at the front and side. It is noted that the comments from RMS require a left in - left out configuration and this is to be addressed by condition of consent.*
- *The basement level provides limited internal dimensions which restricts vehicle manoeuvring to the several of the parking spaces. In spite of this, the level of manoeuvring is limited and there is no ready means to address this within the confines of the site. All vehicles can enter and exit the site in a forward manner.*
- *The base of the driveway ramp permits a single lane of traffic only. The applicant has proposed an internal traffic signal system to be implemented to address this. There are no objections to this as it allows for a waiting vehicle to stand at the base of the ramp within the garage area (allowing a vehicle to enter) and a waiting bay at the crest of the ramp near the vehicle entry point. A condition requiring the design and certification of this system is applied.*

ITEM 4 (continued)

- *Notwithstanding the comments from Council's Stormwater Asset section, the applicant has proposed what appears to be a speed hump on the driveway near the entry, to function as a crest threshold and preventing inundation of the basement level. This measure is not supported as drivers exiting the basement level would be inclined to apply power / accelerate over the speed hump thereby endangering pedestrian traffic footpath area. It can be addressed however by regrading the driveway as a vertical curve extending from the front boundary alignment grading up to a crest threshold and then curving down into the basement level. This will warrant a driveway profile to be prepared and submitted at CC stage demonstrating that the crest threshold has been achieved with grades that comply with the Australian Standard.*

*There are no objections to the proposed development with respect to the engineering components, subject to conditions. **Part 1, Conditions (A) 1 & 2, Part 2, Conditions 70 to 78, 114 to 117, 129 to 134.***

City Works and Infrastructure – Public Works: 23 May 2018

Drainage: No objections subject to standard conditions. **Conditions 42 & 107.**

Traffic and Development Engineer: Council's Traffic and Development Engineer has reviewed the proposal and has made the following comments:

The proposal is likely to produce at most 4 additional vehicle trips per hour during the AM and PM peak periods. This is considered negligible in the surrounding road network.

The proposal consists of 13 car parking spaces in total. Refer to Development Engineer's comments/conditions regarding the adequacy of car parking provision and compliance of car park layout.

*Traffic department has no objection to the approval of this application subject to conditions. **Conditions 12, 55, 86 and 93.***

Public Domain: From a public domain perspective there are no objections to approval of this application subject to **Conditions 43 to 49, 83 to 87, 94, 121 to 128.**

Waste: No objections subject to **Conditions 79, 80, 147 to 152.**

Landscape Officer: 6 June 2018: Council's Consultant Landscape Architect has reviewed the amended landscaping and architectural plans and has made the following comments:

ITEM 4 (continued)***Inadequate communal open space***

Concerns were raised in relation to the communal open space at the rooftop providing insufficient area for the scale of the development and failing to meet the minimum provisions of the Apartment Design Guide (ADG). The amended plans indicate that communal open space has been increased at the rooftop by approximately 15m² as well as an additional communal open space being provided at the rear ground floor level. This results in a total of approx. 232m² being provided and therefore in line with the minimum 25% of the site area as required by the ADG. Accordingly, this issue has now been satisfactorily addressed.

Poor amenity of communal open space

Concerns were raised in relation to rooftop communal open space which was considered to have poor amenity and limited functionality consisting of only an open terrace area. The amended landscape plans indicate that the rooftop is now to include outdoor BBQ facilities, seating in a range of formats and locations, overhead all-weather protection and suitable planting within raised planters. Accordingly, the amenity and useability of the rooftop communal open space is now considered to be satisfactory.

Visual impact of basement walls

Concerns were originally raised in relation to the basement walls which protruded significantly above the existing ground level resulting in a poor visual impact for the surrounding properties. A review of the amended landscape plans indicate that screen planting has been provided along the southern side boundary wall which will provide an effective visual screen and softening to the extensive face brick walls. The plans indicate however that the northern basement wall does not include any such softening. As such, a condition is recommended to ensure some softening to the walls whilst still permitting access to the rear communal open space.

Poor tree species selection

Concerns were raised with regards to the proposed trees species (*Tristaniopsis laurina*) being unsuitable given their small size and scale being out of character with the local landscape character and new built form on site. As such, it was requested that alternate species be provided of increased mature dimensions that provide a high level of amenity and screening to the proposed residential flat building. The amended landscape plans indicate that four (4) *Eucalyptus pilularis* (Blackbutt) are to be provided across the site which are considered to be a suitable species consistent with Council's recommended tree species list.

ITEM 4 (continued)***Missing information***

The original landscape plans omitted key information with regards to the proposed tree planting species to be provided on site. As such, the plant schedule did not tabulate the proposed trees species or pot/container sizes. A review of the amended landscape plans indicates that 4 x Eucalyptus pilularis (Blackbutt) are proposed on site planted at a 100 Litre pot/container size. The proposed new tree species and pot sizes are considered to be suitable and therefore this issue has been addressed.

Conditions 1 (d), 30 to 35, 88 and 119.

11. Conclusion

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 proposal is considered suitable for the site and is in the public interest. The proposal provides an opportunity to redevelop the site with a contemporary residential apartment building that is generally consistent with the Apartment Design Guide and strategic intentions of the associated planning controls that have been adopted for the locality by the Council. The proposed development was amended as per the recommendations of the UDRP which provide a high degree of amenity for future occupants in terms of access to public transport, education and the shopping centre.

The site is zoned R4 High Density Residential under Ryde LEP 2014 and the development results in one variation to the development standards contained in Ryde LEP 2014 in respect to the overall height of the building. The height exceedance is not considered to have an unreasonable impact to adjoining properties in terms of overshadowing or overlooking nor is the development out of character with the immediate area. Accordingly, given the circumstance of the case, the applicant has provided a Clause 4.6 variation which is supported.

The development generally complies with the relevant planning controls except for the building separation and setbacks. However, given the site constraint (narrow site), the proposal provides for acceptable amenity. The proposal has provided setbacks, similar to adjoining properties and the variations are not considered to adversely impact adjoining properties or the streetscape character of the area. The UDRP have raised no concerns in this regard, the proposed design is considered reasonable in the circumstances.

The development is recommended for approval subject to appropriate conditions of consent provided in **ATTACHMENT 1** of this report.

ITEM 4 (continued)

The reasons for approval are as follows:

1. The variation to the height control requested under Clause 4.6 of the RLEP is justified for the following reasons:
 - The development is consistent with the desired future character of the locality.
 - The development will not result in overshadowing that would adversely impact the adjoining properties.
 - The non-compliance in height does not result in an exceedance in the floor space ratio.
 - The breach in height is relatively minor and is not inconsistent with adjoining properties.
2. The proposal is consistent with the objectives of the R4 High Density zone under RLEP 2014. The development is also consistent with the development standards in RLEP 2014 with the exception of height.
3. The proposal results in some breaches to the Apartment Design Guide in respect to building separation and setbacks. Despite the non-compliances, the development will still provide adequate amenity to future residents whilst maintaining amenity to the adjoining residential properties.
4. The proposal is consistent with the desired future character of the area.
5. The proposal is not considered to create likely impacts on the residential amenity of adjoining properties.

12. RECOMMENDATION:

Pursuant to Section 4.6 of the Environmental Planning and Assessment Act, 1979, the following is recommended:

- (a) That the Local Planning Panel grant consent to development application LDA2018/90 for the construction of a residential apartment building development at 598 Blaxland Road, Eastwood subject to the Conditions of Consent in Attachment 1 of this report; and
- (b) That those persons making a submission in the second round of notification be advised of the decision.
- (c) Roads and Maritime Services be advised of determination.

ITEM 4 (continued)**ATTACHMENTS**

- 1 Draft Conditions of Consent
- 2 A3 Plans - Subject to copyright provisions - CIRCULATED UNDER SEPARATE COVER
- 3 Clause 4.6 Variation in Respect to Height

Report Prepared By:

Sandra McCarry
Acting Senior Coordinator - Major Development

Report Approved By:

Sandra Bailey
Acting Manager - Development Assessment

Liz Coad
Director - City Planning and Environment

ITEM 4 (continued)

ATTACHMENT 1

Conditions for LDA 2018/90

PART 1 - The following are the Deferred Commencement condition(s) imposed pursuant to Section 80(3) of the Environmental Planning & Assessment Act 1979.

DEFERRED COMMENCEMENT

The following condition is a Deferred Commencement condition imposed pursuant to Section 80(3) of the Environmental Planning and Assessment Act 1979.

1. **Drainage Easement.** An easement to drain stormwater must be established over the downstream property(ies) in order for the development to legally drain via gravity to the downstream public drainage infrastructure in Ball Avenue. The easement is to be located generally as shown on the concept plan ACOR Consultants (Refer to Project no. SY170208 Dwgs C2.01 dated 2 February 2018 & C4.01 dated 31 Jan 2018). The drafted terms of the drainage easement are to be submitted to Council for approval prior to registration and are to include the Council as the authority in which to have authority to vary the terms of the easement. Documentary evidence of registration of the drainage easement with the Land & Property Information Authority, including the terms of the drainage easement and its location on the burdened lot(s), must be submitted to Council to demonstrate the requirements of this condition have been satisfied, prior to the activation of this Development Consent.
2. **Stormwater Management.** To ensure the discharge of stormwater is undertaken in an appropriate manner, the following matters are to be addressed. Documentation demonstrating compliance with these items must be submitted to Council for approval prior to the issue of the development consent;
 - (a) The stormwater drainage plan by ACOR Consultants (Refer to Project no. SY170208 Dwgs C2.01 dated 2 February 2018 & C4.01 dated 31 Jan 2018) is to be amended to detail the full extent of the easement and the point of discharge to Ball Avenue.

The design must be compliant with the Council's DCP Part 8.2 (*Stormwater and Floodplain Management*).

PART 2 - The conditions in the following sections of this consent shall apply upon satisfactory compliance with the above requirements and receipt of appropriate written confirmation from Council.

ITEM 4 (continued)

ATTACHMENT 1

GENERAL

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

Document Description	Date	Plan No/Reference
Site Plan	08/05/2018	17_038 DA-A-010
Level C1	08/05/2018	17_038 DA-A-100
Level 0	08/05/2018	17_038 DA-A-101
Level 1	08/05/2018	17_038 DA-A-102
Level 2	08/05/2018	17_038 DA-A-103
Level 3	08/05/2018	17_038 DA-A-104
Roof	08/05/2018	17_038 DA-A-105
Adaptable Unit	08/05/2018	17_038 DA-A-150
North & South Elevations	08/05/2018	17_038 DA-A-200
East & West Elevations	08/05/2018	17_038 DA-A-201
Sections	08/05/2018	17_038 DA-A-202
Finishes & Material Palette	08/05/2018	17_038 DA-A-901
Landscaping	24/05/18	L01, L02 & L03 Rev E

Prior to the issue of a **Construction Certificate**, the following amendments shall be made and submitted to Council for approval:

- (a) **Driveway (RMS).** The driveway is to be amended so that there is no right turn movements to/from the site. Accordingly, the driveway is to be designed to restrict any right turn movement to/from the site onto Blaxland Road. All vehicles are to be wholly contained on site before being required to stop and in this regard the driveway could be splayed to accommodate this movement and all vehicles are to enter and exit the site in a forward direction.
- (b) **Northern setback.** Units 2, 6 & 10 living room and balconies are to have a minimum 4.5m setback to the northern boundary with the northern window of Bedroom 1 orientated to the west (facing the rear).
- (c) **Privacy Screen.** So as to minimise overlooking to the bedroom windows directly opposite, a privacy screen is to be provided on the rear balconies of Units 1,5 & 9.

ITEM 4 (continued)

ATTACHMENT 1

(d) **Amendment to Landscaping:**

- i. **Planting – face brick walls.** Climbing plants are to be provided between the face brick walls and stepping stone pathways on the northern and southern side of the building. This is to include systems fixed to the walls which allow climbing plants to attach to the walls however still maintain pedestrian access.
- ii. **Northern landscaping strip.** The Landscaping strip along the northern boundary is to be continued with 600mm planter adjacent to the boundary fence.

Details of compliance are to be shown on the plans for Construction Certificate.

The Development must be carried out in accordance with the amended plans approved under this condition.

2. **Building Code of Australia.** All building works approved by this consent must be carried out in accordance with the requirements of the Building Code of Australia.
3. **BASIX.** Compliance with all commitments listed in BASIX Certificate(s) numbered 885946M_02, dated 24 May 2018.
4. **Roads and Maritime Services (RMS).** All buildings and structures, together with any improvements integral to the future use of the site are to be wholly within the freehold property (unlimited in height or depth) along the Blaxland Road boundary.
5. **RMS.** Any redundant driveway(s) along Blaxland Road boundary shall be removed and replaced with kerb & gutter matching existing. The design and construction of the kerb and gutter crossing on Blaxland Road shall be in accordance Roads and Maritime requirements. Details of these requirements should be obtained from Roads and Maritime Services, Manager Developer Works, State Wide Delivery, Parramatta (telephone 9598 7798).

Detailed design plans of the proposed kerb and gutter are to be submitted to Roads and Maritime for approval prior to the issue of a Construction Certificate and commencement of any road works.

A plan checking fee (amount to be advised) and lodgement of a performance bond may be required from the applicant prior to the release of the approved road design plans by Roads and Maritime.

ITEM 4 (continued)

ATTACHMENT 1

6. **RMS.** In accordance with AS 2890.1- 2004 (Parking Facilities, Part 1: Off-street car parking), the driveway shall be a minimum of 5.5 metres in width for a minimum distance of 6 metres from the property boundary. The driveway should be designed to restrict any right turn movements.
7. **RMS.** Sight distances from the proposed vehicular crossing to vehicles on Blaxland Road are to be in accordance with the Austroads 'Guide to Traffic Engineering Practice, Part 5: Intersections at Grade, Section 6.2 – Sight Distance' and AS 2890. Vegetation and landscaping / fencing must not hinder sight lines to and from the vehicular crossings to motorists, pedestrians and cyclists.
8. **RMS.** The developer is to submit design drawings and documents relating to the excavation of the site and support structures to Roads and Maritime for assessment, in accordance with *Technical Direction GTD2012/001*.

The developer is to submit all documentation at least six (6) weeks prior to commencement of construction and is to meet the full cost of the assessment by Roads and Maritime.

Details and any enquiries should be forwarded to Mr Suppiah Thillai at Suppiah.Thillai@rms.nsw.gov.au or Phone at 8849 2114.

If it is necessary to excavate below the level of the base of the footings of the adjoining roadways, the person acting on the consent shall ensure that the owner/s of the roadway is/are given at least seven (7) day notice of the intention to excavate below the base of the footings. The notice is to include complete details of the work.

9. **RMS.** Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system in Blaxland Road are to be submitted to Roads and Maritime for approval, prior to the commencement of any works.

Details should be forwarded to: Suppiah.Thillai@rms.nsw.gov.au

A plan checking fee will be payable and a performance bond may be required before Roads and Maritime approval is issued. With regard to the Civil Works requirement please contact the Roads and Maritime Project Engineer, External Works Ph: 8849 2114 or Fax: 8849 2766.

10. **RMS.** All demolition and construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping. A construction zone will not be permitted on Blaxland Road.

ITEM 4 (continued)

ATTACHMENT 1

11. **RMS.** A Road Occupancy Licence should be obtained from Transport Management Centre for any works that may impact on traffic flows on Blaxland Road during construction activities.
12. **Traffic Management.** Traffic management procedures and systems must be in place and practised during the construction period to ensure safety and minimise the effect on adjoining pedestrian and vehicular traffic systems. These procedures and systems must be in accordance with AS 1742.3 1985 and City of Ryde, Development Control Plan 2006: - Part 8.1; Construction Activities.
13. **Support for neighbouring buildings.** If the development involves excavation that extends below the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
 - (a) Protect and support the adjoining premises from possible damage from the excavation, and
 - (b) Where necessary, underpin the adjoining premises to prevent any such damage, in accordance with relevant Australian Standards.
14. **Hours of work.** Building activities (including demolition) may only be carried out between 7.00am and 7.00pm Monday to Friday (other than public holidays) and between 8.00am and 4.00pm on Saturday. No building activities are to be carried out at any time on a Sunday or a public holiday.
15. **Hoardings.**
 - (a) A hoarding or fence must be erected between the work site and any adjoining public place.
 - (b) Any hoarding, fence or awning erected pursuant this consent is to be removed when the work has been completed.
16. **Illumination of public place.** Any public place affected by works must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.
17. **Development to be within site boundaries.** The development must be constructed wholly within the boundaries of the premises. No portion of the proposed structure shall encroach onto the adjoining properties. Gates must be installed so they do not open onto any footpath.
18. **Public space.** The public way must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances, without prior approval from Council.

ITEM 4 (continued)

ATTACHMENT 1

19. **Public Utilities.** Compliance with the requirements (including financial costs) of any relevant utility provider (e.g. Energy Australia, Sydney Water, Telstra, RMS, Council etc) in relation to any connections, works, repairs, relocation, replacements and/or adjustments to public infrastructure or services affected by the development.
20. **Design and Construction Standards** – All engineering works shall be carried out in accordance with the requirements as outlined within Council’s DCP 2014 Part 8.5 *Public Civil Works* and relevant Development Control Plans except as amended by the conditions herein.
21. **Service Alterations.** All mains, services, poles, etc., which require alteration due to works associated with the development, shall be altered at the applicant’s expense.
22. **Construction Staging.** For any staging of the public domain works, the applicant shall provide a detailed construction management and staging plan.
23. **Public areas and restoration works.** Public areas must be maintained in a safe condition at all times. Restoration of disturbed road and footway areas for the purpose of connection to public utilities, including repairs of damaged infrastructure as a result of the construction works associated with this development site, shall be undertaken by the Applicant in accordance with Council’s standards and specifications, and DCP 2014 Part 8.5 *Public Civil Works*, to the satisfaction of Council.
24. **Roads Act.** Any works performed in, on or over a public road pursuant to this consent must be carried out in accordance with this consent and with the Road Opening Permit issued by Council as required under section 139 of the Roads Act 1993.
25. **Mechanical ventilation of rooms.** If the airborne noise level with windows and doors open exceeds the above noise criteria by more than 10dBA, an approved system of mechanical ventilation must be provided so that the building occupants can leave the windows and doors closed.
26. **Fresh air intake vents.** All fresh air intake vents must be located in a position that is free from contamination and at least 6 metres from any exhaust air discharge vent or cooling tower discharge.
27. **Exhaust air discharge vents.** All exhaust air discharge vents must be designed and located so that no nuisance or danger to health will be created.

ITEM 4 (continued)

ATTACHMENT 1

28. **Carpark exhaust vent.** The carpark exhaust vent must be located at least 3 metres above ground level or any pedestrian thoroughfare and:
 - (a) at least 6 metres from any fresh air intake vent or natural ventilation opening; and
 - (b) at least 6 metres or, where the dimensions of the allotment make this impossible, the greatest possible distance from any neighbouring property boundary.
29. **Plumbing and drainage work.** All plumbing and drainage work must be carried out in accordance with the requirements of Sydney Water Corporation and the NSW Department of Fair Trading.
30. **Design and Construction Standards.** All engineering plans and work inside the property shall be carried out in accordance with the requirements of the relevant Australian Standard. 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 2014 DCP Part 8.5 (Public Domain Works), except otherwise as amended by conditions of this consent.
31. **Service Alterations.** All mains, services, poles, etc., which require alteration shall be altered at the applicant's expense.
32. **Restoration.** Public areas must be maintained in a safe condition at all times. Restoration of disturbed road and footway areas for the purpose of connection to public utilities will be carried out by Council following submission of a permit application and payment of appropriate fees. Repairs of damage to any public stormwater drainage facility will be carried out by Council following receipt of payment. Restoration of any disused gutter crossings will be carried out by Council following receipt of the relevant payment.
33. **Tree Protection.** All tree protection works including installation of any fencing is to be undertaken prior to any demolition or site clearing works on site.
34. **Tree Protection Fencing.** All protective fencing and signage around TPZs must be located in accordance with AS4970: Protection of trees on development sites. In this regard, any fencing required to be constructed around the TPZ is to be in accordance with AS4687 Temporary fencing and hoardings.

ITEM 4 (continued)

ATTACHMENT 1

35. **Stormwater Trench/Pit Locations.** The alignment of stormwater infrastructure is to be located as far away from existing trees to be retained as practical. Should the excavation for the stormwater pits and trenches conflict with any major structural roots (greater than >25 mm diameter) of existing trees, their location and alignment is to be modified in consultation with the Project Arborist to avoid impact. Under no circumstances should roots be severed or cut without prior approval from the Project Arborist.
36. **Underground Utilities.** Any utility services to be located underground within the TPZ are to be undertaken utilising excavation techniques that prevent or minimise damage to structural roots (roots greater than >25 mm diameter). To prevent soil compaction and root damage these works should be conducted with non-motorised hand tools or directional drilling.
37. **Excavation within TPZ.** Any excavation or grading/re-grading within the identified TPZs of trees to be retained shall be carried out by hand using manual, non-motorised hand tools. Roots greater than 25mm are not to be damaged or severed without the prior written approval of the Project Arborist.
38. **Certification.** A Tree Protection Schedule, as indicated below, which provides a logical sequence of hold points for the various development stages including pre construction, construction and post construction and a checklist of various hold points that are to be signed and dated by the Project Arborist. This is to be completed progressively and included as part of the final certification. A copy of the final certification is to be made available to the City of Ryde Council prior to the issue of any Occupation Certificate.

1.	Indicate clearly (with spray paint on trunks) trees approved for removal only	Principal Contractor	Project Arborist	Prior to demolition and site establishment
2.	Establishment of tree protection fencing	Principal Contractor	Project Arborist	Prior to demolition and site establishment
3.	Supervise all excavation works proposed within the TPZ	Principal Contractor	Project Arborist	As required prior to the works proceeding adjacent to the tree
4.	Inspection of trees by Project Arborist	Principal Contractor	Project Arborist	Bi-monthly during construction period
5.	Final inspection of trees by project Arborist	Principal Contractor	Project Arborist	Prior to issue of Occupation Certificate

ITEM 4 (continued)

ATTACHMENT 1

PRIOR TO CONSTRUCTION CERTIFICATE

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

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

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

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

39. **Section 7.11.** A monetary contribution for the services in Column A and for the amount in Column B shall be made to Council as follows:

A – Contribution Type	B – Contribution Amount
Community & Cultural Facilities	\$ 23,484.80
Open Space & Recreation Facilities	\$57,814.62
Civic & Urban Improvements	\$19,663.90
Roads & Traffic Management facilities	\$2,682.28
Cycleways	\$1,675.52
Stormwater Management Facilities	\$5,325.48
Plan Administration	\$ 451.72
The total contribution is	\$ 111,098.32

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

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

ITEM 4 (continued)

ATTACHMENT 1

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

A copy of the Section 7.11 Development Contributions Plan may be inspected at the Ryde Customer Service Centre, 1 Pope Street Ryde (corner Pope and Devlin Streets, within Top Ryde City Shopping Centre) or on Council's website <http://www.ryde.nsw.gov.au>.

40. **Compliance with Australian Standards.** The development is required to be carried out in accordance with all relevant Australian Standards. Details demonstrating compliance with the relevant Australian Standard are to be submitted to the Principal Certifier prior to the issue of the **Construction Certificate**.
41. **Structural Certification.** The applicant must engage a qualified practising structural engineer to provide structural certification in accordance with relevant BCA requirements prior to the release of the **Construction Certificate**.
42. **Security deposit.** The Council must be provided with security for the purposes of section 4.17(6) of the *Environmental Planning and Assessment Act 1979* in a sum determined by reference to Council's Management Plan prior to the release of the **Construction Certificate**. (category: other buildings with delivery of bricks or concrete or machine excavation)
43. **Fees.** The following fees must be paid to Council in accordance with Council's Management Plan prior to the release of the **Construction Certificate**:
 - (a) Infrastructure Restoration and Administration Fee
 - (b) Enforcement Levy
44. **Long Service Levy.** Documentary evidence of payment of the Long Service Levy under Section 34 of the Building and Construction Industry Long Service Payments Act 1986 is to be submitted to the Principal Certifier prior to the issuing of the **Construction Certificate**.
45. **Flood Level.** Prior to issue of Construction Certificate, a design certificate shall be provided to the Principal Certifying Authority confirming that the crest level of the basement carpark driveway is designed above the PMF (Probable Maximum Flood) event.

