

4 JUNE 2020

NOTICE OF MEETING

You are advised of the following meeting:

THURSDAY 11 JUNE 2020.

City of Ryde Local Planning Panel Meeting No. 4/20

Council Chambers, Level 1A, 1 Pope Street, Ryde - 5.00pm

English

If you do not understand this letter, please come to the 1 Pope Street, Ryde (within Top Ryde Shopping Centre), Ryde, to discuss it with Council Staff who will arrange an interpreter service. Or you may ring the Translating & Interpreting Service on 131 450 to ask an interpreter to contact you. Council's phone number is 9952 8222. Council office hours are 8:30am to 5:00pm, Monday to Friday.

Arabic

إذا لم تفهم محتوى هذه الرسالة، يرجى الحضور إلى 1 Pope Street، Ryde (في Top Ryde Shopping Centre)، Ryde، لمناقشتها مع موظفي المجلس الذين سوف يرتبون للاستعانة بمترجم شفهي. أو قد يمكنك الاتصال بخدمة الترجمة التحريرية والشفهية على الرقم 131 450 لتتطلب من المترجم الاتصال بك. رقم هاتف المجلس هو 9952 8222. ساعات عمل المجلس هي 8:30 صباحاً حتى 5:00 مساءً، من الاثنين إلى الجمعة.

Armenian

Եթե դուք չեք հասկանում սույն նամակի բովանդակությունը, խնդրում ենք այցելել 1 Pope Street, Ryde (որը գտնվում է Top Ryde Shopping Centre-ի մեջ), Ryde, քննարկելու այն Քաղաքային Խորհրդի անձնակազմի հետ, ովքեր ձեզ համար կապահովեն թարգմանչական ծառայություն: Կամ կարող եք զանգահարել Թարգմանչական Ծառայություն 131 450 հեռախոսահամարով և խնդրել, որ թարգմանիչը ձեզ զանգահարի: Խորհրդի հեռախոսահամարն է 9952 8222: Խորհրդի աշխատանքային ժամերն են՝ առավոտյան ժամը 8:30-ից մինչև երեկոյան ժամը 5:00, երկուշաբթիից մինչև ուրբաթ:

Chinese

如果你不明白这封信的内容，敬请前往1 Pope Street, Ryde（位于Top Ryde Shopping Centre内），向市政府工作人员咨询，他们会为您安排口译服务。此外，您也可以拨打131 450联络翻译和口译服务，要求口译员与您联系。市政府电话号码为9952 8222。市政府办公时间为周一至周五上午8:30至下午5:00。

Farsi

لطفاً اگر نمی توانید مندرجات این نامه را درک کنید، به نشانی 1 Pope Street، Ryde (در Top Ryde Shopping Centre) مراجعه کنید تا با استفاده از یک مترجم دراین باره با یکی از کارکنان شورای شهر گفتگو کنید. یا آنکه می توانید با خدمات ترجمه کتبی و شفاهی به شماره 131 450 تماس گرفته و بخواهید که به یک مترجم ارتباط داده شوید. شماره تماس شورای شهر 9952 8222 و ساعات کاری آن از 8:30 صبح تا 5:00 بعد از ظهر روزهای دوشنبه تا جمعه است.

Italian

Se avete difficoltà a comprendere questa lettera, venite in 1 Pope Street, Ryde (dentro al Top Ryde Shopping Centre), Ryde, per discutere con il personale del Comune che organizzerà un servizio di interpretariato. Potete anche contattare il Servizio di Traduzione e Interpretariato al 131 450 per chiedere a un interprete di contattarvi. Il numero di telefono del Comune è il 9952 8222. Gli orari di ufficio del Comune sono dalle 8.30 alle 17 dal lunedì al venerdì.

Korean

이 서신을 이해할 수 없을 경우, 1 Pope Street, Ryde (Top Ryde Shopping Centre 내)에 오셔서 통역사 서비스를 주선할 시의회 직원과 논의하십시오. 혹은 통번역서비스에 131 450으로 전화하셔서 통역사가 여러분에게 연락하도록 요청하십시오. 시의회의 전화번호는 9952 8222입니다. 시의회 사무실 업무시간은 월요일에서 금요일, 오전 8시 30분에서 오후 5시까지입니다.

Meeting Date: Thursday 11 June 2020
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.

NOTICE OF BUSINESS

Item	Page
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DECLARATIONS OF INTEREST

DEVELOPMENT APPLICATIONS

- | | | |
|---|---|---|
| 1 | 2 COOINDA CLOSE, MARSFIELD. CONSTRUCTION OF A TWO STOREY BOARDING HOUSE COMPRISING 8 X 2 BED BOARDING ROOMS AND A DOUBLE GARAGE. THE PROPOSAL PROVIDES 4 CAR PARKING SPACES, 2 MOTOR CYCLE PARKING SPACES AND 4 BICYCLE PARKING SPACES - LDA2019/0304 | 3 |
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DEVELOPMENT APPLICATIONS

- 1 2 COOINDA CLOSE, MARSFIELD. CONSTRUCTION OF A TWO STOREY BOARDING HOUSE COMPRISING 8 X 2 BED BOARDING ROOMS AND A DOUBLE GARAGE. THE PROPOSAL PROVIDES 4 CAR PARKING SPACES, 2 MOTOR CYCLE PARKING SPACES AND 4 BICYCLE PARKING SPACES - LDA2019/0304**

Report prepared by: Senior Town Planner

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

File Number: GRP/09/6/12/1/2 - BP20/522

City of Ryde Local Planning Panel Report

DA Number	LDA2019/304
Site Address & Ward	2 Cooinda Close, Marsfield West Ward
Zoning	R2 – Low Density Residential under RLEP 2014
Proposal	Construction of 2 storey boarding house comprising 8 x 2 bed boarding rooms and a double garage. The proposal provides 4 car parking spaces, 2 motorcycle parking spaces and 4 bicycle parking spaces.
Property Owner	Southern Star Petroleum Pty Ltd
Applicant	Nuovo Design Studio Pty Ltd
Report Author	Peggy Wong – Assessment Officer
Lodgement Date	3 September 2019
No. of Submission	First notification - 15 submissions and 2 petitions Second notification – 15 submissions
Cost of Works	\$1,351,504
Reason for Referral to RLPP	<u>Contentious Development</u> Development is the subject of 10 or more unique submissions by way of objection.

ITEM 1 (continued)

Recommendation	Refusal
Attachments	Attachment 1 – Architectural & Landscape Plans Attachment 2 – Stormwater Management Plans

1. Executive Summary

The following report is an assessment of a development application for the construction of a two (2) storey boarding house at No. 2 Cooina Close, Marsfield. The development application (as amended) proposes the construction of a boarding house containing eight (8) x 2 bed self-contained boarding rooms for 16 lodgers, four (4) car parking spaces (2 car spaces within the proposed garage), two (2) motorcycle spaces and four (4) bicycle spaces. The proposal also includes associated landscape works.

The first notification of the development application (DA) occurred between 13 September 2019 and 2 October 2019, and resulted in 15 submissions raising objection to the proposal, including two petitions containing a total of 137 signatures. The concerns raised related to overdevelopment of the site in a low density residential area, additional traffic and pedestrian safety impacts on surrounding streets, visual and amenity impacts on surrounding properties, that a transient population will erode the established sense of community and increased security issues, and will decrease property values. Concern was also raised that individual rooms could be hired out for other uses that are not associated with the boarding house.

The first notification also resulted in representations by three (3) Councillors on behalf of the local community raising objection to the proposal.

Amended architectural and landscape plans were received on 31 March 2020 and surrounding properties were notified between 4 May 2020 and 22 May 2020. As a result, fifteen (15) submissions were received raising objection to the development. The objections reiterated the issues identified during the first notification relating to overdevelopment of the site, particularly the further intensification of the site with additional boarding house occupants, and adverse impacts on the amenity of surrounding properties.

Representation by two (2) Councillors was made on behalf of the community raising objection to the amended proposal.

The amended proposal reconfigured the layout of the boarding house from twelve (12) x 1 bed boarding rooms to eight (8) x 2 bed boarding rooms. Each of the boarding rooms are self-contained comprising a bathroom and kitchenette. The amended proposal includes 4 car parking spaces (2 car spaces within the proposed garage), 2 motorcycle spaces and 4 bicycle spaces adjacent to the southern boundary. External amendments include an increased front setback, reduction in carparking spaces and extent of hard paving within the front setback, and increased setback along the south-eastern boundary.

ITEM 1 (continued)

The amended proposal is considered to be out of character with the neighbourhood and does not demonstrate compliance with a number of planning controls specified in the State Environmental Planning Policy (Affordable Rental Housing) 2009 and the Ryde Development Control Plan 2014 for a boarding house. In particular, it is not considered acceptable as the proposed landscape within the front setback is inconsistent with the streetscape character of immediately surrounding developments. Furthermore, part of the entry patio protrudes into the front setback and the extent of hard paving, consisting of a wide driveway, concrete path and the entry patio, is excessive and does not complement the substantially landscaped gardens of properties in the vicinity of the site. Additional hard paving is also proposed between the front setback and the external wall of the boarding house to accommodate car and motorcycle spaces and associated vehicular access.

The amended proposal will result in poor amenity for adjoining properties, particularly visual and acoustic privacy as the amended Plan of Management is insufficient, and inadequate landscaping is proposed along the side and rear boundaries of the site. The amended proposal was also received with insufficient information including the following:

- Overshadowing diagrams have not been submitted to determine amenity impacts on adjoining properties.
- The landscape plan has not been prepared by a suitably qualified Landscape Architect and contains inconsistencies with the recommendations of the Arborist Report. The landscape plan as amended does not show sufficient landscaping that satisfies relevant provision in the Ryde DCP 2014 and will have adverse visual and privacy impacts on surrounding properties.
- A Traffic Impact Assessment should be prepared and submitted to address traffic implications resulting from the increase in density from the originally proposed 12 occupants to 16 occupants. In particular, the proposed impact of the development on on-street parking.
- The proposal has not satisfactorily demonstrated acceptable vehicular movements from the site in a forward direction. At least 2 of the 4 car parking spaces will likely result in cars reversing into Cooinda Close. Given the proposed increase in density there is potential for vehicular and pedestrian conflict thus, increased risk to public safety.
- The proposed access for bicycles, motorbikes and garbage bins adjacent to the southern-western boundary measures 923mm wide and is insufficient. A width of at least 1.2 metres is required to ensure unimpeded manoeuvring is provided in the event that 'Motor Bike Parking 1' is occupied.
- The existing kerb inlet pit not identified on the drawings and the impact of the intensification of use on the existing vehicular crossing cannot be determined.

ITEM 1 (continued)

- Stormwater and drainage information regarding the design of the connection point to Council assets and information to demonstrate that the proposal will not have any adverse impacts to the public domain and adjoining properties.

Given the reasons detailed above, the development application is recommended for refusal.

2. The Site and Locality

The site is irregular in shape with a curved frontage to Cooinda Close measuring approximately 11.2 metres and a site area of 912m². The irregular shape of the site is formed by a north-western boundary measuring 31.31 metres, a northern (rear) boundary measuring 12.19 metres, a south-eastern (rear) boundary measuring 44.65 metres and a 26.6 metres southern boundary adjacent to a pedestrian pathway providing access between Cooinda Close and Karingal Circuit.

The site is currently occupied by a single storey brick dwelling containing 4 bedrooms, an attached garage and landscaping in the front and rear yards.

The site has a fall of 4.14 metres from the front (north-western) boundary (RL91.33) to the lowest point at the north-eastern corner of the site (RL87.19). The fall of the site from the south-western corner (RL91.18) to the southern corner (RL90.24) measures 940mm.

The site is at the end of the cul-de-sac and is immediately surrounded by single storey and two storey residential dwellings (refer Figure 1). Given the curvature of the cul-de-sac, the front building setbacks of existing dwellings in Cooinda Close are not consistent, with the front setbacks of No. 3 Cooinda Close measuring 7.9 metres and 9.8 metres at No. 1 Cooinda Close. The existing dwelling on the site has a front setback of 7.97 metres to the garage and 9.69 metres to the entry patio.

Photographs of the site and it's neighbourhood context are provided at Figures 2-8.



Figure 1: Aerial view of the subject site (shaded) and surrounds.

ITEM 1 (continued)



Figure 2: Site viewed from Coinda Close



Figure 3: View of site and adjacent pedestrian path to Karingal Ct



Figure 4: View of site (rear yard) from pedestrian pathway

ITEM 1 (continued)



Figure 5: Looking north west along pedestrian pathway towards Coinda Close



Figure 6: View of site and surrounding dwellings in Coinda Close



Figure 7: View of site and surrounding dwellings in Coinda Close

ITEM 1 (continued)



Figure 8: Looking south-east from pedestrian pathway to the rear boundary of subject site and adjoining property (9 Karingal Ct)

3. The Proposal

The proposal (as amended) seeks approval for the construction of a boarding house containing eight (8) x 2 bed self-contained boarding rooms for 16 lodgers, four (4) car parking spaces, two (2) motorcycle spaces and four (4) bicycle spaces. The details of the proposal are as follows:

Ground Floor

The ground floor of the proposed development contains:

- 2 x 2 bed boarding rooms including 1 accessible room. Each boarding room contains an ensuite and kitchenette
- Internal communal areas including 2 living areas, a communal kitchen and dining room, communal laundry and bathroom
- Communal outdoor open space measuring 303.68m² adjacent to rear verandah
- 2 outdoor clothes lines
- External bin storage room
- 4 car parking spaces with 2 spaces in the garage and 2 behind the front setback of the boarding house
- 2 motor bike spaces
- A bicycle rack for 4 bicycles

The ground floor has a change in level of 1 metre between the circulation area adjacent to the entry and the common area in the northern portion of the boarding

ITEM 1 (continued)

house. A wheelchair lift is provided adjacent to the internal staircase providing access to the common area.

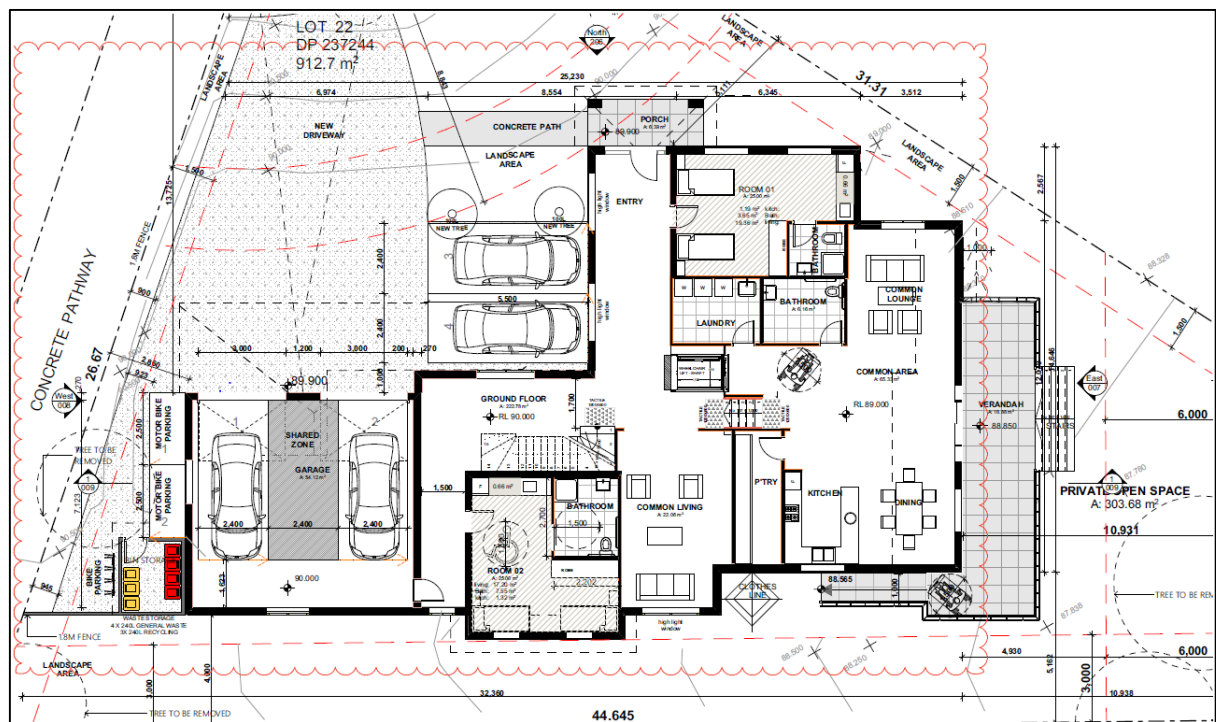
First Floor

The first floor of the proposed development contains:

- 6 x 2 bed boarding rooms. Each boarding room contains an ensuite and kitchenette.

The primary entrance to the boarding house from Cooina Close is along the driveway and a concrete path to the front patio. Two of the four car parking spaces are provided adjacent to the front elevation of the boarding house and is perpendicular to the garage. The proposed motorcycle and bicycle parking spaces are located between the external wall of the garage and the southern boundary. The proposal seeks to provide boarding house accommodation for up to 16 persons with no on site manager.

Figures 9 to 13 below show the proposed plan and elevations for the development.



Architectural elevation drawing of a two-story house. The drawing includes height markers on the left and right sides, a 9.00M limit line at the top, and various material labels. The ground level is marked as NGL (Natural Ground Level) and the roof level is marked as 93.800. The drawing is bounded by a dashed line labeled 'Boundary'.

Left side height markers (from top to bottom):

- +95.700 Ceiling
- 2.700
- +93.000 FIRST FLOOR
- 3.000
- +90.000 GROUND FLOOR
- +87.300 Story

Right side height markers (from top to bottom):

- +95.700 Ceiling
- 2.700
- +93.000 FIRST FLOOR
- 3.000
- +90.000 GROUND FLOOR
- +87.300 Story

Labels and features:

- Boundary (dashed line)
- 9.00M Limit (red dashed line)
- 15@DEG COLORBOND WINDSPRAY-TEES (roof)
- FC CLADDING (first floor)
- FACE BRICK (second floor)
- RENDER (second floor)
- 10@DEG METAL ROOF (roof extension)
- NGL (Natural Ground Level)
- 93.800 (roof level)
- 88.227 (ground level)

Ryde Local Planning Panel Agenda 4/20 - Thursday 11 June 2020 (Item 1 of 2)

ITEM 1 (continued)

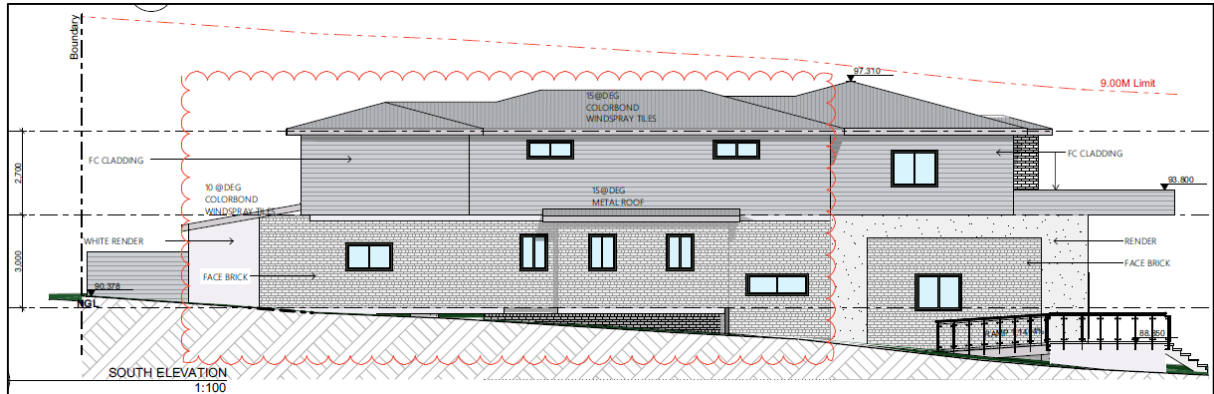


Figure 13: South elevation (adjacent to pedestrian pathway)

Stormwater

The proposed stormwater and on site detention plan includes installation of an underground OSD tank beneath the garage which drains to the south to an existing Council drain under the pedestrian pathway. The proposal also includes a grated drain halfway along the driveway and two new stormwater pits (Pit 3 at the south-eastern corner of the site and Pit 4 adjacent the car parking space No. 3). The proposed stormwater plan is shown in **Figure 14** below.