ITEM 4 (continued)

ATTACHMENT 1

46. **Ground Anchors** - The installation of permanent ground anchors into public roadway is not permitted. The installation of temporary ground anchors may be considered subject to an application to Council's City Works and Infrastructure Directorate, and approval obtained as per the provisions of Section 138 of the Roads Act, 1993. The application for consent must include detailed structural engineering plans prepared by a Chartered Structural Engineer (registered on the NER of Engineers Australia), clearly nominating the number of proposed anchors, minimum depth below existing ground level at the boundary alignment and the angle of installation. The approval will be subject to:
- Advice being provided to the relevant Public Utility Authorities of the proposed anchoring.
 - the payment of all fees in accordance with Council's Schedule of Fees & Charges at the time of the application, and
 - the provision of a copy of the Public Liability insurance cover of not less than \$20million with Council's interest noted on the policy. The policy shall remain valid until the de-commissioning of the ground anchors.
47. **Public domain improvements** - The public domain is to be upgraded for the full width of the development site frontage on Blaxland Road in accordance with the City of Ryde Development Control Plan DCP 2014 Part 8.5 Public Civil Works. The work is to include paving of footpath, new grass verge, construction of new driveway crossing, relocation of power pole and upgrading of street light and must be completed to Council's satisfaction at no cost to Council, prior to the issue of any Occupation Certificate.

A public domain design for the following works shall be submitted to, and approved by Council's City Works & Infrastructure, prior to the issue of any Construction Certificate.

- Footpath paving and construction of driveway crossing as specified in the condition of consent for public infrastructure works.
- Street trees.

Note: In designing the street tree layout, the consultant shall check and ensure that all new street trees are positioned such that there are no conflicts with the proposed street lights, utilities and driveway accesses. The proposed street lights will have priority over the street trees.

- Relocation of the existing power pole near the proposed driveway and upgrading of street lights will be required. The new location of the power pole shall be a minimum 1.0m from the proposed driveway crossing wing.

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- (d) Street lighting using LED luminaires is to be designed and installed to Australian Standard AS1158:2010 Lighting for Roads and Public Spaces, with vehicular luminance category V3 and pedestrian luminance category P3 along the Blaxland Road frontage of the development site. The street lighting will remain on the Ausgrid street lighting network. Lighting design plan prepared by a qualified lighting design consultant shall be submitted to Council for approval prior to any submissions to Ausgrid.

The ASP3 design plans are to be prepared by an Ausgrid accredited designer for decommissioning the existing network and constructing the new network; and are to be submitted to, and approved by Council and relevant utility authorities, prior to commencement of work. The extent of works required in order to achieve this outcome may involve works beyond the frontage of the development site.

48. **Public Infrastructure Works** – Public infrastructure works shall be designed and constructed as outlined in this condition of consent. The approved works must be completed to Council’s satisfaction at no cost to Council.

Engineering drawings prepared by a Chartered Civil Engineer (registered on the NER of Engineers Australia) are to be submitted to, and approved by Council’s City Works and Infrastructure prior to the issue of any Construction Certificate. The works shall be in accordance with City of Ryde DCP 2014 Part 8.5 - Public Civil Works, and DCP 2014 Part 8.2 - Stormwater Management, where applicable.

The drawings shall include plan view, sections with existing and finished surface levels, existing and proposed signage and other relevant details for the new works. The drawings shall also demonstrate the smooth connection of the proposed works into the remaining street scape.

The Applicant must submit, for approval by Council as a Road Authority, full design engineering plans and specifications for the following infrastructure works:

- (a) The reconstruction of footpath and grass verge for the entire frontage of the proposed development, including transition works, in accordance with the City of Ryde DCP 2014 Part 8.5 - *Public Civil Works*.
- (b) The replacement of both redundant vehicular crossings with new kerb, gutter and the construction of the proposed layback, including restoration of the adjacent road pavement, shall be designed for construction in accordance with the standards and specifications of the Roads and Maritime Services.

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- (c) Signage and line marking details.
- (d) The relocation/adjustment of all public utility services affected by the proposed works. Written approval from the applicable Public Authority shall be submitted to Council along with the public domain plans submission. All the requirements of the Public Authority shall be complied with.

Notes:

1. The Applicant is advised to consider the finished levels of the public domain, including new or existing footpaths, prior to setting the floor levels for the proposed building.
2. Depending on the complexity of the proposed public domain works, the Council's review of each submission of the plans may take a minimum of six (6) weeks.
3. Prior to submission to Council, the Applicant is advised to ensure that the drawings are prepared in accordance with the standards listed in the City of Ryde DCP 2014 Part 8.5 - *Public Civil Works*, Section 5 "*Standards Enforcement*". A checklist has also been prepared to provide guidance, and is available upon request to Council's City Works & Infrastructure Directorate.
4. City of Ryde standard drawings for public domain infrastructure assets are available on the Council website. Details that are relevant may be replicated in the public domain design submissions; however Council's title block shall not be replicated.
49. **Driveway Access and Boundary Alignment Levels.** The applicant shall apply to Council for site specific driveway access and boundary alignment levels prior to preparation of the required design for Public infrastructure works. The application shall be accompanied by preliminary engineering plans of civil works along the frontage of the development site. The Council issued levels shall be incorporated into the detail design plans for the public domain improvements and infrastructure works, and the design of the internal driveway, car parking areas, landscaping and stormwater drainage plans. Fees are payable in accordance with Council's Schedule of Fees & Charges at the time of the application.
50. **Vehicle Footpath Crossings.** To protect the footpath from damage resulting from the vehicular traffic, the footpath crossing/s shall be designed and constructed in accordance with the City of Ryde Development Control Plan 2014 Part 8.3 *Driveways* and Part 8.5 - *Public Civil Works*, and all relevant Australian Codes and Standards (AS2890.1). The crossings shall match the paving style along the frontages of the development site.

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In order to avoid the access driveway looking like a public road, kerbs shall not be returned to the boundary alignment line.

The applicant shall provide Council with certification from a Chartered Civil Engineer (registered on the NER of Engineers Australia) confirming that the vehicle footpath crossing and driveway design meet Council requirements and the relevant standards, prior to the issue of the Construction Certificate.

51. **Public Domain Works – Defects Security Bond.** To ensure satisfactory performance of the public domain works, a defects liability period of twelve (12) months shall apply to the works in the road reserve following completion of the development. The defects liability period shall commence from the date of issue by Council, of the Compliance Certificate for the external (public domain) works. The applicant shall be liable for any part of the work which fails to perform in a satisfactory manner as outlined in Council's standard specification, during the twelve (12) months' defects liability period. A bond in the form of a cash deposit or unconditional Bank Guarantee of \$50,000 shall be lodged with the City of Ryde prior to the issue of a Construction Certificate to guarantee this requirement will be met. The bond will only be refunded when the works are determined to be satisfactory to Council after the expiry of the twelve (12) months defects liability period.

52. **Engineering plans assessment and works inspection fees.** The applicant is to pay to Council fees for assessment of all engineering and public domain plans and inspection of the completed works in the public domain, in accordance with Council's Schedule of Fees & Charges at the time of the issue of the plan approval, prior to such approval being granted by Council.

Note: An invoice will be issued to the Applicant for the amount payable, which will be calculated based on the design plans for the public domain works.

53. **Sydney Water – Building Plan Approval.** The plans approved as part of the Construction Certificate must also be approved by Sydney Water prior to excavation or construction works commencing. This allows Sydney Water to determine if sewer, water or stormwater mains or easements will be affected by any part of your development. Please go to www.sydneywater.com.au/tapin to apply.
54. **Detailed site investigation report.** The proponent must submit a detailed site investigation report to Council for consideration before the issue of a Construction Certificate. The detailed site investigation report must comply with the *Guidelines for Consultants Reporting on Contaminated Sites* (EPA, 1997) and demonstrate that the site is suitable for the proposed use, or that the site can be remediated to the extent necessary for the proposed use.

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If remediation is required, the report should also set out the remediation options available for the site and whether the work is considered to be category 1 or category 2 remediation work.

55. **Remediation of land following detailed site investigation.** If required by the detailed site investigation report, the land must be remediated to the extent necessary for the proposed use and a copy of the site validation report must be submitted to Council for consideration. The site validation report must comply with the *Guidelines for Consultants Reporting on Contaminated Sites* (EPA, 1997) and demonstrate that the site is suitable for the proposed use.

No Construction Certificate is to be issued for any building work on the land until Council has confirmed in writing that it is satisfied that the land is suitable for the proposed use, without the need for further remediation.

56. **Notice of remediation work.** Before commencing remediation work written notice must be submitted to Council in accordance with clause 16 of *State Environmental Planning Policy No. 55 - Remediation of Land*.
57. **Remediation work.** All remediation work must be carried out in accordance with the requirements of:
- a. *State Environmental Planning Policy No. 55 - Remediation of Land*;
 - b. any relevant guidelines published by the NSW Environment Protection Authority; and
 - c. any council policy or development control plan relating to the remediation of land.
58. **Construction Traffic Management Plan.** As a result of the site constraints, limited vehicle access and parking, a Construction Traffic Management Plan (CTMP) and report shall be prepared by an RMS accredited person and submitted to and approved by Council prior to issue of any Construction Certificate.

The CTMP must:-

- i. Make provision for all construction materials to be stored on site, at all times.
- ii. Specify construction truck routes and truck rates. Nominated truck routes are to be distributed over the surrounding road network where possible.
- iii. Make provision for parking onsite once basement level is constructed. All Staff and Contractors are to use the basement parking once available.

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- iv. Provide for the movement of trucks to and from the site, and deliveries to the site. Temporary truck standing/ queuing locations in a public roadway/ domain in the vicinity of the site are not permitted unless approved by Council's Public Works.
- v. Include a Traffic Control Plan prepared by an RMS accredited traffic controller for any activities involving the management of vehicle and pedestrian traffic.
- vi. Specify that a minimum Fourteen (14) days notification must be provided to adjoining property owners prior to the implementation of any temporary traffic control measure.
- vii. Include a site plan showing the location of any site sheds, location of requested Work Zones, anticipated use of cranes and concrete pumps, structures proposed on the footpath areas (hoardings, scaffolding or shoring) and any tree protection zones around Council street trees.
- viii. Take into consideration the combined construction activities of other development in the surrounding area. To this end, the consultant preparing the CTMP must engage and consult with developers undertaking major development works within a 250m radius of the subject site to ensure that appropriate measures are in place to prevent the combined impact of construction activities, such as (but not limited to) concrete pours, crane lifts and dump truck routes. These communications must be documented and submitted to Council prior to work commencing on site.
- ix. Specify spoil management process and facilities to be used on site.
- x. Specify that the roadway (including footpath) must be kept in a serviceable condition for the duration of construction. At the direction of Council, undertake remedial treatments such as patching at no cost to Council.
- xi. The CTMP shall be prepared in accordance with relevant sections of Australian Standard 1742 – "Manual of Uniform Traffic Control Devices", RMS' Manual – "Traffic Control at Work Sites", Council's DCP 2014 Part 8.1 (Construction Activities) and Council's CTMP checklist. A copy of Council's CTMP checklist shall be obtained from Council's Traffic, Transport and Development Department prior to submission of CTMP.
- xii. All fees and charges associated with the review of this plan is to be in accordance with Council's Schedule of Fees and Charges and are to be paid at the time that the Construction Traffic Management Plan is submitted.

Note: This condition is to ensure public safety and minimise any impacts to the adjoining pedestrian and vehicular traffic systems. The CTMP is intended to minimise impact of construction activities on the surrounding community, in terms of vehicle traffic (including traffic flow and parking) and pedestrian amenity adjacent to the site.

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59. **Evidence of connection by gravity flow.** Documentary evidence from a professional hydraulic engineer or other suitably qualified person demonstrating that all sanitary fixtures will be connected to the sewerage system by gravity flow must be submitted with the application for the Construction Certificate.
60. **Acoustic Protection.** The development must be acoustically designed and constructed in accordance with the acoustical treatments recommended in the Acoustical Assessment Report by Acoustic Logic dated 11 November 2017 and any related project documentation must be implemented. Written endorsement of compliance with these requirements must be obtained from a suitably qualified person.
61. **Road traffic noise criteria for sensitive developments.** The building must be designed and constructed so that the road traffic noise levels inside the building(s) comply with the noise criteria specified in *Development Near Rail Corridors and Busy Roads – Interim Guideline* (Department of Planning, 2008).
62. **Compliance with Access Report.** The development is to comply with the requirements contained in the Accessibility Report prepared by Iaccess Consultant dated 23 January 2018. The development is to comply with the Access to Premises Standard 2010, BCA 2014 and Australian Standard AS 1428.1 – 2009 Design for Access and Mobility – General Requirements For Access -New Building Work. Australian Standard AS 4299 – 1995 Adaptable Housing. Details demonstrating compliance are to be submitted on the Construction Certificate plans.
63. **Reflectivity of materials.** Roofing and other external materials must be of low glare and reflectivity. Details of finished external surface materials, including colours and texture must be provided to the Principal Certifying Authority prior to the release of the **Construction Certificate**.
64. **Fencing.** Fencing is to be in accordance with Council's DCP 2014: Part 3.3 – Dwelling Houses and Dual Occupancy (attached) – Section 2.16 - Fences. Please note: the northern and southern front return fence is to be reduce in height to be not to than 900mm so as to allow for adequate sightline. Details of compliance are to be provided in the plans for the **Construction Certificate**.
65. **Lighting of common areas (driveways etc).** Details of lighting for internal driveways, visitor parking areas and the street frontage shall be submitted for approval prior to issue of the **Construction Certificate**. The details to include certification from an appropriately qualified person that there will be no offensive glare onto adjoining residents.

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66. **Fibre-ready facilities and telecommunications infrastructure.** Prior to the issue of any Construction Certificate satisfactory evidence is to be provided to the Certifier that arrangements have been made for:
- (i) The installation of fibre-ready facilities to all individual lots and/or premises in a real estate development project so as to enable fibre to be readily connected to any premises that is being or may be constructed on those lots. Alternatively, demonstrate that the carrier has confirmed in writing that they are satisfied that the fibre ready facilities are fit for purpose.
- And
- (ii) The provision of fixed-line telecommunications infrastructure in the fibre-ready facilities to all individual lots and/or premises in a real estate development project demonstrated through an agreement with a carrier.
- (Note real estate development project has the meanings given in Section 372Q of the Telecommunications Act).
67. **Soil Depth over Structures.** Where planting is proposed over a structure, the development is to achieve the minimum standards for soil provision suitable to the proposed planting, as contained within the Apartment Design Guide. Information verifying that the development complies with these requirements to be provided on the Construction Certificate plans.
68. **Irrigation.** An automatic watering system is to be supplied to all landscape areas including common areas, private open spaces to ensure adequate water is available to lawns and vegetation. Irrigation systems shall be fully automated and capable of seasonal adjustments. Details are to be submitted prior to the issue of Construction Certificate.
69. **Adaptable Units.** One (1) adaptable apartment, each with an allocated disabled parking space, are to be provided within the development. These apartments are to comply with all of the requirements as outlined in AS4299. Details demonstrating compliance is to be provided on the Construction Certificate plans. Prior to the issue of the Construction Certificate, a suitably qualified access consultant is to certify that the development achieves the requirements of AS4299.
70. **Storage.** Each residential unit is to be provided with the minimum internal storage area as required by the Apartment Design Guide. Details of the location of the storage and dimensions of the storage areas are to be provided on the Construction Certificate plans. The architect is to verify in writing that the development complies prior to the issue of the Construction Certificate.

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71. **Vehicular entry.** The vehicular entries are to have high quality finishes and detailing to the walls and ceiling. Service ducts or pipes are to be covered and not visible from any public domain. Details demonstrating compliance is to be submitted on the Construction Certificate plans.
72. **Design verification in respect of SEPP 65.** Prior to a Construction Certificate being issued with respect to this development, the Principle Certifying Authority is to be provided with a written Design Verification from a qualified designer. This statement must include verification from the designer that the plans and specification achieve or improve the design quality of the development to which this consent relates, having regard to the design quality principles set out in Part 2 of State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development. This condition is imposed in accordance with Clause 143 of the Environmental Planning and Assessment Regulation 2000.
73. **Vehicle Access & Parking.** All internal driveways, vehicle turning areas, garages and vehicle parking space/ loading bay dimensions must be designed and constructed to comply with the relevant section of AS 2890 (Offstreet Parking standards).

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

- a) The crest at the vehicle entry point (required for flood protection of the development) must be designed as a vertical curve commencing from the front boundary alignment to the main grade of the ramp. The vertical curve must attain a crest threshold of 150mm above the boundary alignment and is to incorporate rates and gradient transitions complying the Australian standard 2890.1

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

74. **Traffic Signal System.** To prevent conflicting traffic flows at the point of the single lane driveway entry, an internal traffic signal system must be installed to warn a driver entering the access of any vehicles exiting from the opposite direction.

The signal system must;

- Be clearly visible from either approach and is to indicate to an approaching driver, by way of red light or wording, that a vehicle is approaching on the single lane access in the opposite direction,
- Default to green for entering traffic.
- Provide demarcated waiting bays (linemarked) for the waiting vehicle to stand. These are to be located clear of the swept turning path of the opposing vehicle to allow the vehicle to pass.

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The system is to be operational prior to the issue of any Occupation Certificate. Details of the system, including the system operation, components and placement within the development, must be detailed by a practising Traffic Engineer. This engineer is to submit these details and certify that the system has been installed accordingly, to the Accredited Certifier prior to the issue of the Final Occupation Certificate.

75. **Stormwater Management.** Stormwater runoff from the development shall be collected and piped by gravity flow to Ball Avenue, generally in accordance with the plans by ACOR Consultants (Refer to Project no. SY170208 Dwgs C2.01 dated 2 February 2018 & C4.01 dated 31 Jan 2018) subject to any variations required by Council in addressing the condition of deferred commencement.

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

- The certification must state that the submitted design (including any associated components such as WSUD measures, pump/ sump, absorption, onsite dispersal, charged system) are in accordance with the requirements of AS 3500.3 (2003) and any further detail or variations to the design are in accordance with the requirements of Council's DCP 2014 Part 8.2 (Stormwater and Floodplain Management) and associated annexures.
- The submitted design is consistent with the approved architectural and landscape plan and any revisions to these plans required by conditions of this consent.
- The subsurface drainage system must be designed to preserve the pre-developed groundwater table so as to prevent constant, ongoing discharge of groundwater to the public drainage network, as well as avoid long term impacts related to the support of structures on neighbouring properties.

76. **Vehicle Footpath Crossing(s).** Concrete footpath crossings and associated gutter crossovers must be constructed fronting the approved vehicle access location(s). The crossing(s) must be constructed in plain reinforced concrete with location, design and construction shall conform to Council requirements and AS 2890.1 – 2004 (Offstreet Parking). Accordingly, prior to issue of Construction Certificate an application shall be made to Council for driveway crossing alignment levels. These issued levels are to be incorporated into the design of the driveway access and clearly delineate on plans submitted with the Construction Certificate application.

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77. **External Engineering Works.** To facilitate satisfactory and safe access to and from the proposed development, the following public infrastructure works shall be constructed at no cost to Council along the entire public road frontage of the site.

- a) Construction of concrete footpath paving and replacement of all damaged kerb and gutter etc.
- b) Construction of any other associated structures across the footway if required by Council's Civil Infrastructure & Integration Department.
- c) Relocation or adjustments of any services within the footpath area if required due to proposed works

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

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

78. **Flood and Overland Flow Protection.** The property has been identified as being susceptible to flooding and overland flow during large storm events. In accordance with Council's Floodplain Risk Management controls, the following measures are required to be implemented in the development.

- a) The floor levels must not be less than the estimated flood depth adjoining entry points plus required freeboard, as specified in the FLOOD_REF.
- b) All structures subject to flooding and overland flows must be constructed of flood compatible building components (refer to Schedule 3 of Council's DCP 2014 Part 8.2 (Stormwater and Floodplain Management) and associated annexures,
- c) External structures subject to flooding and overland flows must be structurally designed to withstand the forces imposed by these flows, including forces imposed by floating debris and buoyancy. To achieve this, the structure must be designed and certified by a suitably qualified structural engineer to comply with this condition.
- d) All new fencing constructed in the overland flowpath shall be constructed such to prevent the damming/ blockage of flood waters, which would adversely change flood behaviour or increase flood levels. To address this, the underside of all new fences must provide a clearance equivalent to the 100yr flood level. The clearance may be infilled with pool fencing or a louvre/ gate system.

Certification of the structural design and details complying with this condition must be submitted to the Accredited Certifier for approval prior to the issue of a Construction Certificate.

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79. **Geotechnical Design, Certification and Monitoring Program.** The proposed development involves the construction of subsurface structures and excavation that has potential to adversely impact neighbouring property if undertaken in an inappropriate manner. To ensure there are no adverse impacts arising from such works, the applicant must engage a suitably qualified and practicing Engineer having experience in the geotechnical and hydrogeological fields, to design, certify and oversee the construction of all subsurface structures associated with the development.

This engineer is to prepare the following documentation;

- a) Certification that the civil and structural details of all subsurface structures are designed to;
 - provide appropriate support and retention to neighbouring property,
 - ensure there will be no ground settlement or movement during excavation or after construction (whether by the act of excavation or dewatering of the excavation) sufficient to cause an adverse impact to adjoining property or public infrastructure, and,
 - ensure that the treatment and drainage of groundwater will be undertaken in a manner which maintains the pre-developed groundwater regime, so as to avoid constant or ongoing seepage to the public drainage network and structural impacts that may arise from alteration of the pre-developed groundwater table.

- b) A Geotechnical Monitoring Program (GMP) to be implemented during construction that;
 - is based on a geotechnical investigation of the site and subsurface conditions, including groundwater,
 - details the location and type of monitoring systems to be utilised, including those that will detect the deflection of all shoring structures, settlement and excavation induced ground vibrations to the relevant Australian Standard;
 - details recommended hold points and trigger levels of any monitoring systems, to allow for the inspection and certification of geotechnical and hydro-geological measures by the professional engineer; and;
 - details action plan and contingency for the principal building contractor in the event these trigger levels are exceeded.
 - Is in accordance with the recommendations of any approved Geotechnical Report.

The certification and the GMP is to be submitted for the approval of the Accredited Certifier prior to the issue of the Construction Certificate.

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80. **Dilapidation Survey.** A dilapidation survey is to be undertaken that addresses all properties that may be affected by the construction work, namely 596 and 600 Blaxland Road. A copy of the dilapidation survey is to be submitted to the Accredited Certifier *and Council* prior to the release of the Construction Certificate.
81. **Erosion and Sediment Control Plan.** An Erosion and Sediment Control Plan (ESCP) must be prepared by a suitably qualified consultant, detailing soil erosion control measures to be implemented during construction. The ESCP is to be submitted with the application for a Construction Certificate. The ESCP must be in accordance with the manual *“Managing Urban Stormwater: Soils and Construction”* by NSW Department – Office of Environment and Heritage and must contain the following information;
- Existing and final contours
 - The location of all earthworks, including roads, areas of cut and fill
 - Location of all impervious areas
 - Location and design criteria of erosion and sediment control structures,
 - Location and description of existing vegetation
 - Site access point/s and means of limiting material leaving the site
 - Location of proposed vegetated buffer strips
 - Location of critical areas (drainage lines, water bodies and unstable slopes)
 - Location of stockpiles
 - Means of diversion of uncontaminated upper catchment around disturbed areas
 - Procedures for maintenance of erosion and sediment controls
 - Details for any staging of works
 - Details and procedures for dust control.

The ESCP must be submitted with the application for a Construction Certificate. This condition is imposed to protect downstream properties, Council's drainage system and natural watercourses from sediment build-up transferred by stormwater runoff from the site.

82. **Waste.** All waste storage areas which have a doorway must be wide enough to allow the bins allocated to the property or access for larger furniture items for bulky waste storage areas, to fit through opening including the door.
- 240L Bins – width 0.6m, depth 0.8m, height 1.1m
 - Safe easy access must be provided for waste collection vehicles to service the waste containers. Details demonstrating how safe access will be achieved must be approved by the City of Ryde Council prior to the issue of any Construction Certificate

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83. **Garbage and recycling rooms.** All garbage and recycling rooms must be constructed in accordance with the following requirements:
- (a) The room must be of adequate dimensions to accommodate all waste containers, and any compaction equipment installed, and allow easy access to the containers and equipment for users and servicing purposes;
 - (b) The floor must be constructed of concrete finished to a smooth even surface, coved to a 25mm radius at the intersections with the walls and any exposed plinths, and graded to a floor waste connected to the sewerage system;
 - (c) The floor waste must be provided with a fixed screen in accordance with the requirements of Sydney Water Corporation;
 - (d) The walls must be constructed of brick, concrete blocks or similar solid material cement rendered to a smooth even surface and painted with a light coloured washable paint;
 - (e) The ceiling must be constructed of a rigid, smooth-faced, non-absorbent material and painted with a light coloured washable paint;
 - (f) The doors must be of adequate dimensions to allow easy access for servicing purposes and must be finished on the internal face with a smooth-faced impervious material;
 - (g) Any fixed equipment must be located clear of the walls and supported on a concrete plinth at least 75mm high or non-corrosive metal legs at least 150mm high;
 - (h) The room must be provided with adequate natural ventilation direct to the outside air or an approved system of mechanical ventilation;
 - (i) The room must be provided with adequate artificial lighting; and
 - (j) a hose with a trigger nozzle must be provided in or adjacent to the room to facilitate cleaning
 - (k) Garbage and recycling bins must always be stored on-site between collections.
 - (l) All waste storage areas must be maintained in a clean and tidy condition at all times
 - (m) All material in the bulky items/hard waste storage rooms is to be taken to the collection area stipulated by Council, by the staff or contractors. The material is to be placed in such a manner so that it will not impede the access to any bins from a side arm waste collection vehicle or pedestrian access”

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- (n) Staff or contractors must be employed to take the waste containers from garbage and recycling room to the container emptying point for servicing and to return the containers to the garbage room after servicing.
- (o) The area surrounding the construction site must be maintained to reduce the incidence of illegal dumping and management of litter from the site and workers associated with the site must be undertaken.