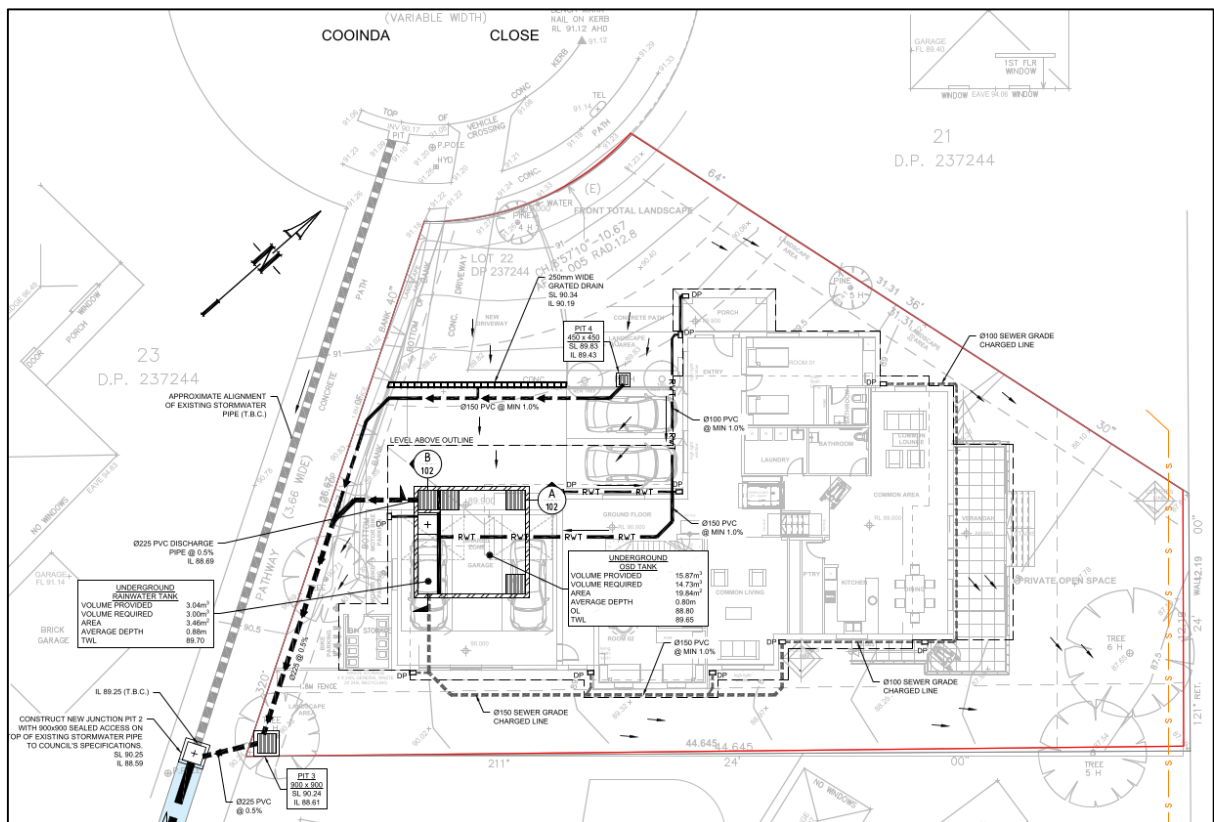


Figure 14: Proposed stormwater and on site detention plan

ITEM 1 (continued)

Landscaping

The proposed landscape plan has been amended in response to the amended architectural plans. The Arborist Report prepared by Treehaven Environscapes dated 26 June 2019 has not been updated and is relied upon for the amended proposal. The proposed landscape plan contains inconsistencies with the Arborist Report regarding the trees to be retained or removed as part of the development. In particular, the landscape plan identifies six (6) trees for removal and does not include sufficient information such as identifying the existing trees along the north-western boundary or the Frangipani in the rear yard as being retained, removed or transplanted. A tree located adjacent to the south-eastern boundary of the site is within the boundaries of the adjacent property and owners consent has not been sought for tree removal.

The proposal also includes removal of an existing sandstone flagged bank on the southern boundary (refer to **Figure 16**), and new landscaping and turf along the southern boundary, northern boundary, within the front setback and the rear yard. The proposed landscaping includes new garden beds and planting consisting of 22 x 15 Litre Photinia robusta shrubs along the northern boundary and within the front garden, 20 x 5 Litre Acacia floribunda Buffalo shrubs and 4 x 75 Litre White Feather Honey myrtle trees within the front setback. The proposed landscape plan is shown in **Figure 15** below.



Figure 15: Proposed landscape plan

The proposal also includes a hard paved driveway that widens and curves from the front boundary towards the garage, a concrete pathway and patio within the front

ITEM 1 (continued)

setback. The proposed area of hard paving within the front garden area is 93.79m² (54% of front garden area).



Figure 16: Existing sandstone flagged bank along the southern boundary.



Figure 17: Existing landscaped rear yard looking towards the northern boundary.

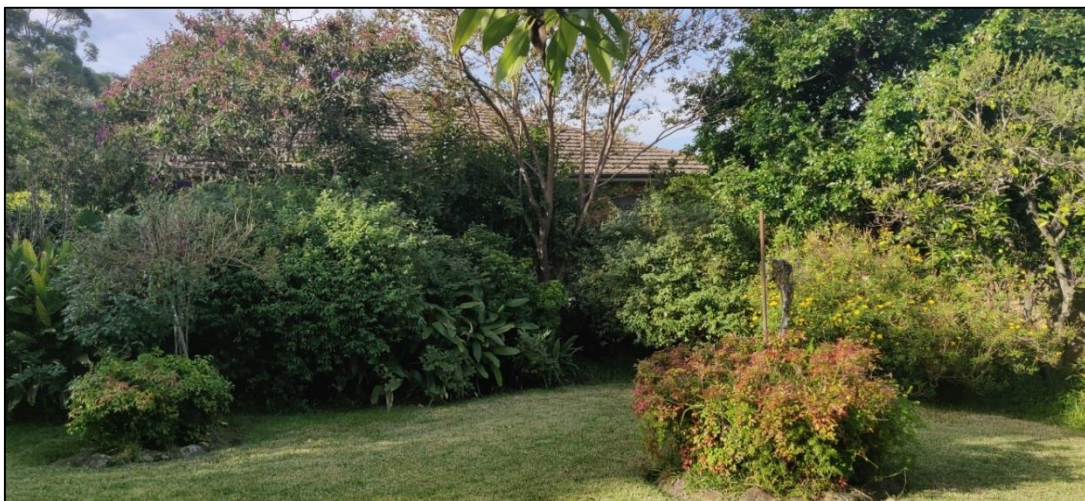


Figure 18: Existing landscaping along northern rear boundary (No. 6 Karalee Close in background)

ITEM 1 (continued)



Figure 19: View east from rear yard to adjoining properties.



Figure 20: Existing landscaping and screening along the south-eastern boundary.

Building siting and design

The proposed building, at the outer most corner of the entry patio, is setback 7 metres from the front property boundary, 1.5 metres from the northern side boundary, 3 metres from the south-eastern rear boundary, and 1.5 metres from the southern side boundary. The proposal has a setback measuring 8.3 metres from the edge of the verandah to the northern rear boundary.

The front property boundary of the site and adjoining properties along Cooina Close follows the curvature of the cul-de-sac. As such the applicant has calculated the required front setback having regard to the existing front setback of adjacent properties and the curve matching the subject site's front property boundary.

The external materials and finishes of the proposed building comprises face brick, FC cladding, metal roofing, colourbond tiles, and cement rendering. The garage doors will have a finish that resembles timber and balustrades to the rear verandah comprised of metal and glazed panels. The proposal also includes a new 1.2 metre

ITEM 1 (continued)

high front fence and 1.8 metre high colourbond fences on the side and rear boundaries.

Boarding house management

The originally submitted application sought consent for the construction of a 2 storey boarding house containing 12 x 1 bed self-contained boarding rooms comprising a bathroom, kitchenette and laundry facilities communal indoor and outdoor areas on the ground floor, 4 car parking spaces, 4 motorcycle parking space and 5 bicycle spaces. The proposal also included facilities and car parking for a manager. The application included a Statement of Environmental Effects and Plan of Management for the proposed 12 room boarding house. As stated in the Plan of Management dated 26 August 2019, the originally proposed development was to be managed by a Strata Management company.

An amended Plan of Management was submitted on 8 May 2020. The amended Plan of Management does not provide for a boarding house manager or specify the engagement of a management company to manage the operation of the boarding house. Specific operational provisions to effectively minimise noise and amenity impacts on adjoining properties and maintain amenity for occupants have not been included in the amended Plan of Management.