PRIOR TO COMMENCEMENT OF CONSTRUCTION

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

84. Site Sign

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

85. Excavation adjacent to adjoining land

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

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86. **Notice of Intention to Commence Public Domain Works.** Prior to commencement of the public domain works, a *Notice of Intention to Commence Public Domain Works* shall be submitted to Council's City Works and Infrastructure Directorate. This Notice shall include the name of the Contractor who will be responsible for the construction works, and the name of the Supervising Engineer who will be responsible for providing the certifications required at the hold points during construction, and also obtain all Road Activity Permits required for the works.

Note: Copies of a number of documents are required to be lodged with the Notice; no fee is chargeable for the lodgement of the Notice.

87. **Notification of adjoining owners & occupiers – public domain works** - The Applicant shall provide the adjoining owners and occupiers written notice of the proposed public domain works a minimum two weeks prior to commencement of construction. The notice is to include a contact name and number should they have any enquiries in relation to the construction works. The duration of any interference to neighbouring driveways shall be minimised; and driveways shall be returned to the operational condition as they were prior to the commencement of works, at no cost to the owners.
88. **Pre-Construction Dilapidation Report.** To ensure Council's infrastructures are adequately protected a pre-construction dilapidation report on the existing public infrastructure in the vicinity of the proposed development and along the travel routes of all construction vehicles is to be submitted to Council. The report shall detail, but not be limited to, the location, description and photographic record of any observable defects to the following infrastructure where applicable.
- (a) Road pavement,
 - (b) Kerb and gutter,
 - (c) Footpath,
 - (d) Drainage pits,
 - (e) Traffic signs, and
 - (f) Any other relevant infrastructure.

The report is to be dated and submitted to, and accepted by Council's City Works & Infrastructure Directorate, prior to any work commencing.

All fees and charges associated with the review of this report shall be in accordance with Council's Schedule of Fees and Charges and shall be paid at the time that the Dilapidation Report is submitted.

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89. **Road Activity Permits.** To carry out work in, on or over a public road, the Consent of Council is required as per the *Roads Act 1993*. Prior to the commencement of the relevant works and considering the lead times required for each application, permits for the following activities, as required and as specified in the form "*Road Activity Permits Checklist*" (available from Council's website) are to be obtained and copies submitted to Council with the *Notice of Intention to Commence Public Domain Works*.
- a) Road Use Permit - The applicant shall obtain a Road Use Permit where any area of the public road or footpath is to be occupied as construction workspace, other than activities covered by a Road Opening Permit or if a Work Zone Permit is not obtained. The permit does not grant exemption from parking regulations.
 - b) Work Zone Permit - The applicant shall obtain a Work Zone Permit where it is proposed to reserve an area of road pavement for the parking of vehicles associated with a construction site. Separate application is required with a Traffic Management Plan for standing of construction vehicles in a trafficable lane. A Roads and Maritime Services Road Occupancy Licence shall be obtained for State Roads.
 - c) Road Opening Permit - The applicant shall apply for a road-opening permit and pay the required fee where a new pipeline is to be constructed within or across the road pavement or footpath. Additional road opening permits and fees are required where there are connections to public utility services (e.g. telephone, telecommunications, electricity, sewer, water or gas) within the road reserve. No opening of the road or footpath surface shall be carried out without this permit being obtained and a copy kept on the site.
 - d) Elevated Tower, Crane or Concrete Pump Permit - The applicant shall obtain an Elevated Tower, Crane or Concrete Pump Permit where any of these items of plant are placed on Council's roads or footpaths. This permit is in addition to either a Road Use Permit or a Work Zone Permit.
 - e) Crane Airspace Permit - The applicant shall obtain a Crane Over Airspace Permit where a crane on private land is operating in the air space of a Council road or footpath. Approval from the Roads and Maritime Services for works on or near State Roads is required prior to lodgement of an application with Council. A separate application for a Work Zone Permit is required for any construction vehicles or plant on the adjoining road or footpath associated with use of the crane.

ITEM 4 (continued)

ATTACHMENT 1

- f) Hoarding Permit - The applicant shall obtain a Hoarding Permit and pay the required fee where erection of protective hoarding along the street frontage of the property is required. The fee payable is for a minimum period of 6 months and should the period is extended an adjustment of the fee will be made on completion of the works. The site must be fenced to a minimum height of 1.8 metres prior to the commencement of construction and throughout demolition and/or excavation and must comply with WorkCover (New South Wales) requirements.
 - g) Skip Bin on Nature Strip - The applicant shall obtain approval and pay the required fee to place a Skip Bin on the nature strip where it is not practical to locate the bin on private property. No permit will be issued to place skips.
90. **Temporary Footpath Crossing.** A temporary footpath crossing, if required, must be provided at the vehicular access points. It is to be 4 metres wide, made out of sections of hardwood with chamfered ends and strapped with hoop iron, and a temporary gutter crossing must be provided.
91. **Project Arborist.** A Project Arborist with minimum AQF level 5 qualifications is to be engaged to ensure adequate tree protection measures are put in place for all trees to be retained on the neighbouring allotments in accordance with AS4970-2009 Protection of trees on development sites. All trees are to be monitored to ensure adequate health throughout the construction period is maintained. Additionally, all work within the Tree Protection Zones is to be supervised by the Project Arborist throughout construction. Details of the Project Arborist are to be submitted to Council prior to the commencement of construction.
92. **Safety fencing.** The site must be fenced prior to the commencement of construction, and throughout demolition and/or excavation and must comply with Safework NSW requirements and be a minimum of 1.8m in height.
93. **Work Zones and Permits.** Prior to commencement of the relevant works, the applicant shall obtain a Work Zone Permit where it is proposed to reserve an area of road pavement for the parking of vehicles associated with a construction site. Separate application is required with a Traffic Management Plan for standing of construction vehicles in a trafficable lane. A Roads and Maritime Services Work Zone Permit shall be obtained for State Roads.
94. **Footpath Paving Construction.** The applicant shall, at no cost to Council, construct standard concrete footpath paving across the frontage of the property. Levels of the footpath paving shall conform with levels issued by Council.

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DURING CONSTRUCTION

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

95. **Critical stage inspections.** The person having the benefit of this consent is required to notify the Principal Certifier during construction to ensure that the critical stage inspections are undertaken, as specified under clause 162A(4) of the *Environmental Planning and Assessment Regulation 2000*.
96. **Noise management plan** - Where demolition or construction activities are likely to cause significant noise or vibration (eg. jackhammering ,rock breaking or impact piling) a noise management plan must be prepared by a suitably qualified acoustical consultant and be submitted to the Principal Certifying Authority before the work commences. The plan must be prepared in accordance with the Interim Construction Noise Guideline (DECC, 2009) and include:
- (a) Identification of nearby affected residences or other sensitive receivers.
 - (b) An assessment of the expected noise impacts.
 - (c) Details of the work practices required to minimise noise impacts.
 - (d) Noise monitoring procedures.
 - (e) Procedures for notifying nearby affected residents.
 - (f) Complaints management procedures.
97. **Implementation of Construction Traffic Management Plan.** All works and construction activities are to be undertaken in accordance with the approved Construction Traffic Management Plan (CTMP). All controls in the CTMP must be maintained at all times and all traffic management control must be undertaken by personnel having appropriate RMS accreditation. Should the implementation or effectiveness of the CTMP be impacted by surrounding major development not encompassed in the approved CTMP, the CTMP measures and controls are to be revised accordingly and submitted to Council for approval. A copy of the approved CTMP is to be kept onsite at all times and made available to the accredited certifier or Council on request.
98. **Hold Points during construction - Public Domain.** Council requires inspections to be undertaken by a Chartered Civil Engineer (registered on the NER of Engineers Australia), for the public domain, at the hold points shown below.

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The Applicant shall submit to Council's City Works and Infrastructure, certification from the Engineer, at each stage of the inspection listed below, within 24 hours following completion of the relevant stage/s. The certificates shall contain photographs of the works in progress and a commentary of the inspected works, including any deficiencies and rectifications that were undertaken.

- a) Prior to the commencement of construction and following the set-out on site of the position of the civil works to the levels shown on the approved civil drawings.
 - b) Upon excavation, trimming and compaction to the subgrade level - to the line, grade, widths and depths, shown on the approved civil engineering drawings.
 - c) Upon compaction of the applicable sub-base course.
 - d) Upon compaction or construction of any base layers of pavement, prior to the construction of the final pavement surface (e.g. prior to laying any pavers or asphalt wearing course).
 - e) Upon installation of any formwork and reinforcement for footpath concrete works.
 - f) Final inspection - upon the practical completion of all civil works with all disturbed areas satisfactorily restored.
99. **Survey of footings/walls.** All footings and walls within 1 metre of a boundary must be set out by a registered surveyor. On commencement of brickwork or wall construction a survey and report must be prepared indicating the position of external walls in relation to the boundaries of the allotment.
100. **Sediment/dust control.** No sediment, dust, soil or similar material shall leave the site during construction work.
101. **Use of fill/excavated material.** Excavated material must not be reused on the property except as follows:
 - (a) Fill is allowed under this consent;
 - (b) The material constitutes Virgin Excavated Natural Material as defined in the *Protection of the Environment Operations Act 1997*;
 - (c) the material is reused only to the extent that fill is allowed by the consent.
102. **Construction materials.** All materials associated with construction must be retained within the site.
103. **Site Facilities**
The following facilities must be provided on the site:
 - (a) toilet facilities in accordance with Safework NSW requirements, at a ratio of one toilet per every 20 employees, and
 - (b) a garbage receptacle for food scraps and papers, with a tight fitting lid.

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104. Site maintenance

The applicant must ensure that:

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

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

106. Discovery of Additional Information. Council and the Principal Certifying Authority (if Council is not the PCA) must be notified as soon as practicable if any information is discovered during demolition or construction work that has the potential to alter previous conclusions about site contamination.

107. Identification and removal of hazardous materials. Any hazardous materials, including asbestos, must be identified before demolition work commences and be removed in a safe manner.

108. Storage and removal of wastes. All demolition and construction wastes must be stored in an environmentally acceptable manner and be removed from the site at frequent intervals to prevent any nuisance or danger to health, safety or the environment.

109. Contaminated soil. All potentially contaminated soil excavated during demolition or construction work must be stockpiled in a secure area and be assessed and classified in accordance with the *Waste Classification Guidelines Part 1: Classifying Waste* (EPA, 2014) before being transported from the site.

110. Tip Dockets. Tip Dockets identifying the type and quantity of waste disposed/recycled during construction are to be kept in accordance with the Site Waste Minimisation & Management Plan for spot inspections.

111. Hold Points during construction – Drainage Works. Construction inspections shall be required by Council's Stormwater Engineer for the Council stormwater drainage connection works at the following hold points: -

- o Upon installation of pipes and other drainage structures.
- o Upon backfilling of excavated areas and prior to the construction of the final pavement surface.

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An inspection fee is applicable for each visit, and at least 24 hours' notice will be required for the inspections. Please contact Council's Customer Service Section on 9952 8222 to book an inspection.

112. **Transportation of wastes.** All wastes must be transported in an environmentally safe manner to a facility or place that can lawfully be used as a waste facility for those wastes. Copies of the disposal docket must be kept by the applicant for at least 3 years and be submitted to Council on request.
113. **Recyclable wastes.** All wastes intended for recycling must be transported to a facility where the wastes will be recycled or re-used.
114. **Disposal of asbestos wastes** - All asbestos wastes must be disposed of at a landfill facility licensed to receive asbestos waste.
115. **Construction requirements** - All acoustical treatments nominated in the acoustical assessment report and any related project documentation must be implemented during construction.
116. **Noise control measures** - All noise and vibration control measures nominated in the acoustical consultant's report and any related project documentation must be implemented.
117. **Traffic Management.** Any traffic management procedures and systems must be in accordance with *AS 1742.3 1996* and City of Ryde, Development Control Plan 2014: - Part 8.1; Construction Activities. This condition is to ensure public safety and minimise any impacts to the adjoining pedestrian and vehicular traffic systems.

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

118. **Stormwater Management - Construction.** The stormwater drainage system on the site must be constructed in accordance with the Construction Certificate version of the Stormwater Management Plan by ACOR Consultants (Refer to Project no. SY170208 Dwgs C2.01 dated 2 February 2018 & C4.01 dated 31 Jan 2018) submitted in compliance to the condition labelled "Stormwater Management." and the requirements of Council in relation to the connection to the public drainage system.
119. **Stormwater Management – Works in the New Drainage Easement.** To ensure there is minimal imposition and loss of amenity to the owner/ occupants of the property burdened by the new drainage easement in construction of these drainage services, the builder/ developer must;

ITEM 4 (continued)

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- (i) provide a minimum 3 weeks notification to the burdened property owner and occupants prior to the commencement of works in the neighbouring property.
- (ii) ensure the works are completed in a timely manner.
- (iii) ensure any structures adjacent the works are adequately supported at all times.
- (iv) make provision to restore the work area so as to maintain the amenity of the land / minimise the imposition of works on the burdened land, should the works be delayed due to unforeseen events such as weather, service adjustments, etc.
- (v) restore all areas on the burdened property disturbed by the construction works to a condition equivalent to the pre-developed state or otherwise as agreed by the owner of the burdened property.
- (vi) comply with any terms agreed upon by both parties in regards to the construction of the drainage services and restoration of the land, in the granting of the easement.

120. **Erosion and Sediment Control.** The applicant shall install erosion and sediment control measures in accordance with the approved plan at the commencement of works on the site. Suitable erosion control management procedures in accordance with the manual "Managing Urban Stormwater: Soils and Construction" by the NSW Department – Office of Environment and Heritage, must be practiced at all times throughout the construction. Where construction works deviate from the plan, soil erosion and sediment control measures are to be implemented in accordance with the above referenced document.

121. **Geotechnical Monitoring Program - Implementation.** The construction and excavation works are to be undertaken in accordance with the Geotechnical Report and Monitoring Program (GMP) submitted with the Construction Certificate. All recommendations of the Geotechnical Engineer and GMP are to be carried out during the course of the excavation. The applicant must give at least seven (7) days notice to the owner and occupiers of the adjoining allotments before excavation works commence.

PRIOR TO OCCUPATION CERTIFICATE

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

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

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

122. **BASIX.** The submission of documentary evidence of compliance with all commitments listed in BASIX Certificate(s) numbered 885946M_02, dated 24 May 2018.
123. **Landscaping.** All landscaping works approved by condition 1 are to be completed prior to the issue of the final **Occupation Certificate**.
124. **Sydney Water – Section 73 Compliance Certificate.** A compliance certificate must be obtained from Sydney Water, under Section 73 of the Sydney Water Act 1994. Sydney Water will determine the availability of water and sewer services, which may require extension, adjustment or connection to Sydney Water mains. A Section 73 Compliance Certificate must be completed before the issue of any Occupation Certificate. Sydney Water will assess the development and if required will issue a Notice of Requirements letter detailing all requirements that must be met. Applications can be made either directly to Sydney Water or through a Sydney Water accredited Water Servicing Coordinator.

Go to www.sydneywater.com.au/section73 or call 1300 082 746 to learn more about applying through an authorised WSC or Sydney Water.
125. **Public Domain Improvements and Infrastructure Works – Completion –** All public domain improvements and infrastructure works shall be completed to Council's satisfaction, in accordance with the approved public domain plans and at no cost to the Council, prior to the issue of any Occupation Certificate.
126. **Restoration – Supervising Engineer's Certificate.** Prior to the issue of any Occupation Certificate, the Applicant shall submit to Council a certificate from the Supervising Engineer confirming that the final restoration of disturbed road and footway areas for the purpose of connection to public utilities, including repairs of damaged infrastructure and replacement of any redundant vehicular crossings as a result of the construction works associated with this development site, have been completed in accordance with the Council's standards and specifications, and DCP2014 Part 8.5 *Public Civil Works*, or the Roads and Maritime Services' standards and specifications, where applicable.

ITEM 4 (continued)

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127. **Compliance Certificates – Street Lighting.** Prior to the issue of any Occupation Certificate, the Applicant shall submit to Council, a *Certificate of Compliance - Electrical Work (CCEW)* from the Electrical Contractor, and certification from a qualified Electrical Engineering consultant confirming that the street lighting in the public domain has been constructed in accordance with the Council approved drawings and City of Ryde standards and specifications.
128. **Compliance Certificate – External Landscaping Works.** Prior to the issue of any Occupation Certificate, the Applicant shall submit to Council, certification from a qualified Landscape Architect confirming that the public domain landscaping works have been constructed in accordance with the Council approved drawings and City of Ryde standards and specifications.
129. **Public Domain Works-as-Executed Plans.** To ensure the public infrastructure works are completed in accordance with the approved plans and specifications and that the assets to be handed over to Council are accounted for inclusion in Council's Assets Register, Works-as-Executed Plans shall be submitted to Council for review and approval. The Works-as-Executed Plans are to be prepared on a copy of the approved plans and certified by a Registered Surveyor, and shall contain notations in red, all departures from the Council approved details. Any rectifications required by Council shall be completed by the Developer prior to the issue of any Occupation Certificate.
130. **Supervising Engineer Final Certificate** – Prior to the issue of any Occupation Certificate, the Applicant shall submit to Council, a Final Certificate from the Supervising Engineer confirming that the public domain works have been constructed in accordance with the Council approved drawings and City of Ryde standards and specifications. The certificate shall include commentary to support any variations from the approved drawings.
131. **Post-Construction Dilapidation Report** – To ensure Council's infrastructures are adequately protected a post-construction dilapidation report on the existing public infrastructure in the vicinity of the completed development and along the travel routes of all construction vehicles is to be submitted to Council. The report shall detail, but not be limited to, the location, description and photographic record of any observable defects to the following infrastructure where applicable.
 - a. Road pavement,
 - b. Kerb and gutter,
 - c. Footpath,
 - d. Drainage pits and lintels,
 - e. Traffic signs, and
 - f. Any other relevant infrastructure.

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The report shall include summary statement/s comparing the pre and post construction conditions of the public infrastructure. The report is to be dated and submitted to, and accepted by Council's City Works and Infrastructure Directorate, prior to issue of the Occupation Certificate. The report shall be used by Council to compare with the pre-construction dilapidation report, and to assess whether restoration works will be required prior to the issue of the Occupation Certificate.

All fees and charges associated with the review of the report shall be in accordance with Council's Schedule of Fees and Charges, and shall be paid at the time that the Dilapidation Report is submitted.

132. **Decommissioning of Ground Anchors.** Prior to the issue of any Occupation Certificate, the Applicant shall provide Council with a certificate from a suitably qualified Structural or Geotechnical Engineer confirming that all approved temporary soil/ground anchors installed into the public road reserve, have been decommissioned and are not transferring any structural loads into the road reserve stratum.
133. **Stormwater Management - Work-as-Executed Plan.** A Work-as-Executed plan (WAE) of the as constructed Stormwater Management System must be submitted with the application for an Occupation Certificate. The WAE must be prepared and certified (signed and dated) by a Registered Surveyor and is to clearly show the constructed stormwater drainage system (including any onsite detention, pump/ sump, charged/ siphonic and onsite disposal/ absorption system) and finished surface levels which convey stormwater runoff.
134. **Stormwater Management – Positive Covenant(s).** A Positive Covenant must be created on the property title(s) pursuant to the relevant section of the Conveyancing Act (1919), providing for the ongoing maintenance of the onsite detention and pump/ sump components incorporated in the approved Stormwater Management system. This is to ensure that the drainage system will be maintained and operate as approved throughout the life of the development, by the owner of the site(s). The terms of the instrument are to be in accordance with the Council's standard terms for such systems, as specified in City of Ryde DCP 2014 - Part 8.4 (Title Encumbrances) - Section 7 and to the satisfaction of Council. The positive covenant must be registered on the title prior to the release of any Occupation Certificate for development works for which the system(s) serve.

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ATTACHMENT 1

135. **Restriction as to User - Floodway.** A restriction as to user is to be placed on the property title to prevent any works which would result in the alteration of the ground surface level or impose on overland flow due to stormwater runoff in the 100ARI, such to adversely impact flood protection of the approved dwelling or have an adverse impact on neighbouring properties. The terms of the restriction shall be generally in accordance with Council's draft terms for provision for overland flow, to the satisfaction of Council and must be registered on the title of the property prior to the release of any Occupation Certificate.
136. **Engineering Compliance Certificates.** To ensure that all engineering facets of the development have been designed and constructed to the appropriate standards, Compliance Certificates must be obtained for the following items and are to be submitted to the Accredited Certifier prior to the release of any Occupation Certificate. All certification must be issued by a qualified and practising civil engineer having experience in the area respective of the certification unless stated otherwise.
- a) Confirming that all components of the parking areas contained inside the site comply with the relevant components of AS 2890 and Council's DCP 2014 Part 9.3 (Parking Controls) and that the internal traffic signal system has been installed and functioning as required by the condition "*Traffic Signal System*".
 - b) Certification from a Hydraulic Engineer that the finished ground levels floor levels and basement parking bund (including the crest threshold) have been constructed as per the conditions of this consent and that the overland flow path has been maintained as designed.
 - c) Confirming that the constructed interallotment drainage system complies with the construction plan requirements and the Council's DCP 2014 Part 8.2 (Stormwater and Floodplain Management) and associated annexures.
 - d) 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.
 - e) Confirming that the footings adjacent to drainage easements are founded below the zone of influence of this infrastructure, in accordance with Council's DCP 2014 Part 8.2 (Stormwater and Floodplain Management) and associated annexures.
 - f) 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).

ITEM 4 (continued)

ATTACHMENT 1

- g) Certification from a suitably qualified structural or geotechnical engineer confirming that any temporary soil/ rock anchors installed into public roadway, have been de-stressed and are no longer providing any structural support.
- h) Certification from a suitably qualified geotechnical engineer confirming that the Geotechnical Monitoring Program (GMP) was implemented throughout the course of construction and that all structures supporting neighbouring property have been designed and constructed to provide appropriate support of the neighbouring property and with consideration to any temporary loading conditions that may occur on that site, in accordance with the relevant Australian Standard and building codes.
- i) Compliance certificate from Council confirming that all external works in the public road reserve have been completed to Council's satisfaction.

137. **On-Site Stormwater Detention System - Marker Plate.** To ensure the constructed On-site detention will not be modified, a marker plate is to be fixed to each on-site detention system constructed on the site. The plate construction, wordings and installation shall be in accordance with Council's DCP 2014 Part 8.2 (Stormwater and Floodplain Management) and associated annexures. The plate may be purchased from Council's Customer Service Centre at Ryde Civic Centre (Devlin Street, Ryde).

138. **Final Inspection – Assets Handover** - For the purpose of the handover of the public infrastructure assets to Council, a final inspection shall be conducted in conjunction with Council's Engineer from City Works and Infrastructure Directorate following the completion of the external works. Defects found at such inspection shall be rectified by the Applicant prior to Council issuing the Compliance Certificate for the External Works. Additional inspections, if required, shall be subject to fees payable in accordance with Council's Schedule of Fees & Charges at the time.

A minimum 48 hours' notice will be required when booking for the final inspection.

139. **Compliance Certificate – External Works and Public Infrastructure Restoration** – Prior to the issue of any Occupation Certificate, a compliance certificate shall be obtained from Council's City Works and Infrastructure confirming that all works in the road reserve including all public domain improvement works and restoration of infrastructure assets that have been dilapidated as a result of the development works, have been completed to Council's satisfaction and in accordance with the Council approved drawings. The applicant shall be liable for the payment of the fee associated with the issuing of this certificate.

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ATTACHMENT 1

140. **Compliance report** - A report from a qualified acoustical consultant demonstrating compliance with the relevant noise criteria must be submitted to the Principal Certifying Authority before the issue of an Occupation Certificate.
141. **Compliance report** - A report from a qualified acoustical consultant demonstrating compliance with the relevant noise and vibration criteria must be submitted to the Principal Certifying Authority (and Council, if Council is not the PCA) before the issue of an Occupation Certificate.
142. **Garbage Service.** Suitable arrangements must be made with the City of Ryde Council for the provision of garbage services to the premises prior to the issue of any Occupation Certificate. Council does not support the use of private contractors for the collection of domestic waste. All domestic waste will be collected by the Council waste collection contractor.