4. Background

The application was lodged with Council on 3 September 2019. The original development application, before being amended by the applicant, was for the construction of a two (2) storey boarding house containing 12 x 1 bed self-contained boarding rooms with 6 car parking spaces, 2 motorcycle parking spaces and 6 bicycle spaces.

The applicant did not request a Pre-Lodgement Meeting with Council officers prior to the submission of the application.

On 9 September 2019, the Manager Development Assessment met the applicant to discuss key design issues and non-compliances with relevant development controls and recommended the applicant consider withdrawing the application.

On 10 September 2019, the applicant advised in writing that the proposal would not be withdrawn.

On 14 October 2019, a letter was sent to the applicant requesting the proposal be amended to address the following issues:

- **State Environmental Planning Policy (Affordable Rental Housing) 2009**
 - The gross floor area of 6 of the 12 boarding rooms exceeded the maximum area of 25m² in Clause 30(1)(b).
 - The number of motorcycle parking spaces was insufficient and did not satisfy Clause 30(1)(h).

ITEM 1 (continued)

- The setting of the proposed boarding house was inconsistent with the character of local area and did not satisfy Clause 30A.
- Ryde Development Control Plan 2014
 - The proposal was inconsistent with the objectives and provisions for boarding houses under Part 3.5 of RDCP 2014.
 - The proposal was inconsistent with the provisions for residential amenity, accessibility and internal building design in Part 3.5, Sections 3.2, 3.3 and 3.6 of RDCP 2014.
 - The setting of the proposed boarding house was inconsistent with the character of the local area and did not satisfy Part 3.3, Section 2.1 of the RDCP 2014.
- Stormwater Management
 - The proposal did not provide a safe overland flow path from the stormwater system during an emergency event and will impact downstream properties.
 - A drainage easement across the adjoining downstream property was required to be incorporated into the proposed development in accordance with Part 8.2 of the DCP.
- Insufficient information
 - The application was submitted with insufficient information including the following:
 - Detailed internal layouts including furniture layout in boarding rooms and communal areas to demonstrate satisfactory internal amenity;
 - Weather protection for communal outdoor areas;
 - Accessible paths for persons with disabilities between boarding rooms, internal communal areas and outdoor areas were not provided;
 - The submitted Plan of Management was inadequate and did not provide sufficient details specific to the proposed management of the premises;
 - Details of proposed levels within the car parking area were not provided to demonstrate compliance with Australian Standard AS2890.1 for standard and disabled car parking spaces; and
 - Swept path diagrams showing entry and exit from each nominated car space in accordance with Australian Standard AS2890.1.

A draft set of amended plans was provided by the applicant on 1 November 2019 in response to Council's letter dated 14 October 2019. The draft plans were reviewed by Council officers and the applicant was advised that the issues raised by Council remained unresolved and further design amendments were required.

On 28 February 2020, further correspondence was provided to the applicant relating to the draft amended plan regarding the design of car parking, motorcycle parking and bicycle parking for the boarding house. The applicant was advised that the revised design did not satisfy relevant provisions for car parking, access and garage

ITEM 1 (continued)

design under the Ryde DCP 2014 and was not supported. In addition, concern was raised with the reconfiguration of the internal and outdoor areas and impacts on residential amenity particularly privacy, accessibility and functionality. The amended proposal presented to Council was not considered to sufficiently address the issues raised in Council's 14 October 2019 letter and it was recommended that the application withdraw the application.

On 5 March 2020, the applicant contacted the assessing officer to discuss the issues raised relating to the draft amended plans and advised that amended plans would be formally submitted to address Council's outstanding concerns.

On 18 March 2020, an email was sent to the applicant advising that amended plans addressing outstanding issues are to be formally submitted no later than 31 March 2020 or the application would be determined based on the application currently with Council.

Amended plans were submitted to Council on 31 March 2020. The amended proposal reconfigured the layout of the boarding house from 12 self-contained boarding rooms for 12 lodgers with 6 car parking spaces, to 8 x 2 bed self-contained boarding rooms for a maximum of 16 lodgers. The proposal also reduced car parking spaces from 6 spaces to 4 spaces.

On 1 April 2020, an email was sent to the applicant advising that the amended plans were insufficient, requesting the submission of additional information including amended stormwater plans, an amended Statement of Environmental Effects, an amended Plan of Management and a BASIX Certificate relating to the amended architectural plans.

On 16 April 2020, Council's Senior Development Engineer discussed amendments to the proposed stormwater management plan with the applicant's stormwater engineer. The applicant advised that owners consent from adjoining properties could not be obtained for the creation of a drainage easement as requested in Council's letter dated 14 October 2019 and email dated 31 March 2020. The proposal plans to connect drainage to an existing Council drain located beneath the pedestrian pathway adjacent to the site. The applicant was advised that additional information was required to be submitted for consideration, including details of the proposed overland flow path, OSD bypass areas, safe overflow from the OSD system and details of all retaining walls.

Amended stormwater plans and an OSD Checklist were submitted on 28 April 2020. On 8 May 2020, an amended Statement of Environmental Effects, Plan of Management and Local Character Statement relating to the amended proposal were submitted to Council.

On 11 May 2020, an amended BASIX Certificate relating to amended proposal was submitted to Council.

ITEM 1 (continued)**5. Planning Assessment**

An assessment of the development in respect to Section 4.15 of the *Environmental Planning and Assessment Act 1979* is detailed below.

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

The development is subject to Division 3 (Boarding Houses) of State Environmental Planning Policy (Affordable Rental Housing) 2009.

The site is zoned R2 Low Density Residential under the Ryde Local Environmental Plan 2014 and the SEPP is applicable in accordance with Clause 26 and 27(1) and (2) which read as follows:

Clause 26 – Land to which this Division applies

This Division applies to land within any of the following land use zones or within a land use zone that is equivalent to any of those zones -

- a) *Zone R1 General Residential,*
- b) *Zone R2 Low Density Residential,*
- c) *Zone R3 Medium Density Residential,*
- d) *Zone R4 High Density Residential,*
- e) *Zone B1 Neighbourhood Centre,*
- f) *Zone B2 Local Centre,*
- g) *Zone B4 Mixed Use.*

Clause 27 – Development to which this Division applies

Clause 27(1) and (2) of the SEPP stipulates:

- 1) *This Division applies to development, on land to which this Division applies, for the purposes of boarding houses.*
- 2) *Despite subclause (1), this Division does not apply to development on land within Zone R2 Low Density Residential or within a land use zone that is equivalent to that zone in the Sydney region unless the land is within an accessible area.*

With respect to 27(1), “Boarding house” is defined under the SEPP (and the RLEP 2014) as follows:

“boarding house means a building:

- a) *that is wholly or partly let in lodgings, and*

ITEM 1 (continued)

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

The proposed development for a boarding house satisfies the above definition.

With respect to Clause 27(2), an "accessible area" is defined under the SEPP as follows:

"accessible area means land that is within:

- a) *800 metres walking distance of a public entrance to a railway station or a wharf from which a Sydney Ferries ferry service operates, or*
- b) *400 metres walking distance of a public entrance to a light rail station or, in the case of a light rail station with no entrance, 400 metres walking distance of a platform of the light rail station, or*
- c) *400 metres walking distance of a bus stop used by a regular bus service (within the meaning of the Passenger Transport Act 1990) that has at least one bus per hour servicing the bus stop between 06.00 and 21.00 each day from Monday to Friday (both days inclusive) and between 08.00 and 18.00 on each Saturday and Sunday."*

The site is appropriately 302.5m from the bus stop located on Epping Road to the north (via Agincourt Road and Yarwood Street) and 314m to the bus stop located at the intersection of Epping Road and Culloden Road. The bus stops are serviced by six (6) bus routes (operating west and eastbound) being:

- 288: City Erskine Street to Epping
- 290: City Erskine Street to Epping via North Sydney & Macquarie University
- 291: McMahons Point to Epping
- 292: City Erskine Street to Marsfield via Macquarie Park
- 293: City Wynyard to Marsfield
- 550: Macquarie Park to Parramatta via Epping

The bus stops have regular services along the above bus routes with at least one bus per hour servicing the bus stop between 06.00 and 21.00 each day from Monday to Friday (both days inclusive) and between 08.00 and 18.00 on each Saturday and Sunday¹, and in this regard the site is identified as an accessible area as defined under the SEPP.

¹ Bus route information

Routes 288, 290, 291, 292, and 550 are high frequency routes, in both directions, with services available every 10-20 minutes along Epping Road, between 6.00am and 9.00pm, Monday to Friday.

ITEM 1 (continued)

Clause 29 – Standards that cannot be used to refuse consent

Clause 29 stipulates that a consent authority may consent to development to which this Division applies whether or not the development complies with the standards set out in subclause (1) or (2). Subclause (3) outlines the standards relating to the provision of private kitchen or bathroom facilities. The table below provides an assessment of the proposal against these standards.

Clause 29 Standards which cannot be used to refuse consent	Required	Proposed	Complies
(1)(a) Floor Space Ratio	Existing maximum FSR for any residential accommodation permitted on the land (i.e. 0.5:1). Site area is 912m ²	Ground floor: 222.8m ² First Floor: 206m ² Total GFA = 428.03m ² FSR = 0.47: 1	Yes
(2)(a) Building Height	Maximum building height under LEP – 9.5m	The building has a maximum height of 7.96m at the ridge (RL97.31)	Yes
(2)(b) Landscaped area	Landscape treatment of front setback is compatible with streetscape	As discussed in relation to the character test following, the proposal will result in inadequate landscaping forward of the building and will not be compatible with the streetscape which is characterised by large landscaped setbacks.	No
(2)(c) Solar access	One or more communal living room receives at least 3 hours sunlight between 9am and 3pm at mid-winter	A minimum of 3 hours sunlight is provided to one or more communal living room windows at mid-winter.	Yes
(2)(d) Private Open Space	One area of at least 20m ² with minimum dimension of 3m is	An area greater than 20m ² of private open space provided at the	Yes

Bus routes 288, 291, 292 and 550 provide at least 1 service every hour, in both directions, between 8.00am to 6.00pm on Saturday and Sunday.

Route 290 operates a limited west bound service on Saturday at 4.54am and 6.07am, and an hourly service between 12.50am and 3.20am. On Sunday services are limited to hourly services between 6.00am – 7.00am and 11.00pm and 12.00midnight.

Route 293 provides a west bound service between Wynyard Station and Busaco Road, Marsfield (via Epping Road) in the afternoons, between 4.40pm and 7.20pm, Monday to Friday. The service is available every 20 minutes from Wynyard Station. The bus service does not operate on Saturday and Sunday.

ITEM 1 (continued)

Clause 29 Standards which cannot be used to refuse consent	Required	Proposed	Complies
	provided for use of lodgers.	rear of the site.	
(2)(e) Parking	At least 0.5 parking spaces are provided for each boarding room – minimum 4 spaces	4 car parking spaces are proposed including 2 car spaces in a double garage and 2 car spaces behind the front building setback. While the parking is provided, the position of the two spaces adjacent to the front building setback is not supported as further detailed below.	Yes
(2)(f) Accommodation size	Single rooms are at least 12m ² , and 16m ² in any other case, in area excluding private kitchen or bathroom facilities	The double boarding rooms range in area between 17.2m ² to 19.8m ² , excluding bathrooms and kitchenettes.	Yes
(3) Facilities	A boarding house may have a private kitchen or bathroom in each boarding room	Private kitchenette and bathroom is provided in each room.	Yes

Clause 29 (2)(e) Parking

The proposal provides two (2) motorcycle parking spaces, four (4) bicycle parking spaces and four (4) car spaces. Two (2) of the proposed car spaces are provided within the double garage and two (2) spaces adjacent to the building, behind the front building setback. Although the number of car, motorcycle and bicycle spaces satisfy Clause 29 of the SEPP, the provision of these spaces result in excessive hard paving within the front garden of the development and a uncharacteristically wide garage which are inconsistent with the character of surrounding developments in the street. Within the front building setback, the width of hard paving measures approximately 13.97 metres, comprising the driveway, concrete pathway and part of the front patio, compared to the width of the site measuring 22.57 metres (62% of the width of the site). This is further detailed below under *Clause 30A Character of local area*.

Clause 30 – Standards for boarding houses

Clause 30(1) stipulates that a consent authority must not consent to development to which this Division applies unless it is satisfied of each of the following:

ITEM 1 (continued)

Clause 30 (1) Standards for boarding houses	Required	Proposed	Complies
(a) Common room	Minimum one communal living room is 5 or more boarding rooms	2 communal living rooms are provided on the ground floor	Yes
(b) Gross Floor Area	No boarding room to have gross floor area exceeding 25m ² excluding private kitchen and bathroom	Boarding rooms have areas between 17.2m ² and 19.8m ² , excluding bathrooms and kitchenettes	Yes
(c) Occupancy	No boarding room to be used by more than 2 adult lodgers	Each boarding room contains two beds for a maximum of 2 adults.	Yes
(d) Kitchen/ Bathroom	Adequate kitchen and bathroom facilities are required for a boarding house for the use of each lodger	Private kitchenettes and bathrooms are provided in each room.	Yes
(e) Manager	If a boarding house accommodates 20 or more lodgers a manager's dwelling shall be provided onsite	The proposal will accommodate a maximum of 16 lodgers. No manager is required.	N/A
(g) Commercial zoning	If the site is primarily zoned for commercial purposes ground floor not to be used for residential purposes	The site is zoned R2 – Low Density Residential.	N/A
(h) Parking	At least 1 motorcycle and bicycle parking space shall be provided for every 5 boarding rooms – 14 room - 3 motorcycle and bicycle spaces required	2 motorcycle and 4 bicycle spaces.	Yes

Clause 30AA Boarding houses in Zone R2 Low Density Residential

A consent authority must not grant development consent to a boarding house on land within Zone R2 Low Density Residential unless it is satisfied that the boarding house has no more than 12 boarding rooms. The proposed development has 8 boarding rooms, and thus complies with this clause.

ITEM 1 (continued)**Clause 30A – Character of local area**

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

The local area of the site is identified primarily as the environs of Cooinda Close. Cooinda Close is a cul-de-sac approximately 51 metres in length and comprising five (5) allotments, two (2) of which have primary street frontages to Agincourt Road. The properties within Cooinda Close are irregular in shape and contain single storey and two storey residential dwellings. Existing dwellings at the cul-de-sac end of Cooinda Close have front setbacks greater than 8 metres and are substantially landscaped (refer Figure 22 and 23).

More broadly, the site is located within an established low density residential neighbourhood. The subject site is of a size and configuration that is consistent with immediately surrounding properties and responds to the surrounding subdivision layout.

The character of the local area is characterised by a number of key elements of the front presentation of dwellings to the street including:

- the front setback of dwellings
- a distinct lack of built form elements such as patios or balconies in front of the front building line;
- landscaping; and
- front fencing.

In each of these elements the proposed development is inconsistent with the existing and desired future character of the local area or has provided insufficient information to demonstrate consistency in these areas.

As noted under the assessment of Clause 29 (2)(b) above, the extent of hard paving within the front setback to accommodate access and egress for four (4) car parking spaces is excessive and does not provide sufficient soft landscaping that is consistent with the character of front gardens in the vicinity of the site.

In addition to the width of the driveway, the front setback also contains hard paving comprising of a concrete pathway and the entry patio. The patio including the roof extends approximately 2.05 metres in front of the main building facade. Existing dwellings adjacent to the site are contained behind the front setback with no building structures protruding into the front garden area. The extent of hard paving, car parking and projection of the building forward of the front setback is visually dominating when viewed from the street.

The front setback for the proposed development has taken into consideration the setback of immediately adjoining properties within the street, particularly at the end of the cul-de-sac (refer Figure 21 below). The existing front setback of No. 1 Cooinda Close is 9.77 metres and No. 3 Cooinda Close has a front setback of 7.93 metres. As

ITEM 1 (continued)

surrounding properties have various front setbacks to ensure consistent building setbacks along the street, it is considered appropriate for the front setback of the site to be an average of the two immediately adjoining properties, measured at 8.85 metres.

While the front setback of 8.85 metres provides an appropriate transition between the adjoining properties at the end of the cul-de-sac, the projection of the patio into the front setback (approximately 6.84 metres from the front boundary) is out of character with the setting of surrounding dwellings and is not appropriate.

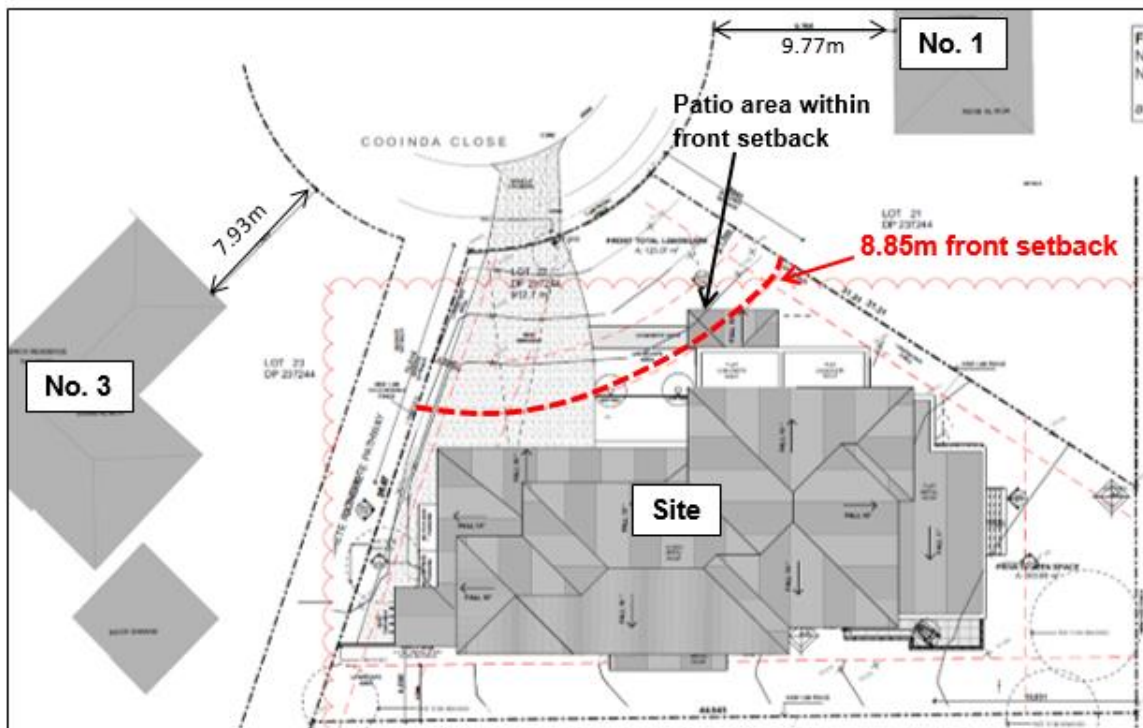


Figure 21: Front setbacks of site and surrounding properties.



Figure 22: Front setback and landscaping at No. 1 Cooinda Close

ITEM 1 (continued)



Figure 23: Front setback and landscaping at No. 3 and No. 19 Agincourt Road

With regard to landscaping, the submitted landscaped plan provides insufficient information and is inconsistent with the Arborist Report regarding existing trees to be retained, removed and transplanted. Insufficient details have been provided to address screen planting along the northern (rear), and south-eastern and south-western side boundaries to maintain visual privacy and the landscaped character of the site.