OPERATIONAL

143. **Parking Allocation.** Both the owner and occupier of the development must provide and maintain the minimum parking allocation as follows;
- Min. 10 residential spaces
 - 3 visitor spaces
 - 2 bicycle parking spaces.
144. **Letterboxes and street/house numbering.** All letterboxes and house numbering are to be designed and constructed to be accessible from the public way. Council must be contacted in relation to any specific requirements for street numbering.
145. **Signs within the garbage area.** Signs will be required to be placed within the bin area to encourage correct recycling and reduce contamination. City of Ryde will provide the required signage.
146. **Storage and disposal of wastes.** All wastes generated on the premises must be stored and disposed of in an environmentally acceptable manner.
147. **Waste containers.** An adequate number of suitable waste containers must be kept on the premises for the storage of garbage and trade waste.
148. **Recyclable wastes.** Wastes for recycling must be stored in separate bins or containers and be transported to a facility where the wastes will be recycled or re-used.

ITEM 4 (continued)

ATTACHMENT 1

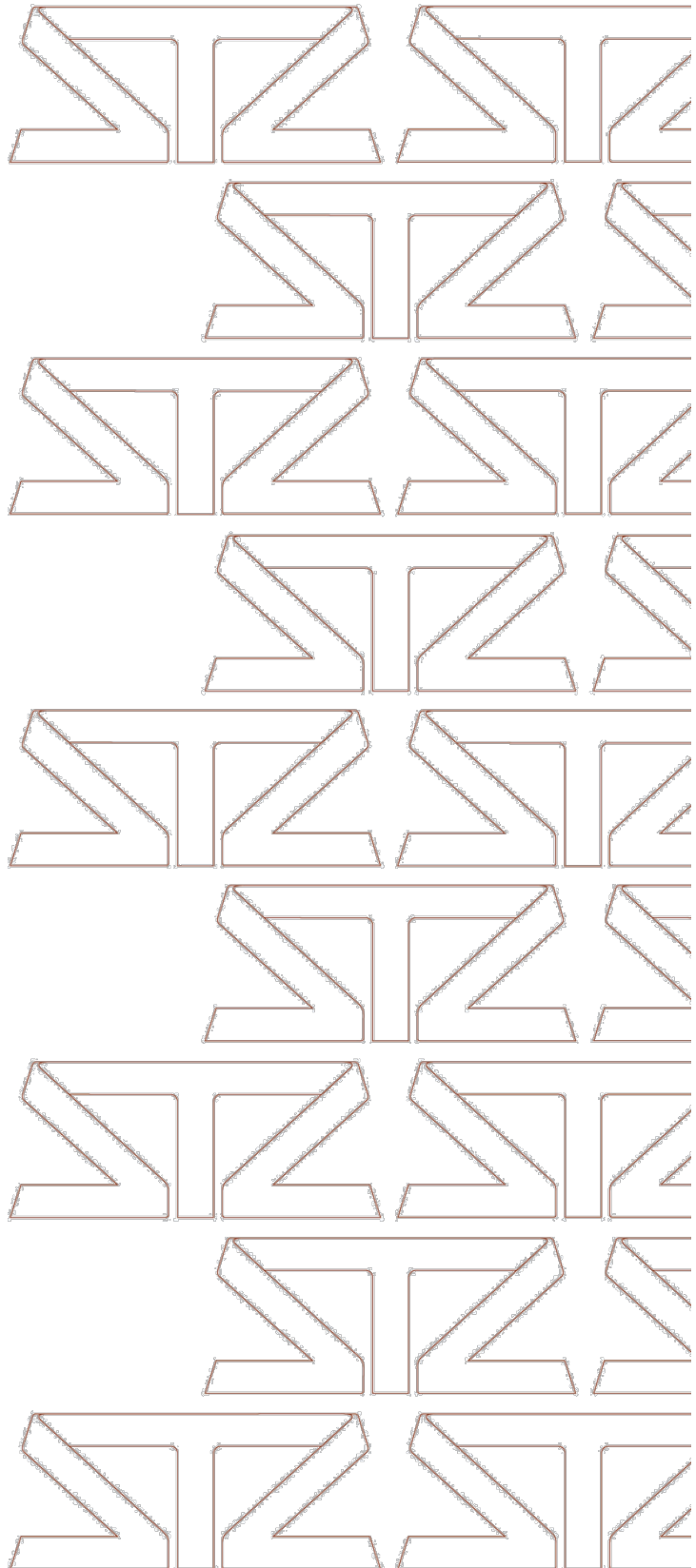
149. **Transfer of waste containers to emptying point** - Staff or contractors must be employed to take the waste containers from the garbage room or waste storage area to the container emptying point for servicing and to return the containers to the garbage room or waste storage area after servicing.
150. **Trade waste permit** - The applicant must contact Sydney Water Corporation to determine whether a Trade Waste Permit is required before discharging any trade wastewater to the sewerage system.
151. **Maintenance of waste storage areas** - All waste storage areas must be maintained in a clean and tidy condition at all times.
152. **Offensive noise** - The use of the premises must not cause the emission of 'offensive noise' as defined in the *Protection of the Environment Operations Act 1997*.
153. **Noise and vibration from plant or equipment** - Unless otherwise provided in this Consent, the operation of any plant or equipment installed on the premises must not cause:
 - (a) The emission of noise that exceeds the background noise level by more than 5dBA when measured at, or computed for, the most affected point, on or within the boundary of the most affected receiver. Modifying factor corrections must be applied for tonal, impulsive, low frequency or intermittent noise in accordance with the *New South Wales Industrial Noise Policy* (EPA, 2000).
 - (b) An internal noise level in any adjoining occupancy that exceeds the recommended design sound levels specified in Australian/New Zealand Standard AS/NZS 2107:2000 *Acoustics – Recommended design sound levels and reverberation times for building interiors*.
 - (c) The transmission of vibration to any place of different occupancy.

ITEM 4 (continued)

ATTACHMENT 3

PLANNING REPORT

BLAXLAND ROAD APARTMENTS
MR JOHN ZHANG
May 2018



SMITH & TZANNES

ITEM 4 (continued)

ATTACHMENT 3

ARCHITECTURE URBAN PLANNING

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TITLE	PLANNING REPORT
PROJECT	PROJECT
PROJECT NO	17_038
CLIENT	MR JOHN ZHANG
PRINCIPAL AUTHOR	Peter Smith [Reg. No 7024] Andrew Tzannes psmith@s-tz.com.au atzannes@s-tz.com.au
REVISION & DATE	REV B - 17- 05 -2018
STATUS	DA
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ATTACHMENT 3

INTRODUCTION

PURPOSE

This report has been prepared by Smith & Tzannes on behalf of the applicant and land owner Jiang Zhang, to support a Development Application for a four storey residential flat building at 598A and 598B Blaxland Road Eastwood.

The report describes in detail the proposed works, together with an assessment of the impacts as required under the Environmental Planning and Assessment Act 1989 as amended.

The report is based on desktop studies using the following information and may not include constraints not easily identifiable.

OWNERSHIP

The ownership of the site is held by Jiang Zhang, Jun Wang and Shiliang Zhao.

CAPITAL INVESTMENT VALUE

Vasy Consulting has undertaken a calculation of the project and estimates that the Capital Investment Value (CIV) of the proposal is approximately \$3,728,942 + GST.

CONSENT AUTHORITY

This report contains the Statement of Environmental Effects being submitted to City of Ryde Council, the consent authority.

The proposed seeks integrated development approval under Section 138 of the Roads Act 1993 by the relevant authority for works outside of the site boundary on the road and verges.

BACKGROUND

PRE-DA MEETING

A pre-DA meeting was held on 19 October 2017 and written feedback subsequently provided on 14/11/2017

Some of the key points highlighted by Council and raised in subsequent letter include:

- The non-negotiable 4.5m setback on each side of the site.
- The highlighted GFA calculation in relation to the Sutherland Land and Environment Court matter which calculated the corridors as contributing floor space.

The following table summaries how the matters raised in the Pre-DA meeting have been dealt with and directs to further discussion found later in this report:

Pre-DA comments summarised	Design response
2.1.1 Building height exceedance deemed excessive and unsatisfactory.	Justification for this height exceedance can be found in Section D: Review of Relevant Planning Controls , with further discussion found in Principle 2: Building form and Scale of the Design Quality Review.
2.1.1 Floor Space Ratio met but may not be realised for site due to inability to adequately comply with building separation	Compliance is met with the permissible FSR for the site. Mitigation of privacy and overshadowing impacts are further discussed in Section D (Principle 6: Amenity) of the Design Quality Review.

2.1.2 A preliminary site contamination report in accordance with SEPP65 must accompany any DA with Council.	A site contamination Report has been completed by Sullivan Environmental Sciences and has been included as part of the Development Application.
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2.1.3 Other Planning and Ryde DCP 2014 requirements:

(a) Front Setback to be increased to 8m-10m and appear less dominant from the streetscape.	(a) Modifications have been made the setbacks on the Blaxland Road Façade with the allocation of glass balustrades to increase transparency. Please refer to Section D (Principle 2: Built Form and Scale) of the Design Quality Review for further description. The landscape design by Stitch Studio also contains modifications to further complement the streetscape with larger native trees residing in this front setback.
(b) Side and rear setbacks must be increased to at least 4.5 setback.	(b) + (c) Mitigation of privacy and overshadowing impacts are further discussed in Section D (Principle 6: Amenity) of the Design Quality Review. Despite this, the source of the 4.5m setback control cannot be found anywhere in the applicable Ryde DCP.
(c) Privacy impacts through window treatment and inadequate setbacks.	
(d) Basement Setback to increase to achieve deep soil.	(d) + (e) Deep soil sections are allocated to allow for the planting of large trees on both rear corners on the site. Please refer DA-A 801 and the landscape plan produced by Stitch Studio for further details.
(e) Deep Soil Zones	
(f) Noise Issues	(f) An acoustic Report has been completed by Acoustic Logic Consultancy and has been included as part of the Development Application.
(g) Accessibility	(g) An Access Report has been completed by iAccess and has been included as part of the Development Application.
(h) Building Design	(h) + (i) Refer to DA-A-900 and DA-A-801 of the Architectural Drawings for visualisation of the building facade and material selections.
(i) Materials and 3D image/ model	
(j) Tree Retention	(j) Please refer to the Arborist Report completed by Growing My Way Tree Services.
(k) Shadow Impact of the development on the adjoining Development; Comparative shadow studies to be provided to justify height/ setback exceedance.	(k) The comparative studies and explanation can be found in Section 2 (principle 2: Built Form and Scale) of the Design Quality Review.
(l) Communal Open Space; Council will consider the inclusion of the Communal Rooftop Terrace subject to height and privacy impacts.	(l) Upon this advise, a Communal Rooftop Terrace has been included as part of the proposal. Further details can be found in Section D (Principle 5: Landscape) of the Design Quality Review.

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(p) Storage Area	(p) Please refer to DA-A-802 and DA-A-803 of the Architectural Drawings for calculations.
(q) Amenity requirements	Further discussion can also be found in Section D (Principle 6: Amenity) of the Design Quality Review.
2.3 Traffic Comments	A Traffic report has been completed by PDC Consultants and has been included as part of the Development Application.
2.4 Stormwater	A Stormwater Management Plan has been completed by ACOR consultants and has been included as part of the Development Application.
2.5 Flooding and Overland Flow	A flood Impact Assessment has been completed by ACOR consultants, in addition to, an Traffic Report which details the design requirement for the Basement ramp. Please refer to these documents for further details pertaining to flood mitigation.
2.6 Vehicle Access and Parking	A Traffic report has been completed by PDC Consultants and has been included as part of the Development Application.
2.7 Car Parking Details.	
2.8 Waste Disposal	Further information detailing the Waste Management Plan can be found in Section D (Principle 4: Sustainability) of the Design Quality Review.

DESIGN REVIEW PANEL

A Design Review Panel was also held on 19 October 2017, in conjunction with the Pre-Da meeting. Smith and Tzannes presented the proposed development to the panel, highlighting the features and design rationale of the scheme. Site sensitivities pertaining to privacy and overshadowing concerns of neighbouring properties were highlighted as major factors directing the design and general form of the building.

The panel indicated their principle support for the scheme subject to a number of recommendations, of which include:

- The relocation of the stair to create separation between the entry pathway and driveway.
- Increasing the size of the ground floor courtyards at front and rear.
- To graphically refine the elevations to better reflect the original design sketches
- To create greater transparency in the facades of the building
- Trees - Provide large canopy trees in the rear setback to offset the loss of existing trees on the site
- To provide justification for proposal to exceed permissible building height to achieve less impact on the overshadowing on the neighbouring properties.
- Removal of Communal Open space at the rear of the property with a recommendation for the Communal rooftop Terrace on Level 3 with equitable lift access.

The following table summaries how the matters raised in the UDRP meeting have been dealt with and directs to further discussion found later in this report:

URDP comments summarised	Design response
Context and Neighbourhood Character: The constraints of the site size and the amenity impacts on adjacent properties may limit the development capacity of the site.	Refer to Section D (Principle 2: Built form and Scale) of the the Design Quality Review of which details how the amenity of the neighbouring properties has been maintained.
Built Form and Scale: Must demonstrate that the impacts of the proposed variations on adjacent properties is acceptable in comparison to those created by a permissible development envelope.	These comparative studies and explanation can be found in Section 2 (principle 2: Built Form and Scale) of the Design Quality Review.
Built Form and Scale: The proposal appears to be compatible with the existing adjacent setbacks but is encouraged to develop the landscape to complement the streetscape with large tree planting.	The landscape design by Stitch Studio contains modifications to further complement the streetscape with larger native proposed for the front setback.
Built Form and Scale: Council has informed the Panel that a 3m setback is not supportable and based on a recent court case, 4.5m may be more acceptable, subject to mitigation of privacy impacts on neighbours. The proponent is encouraged to review the setback to the bedrooms noted above.	The control of the 4.5m setback control cannot be found in the Ryde DCP. It should be considered that the determination of the applicable court case is in respect to individual site conditions that may differ for the subject proposal. The mitigation of privacy impacts and amenity is further discussed in Section D (Principle 6: Amenity) of the Design Quality Review.
Built Form and Scale: The building entry along the side southern side boundary is accessed along the car park ramp. The amenity and safety of this arrangement is of concern. The Panel recommends the pedestrian entry be relocated to the northern side. The location of the existing fire stair egress path would be an improved pedestrian entry.	This advice has been adopted into the amended arrangement of the proposed design.
Landscape: Communal open space at ground level along the rear boundary offers limited use for residents. The Panel recommends relocating communal open space onto the roof with ground floor space allocated to adjacent apartments as private open space. The quantum of open space on the roof should be based on its utility, with space for sitting (individuals and groups) and be setback from the building edge to prevent overlooking of adjacent properties.	A Communal Rooftop Terrace has been included in the revised proposal and is setback from the building edge to maintain privacy to neighbouring properties.

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ATTACHMENT 3



<p>Design Quality:</p> <p>The detail of the top floor with vertical slot windows is not yet convincing and the proponent is encouraged to further development this element.</p>	<p>This element has been further developed with the inclusion of aluminium window boxes which provide further articulation. Please refer to DA-A-900 and DA-A-801 of the Architectural Drawings for visualisation of the building facade and material selections.</p>
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DESIGN VERIFICATION STATEMENT

The project is deemed to be a residential flat building do which State Environmental Planning Policy No 65 applies. This design verification statement is provided to satisfy cl. 50 1A of Environmental Planning Regulation 2000.

I, Peter Smith, being a registered architect in accordance with the Architects Act 2003, registration no. 7024:

- a. directed the design of the residential flat development; and
- b. that the design quality principles set out in the State Environmental Planning Policy No 65 – Apartment Design Guide (Residential Apartment Development) are achieved for the residential flat development



PETER SMITH
Director
Registration No: 7024

RESOURCES

PROJECT TEAM

The project team consists of:

PROJECT TEAM	
ARCHITECTURE	SMITH AND TZANNES
PLANNING	SMITH AND TZANNES
SURVEYORS	ATS LAND AND ENGINEERING SURVEYORS
TRAFFIC	PDC CONSULTANTS
CIVIL	ACOR CONSULTANTS
FLOOD	ACOR CONSULTANTS
LANDSCAPE	STITCH DESIGN STUDIO
ACCESS	IACCESS CONSULTANTS
BCA	TECHNICAL INNER SIGHT
BASIX	TAYLOR SMITH CONSULTING
QUANTITY SURVEYOR	VASEY CONSULTING
ACOUSTICS	ACOUSTIC LOGIC CONSULTANCY
CONTAMINATION	SULLIVAN ENVIRONMENTAL SCIENCES
ARBORIST	GROWING MY WAY TREE SERVICES

LIST OF DOCUMENTS ACCOMPANYING THE APPLICATION

The main body of the report is to be read in conjunction with the information contained in the entire application. This report has been prepared with reference to the following documents .

AUTHOR	REPORT TITLE
SMITH & TZANNES	ARCHITECTURAL DRAWINGS
SMITH & TZANNES	PLANNING REPORT - SEE AND SEPP65
SMITH & TZANNES	NOTIFICATION PLANS
SMITH & TZANNES	WASTE MANAGEMENT PLAN
STITCH DESIGN STUDIO	LANDSCAPE PLANS
ATS LAND AND ENGINEERING SURVEYORS	SURVEY
ACOR CONSULTANTS	STORMWATER MANAGEMENT PLAN/ OSD DETAILS
ACOR CONSULTANTS	FLOOD REPORT
PDC CONSULTANTS	TRAFFIC REPORT
VASEY CONSULTING	DETAILED COST ESTIMATE
TAYLOR SMITH CONSULTING	BASIX CERTIFICATE/ ENERGY EFFICIENCY REPORT/ NATHERS
ACOUSTIC LOGIC CONSULTANCY	ACOUSTIC REPORT
IACCESS	ACCESS REPORT/ ACCESS DESIGN STATEMENT
SULLIVAN ENVIRONMENTAL SCIENCES	CONTAMINATION LAND REPORT
TECHNICAL INNER SIGHT	BCA REPORT
GROWING MY WAY TREE SERVICES	ARBORIST REPORT

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CONTEXT AND SITE



CONTEXT

LOCATION

The site is located within the suburb of Eastwood. Eastwood is located 17km North West of the Sydney CBD.

It is 900m from the Eastwood Shopping Centre and Plaza located between Rowe Street and Rutledge Street.

TRANSPORT AND ACCESS TO SITE

The site is well serviced by public transport with Eastwood railway station located on the North Shore, Northern and Western Line. Buses also provide access to the CBD via the 515/x15 service, in addition to other routes to Parramatta, Chatswood, Auburn and Macquarie University.

THE NEIGHBOURHOOD SURROUND THE SITE

The neighbourhood surrounding the site is predominantly comprised with single dwelling and multi-residential apartment buildings. The main commercial precinct of the area resides in the main shopping area near the railway line accessed from Railway Parade.

Eastwood is a residential suburb originally established between the years of 1790 and 1803 to marines and the NSW Corps. Much of the current housing in the immediate vicinity of the site dates from the mid twentieth century to present. Original houses were single storey and many new alterations or new dwellings are two storey. A number of lots have been subdivided further for two dwellings.

The urban form is characterised by 2-4 storey double brick residential flat buildings and 1-2 storey single dwellings with generous front setbacks, significant rear gardens and side setbacks. Older dwellings often have a driveway down one side.

The architectural styles of the of the adjoining properties consist of late 20th Century red brick bungalows, single storey Californian Bungalows and multi-dwelling brick residential flat buildings.

Materials consist of predominantly of red and blond face brick, rendered brick work, terracotta tiles and metal roof sheeting.

Immediately adjacent the site uses consist of:

- To the East: Single storey brick cottages and Blaxland Road
- To the South: Four storey brick residential apartment building
- To the West: Three storey brick residential apartment building
- To the North: Four storey brick residential apartment building

HERITAGE

The site is not within or adjacent to a heritage conservation area. There are no heritage items within the immediate vicinity.

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ATTACHMENT 3



BLAXLAND ST ELEVATION



BLAXLAND ST ELEVATION
(OPPOSITE SIDE OF STREET)



LOCATION PLAN

ITEM 4 (continued)

ATTACHMENT 3



EXISTING SITE CONDITIONS

SITE DESCRIPTION

The site has a street frontage of 20.115m to Blaxland Road. It has common boundaries with three residential properties.

The site is known as 598A and 598B Blaxland Road, Eastwood; Lot A and B in DP 396644.

The site has an area of 916.4 sqm.

CURRENT LAND USE AND EXISTING STRUCTURES

The site is currently used as two semi-detached dwellings. The existing structure is a single storey double brick building.

Investigations into past uses do not suggest any history of contamination.

TOPOGRAPHY

The site is elevated along Blaxland Road and has an approximate 2.2m fall West towards the back of the site. The typical setback along Blaxland Road is 7-8m. This results in an elevated view of the site from Blaxland Street.

The rear of the site is affected by 1:100 flood levels but to a depth less than 0.1m.

SOILS & GEOLOGY

The local geology consists Middle Triassic Hawkesbury Sandstone.

MICROCLIMATE

Three principle wind directions affect the development. Strong southerlies prevail of a summer morning, with north-easterlies in the afternoon. During the winter months wind blows from the south and west.

VEGETATION

The site does not contain any indigenous, native and exotic tree species. There are four mature trees on the site which are all recommended to be removed and replaced. Please refer to the attached Arborist report for further details.

There are no known endangered or threatened species on the site.

FAUNA

There are no known endangered fauna resident on the site or on adjacent sites.

DRAINAGE STORMWATER / FLOODING

The majority of the site is within a flood planning area.

Natural drainage across the site falls towards the West.

Stormwater currently drains to the street gutter. Further investigation will be provided through the Flood Planning Report produced by ACOR Consultants, which is included as part of the Development Application.

ACCESS

Vehicle access is currently from Blaxland Street adjacent the Eastern boundary.

Pedestrian access is centrally located from the front of the site. There are no restrictions to access on the site.

CONTAMINATION

Previous history of the site suggests that there is no ground contamination on the site. The dwelling and ancillary structures are likely to contain asbestos.

ACID SULFATE SOILS

No acid sulfate soils have been identified on the site.

HERITAGE

There are no heritage items located on the site.

UTILITY SERVICES

The site is well serviced by water, sewer, gas, power and telecommunications. There is enough capacity to meet the needs of the proposed development.

SOLAR ACCESS

The east west axis of the site provide some opportunities for solar access across the site.

The development should be mindful not to overshadow private open space and openings of the neighbouring units to the South, in addition to minimising privacy impacts.

Additionally, the existing four storey residential flat building on the Northern side of the site must also be considered in maximising the solar access for the proposed development.

The permissible height of up to 11.5m and scale of the development will inevitably cast some shadow on the adjoining residential flat building on the Southern side.

Options for the site were investigated that sought to minimise the impact and maximise solar access to the adjoining properties. Despite the minor non-compliance in permissible building height,

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yet to be outlined, this current proposal provides the best outcome for solar access for both the subject site and adjoining properties.

PRIVACY

The adjacent developments on the North and South sides of the site present risk for privacy violation by any new development proposed for this site. As a result, all apartments have been orientated to the front and back of the site which consequently create east and west facing living rooms throughout all proposed apartments.

North and South facing windows have then been carefully treated with perforated metal externally fixed privacy screens and appropriate sill heights to maintain the privacy for the existing neighbouring apartments. Particular windows contain translucent glazing to maximise privacy to both residents of the proposed developments and neighbouring properties.

It is important that any negative impact to the existing residential flat building should be taken into consideration when proposing a new RFB immediately adjacent. As a result, a 3m setback has been proposed on the Northern boundary with a majority of 4.5m setback on the Southern boundary, creating a maximum 7.5m and 6.5m - 8m distance between properties.

The subject proposal has located the entry to the basement parking along the front southern side of the building to minimise impact. Further details of privacy mitigation measure will be discussed in Section D - Review of Design Principles (SEPP65) of this report.

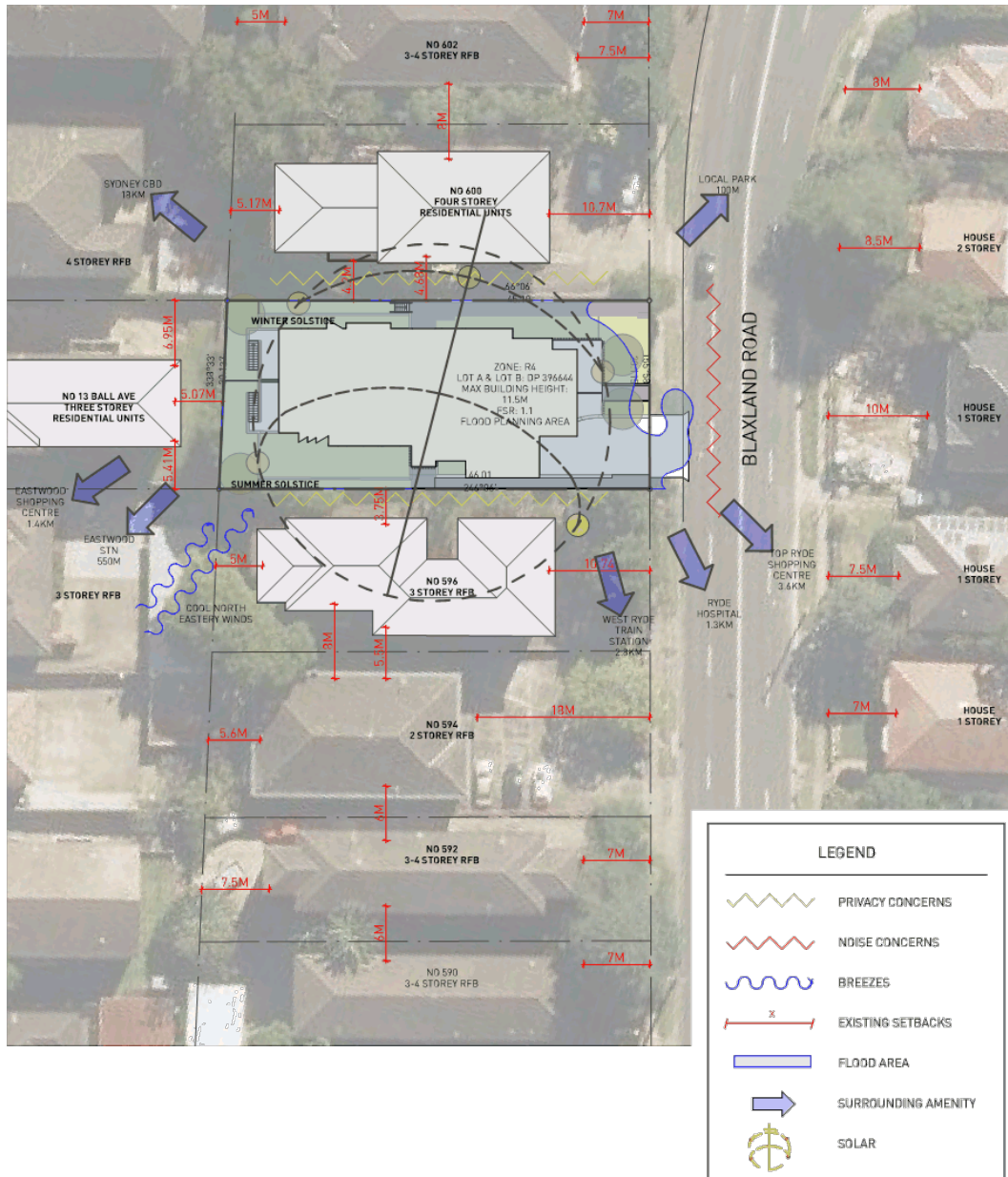
NOISE

The Council resolved to adopt a policy for assessing the appropriateness of rezoning and development in the areas affected by aircraft noise and airport related height controls. Noise that impinges on the site consists of road noise from traffic on Blaxland Road and the balconies from neighbouring apartments. The proposed development maintains a 8m setback. An Acoustic Report has been undertaken by Acoustic Logic Consultancy and has been included as part of this Development Application.

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SITE ANALYSIS



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PROJECT DESCRIPTION

PROPOSED DEVELOPMENT

The proposed development is for the construction of a new 4 storey residential flat building. Four large trees are also proposed to be removed and replaced as part of the development. The proposal contains 12 units, with two single occupancy units containing two storeys on the 2nd and 3rd storey.

The unit mix consists of 4 x 1 (33%) bedroom apartments and 8 x 2 (67%) bedroom apartments. All units are accessed via an outdoor central corridor which is enclosed by screening on both sides, excluding the ground floor. Each floor can be accessed via a lift on the Northern side and an external stair on the Southern side.

Parking is included in the basement accessed via a curved ramp from Blaxland Road. A garbage room and additional storage also resides in this Basement level.

A communal rooftop terrace is located on the third storey. This can be accessed via the external stair or lift. The trafficable courtyard space is setback via perimeter planing from both sides of the building to minimise privacy impacts.

The proposed development is intended to provide more housing options in Eastwood and responds to the need for the growing residential population of the area.

DESIGN PHILOSOPHY

The design philosophy responds to the desired future character of the neighbourhood and proposes a development that aligns with the scale and density of surrounding local context.

Positioned between two apartment buildings with adjacent North and South facing windows, all apartments have been orientated to the front and back of the site which consequently create East and West facing living rooms throughout all proposed units.

The third storey containing bedrooms of the double storey units is further set back and finished in contrasting metal cladding to read as a recessive from the streetscape facade.

The proposed additional height to the front of the proposed, with reduction in building width to the rear of the site, minimises overshadowing impacts to the back windows of the Southern neighbour in the afternoon, mid-winter.

Street setbacks are generally consistent with the adjoining properties and creates a continuation of the existing line of built mass along this section of Blaxland Road.

The landscape design softens the facade, providing greater privacy to ground floor apartments achieved through the planting of larger trees and low maintenance plant selection made up of lush and native plant species.

The overall materiality consists of a sandy-grey brick base, rendered off-white walls with banded mid-brown window sections,

timber-look aluminium screening, perforated metal privacy screens and a recessive upper level clad in charcoal metal ribbed cladding with fine edge detailing.

SUSTAINABILITY

Basic principles of sustainable architecture have been established as part of the development including:

- Recycling of waste materials from the site
- Apartment layouts that reduce reliance on air-conditioning with cross-ventilation
- Sun screening that reduces heat loads within the building during summer
- Selection of structural system and materials to reduce material consumption and pollution during manufacture.
- Reuse of rainwater collected from the site
- Treatment of stormwater prior to leaving the site.
- Bicycle parking to encourage low impact transportation modes

DEVELOPMENT STATISTICS

The following provides a numerical overview of the proposed development. A full schedule of the development including GFA, dwelling areas and storage allocations is provided in the Development Schedule that forms part of this application.

ELEMENT	CONTROL	EXISTING	PROPOSED
Site Area		916.4m ²	
Gross Floor Area	916.4m ²	approx 200m ²	912m ²
Floor Space Ratio	1:1	0.2:1	0.99:1
Building Height	11.5m	6.8m	12.64 (inc lift overrun)
Carparking	13	2	13
Setbacks:			
- Blaxland Road	average (8-10m)	9.5m	7.8m
- Northern boundary	4.5m	3m	3m
- Southern boundary	4.5m	3Mm	3m-4.5m
- Rear	6m	20m	5.6mm-6.1m
Landscape Area	30% (274m ²)	approx 600m ²	323m ² (35%)
Number of Dwellings		2 houses	12 units
Motorcycle Parking Spaces		0	1
Bicycle Spaces	10% (1.3)		2

BUILT FORM

The built form present it's main facade to Blaxland Road (North-East) which contains a blade frame element that articulated the private balconies beyond. The Level 1 front units contain a balcony

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that cantilevers above the recessed ground floor apartments, creating a floating effect. The fourth storey is further recessed back from the main facade to read an recessive from the street scape.

A clearly defined entry is situated on the northern side of the site. Basement and carpark entry reside on the Southern side of the site, bounded by a low height masonry wall. Minimising the overall scale of the building is achieved through the proposed picket fence enclosing the private courtyards of the two front facing apartments on the ground floor.

The overall development is comprised of two sections divided by a common external outdoor corridor. A lift and external stair reside on either end of the central corridors, externally clad in privacy screens which clearly articulate both front and rear parts of the building.

The rear section contains a banded section which finished in a darker render to enclosed all glazed elements along these facades. Perforated metal, externally fixed, privacy screens contribute to achieve privacy and add further interest and variation to the built form.

The Level 3 roof structure has a minor fall towards the back of the site, creating a crisp edge along the facade. A communal rooftop terrace with built-in planters along the perimeter of the roof line resides above the rear section of the proposed development, sharing the FFL of the bedroom sections for double storey Units 11 and 12.

As there is a gradual fall of approximately 2.2m from Blaxland Road to the rear of the site, the basement protrudes from the natural ground line, creating a podium from which the building sits.

RELATIONSHIP TO CONTEXT

The site is located north-east of the Eastwood town centre in area characterised by existing residential flat buildings and one/two storey single dwellings. High housing demand has resulted in an area which is undergoing change and redevelopment to a relatively high density.

To the immediate north and south of the site reside two four storey residential flat buildings. A combination of three to four storey apartment buildings are also situated further up and down Blaxland Road. The existing single storey semi-detached dwellings on the subject site is the last in a line of many apartment buildings yet to developed. A combination of one and two storey dwellings reside on the other side of Blaxland Road, creating a clear delineation of scale on each side of Blaxland Road.

The proposed development will align with the existing scale and mass of residential flat buildings which already characterise the area. The proposed front setback creates a continuation of the street wall instilled from the existing adjoining buildings, strengthening the aesthetics and vista of the streetscape from Blaxland Road.

LANDSCAPE AND OPEN SPACE

The proposed landscape works are illustrated within the Landscape Plans prepared by Stitch Studio Designs and form part of this application.

The key features of the landscape strategy include:

- Deep soil and planting are for large trees located on the front and rear of the site. This will be in combination with low understorey planting.
- Landscape elements added to the ground floor at the perimeter of the building, 'softening' the brick podium protruding further from the natural terrain towards the rear of the site.
- Common area landscape to the front of the site with two large feature trees located at the entry, contributes to the overall facade.
- Planting positioned on the overhead slab above the basement entry roller door with greenery to soften the mass.
- A communal rooftop terrace positioned on Level 3 with perimeter planting setback for privacy to create an inviting communal space which tempers the environment and microclimate.

ACCESS AND PARKING

A traffic and transport report has been prepared by PDC Consultants that outlines the parking access and servicing requirements. You will find this report included as part of this Development Application.

Pedestrian Access

Pedestrian access to the development is from Blaxland Road on the Northern side of the site. A multi-unit letter box marks this pathway entry. There is a clear separation of pedestrian and vehicular entry on both sides of the site. The pathway leads to the central external corridor which divides the front and rear sections of the proposal with the lift conveniently positioned at this entry threshold.

Parking

Residential parking is provided over one storey in the basement carpark. Access is located from the Southern side of the site from Blaxland Road.

Blaxland Road is classified as an RMS State Road and therefore requires a minimum of 5.5m in width, excluding kerbs. This additional width ensures that vehicles could pass one another at the driveway and minimise the potential for any vehicle queuing to extend down the arterial road. As the site contains good sightlines, the initial reduction from 6m to 4m is supported for the initial section of 1:20 grade. The carparking layouts have been designed to comply with AS2890.1

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TYPE	CONTROL	NUMBER
Resident - 1 bed	0.6 per 1 bed	3
Resident - 2 bed	0.9 per 2 bed	8
Visitor	1 per 5 units	2
TOTAL (inc Accessible)		13

PRIVATE AND COMMUNAL OPEN SPACE

Each sole occupancy unit contains a terrace adjacent to sliding doors enclosing an open plan living and dining area.

Units 03 and 04 each contain a terrace on the ground floor which resides next to the communal landscaping along the front facade, thus strengthening the privacy of these units.

A communal rooftop terrace positioned on Level 4 with perimeter planting setback for privacy to create an inviting communal space which tempers the environment and microclimate. Coverage is also provided over a section of the Rooftop Terrace, spanning the width to meet the lift.

INFRASTRUCTURE AND SERVICES

Electrical

There is sufficient capacity to power the development to the local network.

Gas

Gas will be connected to the site for heating and cooking.

Potable Water

The development will connect to the Sydney Water supply.

Recycled Water

Rainwater will be collected from the roof and reused garden irrigation

Sewerage

The proposed development will connect into the existing sewer line on Blaxland Road.

Stormwater

A stormwater management plan has been prepared by ACOR Consultancy. Stormwater from the roof will be directed into the guttering and downpipes situated at the front and rear of the property.

Telecommunications

The site will be connected to phone and the NBN.

WASTE AND RECYCLING

The waste collection strategy includes a garbage room situated in

the Basement. In total, the provision of bin includes:

TYPE	CONTROL	NUMBER
General Waste	1 240L per 2 units	7
Recycling	1 240L per 2 units	7
Green waste	1 240L per 2 units	3*

*As the majority of units contains balconies, a total of 7 green bins would not be required of the development. The allocation of three bins would be ample for the site.

WASTE MANAGEMENT PLAN

To minimise waste and manage the impacts the following strategies and actions are proposed:

- The proposed development will incorporate the waste minimisation principles of Avoid, Reduce, Reuse and Recycle, and conform with the Waste Avoidance and Recovery Act 2001.
- Specific bins for waste and recycling shall be provided.
- Waste during construction will be collected and sorted to maximise opportunities for recycling. A Waste Management Plan will be prepared by the contractor prior to the commencement of construction.
- Asbestos in the existing dwellings will be removed and disposed by authorised persons in accordance with the regulations.

Further information detailing the Waste Management Plan can be found in Section D (Ryde DCP Table) of this report.

DWELLING DESIGN AND AMENITY

The dwelling design has sought to maximise the amenity of the apartments through the following design features:

- A variety of dwelling types are available including one and two bedroom apartments.
- All bedrooms have a window to an external wall
- All habitable rooms will achieve at least 2.7m ceiling height
- Circulation spaces have been provided external to the building between building elements. This maximises natural daylight and reduces smells and energy consumption.
- High levels of storage space within the apartments and also located in the basement area.
- Balconies are generous in size.

DWELLING DESIGN SCHEDULE

DESIGN ELEMENT	NUMBER DWELLINGS	%
Cross ventilated / Dual orientation	12	100%

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ATTACHMENT 3



DESIGN ELEMENT	NUMBER DWELLINGS	%
> 2hrs Solar Access living spaces (June 21)	8	67%
Single Orientation South Facing	0	0%
Ceiling Height - habitable rooms	2700mm	100%

- Appropriate traffic and pedestrian management plans will be adopted to ensure the adequate levels of public safety and lowest possible disturbance to neighboring properties.
- Construction working hours are proposed from 7am – 5pm.

FIRE SAFETY SYSTEMS AND BCA ASSESSMENT

The preliminary BCA assessment concludes that the proposed two apartment buildings generally comply with all the relevant BCA provisions. Due to extended travel distances, a performance solution will be required at the construction certificate phase. Refer to the BCA Report completed by Technical Inner Sight for further details.

GEOTECHNICAL

Sullivan Environmental Sciences have carried out a geotechnical and contamination investigation of the site. A copy of the preliminary investigation studies has been included as part of the Development Application.

The geotechnical report provides recommendations for the excavations works, which will be addressed at the construction stage.

ACOUSTIC PLANNING

An Acoustic report has been prepared by Acoustic Logic Consultants to consider the acoustic design requirements and provide recommendations on the internal noise insulation measures and mitigating noise generating sources at the construction stage. A copy of the report has been included as part of the application. The proposed apartment buildings will be constructed to meet the relevant acoustic standards. Compliance with the recommended measures will be assessed at the construction certificate stage.

CONSTRUCTION MANAGEMENT

To minimise impacts on pedestrians, adjacent buildings and areas of the public domain during construction works, a Construction management Plan has been included as part of the Development Application.

While the details of the construction management plan will be finalized after the development approval stage, the key aspects considered are as follows:

- The demolition phase comprising the demolition and removal of both dwellings will take in the order of 4-6 weeks.
- Following the site clearing, civil works will commence followed by main building works.
- Suitable environmental measures that ordinarily apply to such development sites will be implemented to minimize disturbance such as noise, dust.








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ATTACHMENT 3



MATERIALS AND FINISHES

The following external materials are proposed for the development.

ELEMENT	MATERIAL	COLOUR	SAMPLE
EXTERNAL WALLS 1	FACE BRICK	SANDY-GREY	
EXTERNAL WALLS 2	RENDERED BLOCK	OFF WHITE	
EXTERNAL WALLS 3	RENDERED WINDOW BANDS	MID BROWN	
EXTERNAL WALLS 3	METAL CLADDING WITH FINE EDGE DETAIL	CHARCOAL	
WINDOWS	ALUMINIUM FRAME	CHARCOAL	
SCREENS	SOLID & SINGLE RAIL POWDER COAT ALUMINIUM AND 'TIMBER LOOK' ALUMINIUM SCREENS	WARM MID-GREY TIMBER LOOK	
PRIVACY SCREENS	PERFORATED METAL PRIVACY SCREENS	WARM MID GREY	

ELEMENT	MATERIAL	COLOUR	SAMPLE
WINDOW BOXES	ALUMINIUM WINDOW BOXES	COLORBOND NIGHT SKY	

ITEM 4 (continued)

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REVIEW OF RELEVANT PLANNING CONTROLS

The following tables outline the relevant clauses and note compliance or compliance with the objectives and standards.

STATE ENVIRONMENTAL PLANNING POLICY (BUILDING SUSTAINABILITY INDEX - BASIX 2004)

CL.	STANDARD / CONTROL	COMPLY	COMMENT
6 (1)(a)	Buildings to which this policy applies This Policy applies to buildings arising from the following development: (a) proposed BASIX affected development for which the regulations under the Act require a BASIX certificate to accompany a development application or an application for a complying development certificate or construction certificate.	YES	A BASIX Certificate is attached.

STATE ENVIRONMENTAL PLANNING POLICY (VEGETATION IN NON_RURAL AREAS) 2017

CL.	STANDARD / CONTROL	COMPLY	COMMENT
9	Vegetation to which Part applies Identified in DCP	YES	There are four trees on the site, all of which are proposed to be removed. The DCP identifies that all require consent for removal. An arborist report forms part of this application. Significant trees are proposed as part of the development to replace the trees that are being removed.

STATE ENVIRONMENTAL PLANNING POLICY No: 65 - Design Quality of Residential Apartment Development

A detailed review against the Design Quality Principles and the Apartment Design Guide is provided in the next section of this document.

STATE ENVIRONMENTAL PLANNING POLICY (INFRASTRUCTURE) 2007

CL.	STANDARD / CONTROL	COMPLY	COMMENT
101	Development with frontage to classified road the safety efficiency and on-going operation of the classified road will not be adversely affected by the development resulting from vehicle access and the volume of vehicles using the road to gain access to the land	YES	The site has a frontage to a classified road. There are no alternative access points to the site for vehicle access A traffic report forms part of this application and details the impact of vehicles movements on the site including that the generation of 5 additional vehicle trips / hour during both peak periods will have no material impact on the performance on the road network.
102	Impact of road noise or vibration on non-road development		An acoustic report that forms part of this application includes mitigation measures and design details that when applied will ensure that compliance with noise criteria specified in Ryde DCP and "Draft Guidelines for Development Near Rail Corridors and Busy Roads.

ITEM 4 (continued)

ATTACHMENT 3



RYDE LOCAL ENVIRONMENTAL PLAN 2014

CL.	STANDARD / CONTROL	COMPLY	COMMENT
2.1	<p>Land Use Zone - R4 High Density Residential Residential Flat Building permitted with consent</p> <p>Objectives of zone:</p> <ul style="list-style-type: none"> • To provide for the housing needs of the community within a high density residential environment. • To provide a variety of housing types within a high density residential environment. • To enable other land uses that provide facilities or services to meet the day to day needs of residents. 	YES	
4.3	<p>Height of buildings</p> <p>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</p>	NO	<p>The site has a maximum building height of 11.5m</p> <p>The proposed residential flat building has a maximum building height of 12.64m including the lift overrun which resides on the northern side of the building.</p> <p>Although the proposed development exceeds the permissible height limit of 11.5m, the site contains a gradual fall of 2.2m from Blaxland Road to the rear of the site, resulting in a height exceedance from this streetscape of 390mm.</p> <p>A clause 4.6 variation request is included in this report.</p> <p>For further details refer to 'Height' in <i>Principle 2: Built Form and Scale</i> on page D:02.</p>
4.4	<p>Floor space ratio</p> <p>(1) The objectives of this clause are as follows:</p> <p>(a) to provide effective control over the bulk of future development, (b) to allow appropriate levels of development for specific areas, (c) in relation to land identified as a Centre on the Centres Map—to consolidate development and encourage sustainable development patterns around key public transport infrastructure.</p> <p>(2) The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map - 1:1:1</p>	YES	<p>The proposed development has an FSR of 0.99:1 which is less than the permissible FSR of 1:1</p>
6.3	<p>Earthworks Earthworks requires consent and will not have a detrimental impact on environmental functions.</p>		<p>Earthworks is proposed as part of this application. Preliminary investigations indicate that the small extent of excavation will not:</p> <ul style="list-style-type: none"> • have a detrimental effect on drainage patterns or soil stability • there are no known relics in the area • will not impact waterways or ground water • a construction management plan will be prepared at construction stage to minimise impacts on adjoining sites.

ITEM 4 (continued)

ATTACHMENT 3



CL.	STANDARD / CONTROL	COMPLY	COMMENT
6.3	Flood Planning To minimise the impacts of flooding		The site is affected by ponding The flood report that forms part of this application concludes: <ul style="list-style-type: none"> the site is categorised as Low Hazard Precinct flood waters are generally contained within Blaxland Road with little or no flood water entering the site during the Q₁₀₀ negligible flood waters enter the site at the rear during a Q₁₀₀ event the site is inundated by the PMF with water entering from Blaxland Road with water depths ranging from between <0.1 to 0.2m (maximum 0.4m worst case) the proposed development has no effective impact on the existing flood regime
6.4	Stormwater management Minimise the impacts of urban stormwater		A stormwater management plan has been prepared and forms part of this application to provide on-side detention.

ITEM 4 (continued)

ATTACHMENT 3



REQUEST TO VARY DEVELOPMENT STANDARD

Clause 4.6 of Ryde LEP 2014 allows Council to grant consent for development even though the development contravenes a development standard contained in the LEP. The clause aims to provide an appropriate degree of flexibility in applying certain development standards to achieve better development outcomes.

Development Standard to be varied

The development standard sought to be varied as part of this application is clause 4.3 Height of Buildings where the development standard requires a maximum height of building of 11.5m. The clause is a development standard to which clause 4.6 applies

The proposed development has a maximum height of 12.64m.

The maximum height is measured at the top of the lift over run. The lift services a roof terrace that provides communal open space. The provision of communal open space on the roof top was recommended by the Design Review Panel.

The building height varies across the site - resulting from the 2.1m cross fall from front to rear.

The maximum height of building for different elements is as follows:

- rear parapet: 11,338m
- lift over run 12,640m
- roof over lift exit: 12.330m
- roof of street fronting apartments: 12,317

Justification - Compliance is unnecessary or unreasonable

When considering whether a development standard is appropriate and or necessary, the consent authority must take into account the nature of the proposed variation, the site specific context and the design of the proposed development.

What are the underlying object or purpose of the Standard

The relevant objectives of the clause are:

(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,

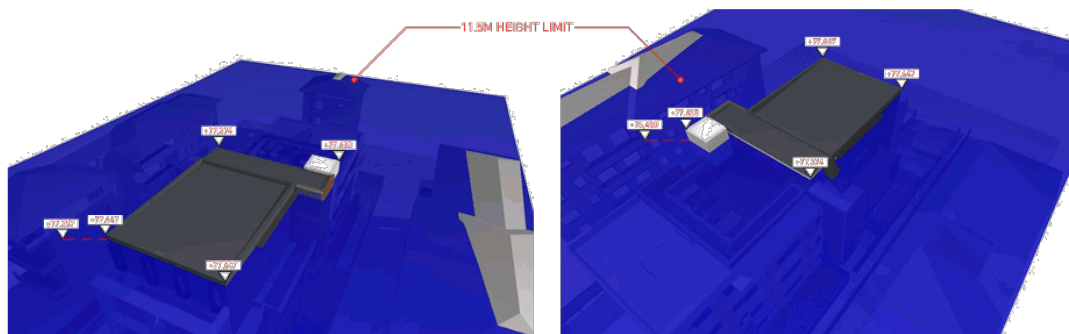
(c) to encourage a consolidation pattern and sustainable integrated land use and transport development around key public transport infrastructure,

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

(e) to emphasise road frontages along road corridors.

Compliance with the standard is unreasonable or unnecessary in the circumstances

1. OBJECTIVES ARE ACHIEVED NOT WITHSTANDING THE NON-COMPLIANCE



ITEM 4 (continued)

ATTACHMENT 3



With respect to the objectives:

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

The proposed 4 storey building is sited comfortably within a streetscape of 3 and 4 storey residential flat buildings. A streetscape study demonstrates that the development as presented at the street frontage is of similar scale and proportion of other development in the street

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

The proposed development ensures that solar access is available to all adjoining dwellings for a minimum of two hours - apart from the ground floor dwelling of the adjoining development. An analysis that compares the proposed development with a development that complies with the height limit has demonstrated that the extent of solar access to living room windows and private open space slightly better (although at some points in mid winter the proposal allows more sunlight than a complying proposal and at other times of the day less solar access. This is described in detail later in this report.