The proposal provides insufficient details relating to the proposed front and return fence adjacent to the pedestrian pathway along the south-western boundary. The proposed plan indicates that the front boundary will comprise of a 1.2m high fence and the side boundaries will comprise 1.8m high fences. Insufficient details have been provided regarding the design of the fences at the return of the front boundary. Given the visual prominence of the front boundary and return to the pedestrian pathway, the proposal has not sufficiently demonstrated that the proposed fences will be consistent with the character of the street.

Planning Principle – Compatibility with the Urban Environment

To further assess the compatibility of the development with the local area, the Planning Principle relating to the assessment of a proposed development's compatibility with the surrounding area provides key elements to consider. This was created in the determination of the Land and Environment Court appeal *Project Venture developments v Pittwater Council* [2005] NSWLEC 191. The consideration under the planning principle as relevant to the subject proposal includes the following:

- *Where compatibility between a building and its surroundings is desirable, its two major aspects are physical impact and visual impact. In order to test whether a proposal is compatible with its context, two questions should be asked.*

ITEM 1 (continued)

- *Are the proposal's physical impacts on surrounding development acceptable? The physical impacts include constraints on the development potential of surrounding sites.*
- *Is the proposal's appearance in harmony with the buildings around it and the character of the street?*
- *For a new development to be visually compatible with its context, it should contain, or at least respond to, the essential elements that make up the character of the surrounding urban environment. In some areas, planning instruments or urban design studies have already described the urban character. In others (the majority of cases), the character needs to be defined as part of a proposal's assessment. The most important contributor to urban character is the relationship of built form to surrounding space, a relationship that is created by **building height, setbacks and landscaping**. In special areas, such as conservation areas, **architectural style and materials** are also contributors to character.*
- *Front **setbacks** and the way they are treated are an important element of urban character. Where there is a uniform building line, even small differences can destroy the unity. **Setbacks** from side boundaries determine the rhythm of building and void. While it may not be possible to reproduce the rhythm exactly, new development should strive to reflect it in some way.*
e)
- ***Landscaping** is also an important contributor to urban character. In some areas landscape dominates buildings, in others buildings dominate the landscape. Where canopy trees define the character, new developments must provide opportunities for planting canopy trees.*

With regard to the considerations in the planning principle above, assessment of relevant provisions in Part 3.3 and 3.5 of the RDCP 2014 relating to character of the local area (provided under Section 4.4 of this Report), built form controls and landscaping have identified that the amended proposal is incompatible with the setting of existing dwellings and landscaped character of the street. The proposal does not satisfy the considerations in the planning principle for development that is compatible with its urban context. Having regard to the assessment in the report above, the proposal is not considered compatible with the character of the local area and cannot be supported under Clause 30A of the SEPP (Affordable Rental Housing) 2009.

Clause 52 – No subdivision of boarding houses

In accordance with Clause 52, consent must not be granted for the strata subdivision or community title subdivision of a boarding house. The proposal does not seek approval for subdivision of the boarding house.

ITEM 1 (continued)**State Environmental Planning Policy (Building Sustainability Index BASIX) 2004**

The proposed development is identified under the Environmental Planning and Assessment Regulation 2000 as a BASIX Affected Building. Clause 3 of the Environmental Planning and Assessment Regulation 2000 defines a 'BASIX Affected Building' as any building that contains one or more dwellings, but does not include a hotel or motel.

In a NSW Land & Environment Court (LEC) case *SHMH Properties Australia Pty Ltd v City of Sydney Council [2018] NSWLEC 66* Commissioner Preston determined that, if rooms in a boarding house are capable of being used as a separate domicile (and therefore meeting the definition of a 'dwelling'), a BASIX certificate for the development will be required to accompany the development application.

The proposed boarding rooms each contain bathroom, kitchenette and laundry facilities and is therefore considered self-contained.

An amended BASIX Certificate has been submitted (No. 903989S_03, dated 11 May 2020) which provides the development with a satisfactory target rating.

State Environmental Planning Policy No. 55 – Remediation of Land (SEPP55)

The requirements of SEPP55 apply to the subject site.

In accordance with Clause 7 of SEPP55, 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.

Currently the site contains a single storey residential dwelling house with an attached garage. Council records indicate that the site is an established residential use and has not been occupied for uses that potentially cause contamination. Therefore, further investigation of the site is not warranted and the site is considered suitable under SEPP55 for the proposed development without need for remediation.

Council's Environmental Health Officer has not raised issues with the proposal in regard to contamination as the site is not listed on the EPA contaminated land register and has been a residential use pre-1970s.

State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017

The objective of this SEPP is to protect the biodiversity values of trees and other vegetation and to preserve the amenity of the area through the preservation of trees and other vegetation. The subject site is not identified as containing significant urban bushland on Council's Environmentally Sensitive Areas map.

However, Council's Landscape Architect has raised concerns relating to insufficient landscape plans to adequately address removal of trees and other vegetation and its impact on the amenity of the area.

ITEM 1 (continued)

Further details are provided within Sections 5.4 and 10 of this report.

State Environmental Planning Policy No. 19 – Bushland in Urban Areas

The SEPP is applicable to the whole of the City of Ryde area and aims to protect and preserve bushland within urban areas. The site is not identified as containing bushland that is to be conserved in accordance with the provisions of the SEPP.

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.

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.

5.2 Ryde Local Environmental Plan 2014 (RLEP 2014)

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

The site is zoned R2 Low Density Residential under the provisions of the RLEP 2014. The development is permitted in this zoning.

The aims and objectives for the R2 Low Density Residential zone in Clause 2.3 – Zone Objectives 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.*

The development will provide for the housing needs of the community and contribute to variety of housing types. Therefore, the proposed development satisfies the objectives of the R2 Low Density Residential zone.

ITEM 1 (continued)**Clause 4.3 Height of Buildings**

The maximum permitted building height for the site is 9.5 metres. The proposal has a maximum building height of 7.55 metres, measured to the ridgeline. The proposal complies with the maximum building height control for the site under RLEP 2014.

Clause 4.4 Floor Space Ratio

The maximum permitted FSR for the site is 0.5:1. The proposal seeks approval for a FSR of 0.47:1 which complies with the FSR control under RLEP 2014.

Other Relevant Clauses**Clause 6.4 - Stormwater Management**

Clause 6.4 addresses stormwater management and requires the following matters to be considered:

- (a) *is designed to maximise the use of water permeable surfaces on the land having regard to the soil characteristics affecting on-site infiltration of water, and*
- (b) *includes, if practicable, on-site stormwater retention for use as an alternative supply to mains water, groundwater or river water, and*
- (c) *avoids any significant adverse impacts of stormwater runoff on adjoining properties, native bushland and receiving waters, or if that impact cannot be reasonably avoided, minimises and mitigates the impact.*

The amended proposal includes an underground OSD system beneath the garage and driveway with a drainage connection to Council's existing stormwater pipe located under the pedestrian pathway to the south of the site.

The proposed stormwater management plan requires the construction of a new junction pit within the pedestrian pathway. The proposed works will directly impact Council stormwater drainage assets and insufficient information has been provided to determine if the design is acceptable. Based on the above, it cannot be said that the proposal satisfies the requirements of Clause 6.4 and therefore the proposal is recommended for refusal.

5.3 Draft Environmental Planning Instruments**Draft Remediation of Land State Environmental Planning Policy**

The draft SEPP is a relevant matter for consideration as it is an environmental planning instrument that has been placed on exhibition. The explanation of Intended Effects accompanying the draft SEPP advises:

As part of the review of SEPP 55, preliminary stakeholder consultation was undertaken with Councils and industry. A key finding of this preliminary consultation was that although the provisions of SEPP 55 are generally effective, greater clarity is

ITEM 1 (continued)

required on the circumstances when development consent is required for remediation work.

The draft SEPP does not seek to change the requirement for consent authorities to consider land contamination in the assessment of development applications. Refer to conclusions made in relation to SEPP 55.

Draft Environment State Environmental Planning Policy

The draft Environment SEPP was exhibited from 31 October 2017 to 31 January 2018. The consolidated SEPP proposes to simplify the planning rules for a number of water catchments, waterways and urban bushland areas. Changes proposed include consolidating SEPPs, which include the following:

- State Environmental Planning Policy No. 19 – Bushland in Urban Areas
- Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

The site and the adjoining properties do not contain any remnant urban bushland, and as such, State Environmental Planning Policy No. 19 – Bushland in Urban Areas is not applicable to the proposal. Refer to conclusions made in relation to Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005.

5.4 Ryde Development Control Plans 2014

The relevant sections of the RDCP 2014 have been assessed below. It is noted that the site is not located within a specific town centre or special area under the RDCP 2014.

Part 3.5 of the RDCP 2014 provides the development controls which are applicable to boarding house developments in the City of Ryde. However, as per Section 1.6 of this Part, applicable controls for boarding houses are also contained within:

- Part 3.3 - Dwelling Houses and Dual Occupancy (Attached),
- Part 7.2 Waste Minimisation and Management.
- Part 9.3 Parking Controls

An assessment of the relevant sections of these Parts and of Part 3.5 is provided below.

Part 3.3 – Dwelling Houses and Dual Occupancy (Attached)

Part 3.3 of RDCP 2014 contains the controls for low density residential development within the R2 zone and establishes the objectives and controls to shape the desired future character of low density areas of Ryde. In this respect this Part of RDCP 2014 is important in reviewing the proposed development and its consistency with the local character of the area - both the built form and the landscaped character.