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

The proposed development is located between two sites that have already developed to the maximum capacity and is located with good access to public transport.

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

The part of the development that mostly exceeds the height limit is located away from the street frontage - and is located centrally to the site. The lift

(e) to emphasise road frontages along road corridors.

The part of the development that exceeds the height limit is located in the centre and front of the site - this emphasizes the road frontage along the road corridor and minimizes impacts on adjoining properties

Environmental planning grounds to justify the variation

There are particular circumstances for this site that assist in the justification of the building height:

SITE CROSS FALL

The building levels have been influenced by the topography and the need to achieve specified gradients for car parking and equitable access.

There is a site cross fall of approximately 2 metres from the front to the rear. It is desirable that the ground floor apartments are located at a reasonable level not too far below the street level .

The car park ramp has been designed to maximum gradients - including taking into account flood levels at the street frontage. The ground floor level is determined by this, adequate ceiling heights and also an accessible path of travel from the street to the ground floor.

FLOODING

Adjoining development has been designed so that the ground floor is located at ground level. However recent flood analysis has identified that the site is subject to overland flows and ponding at the rear of the site. The proposed ground floor level mitigates potential flood by having flood flow relief paths along both north and south boundaries. This is achieved through minor excavation to allow a 300mm freeboard. Lowering the building to sit within the height limit would compromise these flood flow relief paths and require additional excavation, also resulting in an incompatible relationship between the ground floor level and street level. This has the effect of making the development slightly higher than it otherwise could be. The building height controls were not developed to take the flood levels into account.

ROOF TERRACE

If the communal roof terrace was deleted, then the lift over run could be incorporated into the mass of the overall development- this would then reduce the maximum height of building from 12.64 to 12.33m. The lift is required to provide equitable access to the communal area by the Building Code of Australia.

We have located the lift to the northern side of the site to minimize the overshadowing impacts.

The inclusion of the roof terrace provides for useful communal open space for the residents in a location that has high amenity and minimizes impacts to the adjoining residential properties compared with communal open space located at rear ground level.

MASSING TO MINIMISE IMPACTS

An analysis was undertaken to determine the best outcome for the front portion of the building.

A compliant option was proposed where the apartment layout at level 1 (units 7 & 8) with single storey apartments was repeated to level 2 and this was compared with the proposed layout that has the two units spread over two levels with greater setbacks to the side boundary.

Although the first option would comply with the height limit, it had a greater impact on the adjoining properties - but with respect to solar access and also visual bulk and scale.

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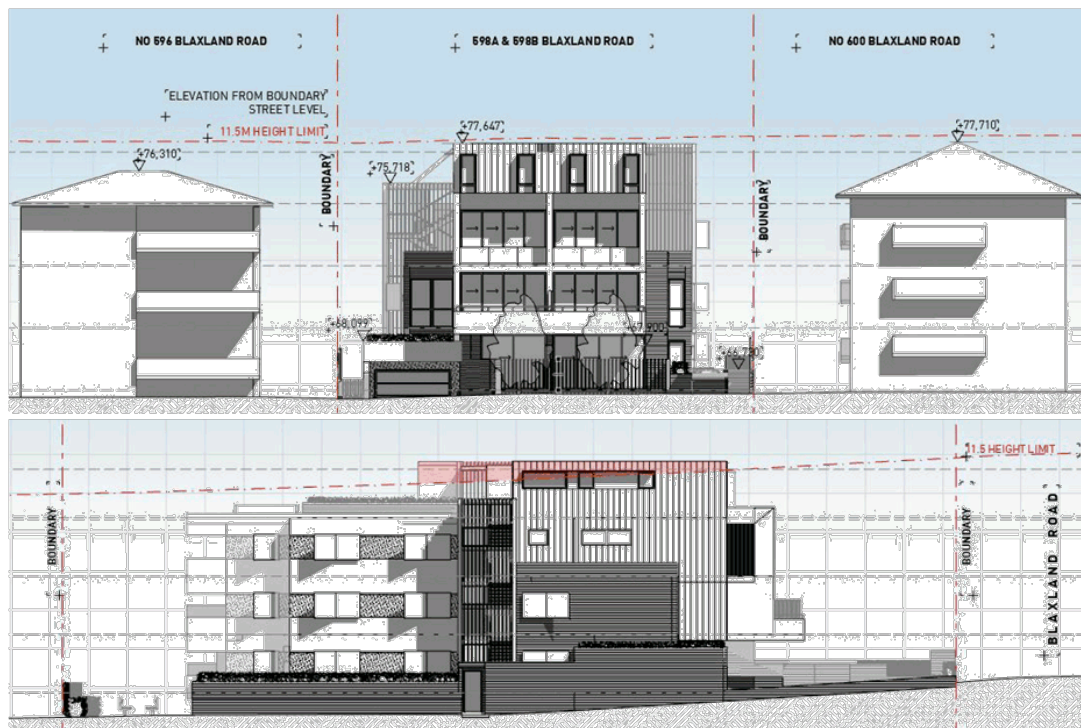
Further when reviewing the access to the roof terrace, the proposed massing helps to conceal the roof terrace and access to it, and also provide greater enclosure.

The public benefit of maintaining the development standard

The proposed development is an in fill development between two existing residential flat buildings of similar scale. When viewed from the street, the development has a similar scale and proportion to the adjoining development and hence is consistent with this objective.

The public benefit is served as the proposal results in better amenity for both the future residents of the proposed development (by way of access to the roof terrace communal open space) and better amenity for the adjoining property - by way of increased view to the sky and solar access resulting from increased side setbacks at the upper level.

It is unreasonable and unnecessary in this instance to apply this development standard to the proposal, as allowing the alternate massing and location of communal open space provides better amenity for the adjoining development and future residents.



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ATTACHMENT 3



RYDE DEVELOPMENT CONTROL PLAN 2014

CL.	STANDARD / CONTROL	COMPLY	COMMENT
2.3	<p>Waste Minimisation and Management</p> <p>All Developments</p> <p>a. Development must provide space on-site for the sorting and storage of waste in containers suitable for collection.</p> <p>b. The size of storage and number of storage containers requires must be sufficient to handle and store the waste likely to be generated and stored on the premises between collections.</p> <p>c. Additional waste must be provided for storage of bulky waste where relevant.</p> <p>d. Allowance must be made fro the storage of green waste where relevant.</p> <p>g. In all development, waste and recycling storage areas and facilities should be provided and be location in positions that:</p> <p>i. Provide easy, direct and convenient access for the uses of the facility;</p> <p>ii. Permit easy transfer of bins to the collection point if the relocation of bins is required.</p> <p>iii. Permit easy, direct and convenient access for the collection services providers.</p> <p>iv. do not intrude on car parking, landscaping, access and turning areas required for the type and scale of development.</p>	YES	<p>A Garbage Room is location in the Basement Parking and can be accessed via stair or lift.</p> <p>According to Schedule 2 - Standard waste and Recycling bins for residential developments, Residential Flat Buildings up to 3 storeys with communal bin storage facilities require:</p> <ul style="list-style-type: none"> • 1 x 240L bin for general waste per 2 units • 1 x 240L bin for recyclables per 2 units • 1 x 240L bin for green waste (or as required) <p>As the proposal contains 13 units, the following quantities have been proposed:</p> <ul style="list-style-type: none"> • 7 x 240L bin for general waste • 7 x 240L bin for recyclables • 3 x 240L bin for green waste <p>As the proposal only contains 2 private ground floor gardens and a Communal Rooftop Terrace, 3 green waste bins is considered ample for the predicted green waste produced by the proposed development.</p> <p>Bulky Waste Storage of 5m² has been included in the Garbage Room.</p> <p>Residential waste will be collected by Council via kerbside collections. The building manager/caretaker will be responsible for transporting all full bins to the collection area and returning them as soon as possible following servicing. A bin tug will be provided to assist with the movement of bins up and down the ramp between the waste room and kerbside collection area.</p> <p>A total of 10.2 m is required to line the bins along the street frontage. An ample 12.5m is available along the Blaxland Road street frontage to position these bins. If required, holding bays have been indicated on the Ground Floor and Basement Plan to assist with the collection of Waste from trucks or larger vehicles.</p>
2.7	<p>Residential Flat Buildings of 4 storeys or more.</p> <p>In addition to the controls applying to all development (section 2.3) the following apply:</p> <p>a. Space must be provided inside each dwelling for a receptacle to store garbage and recycling material - the area is to have the capacity to store two day's worth of garbage and recyclables.</p> <p>b. A waste and recycling storage room (or rooms) must be provided for the storage of garbage, recycling and green waste, with a capacity to easily store the number of bins required to meet Councils standard collection services applicable to the development.</p> <p>c. All waste and recycling storage rooms must be designed and constructed in accordance with Schedule 4: S4.2 Waste and Recycling Storage Rooms.</p>	<p>YES</p> <p>YES</p> <p>YES</p>	<p>Each dwelling contains ample kitchen space to include storage for general waste and recycling before distributed to the common Garbage Room located in the Basement Parking.</p> <p>The Garbage room is configured in a way that permits effective access to all bins to facilitate easy collection. For further details refer to 'Waste Management' in Principle 4: Sustainability on page D:09.</p>

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<p>8.2 Stormwater and Floodplain Management</p> <p>1.2 Property Drainage</p> <p>1.3 Stormwater discharge from property.</p> <p>1.4 On site stormwater detention (OSD) systems</p> <p>2.2 Preparation of a flood impact statement</p> <p>2.3 Flood Analysis</p>	<p>YES</p>	<p>A Civil Stormwater Drainage Design Report and Flood Report has been prepared by AGOR Consultants and will be included as part of this Development Application</p>
<p>9.2 Access for People with Disabilities</p>	<p>YES</p>	<p>1 adaptable unit has been included on the Ground Floor; Unit 04. Refer to 'Universal Design' in Principle 7: Housing Diversity and Social Interaction on page D:14</p>
<p>4.13 4.1.3 Class of Building - Class 2</p> <p>A building containing two or more sole occupancy units each being a separate dwelling, excluding buildings of Class 1.</p> <p>New Development</p> <p>- An accessible path of travel from the street and through the front door of all units on the ground floor, where the land permits. If the development has three or more residential storeys, with 10 or more units, to all units on all storeys.</p> <p>- In developments with three or more habitable storeys and with 10 or more units a percentage of units shall comply with the provision of a Class A adaptable unit as specified in AS4299, in accordance with the following ratio:</p> <p>- 10 - 15 units, 1 adaptable dwelling.</p>		

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9.2	Access for People with Disabilities	YES	An Access Report has been completed by (Access Consultants and has been included as part of the Development Application.
5.0	5.0 Design requirements		
	5.3 Continuous Path of Travel		
	5.4 Width of Path		
	5.5 Changes in level		
	5.6 Vertical Clearance		
	5.7 Ramps and Landings		
	5.8 Ground and Floor Surfaces		
	5.9 Approaches and Entrances		
	5.10 Doors and Doorways		
	5.11 Lifts		
	5.12 Tactile Ground Surface Indicators		
	5.13 Stairways, Escalators and Moving Pathways		
	5.14 Lighting		
	5.15 Gateways and Checkouts		
	5.16 Parking Areas		
	5.17 Sanitary facilities		
	5.18 Wash basins		
	5.19 Shower Facilities		
9.2	Access for People with Disabilities	YES	Refer to 'Universal Design' in Principle 7: Housing Diversity and Social Interaction on page D:14
6.0	6.0 Adaptable Housing		
	Adaptable housing is an approach to housing that builds features into new homes that make them immediately visitable by people with disabilities and considerably less expensive to modify for accessibility when the needs arises.		
	6.4 Design Requirements		
	(6.4.1 - 6.4.21)		
9.3	Car Parking	YES	Parking has been provided as required
2.2	Residential Development - High Density (Residential Flat Buildings)		
	- 0.6 to 1 space/ one bedroom dwelling		Resident - 1 bed (5x 0.6) = 3
	- 0.9 to 1.2 spaces/ two bedroom dwelling		Resident - 2 bed (8 x 0.9) = 8
	- 1 visitor space / 5 dwellings		Visitor - 1 per 5 units = 2
			TOTAL PARKING (inc Accessible) = 13
9.5	Tree Preservation	YES	An Arborist report has been conducted by Growing My Way tree Services and included as part of the Development Application.
4.0	4.0 Development Applications		
	c. Trees removed as a consequence of a Development Application approval must be replaced, in accordance with Section 6 of the Urban Forest Technical Manual, to effectively maintain the Urban Forest Canopy.		Four significant trees currently reside on the site. All trees are proposed to be removed and replaced as part of the proposal.

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DESIGN QUALITY REVIEW



PRINCIPLE 1: CONTEXT AND NEIGHBOURHOOD CHARACTER

Good design responds and contributes to its context. Context is the key natural and built features of an area, their relationship and the character they create when combined. It also includes social, economic, health and environmental conditions.

Responding to context involves identifying the desirable elements of an area's existing or future character. Well designed buildings respond to and enhance the qualities and identity of the area including the adjacent sites, streetscape and neighbourhood. Consideration of local context is important for all sites, including sites in established areas, those undergoing change or identified for change.

The subject site is long, narrow and rectangular in shape, containing an overall site area of 916.4m². It is located north-east of the Eastwood Town Centre in area best described as suburban. Existing structures predominantly consist of post-war residential flat buildings and one/two storey detached single dwelling homes.

The site is located along Blaxland Road, which provides a key corridor from Lane Cove Road to Epping and the M2 Motorway, resulting in consistent and busy activity along this thoroughfare. Access to the site can be easily obtained from Eastwood train station located within 650m.

Presently, the site is occupied by two semi-detached single dwellings and are of moderate condition with the overall site in a 'run down' appearance.

High housing demand has resulted in an area which is undergoing change and redevelopment to a relatively high density.

To the immediate north and south of the site reside two four storey residential flat buildings. A combination of three to four storey apartment buildings are also situated further up and down Blaxland Road. The existing single storey semi detached dwellings on the subject site is the last in a line of many apartment buildings yet to be developed. A combination of one and two storey dwellings reside on the other side of Blaxland Road, creating a clear delineation of scale on each side of Blaxland Road.

The proposed development will align with the existing scale and mass of residential flat buildings which already characterise the area. Despite a height limit of 11.5m for the subject site, NO 600 Blaxland road contains a ridge height of 12.75m whilst NO 596 contains a ridge height of 11.81m. The proposed front setback creates a continuation of the street wall instilled from the existing adjoining buildings, strengthening the aesthetics and vista of the streetscape from Blaxland Road.

Whilst there are no specific guidelines from Council outlining the desired future character of this area, it is clear from the zoning allocations for the site, immediate neighbours, and those further along Blaxland Road, that this area is in need for higher density living. As depicted in Figure 1, this need is enhanced by the expanse of the surrounding R4 zoning to the north, south and west of the site.

This apartment building typology and the intensification of residential uses on the site is consistent with the objectives of the zoning in the Ryde Local Environment Plan 2014:

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

Access to the site will be gained from the proposed driveway and ramp along the southern boundary of the site. The

ADG DESIGN OBJECTIVES	
3A	SITE ANALYSIS
3A-1	Site analysis illustrates that design decisions have been based on opportunities and constraints of the site conditions and their relationship to the surrounding context.
3H	VEHICLE ACCESS
3H-1	Vehicle access points are designed and located to achieve safety, minimise conflicts between pedestrians and vehicles and create high quality streetscapes
3J	BICYCLE AND CAR PARKING
3J-1	Car parking is provided based on proximity to public transport in metropolitan Sydney and centres in regional areas
3J-2	Parking and facilities are provided for other modes of transport
3J-3	Car park design and access is safe and secure
3J-4	Visual and environmental impacts of underground car parking are minimised

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proposed resident and visitor car spaces comply with Council's requirements and all reside within the basement level. This alleviates parking pressures on the street along Blaxland Road.

The proposed residential flat building seeks to make a positive contribution to the character of the area and raise the value of the site and surrounding neighbours by creating a well articulated building of high-level finish. The development will activate the street frontage with the increase of residential density, with benefits of passive surveillance.

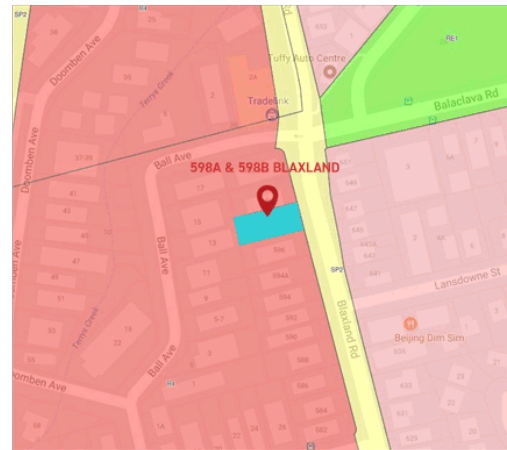


FIGURE 1
LAND USE ZONING (RYDE LEP
2014)

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PRINCIPLE 2: BUILT FORM AND SCALE

Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the street and surrounding buildings.

Good design also achieves an appropriate built form for a site and the building's purpose in terms of building alignments, proportions, building type, articulation and the manipulation of building elements. Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.

The built form presents a main facade to Blaxland Road (North-East) which contains a vertical blades which frame the private terraces beyond. The front Level 1 apartments contain balconies which cantilever above the recessed ground floor apartments, creating a floating effect. The fourth storey is further recessed back from the main facade to read as recessive from the street scape.

A clearly defined entry is situated on the northern side of the site, neighboured by soft landscaping that minimises the scale and strengthens the pathway into the site. Basement and carpark entry reside on the southern, bounded by a low height masonry wall adjacent to the Unit 04 private open space. Minimising the overall scale of the building is achieved through the proposed picket fence enclosing the private courtyards of the two front facing apartments on the ground floor.

The overall development is comprised of two sections divided by a common external corridor. A lift and external stair reside on either end of the central corridor, externally clad in privacy screens which clearly articulate both front and rear parts of the building.

The rear section contains a banded section proposed in a darker render to enclose all glazed elements along these facades. Angled window boxes to achieve privacy add further interest and variation to the built form.

The Level 4 roof structure has a minor fall towards the back of the site, creating a crisp edge along the facade. A communal rooftop terrace with built-in planters along the perimeter of the roof line resides above the rear section of the proposed development, sharing the FFL of the bedroom level for double storey Units 11 and 12.

As there is a gradual fall of approximately 2.2m from Blaxland Road to the rear of the site, the basement protrudes from the natural ground line, creating a podium from which the building sits.

ORIENTATION

All apartments contain NE or SW orientations towards the front and rear of the site. This ensures visual privacy is maintained for both the proposed development and neighbouring properties which both contain living areas and balconies along the northern and southern boundaries facing the site.

HEIGHT

The proposed development for the subject site includes 12 units, with a mix of 1 and 2 bedrooms. The building comprises of four storeys to the front north-east and three storeys to the rear south-west of the site.

Although the proposed development exceeds the permissible height limit of 11.5m, the site contains a gradual fall of 2.2m from Blaxland Road to the rear of the site. As highlighted in Figure 2, the height exceedance is non-existent from the Blaxland Road streetscape when taken from the boundary street level and aligns with the cues from adjoining residential flat buildings.

ADG DESIGN OBJECTIVES	
3B	ORIENTATION
3B-1	Building types and layouts respond to the streetscape and site while optimising solar access within the development
3B-2	Overshadowing of neighbouring properties is minimised during mid winter
3C	PUBLIC DOMAIN INTERFACE
3C-1	Transition between private and public domain is achieved without compromising safety and security
3G	PEDESTRIAN ACCESS
3G-1	Building entries and pedestrian access connects to and addresses the public domain
3G-2	Access, entries and pathways are accessible and easy to identify
4L	GROUND FLOOR APARTMENTS
4L-1	Street frontage activity is maximised where ground floor apartments are located

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This exceedance is only 390mm along this facade, excluding the lift overrun which resides approximately 13.5m behind the front facade. As the lift resides on the Northern side of the building, the cast shadow falls on the proposed development and does not reach the southern neighbour of No. 596 Blaxland Road.

Without the inclusion of a rooftop terrace, the height exceedance would only be 990mm from the permissible 11.5m limit. It was under recommendation from the Pre-DA and UDRP that the inclusion of the communal private open space would provide great amenity if setback from the building edge to prevent overlooking of adjacent properties. It is from this advice from which the Communal rooftop Terrace was introduced.

As depicted in Figure 4 and Figure 5, both neighbouring buildings also exceed the permissible height limit of 11.5m. In particular, No. 600 contains a ridge height of 12.745m which surpasses this permissible limit by 1.245m.

SETBACKS

The proposed development contains a 3m setback along the Northern side of the site and a majority of 4.5m setback along the Southern Boundary. Small portions of the building that surpass the 4.5m setback include the basement entry and the bedrooms from Unit 04 and 08 on the ground and first floor.

A 4.5m side setback was prescribed by Council along both northern and southern boundaries. A 3m side setback along the Northern boundary, however, does not adversely impact on overshadowing of neighbouring properties, nor impact the visual privacy for either the proposed or neighbouring properties. The architectural devices which achieve this visual privacy will be discussed with greater detail in *Principle 6: Amenity*.

As depicted in the site analysis, the surrounding residential flat buildings also present setbacks of less than 4.5m, thus setting a precedent of appropriate bulk and scale. As the site is approximately, 45m long and 20m wide, adhering to a minimal 4.5m setback on a site with such narrow geometry would deem any redevelopment unworthy, particularly once further articulation is achieved with indentation. Without redevelopment, however, prohibits the site to evolve into a higher density that aligns with the zoning, surrounding infrastructures and desired future character of the area.



FIGURE 2 HEIGHT EXCEEDANCE - FRONT ELEVATION



FIGURE 3 HEIGHT EXCEEDANCE - SOUTH ELEVATION

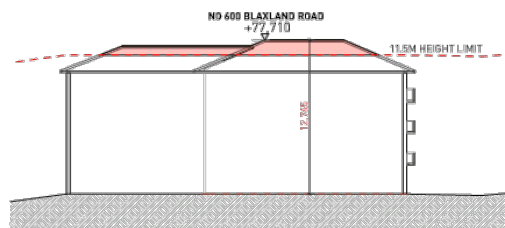
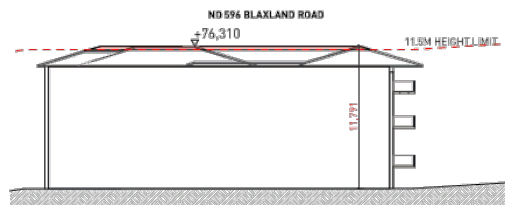


FIGURE 4 NO 600 BLAXLAND ROAD - HEIGHT EXCEEDANCE



ITEM 4 (continued)

ATTACHMENT 3



FIGURE 5 NO 596 BLAXLAND ROAD - HEIGHT EXCEEDANCE

MASS AND BULK

The height exceedance and non-compliance with setbacks does not have a greater adverse impact when compared to the overshadowing created from the overall building mass permissible for the site, as depicted in Figure 6.

Figure 7 provides a comparison of the overshadowing impact of both the proposed development and permissible massing. This perspective presents the balconies and glazing to living areas residing on this side of the neighbouring apartments. Although additional shadow is caused at 11am and 12pm, the proposed development provides a better impact at 2pm and 3pm. Thus, little difference in impact would be achieved if the proposed mass fulfilled the permissible height, setbacks, bulk and mass for the subject site.

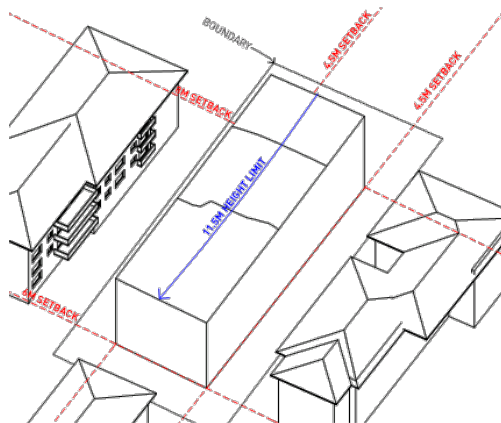


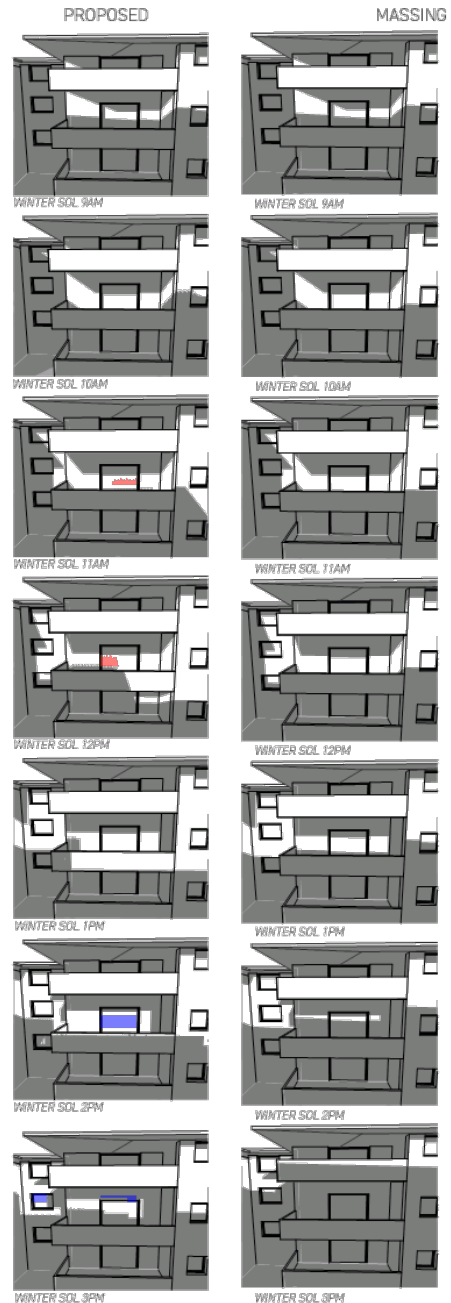
FIGURE 6 PERMISSIBLE BUILDING MASS DIAGRAM

FIGURE 7

COMPARATIVE SOLAR STUDIES OF PROPOSED AND PERMISSIBLE MASSING

LEGEND

- ADDITIONAL SOLAR FROM MASSING
- ADDITIONAL SOLAR FROM PROPOSAL



ITEM 4 (continued)

ATTACHMENT 3



PRINCIPLE 3: DENSITY

Good design achieves a high level of amenity for residents and each apartment, resulting in a density appropriate to the site and its context.

Appropriate densities are consistent with the area's existing or projected population. Appropriate densities can be sustained by existing or proposed infrastructure, public transport, access to jobs, community facilities and the environment.

The site is zoned R4 High Density Residential under the Ryde LEP 2014. The maximum permissible floor space for this site is 1:1.

The proposed development applies the objectives of the zone R4 to the site by providing a residential flat building with a form that responds to the site geometry, topography and aspect. It is of a scale suitable for the site of its locality with respect of surrounding residential flat buildings of similar size and density.

The proposed development complied with the permissible FSR with an overall GFA of 912m². As the site contains an area of 916.4m², the proposed development contains an FSR of 0.99:1. The external corridors have been included as contributing floorspace despite enclosed by open screens on either end of the central corridor.

The proposed development is within close proximity to Eastwood train station and public transport with local shops easily accessible at the Eastwood Town Centre. The design has explored how the density can be accommodated on the site minimising impacts on adjoining properties

ITEM 4 (continued)

ATTACHMENT 3



PRINCIPLE 4: SUSTAINABILITY

Good design combines positive environmental, social and economic outcomes. Good sustainable design includes use of natural cross ventilation and sunlight for the amenity and liveability of residents and passive thermal design for ventilation, heating and cooling reducing reliance on technology and operation costs. Other elements include recycling and reuse of materials and waste, use of sustainable materials, and deep soil zones for groundwater recharge and vegetation.

ADG DESIGN OBJECTIVES	
4U	ENERGY EFFICIENCY
4U-1	Development incorporates passive environmental design
4U-2	Development incorporates passive solar design to optimise heat storage in winter and reduce heat transfer in summer
4U-3	Adequate natural ventilation minimises the need for mechanical ventilation
4V	WATER MANAGEMENT AND CONSERVATION
4V-1	Portable water use is minimised
4V-2	Urban stormwater is treated on site before being discharged to receiving waste
4V-3	Flood Management systems are integrated into site design
4W	WASTE MANAGEMENT
4W-1	Waste storage facilities are designed to minimise impacts on the streetscape, building entry and amenity of residents
4W-2	Domestic Waste is minimised by providing safe and convenient source separation and recycling
4X	BUILDING MAINTENANCE
4X-1	Building design detail provides protection from weathering
4X-2	Systems and access enable ease of maintenance
4X-3	Material selections reduces on going maintenance costs

ENERGY AND WATER EFFICIENCY

A comprehensive environmental assessment undertaken as part of the Development Application details the building's performance and compliance in regards to BASIX requirements. In addition, sustainable design initiatives include:

- Capturing of rainwater for irrigation and carwash purposes with the provision of a 10,000L rainwater tank.
- Floorplates that embrace corner style apartments to obtain cross ventilation and natural day lighting opportunities
- Appropriate landscape selections with low water demand
- 4 star kitchen and bathroom tapware
- 4 star dishwashing appliances
- 3 star (>6 <=7.5L/min) showers
- Large glazed door openings to promote natural ventilation, reducing the demand for air conditioning.
- Provision of deep soil zones in accordance with the ADG to encourage substantial landscaping and groundwater reticulation
- Optimising the number of apartments to the north/western open aspects of the site to encourage solar access and reduce artificial lighting demand
- Sun 'hood' elements on windows to the north-east to reduce solar gains from afternoon sun
- Selection of robust external materials that require minimal maintenance.
- Stacked floorplates for efficient program and the ability to gain
- Economies of scale in repeated building elements

SOCIAL INITIATIVES

- Storage for bicycle parking for residents and visitors
- Provision of direct access paths from ground level northern units to the northern boundary to promote walking to nearby park facilities.
- Communal areas with facilities suitable for small gatherings, promoting social interaction.

ITEM 4 (continued)

ATTACHMENT 3



WASTE MANAGEMENT

Waste facilities are located in the basement carpark, with provision for recycling. Collection is designated as on street. A designated area for bulky waste is allocated in the basement for the disposal of large goods, deterring any on-street dumping. Appropriate space allocation has been provided for the storage of bins, with all easily accessible. Refer to [Figure 10](#)

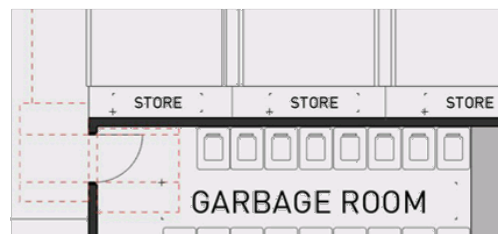


FIGURE 10 BASEMENT GARBAGE ROOM AND BULKY WASTE STORAGE

ITEM 4 (continued)

ATTACHMENT 3



PRINCIPLE 5: LANDSCAPE

Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in attractive developments with good amenity. A positive image and contextual fit of well designed developments is achieved by contributing to the landscape character of the streetscape and neighbourhood.

Good landscape design enhances the development's environmental performance by retaining positive natural features which contribute to the local context, coordinating water and soil management, solar access, micro-climate, tree canopy, habitat values, and preserving green networks. Good landscape design optimises usability, privacy and opportunities for social interaction, equitable access, respect for neighbours' amenity, provides for practical establishment and long term management.

The landscaping has been designed in conjunction with the architecture to produce a unified scheme with variations of deep soil to facilitate large feature trees and softer small shrubbery. It seeks to soften the edges of the building and provide colour and interest at the street level.

Being a sloping site, the Basement level protrudes from the natural site line, creating a podium from which the building sits. Planter boxes have been integrated to soften the facebrick and impact of the built form from the streetscape level.

Planting positioned on the overhead slab above the basement entry roller door contains falling green elements to soften the mass.

The front ground floor units contain terraces with picket fences which further reduces the scale and provides a extra layer of materiality to the facade.

The area at the rear of the site has been allocated as Communal Open Space with two large trees proposed in the corners within deep soil zones. Smaller trees are also proposed along the rear boundary with low shrubbery.

Additional planting and shrubbery is proposed within the podium planters along both north and south sides of the site, presenting an attractive vista for neighbouring apartments.

The landscape design has been completed by Stitch Studio and has been included as part of the Development Application.

APARTMENT DESIGN GUIDE RELEVANT OBJECTIVES	
3C	PUBLIC DOMAIN INTERFACE
3C-1	Transition between private and public domain is achieved Without compromising safety and security
3C-2	Amenity of the public domain is retained and enhanced
3D	COMMUNAL AND PUBLIC OPEN SPACE
3D-1	An adequate area of communal open space is provided to Enhance residential amenity and to provide opportunities for Landscaping
3D-2	Communal open space is designed to allow for a range of activities, respond to site conditions and be attractive and inviting
3D-4	Public open space, where provided, is responsive to the Existing pattern and uses of the neighbourhood
3E	DEEP SOIL ZONES
3E-1	Deep soil zones provide areas on the site that allow for and support healthy plant and tree growth. They improve residential amenity and promote management of water and Air quality
4D	LANDSCAPE DESIGN
4D-1	Landscape design is viable and sustainable
4D-2	Landscape design contributes to the streetscape and Amenity
4P	PLANTING ON STRUCTURES
4P-1	Appropriate soil profiles are provided
4P-2	Plant growth is optimised with appropriate selection and Maintenance
4P-3	Planting on structures contributes to the quality and amenity Of communal and public open spaces

ITEM 4 (continued)

ATTACHMENT 3



COMMUNAL OPEN SPACE

A communal rooftop terrace is positioned on Level 3 with planter boxes along the perimeter to maintain privacy to neighbouring apartments.

Equitable access can be gained via the lift which resides on the Northern side of the building. Alternative access can also be gained via the external staircase. The inclusion of outdoor furniture and BBQ provides a space for resident interaction and relaxation.

Additional COmmunal Open Space is also positioned at the rear of the site with side access.

The total area of the Communal Rooftop terrace is 250m², which is more than 229m² to comply with meeting 25% of the site. The site is also in close proximity to a park which is less than 100m walking distance.

Figure 11 provides a perspective of the Communal Rooftop Terrace.



FIGURE 11 PERSPECTIVE - COMMUNAL ROOFTOP TERRACE

DEEP SOIL

The proposed development contains 101m² of deep soil which is more than the required 7% (64m²) of the site. See Figure 12.

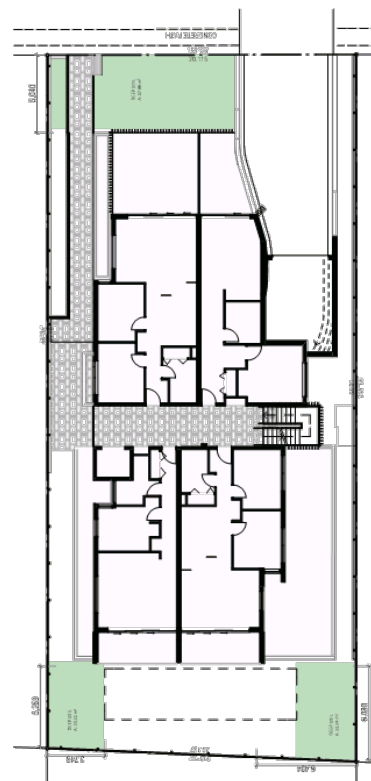


FIGURE 12 DEEP SOIL DIAGRAM

ITEM 4 (continued)

ATTACHMENT 3



PRINCIPLE 6: AMENITY

Good design positively influences internal and external amenity for residents and neighbours. Achieving good amenity contributes to positive living environments and resident well being.

Good amenity combines appropriate room dimensions and shapes, access to sunlight, natural ventilation, outlook, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas, and ease of access for all age groups and degrees of mobility.

RELEVANT OBJECTIVES	
3F	VISUAL PRIVACY
3F-1	Adequate building separation distances are shared equitably between neighbouring sites, to achieve reasonable levels of external and internal visual privacy
3F-2	Site and building design elements increase privacy without compromising access to light and air and balance outlook and views from habitable rooms and private open space
4A	SOLAR AND DAYLIGHT ACCESS
4A-1	To optimise the number of apartments receiving sunlight to habitable rooms, primary windows and private open space
4A-2	Daylight access is maximised where sunlight is limited
4A-3	Design incorporates shading and glare control, particularly for warmer months
4B	NATURAL VENTILATION
4B-1	All habitable rooms are naturally ventilated
4B-2	The layout and design of single aspect apartments maximises natural ventilation
4B-3	The number of apartments with natural cross ventilation is maximised to create a comfortable indoor environment for residents
4C	CEILING HEIGHTS
4C-1	Ceiling height achieves sufficient natural ventilation and Daylight access
4C-2	Ceiling height increases the sense of space in apartments and provides for well proportioned rooms
4C-3	Ceiling heights contribute to the flexibility of building use over the life of the building
4D	APARTMENT SIZE AND LAYOUT
4D-2	Environmental performance of the apartment is maximised
4D-3	Apartment layouts are designed to accommodate a variety of household activities and needs
4E	PRIVATE OPEN SPACE AND BALCONIES
4E-1	Apartments provide appropriately sized private open space and balconies to enhance residential amenity
4E-2	Primary private open space and balconies are appropriately Located to enhance liveability for residents

4E-3	Private open space and balcony design is integrated into and Contributes to the overall architectural form and detail of the Building
4E-4	Private open space and balcony design maximises safety
4G	STORAGE
4G-1	Adequate, well designed storage is provided in each Apartment
4G-2	Additional storage is conveniently located, accessible and Nominated for individual apartments
4H	ACOUSTIC PRIVACY
4H-1	Noise transfer is minimised through the siting of buildings and Building layout
4H-2	Noise impacts are mitigated within apartments through layout And acoustic treatments
4J	NOISE AND POLLUTION
4J-1	In noisy or hostile environments the impacts of external noise And pollution are minimised through the careful siting and Layout of buildings
4J-2	Appropriate noise shielding or attenuation techniques for The building design, construction and choice of materials are Used to mitigate noise transmission

SOLAR & DAYLIGHT ACCESS

8 out of 12 units receive a minimum of 2 hrs direct sunlight mid winter between the hours of 9am and 3pm. As the minimum required for solar access as required by the Apartment Design Guide is 70%, this a non compliances of 3%.

There are a number of site specific factors which present great challenge to receive the above

In order to surpass the required 70% solar access and reach compliance, 9 our of 12 units would need to receive solar access. There are, however, a number of site specific factors which pose limitations that prohibit this from being realistically achieved to redevelop the site at the allocated R4 higher density.

Due to narrow geometry of the site and predominantly northern axis, there is limited solar access due to the location and existing set of the neighbouring building, No. 600 Blaxland Road, prohibiting sun exposure until 1:15pm in the afternoon to the rear ground floor western part of the site. In turn, this prevents at least two hours of solar to ever be achieved. To achieve winter solar access through a high level window before this period would require an unreasonable setback of over 7m along the northern boundary.

Figure 13 depicts the massing with a front and rear setback of 8m and 6m respectively. The Northern side setback has been extended to 7m setback to highlight to lack of solar available to the rear Western part of site due to the neighbouring residential flat building. The persisting overshadowing is highlighted in red.

ITEM 4 (continued)

ATTACHMENT 3



NATURAL VENTILATION

100% of the units in the proposed development are cross ventilated with all orientations towards to the north-east and south west. Ample ventilation is also produced via the common corridors which are bounded by open screens.

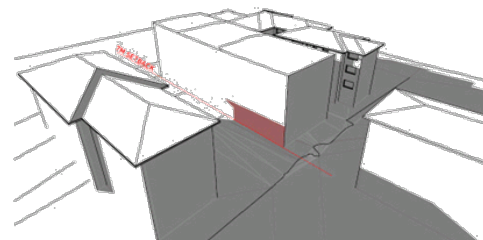
APARTMENT SIZE AND LAYOUT

All apartments meet minimum apartment and balconies sizes. The following design elements have been proposed to produce good design of high amenity:

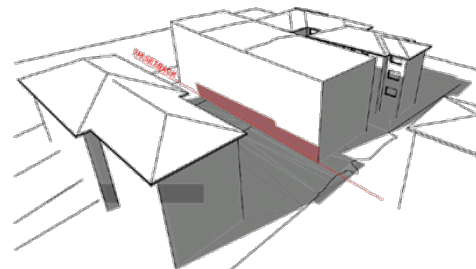
- Layouts are efficiently planned, minimising long corridors and providing open plan living areas that lead onto wide terraces.
- Private open space/ balconies meet minimum sizes of the Apartment Design Guide. These areas are configured to be functional and conducive to recreational use. All are accessed directly from living areas.
- Room sizes are reasonable and square in layout, with ample wardrobe storage provided.
- Storage has been provided within the unit and secure cages in the basement carparking areas.

ACOUSTIC PRIVACY, NOISE AND POLLUTION

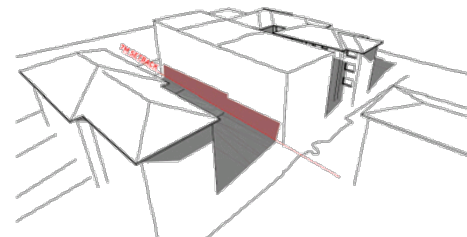
An acoustic report has been completed by Acoustic Logic Consultancy, with appropriate glazing nominated for all apartments to minimise noise impacts from Blaxland Road. This is particularly relevant for all units residing on the north-east side of the building, ensuring appropriate noise levels are appropriate for the location.



9am - 7m setback solar



12pm - 7m setback solar



1:15 - 7m setback solar

FIGURE 13

PROHIBITED SOLAR FROM NO 600 BLAXLAND ROAD

ITEM 4 (continued)

ATTACHMENT 3



VISUAL PRIVACY

The following architectural devices have been employed to maintain privacy to neighbouring apartments along the southern and northern boundaries:

- Perforated metal privacy screens, externally fixed. See Figure 14.
- High level windows
- External privacy screens
- Translucent glazing

All apartments also contains living areas and terraces orientated towards the front and rear of the site, further maintaining privacy to the adjacent north and south neighbouring glazing.

Maintain visual privacy has also been achieved between the apartments within the proposed developments. Angled screening between the front balconies maintains solar access into living rooms, whilst providing visual separation between balconies.



FIGURE 14 INDICATIVE IMAGE OF PERFORATED METAL PRIVACY SCREENS

ITEM 4 (continued)

ATTACHMENT 3



PRINCIPLE 7: SAFETY

Good design optimises safety and security, within the development and the public domain. It provides for quality public and private spaces that are clearly defined and fit for the intended purpose. Opportunities to maximise passive surveillance of public and communal areas promote safety.

A positive relationship between public and private spaces is achieved through clearly defined secure access points and well lit and visible areas that are easily maintained and appropriate to the location and purpose.

An assessment of risk has been carried out as part of the design, incorporating the following security measures to restrict and control communal access:

- The primary access for occupants and visitors is high visible from Blaxland Road, with a straight formalised walkway leading directly into the central common corridor and lift.
- With 50% of apartments and their private open space orientated towards Blaxland Road, a good level of casual surveillance is achieved down towards the street.
- The basement parking is secured via a secure roller door.
- Side access to the basement via the path of egress is secured with an externally locked door.
- Circulation areas are generally linear and provide clear sightlines with no obscured corners.
- High quality architectural lighting provides improved visibility for occupants at night.
- Private gardens to the rear lane are enclosed with robust fencing, with secure gated entries.

RELEVANT OBJECTIVES	
3C	PUBLIC DOMAIN INTERFACE
3C-1	Transition between private and public domain is achieved without compromising safety and security
3C-2	Amenity of the public domain is retained and enhanced
3D-3	Communal open space is designed to maximise safety
3G	PEDESTRIAN ACCESS AND ENTRIES
3G-1	Building entries and pedestrian access connects to and addresses the public domain
3G-2	Access, entries and pathways are accessible and easy to identify
3G-3	Large sites provide pedestrian links for access to streets and connection to destinations
4F-2	Common circulation spaces promote safety and provide for social interaction between residents
4S-1	Mixed use developments are provided in appropriate locations and provide active street frontages that encourage pedestrian movement

ITEM 4 (continued)

ATTACHMENT 3



PRINCIPLE 8: HOUSING DIVERSITY AND SOCIAL INTERACTION

Good design achieves a mix of apartment sizes, providing housing choice for different demographics, living needs and household budgets.

Well designed apartment developments respond to social context by providing housing and facilities to suit the existing and future social mix. Good design involves practical and flexible features, including different types of communal spaces for a broad range of people, providing opportunities for social interaction amongst residents.

RELEVANT OBJECTIVES	
3D	COMMUNAL AND PUBLIC OPEN SPACE
3D-2	Communal open space is designed to allow for a range of activities, respond to site conditions and be attractive and inviting
4F	COMMON CIRCULATION AND SPACES
4F-1	Common circulation spaces achieve good amenity and properly service the number of apartments
4F-2	Common circulation spaces promote safety and provide for social interaction between residents
4K	APARTMENT MIX
4K-1	A range of apartment types and sizes is provided to cater for different household types now and into the future
4K-2	The apartment mix is distributed to suitable locations within the building
4Q	UNIVERSAL DESIGN
4Q-1	Universal design features are included in apartment design to promote flexible housing for all community members
4Q-2	A variety of apartments with adaptable designs are provided
4Q-3	Apartment layouts are flexible and accommodate a range of lifestyle needs

COMMON CIRCULATION SPACES

Typical floors have a maximum of 4 units per core. Level 2 contains two front apartments which are double storey sole occupancy units. All units are accessed via a common corridor with a lift residing on the northern side and external stair on the south. Ample lighting will be proposed to provide light during the night with natural daylight illuminating the external corridors during the day.

APARTMENT MIX

The proposed development will assist in realising the precinct's growing demand for residential accommodation within good proximity to transport and retail/commercial hubs.

A diversity of apartment types and styles is provided, with a mix of 1 (33%) and 2 (67%) bedroom apartments. Ten units are single level with two double storey units provided on Levels 2 and 3. Entry to living spaces for all units can be accessed via lift for persons of all ages and those with mobility impairments. Housing choice is therefore provided for which responds to general market needs. The site is also in excellent proximity to childcare, employment and recreational services (within 1km).

The Communal Rooftop Terrace proposed would provide diverse opportunities for social interaction.

UNIVERSAL DESIGN

Unit 04 is proposed as adaptable which exceeds the minimum requirement (8%). See Figure 15. This apartment is easily accessible on the Ground Floor which alternative entry from a shared pathway from Blaxland Road. The space can also be easily adaptable and configured for a person in a wheel chair.

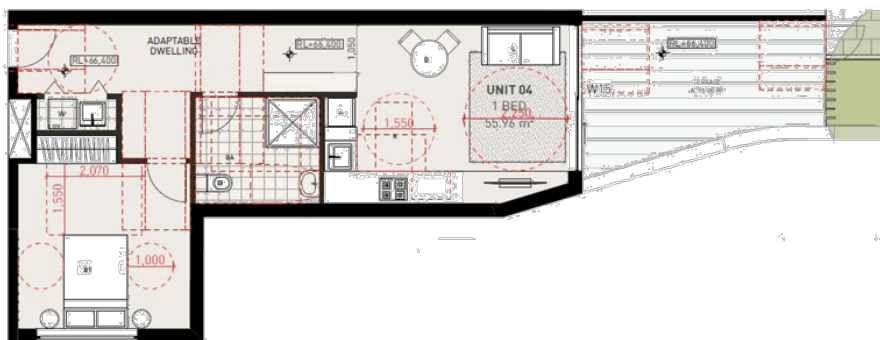


FIGURE 15 UNIT 04 - ADAPTABLE DWELLING

ITEM 4 (continued)

ATTACHMENT 3



PRINCIPLE 9: AESTHETICS

Good design achieves a built form that has good proportions and a balanced composition of elements, reflecting the internal layout and structure. Good design uses a variety of materials, colours and textures.

The visual appearance of well designed apartment development responds to the existing or future local context, particularly desirable elements and repetitions of the streetscape.

The central ambition for the project is to create a piece of architecture that is economical, practical and supportive to the needs and aspirations of its future residents, but also one that is beautiful.

The proposal provide a collection of carefully positioned masses articulated by a palette of complimentary materials. As the building will have extensive visual exposure to regular passing traffic, the proposed facade is strongly defined with angular vertical blades, balanced architectural elements and finer balcony privacy screens adding further detail to the overall materiality. Overall, the aesthetic is contemporary and refined.

The building is unified by large blades which frame and individually articulate the private north-east facing terraces beyond. The front Level 1 balcony protrudes from this frame, cantilevering above the Ground floor terraces below. Vertical metal cladding caps the visually recessive top floor which is further articulated with fine aluminium window boxes. See **Figure 17**. This metal cladding is further extended to clad Level 2, creating a boxed element which is clearly defined from the surrounding materiality of sandy brick and crisp off-white external render. Timber look picket fences enclose the Ground Floor terraces which, reducing the scale of the building upon entry level. Landscape and greenery further complements this materiality, 'softening' the overall aesthetic of the building.