The inconsistency of the proposal with the following Sections of the RDCP 2014 collectively demonstrate the unsuitability of the proposed development for the site, and the impacts the development will have on the local area:

ITEM 1 (continued)

- Section 2.1 – Desired Future Character
- Section 2.2.1 – New Dwelling Houses
- Section 2.5.1 – Streetscape
- Section 2.5.3 – Pedestrian and Vehicle Safety
- Section 2.6.1 – Deep Soil Areas
- Section 2.9.1 – Front Setback
- Section 2.9.3 – Rear Setbacks
- Section 2.11 – Car Parking and Access
- Section 2.13 – Landscaping

These are further reviewed below.

Section 2.1 Desired Future Character

This section of the DCP outlines the desired future character low density areas. The relevant characteristics to this development are outlined below.

“The desired future character of the low density residential areas of the City of Ryde is one that:

- ...
- *Has dwellings located in a landscape setting which includes a clearly defined front garden and back yard;*
- *Has buildings which are well designed and have a high degree of amenity;*
- *Has streetscapes made up of compatible buildings with regard to form, scale, proportions (including wall plate heights) and materials;*
- *Has streetscapes with dwellings that have a generally consistent front setback and consistent street orientation;*
- *Has garages and other structures which are not prominent elements in the streetscape and which are compatible with the character of the dwelling;*
- ...
- *Has backyards, which are maximised in size;*
- *Has backyards which form a connected strip of vegetation in neighbourhoods and which include large trees;*
- *Has allotments with large deep soil areas which allow rainwater to be absorbed and trees to be planted;*
- *Has mature trees in streets, front gardens and backyards (existing mature trees are retained and new tree plantings encouraged)”*

As demonstrated through the assessment in this report, the proposed development is either inconsistent with the above characteristics for the desired future character of low density residential areas in the City of Ryde, or has provided insufficient information to demonstrate this.

Section 2.2.1 – New Dwelling Houses

Whilst the proposal is for a boarding house, the design of the building is reflective of the form of a new two storey dwelling and the local area it is situated is a low density residential area. Accordingly, the objectives and provisions in Clause 2.2.1 of this

ITEM 1 (continued)

part of the DCP are applicable in establishing the expected built form of the local area.

The development is inconsistent with the objectives of this clause as the overall scale of the boarding house presents as a large two storey dwelling where the front patio projects beyond the front setback for the site, and is inconsistent with the setting of properties within the local area. In particular, no structures of the adjoining properties project beyond the front setback and the front garden are similarly landscaped.

The proposal does not satisfy controls (a) and (e) of this section relating to landscape setting and garages. In particular, the double garage has a width of 8 metres, is considered excessive and visually prominent and contributes to the extent of hard paving required to service the car parking (including car spaces 3 and 4) on the site. The width of the driveway is out of character with the vehicular access for surrounding properties in the local area and does not provide for landscaping that is consistent with surrounding front gardens. These non-compliances are discussed in the report below.

Section 2.5.1 – Streetscape

In accordance with the objectives and provisions under Section 2.5.1, the proposal is required to demonstrate that the dwelling and gardens are consistent with the landscaped character of the street. The objectives for streetscape under this Section are as follows:

1. *To ensure the existing landform and landscape setting of the street is retained and reinforced by new dwellings.*
2. *To ensure new development is compatible with the positive characteristics of the existing streetscape and the desired future character of the low density residential areas.*
3. *To encourage the design of well proportioned elevations.*
4. *To ensure streets provide a high level of pedestrian amenity, access and safety.*
5. *To ensure garages are not dominant elements in the streetscape.*
6. *To ensure that the orientation of dwellings, garages and carports is consistent with the existing streetscape.*

The proposal fails to achieve the above objectives as the setting of the boarding house is inconsistent with adjoining properties as it projects beyond the front building line, the garage and driveway widths are excessive and visually dominate the front elevation when viewed from the street. The existing character of the street comprises of generous front setbacks with established landscaped gardens. In the vicinity of the site, residential developments are predominantly low density single storey and two storey dwellings.

In relation to the controls of this Section, the proposed development is of a scale and form that is out of character with the existing dwellings in the street as it presents a building forward of the established front setback, excessive car parking, excessive

ITEM 1 (continued)

hardstand surfaces and insufficient landscaping and planting and does not satisfy Sections 2.5.1(b)(i), (iii) and (iv) and (d)(i) of this part of the RCP 2014.

With regard to fencing provisions under Section 2.5.1.(b)(ii), the proposal includes a 1.2 metre high front fence and 1.8 metre high fences along the southern boundary along the pedestrian path and along the north-western side boundary with No. 1 Cooinda Close. No fencing details have been submitted with the proposed development. Within the existing streetscape there are no front fences to properties with a primary frontage to Cooinda Close. The properties with secondary frontages to Cooinda Close also do not have fences along the primary or secondary frontages.

It is noted that a 1.2 metre high front fence may satisfy the provisions in the SEPP (Exempt and Complying Development Codes) 2008 and not require development consent. However, the proposed 1.8 metre high fence along the southern boundary that return to the front boundary requires development consent. No details have been provided of the fence to enable a proper assessment of the visual and amenity impacts of the proposed fence particularly at the intersection of the pedestrian pathway and the front boundary cannot be determined.

Having regard to the assessment of streetscape impacts above, the proposed development is not considered satisfactory and will have an adverse impact on the character of the streetscape and amenity of surrounding properties.

Section 2.5.3 – Pedestrian and Vehicle Safety

The proposal indicates that a 1.8 metre high boundary colourbond fence is to be construction along the southern boundary, along the length of the pedestrian pathway which connects to Cooinda Close. Given the proximity of the fence to the driveway, no information has been submitted to demonstrate the proposed fence will not have any adverse impacts on sightlines for drivers as they exit the site.

The proposal in its current form does not satisfy the objective under Section 2.5.3 to provide adequate sightlines for pedestrian safety and is inconsistent with Section 2.5.3(b) regarding fences that do not block sightlines from the driveway to the footpath or road. As pedestrian safety and amenity is a component of the public domain and therefore part of the streetscape, the proposal does not contribute to the amenity of the streetscape and is not supported.

Section 2.9.1 – Front Setback

The application as originally lodged with Council proposed a front setback of 7.852m to the front façade. To satisfy the objectives under Section 2.9.1(2) and (3) and provide a consistent building setback and front garden, the applicant agreed with Council officers that a front setback determined by the average of the setbacks at Nos. 1 and 3 was more appropriate than compliance with the 6 metre front setback control under Section 2.9.1(a).

A 6 metre front setback for the site will accommodate a building that is between 1.9 metres and 3.7 metres forward of the setback of adjoining properties in the cul-de-

ITEM 1 (continued)

sac. Such inconsistencies would have an adverse impact on the character of the street and is not desirable. Therefore, a variation to the front setback control was recommended with a front setback of 8.85 metres, being an average of the two neighbouring properties. Despite this however, the proposal projects into this setback area with the front patio setback 7m front the front boundary, projecting beyond the front of the buildings and presents a built form that is inconsistent with adjoining properties in the street. The proposal is inconsistent with immediately adjoining properties which are contained behind the front setback with no structures in the front setback, allowing for substantial landscaping in the front gardens of properties that contribute to the landscaped character of the street.

Section 2.9.3 – Rear Setbacks

In accordance with Section 2.9.3(a) dwellings are required to provide a rear setback measuring at least 25% of the length of the site or 8 metres, whichever is lesser. However, as the site is irregular in shape and is wider than it is long, a minimum rear setback of 4 metres is permitted under Section 2.9.3(b).

The proposed setback of the south-eastern boundary achieves a minimum of 4 metres except the ground floor boarding room which is setback 3 metres from the boundary (see Figure 24 below). The proposed 3 metre setback is not supported as two window openings to the boarding room will result in poor privacy and amenity for occupants and the adjoining property. In particular, the proposal does not provide landscape screening along side or rear boundaries and will result in adverse visual and acoustic impacts on occupants and adjoining properties.

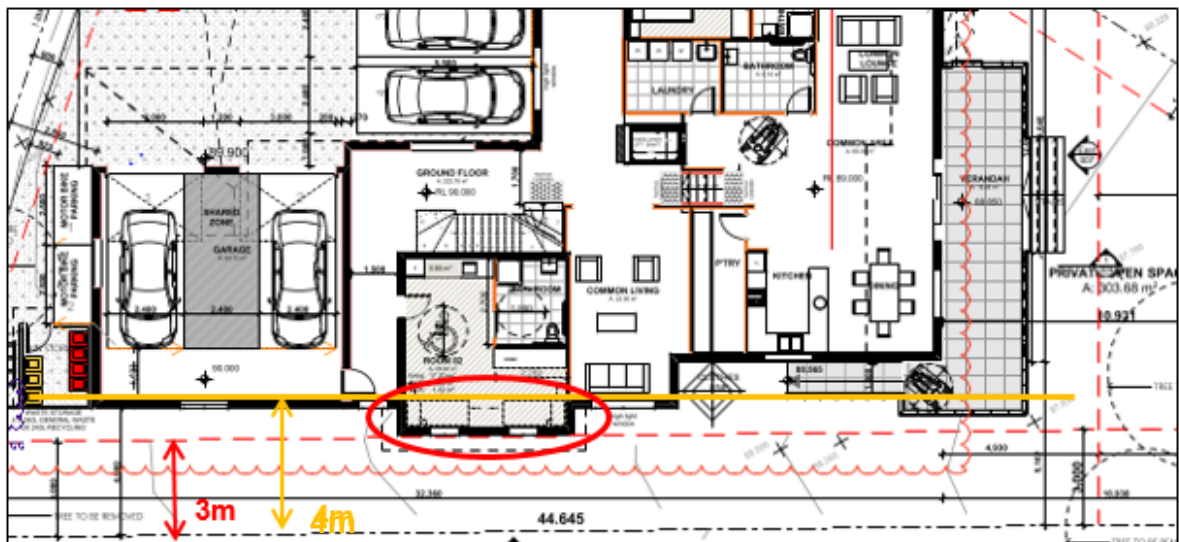


Figure 24: Proposed south-eastern setback at ground floor

Given the irregular shape of the site and orientation of the building to the street, the northern portion of the site is considered the rear garden.