The large privacy screen proposed in timber-look aluminium sit proud of the building, exposing glimpses of further detail from the facade. This feature also contributes to the vista looking onto the site from neighbouring apartments.

The building is composed of two sections, divided by the central external corridor. The front section corresponds with materiality of the facade, whilst the rear section proposed banded window sections in contrasting render. Angled window hoods project from this rear section to redirect views away from neighbouring apartments, adding further interest through angular geometry creating an effect on light and shadow.

BUILDING MAINTENANCE

All materials proposed are highly durable along with the applied paint that will provide protection from weathering.

Roof anchors can be provided so that maintenance of the facade can be facilitated by abselling.

By limiting the material selection and providing a robust structure maintenance will be reduced.

RELEVANT OBJECTIVES	
4M	FACADES
4M-1	Building facades provide visual interest along the street while respecting the character of the local area
4M-2	Building functions are expressed by the facade
4N	ROOF DESIGN
4N-1	Roof treatments are integrated into the building design and positively respond to the street
4N-2	Opportunities to use roof space for residential accommodation and open space are maximised
4N-3	Roof design incorporates sustainability features
4X	BUILDING MAINTENANCE
4X-1	Building design detail provides protection from weathering
4X-2	Systems and access enable ease of maintenance
4X-3	Material selection reduces ongoing maintenance costs

ITEM 4 (continued)

ATTACHMENT 3

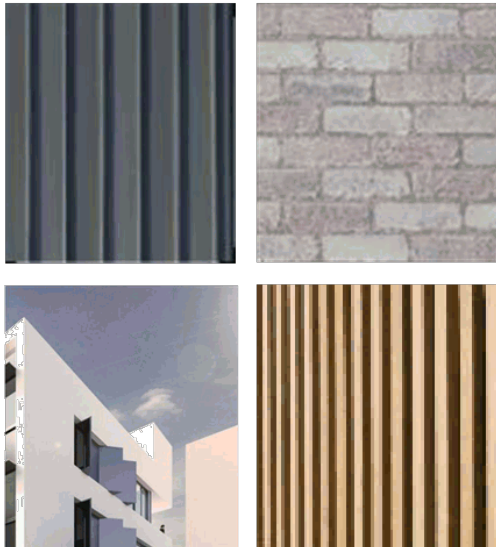


FIGURE 16

CLOCKWISE FROM TOP LEFT:

1. SANDY GREY BRICK
2. WARM MID GREY BANDED WINDOW RENDER
3. CRISP OFF-WHITE RENDER
4. TIMBER-LOOK ALUMINIUM SCREENS



FIGURE 17

WINDOW HOODS PROVIDE SHADE AND INTEREST TO FACADES

ITEM 4 (continued)

ATTACHMENT 3



APARTMENT DESIGN GUIDE

(DESIGN QUALITY OF RESIDENTIAL FLAT DEVELOPMENT)

CL.	STANDARD / CONTROL	COMPLY	COMMENT																			
2F	<p>Building Separation</p> <table border="1"> <thead> <tr> <th rowspan="2">Building height</th> <th colspan="3">Separation distance</th> </tr> <tr> <th>Between habitable rooms/balconies</th> <th>Between habitable and non-habitable rooms</th> <th>Between non-habitable rooms</th> </tr> </thead> <tbody> <tr> <td>9 storeys and above (over 25m)</td> <td>24m</td> <td>18m</td> <td>12m</td> </tr> <tr> <td>Up to 8 storeys high (app. 25m)</td> <td>18m</td> <td>12m</td> <td>9m</td> </tr> <tr> <td>Up to 4 storeys high (app 12m)</td> <td>12m</td> <td>9m</td> <td>6m</td> </tr> </tbody> </table>	Building height	Separation distance			Between habitable rooms/balconies	Between habitable and non-habitable rooms	Between non-habitable rooms	9 storeys and above (over 25m)	24m	18m	12m	Up to 8 storeys high (app. 25m)	18m	12m	9m	Up to 4 storeys high (app 12m)	12m	9m	6m	Y/N	<p>The building is predominantly compliant with side setback controls to the south, with minor encroachments that have minor impact. For further details, refer to commentary in 'Mass and Bulk' in <i>Principle 2: Built Form and Scale</i> on Page D:06.</p> <p>For the northern setback non-compliance, refer commentary in 'Solar and Daylight Access' in <i>Principle 6: Amenity</i> on page D:11 of this Design Report, and Statement of Environmental Effects.</p> <p>Privacy Impacts for both north and south neighbour is discussed in 'Visual Privacy' in <i>Principle 6: Amenity</i> on page D:12.</p>
Building height	Separation distance																					
	Between habitable rooms/balconies	Between habitable and non-habitable rooms	Between non-habitable rooms																			
9 storeys and above (over 25m)	24m	18m	12m																			
Up to 8 storeys high (app. 25m)	18m	12m	9m																			
Up to 4 storeys high (app 12m)	12m	9m	6m																			
3D	<p>Communal and public open space</p> <p>1. Communal open space has a minimum area equal to 25% of the site.</p> <p>2. Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9 am and 3 pm on 21 June (mid winter).</p>	N	<p>Communal Rooftop: 110m²</p> <p>Communal rear garden: 140m²</p> <p>TOTAL: 150m²</p> <p>Therefore compliance is achieved, as achieves more than 25% (229m²) of the site.</p>																			
3E	<p>Deep soil zones</p> <p>1. Deep soil zones are to meet the following minimum requirements:</p> <table border="1"> <thead> <tr> <th>Site Area</th> <th>Minimum dimensions</th> <th>Deep soil zone (% Of site area)</th> </tr> </thead> <tbody> <tr> <td>Less than 650m²</td> <td>-</td> <td></td> </tr> <tr> <td>650m² - 1,500m²</td> <td>3m</td> <td>7%</td> </tr> <tr> <td>Greater than 1,500m²</td> <td>6m</td> <td></td> </tr> <tr> <td>Greater than 1,500m² with significant existing tree cover</td> <td>6m</td> <td></td> </tr> </tbody> </table>	Site Area	Minimum dimensions	Deep soil zone (% Of site area)	Less than 650m ²	-		650m ² - 1,500m ²	3m	7%	Greater than 1,500m ²	6m		Greater than 1,500m ² with significant existing tree cover	6m		Y	Deep Soil = 101m ² (11%)				
Site Area	Minimum dimensions	Deep soil zone (% Of site area)																				
Less than 650m ²	-																					
650m ² - 1,500m ²	3m	7%																				
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Greater than 1,500m ² with significant existing tree cover	6m																					
3F	<p>Visual privacy</p> <p>1. Separation between windows and balconies is provided to ensure visual privacy is achieved. Minimum required separation distances from buildings to the side and rear boundaries are as follows:</p> <table border="1"> <thead> <tr> <th>Building height</th> <th>Habitable rooms and balconies</th> <th>Non-habitable rooms</th> </tr> </thead> <tbody> <tr> <td>Up to 12m (4 storeys)</td> <td>6m</td> <td>3m</td> </tr> <tr> <td>Up to 25m (5-8 storeys)</td> <td>9m</td> <td>4.5m</td> </tr> <tr> <td>Over 25m (9+ storeys)</td> <td>12m</td> <td>6m</td> </tr> </tbody> </table>	Building height	Habitable rooms and balconies	Non-habitable rooms	Up to 12m (4 storeys)	6m	3m	Up to 25m (5-8 storeys)	9m	4.5m	Over 25m (9+ storeys)	12m	6m	Y/N	Visual privacy is maintained for both north and south neighbours. For further details, refer to 'Orientation' in <i>Principle 2: Built Form and Scale</i> on page D:06 and 'Visual Privacy' in <i>Principle 6: Amenity</i> on page D:12.							
Building height	Habitable rooms and balconies	Non-habitable rooms																				
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CL.	STANDARD / CONTROL	COMPLY	COMMENT										
4A	<p>Solar and daylight access</p> <p>1. Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9 am and 3pm at mid winter in the Sydney Metropolitan Area and in the Newcastle and Wollongong local government areas.</p> <p>2. In all other areas, living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 3 hours direct sunlight between 9 am and 3 pm at mid winter.</p> <p>3. A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid winter.</p>	N	<p>67% of apartments receive the required solar access.</p> <p>Further Commentary of this non compliance is discussed further in Solar and Daylight Access' in <i>Principle 6: Amenity</i> on page D:11</p> <p>16% of apartments receive no direct sunlight between 9 am and 3 pm at mid winter.</p>										
4B	<p>Natural ventilation</p> <p>1. At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building. Apartments at ten storeys or greater are deemed to be cross ventilated only if any enclosure of the balconies at these levels allows adequate natural ventilation and cannot be fully enclosed.</p> <p>2. Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line.</p>	Y	100% of units are cross ventilated.										
4C	<p>Ceiling heights</p> <p>1. Measured from finished floor level to finished ceiling level, minimum ceiling heights are:</p> <table border="1"> <thead> <tr> <th colspan="2">Minimum ceiling height for apartment and mixed use buildings</th> </tr> </thead> <tbody> <tr> <td>Habitable rooms</td> <td>2.7m</td> </tr> <tr> <td>Non-habitable</td> <td>2.4m</td> </tr> </tbody> </table> <p>For 2 storey apartments</p> <table border="1"> <tbody> <tr> <td>2.7m for main living area floor</td> </tr> <tr> <td>2.4m for second floor, where its area does not exceed 50% of the apartment area</td> </tr> </tbody> </table> <p>Attic spaces</p> <table border="1"> <tbody> <tr> <td>1.8m at edge of room with a 30 degree minimum ceiling slope</td> </tr> </tbody> </table> <p>If located in mixed used areas</p> <table border="1"> <tbody> <tr> <td>3.3m for ground and first floor to promote future flexibility of use</td> </tr> </tbody> </table>	Minimum ceiling height for apartment and mixed use buildings		Habitable rooms	2.7m	Non-habitable	2.4m	2.7m for main living area floor	2.4m for second floor, where its area does not exceed 50% of the apartment area	1.8m at edge of room with a 30 degree minimum ceiling slope	3.3m for ground and first floor to promote future flexibility of use	Y	<p>All habitable rooms are 2.7m in height.</p> <p>The two storey apartments have a second storey height of 2.4m.</p>
Minimum ceiling height for apartment and mixed use buildings													
Habitable rooms	2.7m												
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4D	<p>Apartment size and layout</p> <p>1. Apartments are required to have the following minimum internal areas:</p> <table border="1"> <thead> <tr> <th>Apartment type</th> <th>Minimum internal area</th> </tr> </thead> <tbody> <tr> <td>Studio</td> <td>35m²</td> </tr> <tr> <td>1 bedroom</td> <td>50m²</td> </tr> <tr> <td>2 bedroom</td> <td>70m²</td> </tr> <tr> <td>3 bedroom</td> <td>90m²</td> </tr> </tbody> </table> <p>The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5m² each.</p> <p>A fourth bedroom and further additional bedrooms increase the minimum internal area by 12m² each.</p> <p>2. Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room. Daylight and air may not be borrowed from other rooms.</p>	Apartment type	Minimum internal area	Studio	35m ²	1 bedroom	50m ²	2 bedroom	70m ²	3 bedroom	90m ²	Y	<p>1 bed units (range 52m² -55m²) 2 beds units (range 70m² -81m²)</p> <p>All habitable rooms have a window compliant with ADG rates and operable sizes in accordance with the BCA. No borrowed daylight or ventilation occurs in the development.</p>
Apartment type	Minimum internal area												
Studio	35m ²												
1 bedroom	50m ²												
2 bedroom	70m ²												
3 bedroom	90m ²												

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CL.	STANDARD / CONTROL	COMPLY	COMMENT															
4D	<p>Environmental performance</p> <p>1. Habitable room depths are limited to a maximum of 2.5 x the ceiling height.</p> <p>2. In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window.</p>	Y	Open plan living areas are less than 8m from windows															
4D	<p>Apartment layouts</p> <p>1. Master bedrooms have a minimum area of 10m² and other bedrooms 9m² (excluding wardrobe space).</p> <p>2. Bedrooms have a minimum dimension of 3m (excluding wardrobe space).</p> <p>3. Living rooms or combined living/dining rooms have a minimum width of:</p> <ul style="list-style-type: none"> • 3.6m for studio and 1 bedroom apartments • 4m for 2 and 3 bedroom apartments <p>4. The width of cross-over or cross-through apartments are at least 4m internally to avoid deep narrow apartment layouts.</p>	Y/N	All bedrooms have a minimum area of 10m ² , excluding wardrobe space and contain minimum dimensions of 3m ²															
4E	<p>Private open space and balconies</p> <p>1. All apartments are required to have primary balconies as follows:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>Dwelling type</th> <th>Minimum area</th> <th>Minimum depth</th> </tr> </thead> <tbody> <tr> <td>Studio apartments</td> <td>4m²</td> <td>-</td> </tr> <tr> <td>1 bedroom apartments</td> <td>8m²</td> <td>2m</td> </tr> <tr> <td>2 bedroom apartments</td> <td>10m²</td> <td>2m</td> </tr> <tr> <td>3+ bedroom apartments</td> <td>12m²</td> <td>2.4m</td> </tr> </tbody> </table> <p>The minimum balcony depth to be counted as contributing to the balcony area is 1m.</p> <p>2. For apartments at ground level or on a podium or similar structure, a private open space is provided instead of a balcony. It must have a minimum area of 15m² and a minimum depth of 3m.</p>	Dwelling type	Minimum area	Minimum depth	Studio apartments	4m ²	-	1 bedroom apartments	8m ²	2m	2 bedroom apartments	10m ²	2m	3+ bedroom apartments	12m ²	2.4m	Y	Balconies meet minimum size requirements Ground level courtyards meet required 15m ² and minimum dimensions.
Dwelling type	Minimum area	Minimum depth																
Studio apartments	4m ²	-																
1 bedroom apartments	8m ²	2m																
2 bedroom apartments	10m ²	2m																
3+ bedroom apartments	12m ²	2.4m																
4F	<p>Common circulation and spaces</p> <p>1. The maximum number of apartments off a circulation core on a single level is eight.</p> <p>2. For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40.</p>	Y	A maximum of 4 units is accessed off a common corridor in the development.															
4G	<p>Storage</p> <p>1. In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>Dwelling type</th> <th>Storage size volume</th> </tr> </thead> <tbody> <tr> <td>Studio apartments</td> <td>4m³</td> </tr> <tr> <td>1 bedroom apartments</td> <td>6m³</td> </tr> <tr> <td>2 bedroom apartments</td> <td>8m³</td> </tr> <tr> <td>3+ bedroom apartments</td> <td>10m³</td> </tr> </tbody> </table> <p>At least 50% of the required storage is to be located within the apartment.</p>	Dwelling type	Storage size volume	Studio apartments	4m ³	1 bedroom apartments	6m ³	2 bedroom apartments	8m ³	3+ bedroom apartments	10m ³	Y	Refer development schedule for rates and allocations. 50% of storage is located within units.					
Dwelling type	Storage size volume																	
Studio apartments	4m ³																	
1 bedroom apartments	6m ³																	
2 bedroom apartments	8m ³																	
3+ bedroom apartments	10m ³																	

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ASSESSMENT OF LIKELY IMPACTS



Under the provisions of Section 79C(1) of the EP&A Act 1979 as amended, in determining a development application, a consent authority is to take into consideration likely impacts of development, the suitability of the site for development and the public interest.

- (b) *The likely impact of that development, including environmental impacts on both the natural and built environments, and social and economic impacts on the locality.*
- (c) *the suitability of the site for the development*
- (d) *any submissions made*
- (e) *the public interest*

LIKELY IMPACTS OF THE DEVELOPMENT ON THE BUILT ENVIRONMENT

An assessment of the likely impacts of the development proposal is to be undertaken, which includes documenting the environmental impacts of the proposal, discussing the merits of the proposal, and any proposed steps to avoid, minimise or manage any adverse impacts.

CONTEXT AND SETTING RELATIONSHIP TO LOCAL CONTEXT:

The proposed development is located in a suburban area predominately dominated with single dwelling home and residential flat buildings. The area is also significantly zoned as R4 High Density Residential, presenting the proposed development as consistent and complimentary to these uses. The architectural styles of the surrounding development vary considerable. Most new development is contemporary in style which will lift the streetscape, adding further value to neighbouring properties.

HERITAGE

There are no impacts on environmental or cultural heritage as there are no items in the vicinity that have been currently identified.

POTENTIAL IMPACTS ON ADJACENT PROPERTIES

The proposed development will have negligible impact on adjacent properties, with minor overshadowing that is consistent with impact caused by the permissible building mass allowed for the site. See *Principle 2: Built Form and Scale* of the ADG section of this report for further details. The development is not expected to generate any significant noise.

Visual Privacy

The development has been designed to reduce visual privacy issues. Living rooms and balconies have generally been orientated away from the adjoining apartment building. The apartments

closest to the boundary have been provided with high level windows, translucent glazing and privacy screens to restrict overlooking at the same levels as the adjoining apartments.

The Communal rooftop terrace includes perimeter planter to setback residents from the edge, minimising overlooking into neighbouring balconies and windows.

Acoustic Privacy

Separation has been provided between the proposed development and adjoining development to reduce acoustic privacy issues.

Living rooms and balconies have generally been orientated away from the adjoining apartment building, reducing any voice projection from residents.

Views

The proposed development will not impact on the view corridor of any nearby adjoining development and would not restrict views to significant surrounding locality.

Overshadowing

An analysis of shadowing, explaining any shadow diagrams has been prepared for the application. The analysis looks the overshadowing impacts on adjoining properties which both contain four storey residential flat buildings.

The analysis demonstrates that the solar access to the southern neighbour produces an equivalent impact to the building mass bounded by the compliant setbacks and maximum building height permissible for the site. For further details, refer to *Principle 2: Built Form and Scale* of the ADG section of this report.

It is inevitable that when high density development is proposed in a precinct that the amenity of the existing buildings may be affected - particularly given this circumstance where higher buildings are permitted. It should be noted that some part of the adjoining residential flat building are located in very close proximity to the boundary. It is unreasonable to expect that this development would be able to maintain the existing level of amenity experienced by the current residents given the high density zoning allocated to the site.

ACCESS AND TRANSPORT

A traffic impact assessment has been prepared for the development by PDC Consultants and is included as part of this application. The report documents the existing traffic conditions of the surrounding road network and assesses the parking requirements and traffic impacts of the development.

The report also discusses the location of the driveway entrances to the site.

The report concludes that the additional traffic generated by the development will be minor and largely imperceptible at access intersections. The report also concludes that the location of

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the driveway access points is suitable for the type and scale of development and will not result in traffic congestion or site access issues.

SAFETY, SECURITY AND CRIME PREVENTION

The proposed development implements the principles of Crime Prevention Through Environmental Design (CTPED) as identified in the Department of Planning guidelines titled *Crime Prevention and the Assessment of Development Applications (2001)*.

Principle 1 - Natural Surveillance

Natural surveillance is improved due to the increased number of dwellings looking to the street. Dwellings also provide passive surveillance to the internal circulation spaces and common areas creating a safe environment. The retail use at ground level also generates activity that will enable people to casually observe what others are doing. This will encourage a perceived sense of security and defer potential offenders.

Principle 2 - Access Control

Access to the site is controlled through gates, doors and roller shutters. Only residents and their visitors will have access. This makes it clear for where people can and cannot go. Spaces where offenders can hide have been eliminated and entry points are in areas that are visible to passing traffic and pedestrians.

Principle 3 - Territorial Reinforcement

The proposed development provides clear identification of public and private spaces through security controlled entrances, boundary planting and the different treatment of finishes.

Principle 4 - Space Management

The proposed development provides attractive and safe spaces that are hard wearing and at street level a resistant to vandalism.

UTILITIES

The existing infrastructure in terms of water, sewer power and telecommunications, all have the capacity to serve the existing development.

LIKELY IMPACTS OF THE DEVELOPMENT ON THE NATURAL ENVIRONMENT

SOILS

The soils and underlying geology are suitable for residential development. A site contamination report has been produced by

AIR & MICROCLIMATE

The development is minor in nature and there are unlikely to be any impacts in the air quality of the surrounding environment

created by this development.

FLORA & FAUNA

There are no known endangered flora and fauna present on the site.

WASTE

There will be minimal waste associated with the development proposal. All waste including stormwater associated with the development of dwellings in the future will be managed in accordance with Council policy.

WATER

Water consumption

A BASIX certificate has been issued by the Department of Planning that provides commitments for water conservation measures within the development.

Stormwater

A Stormwater Management Plan has been prepared for the site by ACOR Consultants. This plan proposes how the development will manage the quality and quantity of storm water that leaves the site.

The key management strategy is to collect rainwater from the roof surfaces and reuse in the development off-setting potable water use and reducing the potential run-off.

A Flood Impact statement has also been produced by ACOR Consultants which highlights any flood mitigation measures for the site and proposed development.

ENERGY

The development will be compliant with the provisions of Section J of the Building Code of Australia. A BASIX certificate has been issued by the Department of Planning that provides commitments for water conservation measures within the development.

NATURAL HAZARDS

There are no known natural hazards on the site.

GEOTECHNICAL

A geotechnical investigation has been carried out on site by Sullivan Environmental Sciences. A copy of the preliminary investigation study is included in the application. The investigation concludes that the site is suitable for development.

The geotechnical report provides recommendations for the

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excavation works and dewatering, which will be addressed at the construction stage.

LIKELY IMPACTS OF THE DEVELOPMENT ON THE SOCIAL AND ECONOMIC CONTEXT - THE PUBLIC BENEFIT

The proposed development will have an overall positive social, economic and environmental impact on the existing area and local community by facilitating the delivery of new high quality housing. Some of the key benefits includes:

- Delivery of high quality residential development that complements the surrounding development in the Eastwood precinct and will have a positive impact on the appearance of the streetscape
- Creation of safe and secure living environments and a public domain that can be monitored by passive surveillance
- Proposal continues a residential use that is consistent with the surrounding area
- Proposal provides employment through construction
- Property values could be enhanced in a cumulative manner due to the high design quality of the proposed development.
- The reuse of under utilised land for a sustainable and appropriate re-development with a high density use.
- Provide different opportunities for housing choice meeting key housing demands in the area through a mix of different apartment types

CONSTRUCTION

To minimise impacts on pedestrians, adjacent buildings and areas of the public domain during construction works a Construction Management Plan will be prepared prior to works commencing. This will address site access, safety and security, construction vehicle traffic, erosion and sediment control, dewatering, noise and vibration, dust suppression and arrangement of construction waste.

Construction of the proposed development will be carried out in accordance with this plan and any development consent conditions to ensure construction impacts (if any) are minimised and controlled.

SUITABILITY OF THE SITE FOR THE DEVELOPMENT

Having regard to the characteristics of the site, and its location, the site is suitable for the proposed development in that:

- The site is strategically located to accommodate residential use – and is zoned as such.
- The development is consistent with the local, regional and state planning objectives and provides a sustainable development outcome that will contribute to the benefit of the existing Stage 1 residents and broader community.

As detailed throughout report, the proposed development will not result in any adverse environmental impacts and it is therefore considered that the site is suitable to accommodate the proposed minor development.

THE PUBLIC INTEREST

The public interest demands an appropriate building and orderly use of the land.

It is considered that the public interest is being well served as the proposal will result in the creation of a number of new residential allotments in an area that is experiencing demand for residential development. The proposed layout will enable the development of a variety of dwelling types.

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CONCLUSION

The development application seeks approval residential development, associated landscaping, car parking and infrastructure works.

The proposal will achieve a number of positive outcomes for the site including:

- Contributing to the desired future character of Eastwood precinct.
- Providing dwellings to assist in meeting sub-regional housing targets
- Provide a mix of dwelling types to suit the needs of different family units
- Improve the quality of the public domain through improvements on the footpath surrounding the site
- Provide high amenity dwellings with a good outlook, solar access, daylight access, natural ventilation and privacy

Despite the non-compliances of the development, the proposal results in a building form that is well articulated and of high internal amenity. Solar access to the adjoining site of No 600 Blaxland Road is achieved to a level that is reasonable given to comparison of overshadowing impacted by permissible height and setbacks allocated to the site.

Consideration of the recommendations put forward by the Council and the Design Review Panel have been incorporated where appropriate to address these issues. In particular, the recommendation for the inclusion of a Common Rooftop Terrace has been incorporated, despite the additional height exceedance generated by the lift overrun for equitable access.

The proposed development is satisfactory when the impacts are assessed under the heads of consideration of Section 79C (1) of the EP&A Act 1979, as amended. No adverse environmental impacts have been identified. Therefore no measures in mitigation are proposed.

The proposed development layout is generally consistent with the relevant City of Ryde development controls except where noted with regard to development standards and environmental management measures.

The proposed development of represents a suitable and sustainable development outcome consistent with State, Regional and Local planning provisions. The development will not result in any significant environmental, social or economic impacts.