ITEM 1 (continued)**Section 2.11 – Car Parking and Access**

The proposal provides 4 car parking spaces contained in a double garage and 2 car spaces behind the front setback. The proposed car spaces satisfy the car parking requirements for an 8 room boarding house under Section 29(e)(iia) of the SEPP (Affordable Rental Housing) 2009.

In accordance with Section 2.11.1(i) of the RDCP 2014, the maximum permitted width of a garage is 6 metres or 50% of the frontage, whichever is lesser. The site has a curved frontage measuring 11.2 metres, therefore a maximum permitted width for a garage on the site is 5.6 metres. The proposed double garage has a width of 8 metres and does not comply with the DCP.

The proposal has a building frontage to Coinda Close of approximately 23.6 metres. The width of the garage occupies 34% of the building frontage to the street and is visually prominent. The proposed garage is inconsistent with garages on adjoining properties which do not exceed the garage width control and are not visually dominant when viewed from the street.

The width of the driveway is required to accommodate adequate turning circles and vehicular movement for four car parking spaces. Given the irregular shape of the site, the proposed width of the driveway varies in width from 4 metres at the front property boundary, 8.6 metres at the front setback and 10.11 metres adjacent to the garage. The extent of hard paving for driveway is excessive and detracts from the landscaped character of the street which comprises of substantial gardens.

It is noted that the proposed number of car parking spaces and arrangement seeks to satisfy the car parking requirement for 8 boarding rooms under Section 29(e) of the SEPP (Affordable Rental Housing) 2009. Given that the proposed intensification of the site requires car parking that will detract from the character of the streetscape, the proposal is not considered compatible with the character of the local area and is not suitable for the site.

Section 2.13 – Landscaping

In accordance with Section 2.13 landscaping incorporates private open space, gardens, driveways, parking area and utility areas within a site. Landscaping in the front and rear yards of a site are significant components of streetscape character.

The landscaped gardens within the front setback of properties in Coinda Close and surrounding streets are established with mature trees and are visually prominent.

The proposal has a combined hard paved area of 93.79m² (54%) within the front garden area comprising of the front setback and hard paved and soft landscaped areas located forward of the boarding house. The proposal does not satisfy Section 2.13(e) which requires no more than 40% of the garden to comprise of hard paving. The proposed front garden which is dominated by hard paving is out of character with the landscaped gardens in the vicinity of the site and will not enhance the character of the streetscape or local area.

ITEM 1 (continued)

In addition, the proposal removes existing planting along the side and rear boundaries of the site and has not proposed substantial replacement planting to provide sufficient screening between properties. In this regard, the proposal does not satisfy Section 2.13(i), (j) and (o) of RDCP 2014 and will have adverse amenity impacts on occupants of the boarding house and immediately adjoining properties.

Given the visibility of the side and rear boundaries from Cooina Close, the pedestrian pathway and adjoining properties, the proposed reduction in screen planting will detract from the landscaped character of the site and the local area when viewed from the public domain. The proposal does not satisfy the objectives in Section 2.13(1) to (4) inclusive, and will not contribute to the existing landscaped character of the street or amenity between properties.

Part 3.5 – Boarding Houses

Section 1.3 states that the objectives of Part 3.5 are:

1. *“To recognise boarding house accommodation as a component of the City of Ryde’s residential housing mix.*
2. *To facilitate the provision of high quality affordable rental housing in the form of boarding houses where permissible in residential and business zones in the City of Ryde.*
3. *To support government policy which facilitates the retention and mitigates the loss of existing affordable rental housing.*
4. *To encourage appropriate design of boarding house development to ensure the impact and operation does not interfere with surrounding land uses and amenity.*
5. *To provide controls for boarding houses that are not within “accessible area” as defined under the SEPP ARH.*
6. *To ensure that boarding houses are designed to be compatible with and enhance the local area character and the desired future character.*
7. *To ensure that any building that has been developed or adopted into a boarding house maintains a satisfactory standard of amenity for both the needs of occupants and neighbours alike”.*

Of the above objectives, it is considered that the development does not satisfy the following:

4. *To encourage appropriate design of boarding house development to ensure the impact and operation does not interfere with surrounding land uses and amenity.*

Given the issues identified within this report, the proposed development is not considered to be of appropriate design that is consistent with surrounding properties and it has not been adequately demonstrated that the intensification of the use of the site would not adversely impact upon the amenity of surrounding land uses.

6. *To ensure that boarding houses are designed to be compatible with and enhance the local area character and the desired future character.*

ITEM 1 (continued)

As demonstrated through the assessment of report, it is not considered that the proposed siting of the building is consistent with the established landscaped character of the streetscape and locality and will not contribute to the desired future character of the local low density residential area.

7. *To ensure that any building that has been developed or adopted into a boarding house maintains a satisfactory standard of amenity for both the needs of occupants and neighbours alike.*

As identified within this report, it is not considered that the development can ensure that its operation would not adversely impact upon the amenity of both the needs of occupants and neighbours alike.

The following table provides an assessment of the development against the applicable clauses of Part 3.5.

Provision	Required	Proposed	Complies
2.0 Location and Character	<p>The design must demonstrate compatibility with character of local area and address:</p> <ul style="list-style-type: none"> Existing character (streetscape and visual catchment areas) Predominant building type Predominant height Predominant front setback and landscape treatment Permissible FSR and site coverage Predominant pattern of subdivision and spacing of buildings Predominant parking arrangement Predominant side setbacks Predominant rear setback and rear landscaping 	A Local Character Statement has been submitted with the amended proposal. However, the proposal is not considered compatible with the character of the local area having regard to the predominant built form, car parking arrangement and landscaping of the front and rear yards.	No
2.3(b) Heritage	Within vicinity of heritage item needs to be sympathetic to heritage significance	The site is not within the vicinity of a heritage item.	Yes

ITEM 1 (continued)

Provision	Required	Proposed	Complies
2.3(e) and (f) Size and Scale	<p>A maximum of 12 boarding rooms are permitted.</p> <p>The bulk and scale of the development must demonstrate acceptable impacts for the street and adjoining properties relating to:</p> <ul style="list-style-type: none"> • Overshadowing and privacy • Streetscape • Building setbacks • Parking and traffic impact • Landscape requirements • Visual impacts and impact on views • Impact on significant trees • Suitable lot size, shape and topography 	<p>The amended proposal contains 8 boarding rooms which does not exceed the maximum permitted 12 boarding rooms under Section 2.3(e).</p> <p>Amended shadow diagrams have not been provided therefore it cannot be determined if sufficient solar access will be maintained for adjoining properties.</p> <p>The design of the boarding house and setback to the south-eastern elevation will have visual privacy impacts on adjoining properties.</p> <p>The design of the boarding house and vehicular access within the front setback and front garden area is not compatible with the landscaped character of adjoining properties and streetscape.</p> <p>The requirement for the proposal to provide 4 car parking spaces, 2 motorcycle spaces and bicycle spaces results in excessive hard paving within the front setback which has an adverse visual impact on the streetscape.</p> <p>The amended proposal provides a lack of screen planting along the side and rear boundaries and will have visual and amenity impacts on adjoining properties.</p> <p>The amended landscape plan is inconsistent with the recommendations of the Arborist Report relating to retention, removal and transplant of existing trees. The amended proposal does not enhance the landscape character of the site and visual amenity for surrounding properties or the streetscape.</p>	No

ITEM 1 (continued)

Provision	Required	Proposed	Complies
2.4(n) Parking and Traffic	Parking is not to be located within communal open space or landscape areas	<p>The amended proposal has relocated all car parking spaces behind the front setback.</p> <p>Access to the car parking spaces is provided by a wide curved driveway approximately 8.9m measured at the front setback. Although the car parking spaces are not located within the front setback, the proposal requires an excessive amount of hard paved area to service the proposed car parking spaces which has a visual impact on the streetscape.</p>	Yes
3.2 Privacy and Amenity	Main entrance to be located and designed to address street	The main entrance with a patio fronts Cooina Close.	Yes
	Access ways to front entrance located away from windows of boarding rooms for privacy	The window to Room 1 on the ground floor is immediately adjacent to the main entrance to the boarding house. Direct sight lines from the entry patio into Room 1 results in security and privacy impacts on future occupants.	No
	Designed to minimise and mitigate visual and acoustic privacy impacts on neighbours	<p>The amended proposal has incorporated some design elements to minimise privacy impacts on adjoining properties such as a setback ranging between 3 to 4 metres along the south-eastern boundary and use of highlight windows.</p> <p>Highlight windows minimises amenity impacts on adjoining properties however, highlight windows as the sole source of light and air to a boarding room provides poor amenity. Two of the eight boarding rooms rely on highlight windows.</p> <p>Room 2 on the ground floor has two windows with an outlook across the south-eastern rear boundary. Given the elevated floor</p>	No

ITEM 1 (continued)

Provision	Required	Proposed	Complies
		<p>level of the ground floor at this location, Room 2 will have direct sightlines to and privacy impacts on the private open space and rear of the adjoining property.</p> <p>The rear verandah adjacent to the communal living areas is elevated from the natural ground level of the rear yard and surrounding properties. No screen planting along the boundaries of the communal outdoor open space and no specific restrictions outlined in the Plan of Management to minimise the impact of 16 occupants and their visitors occupying communal outdoor open space is likely to have visual and acoustic privacy impacts on adjoining properties.</p> <p>An amended acoustic report has not been submitted with the amended proposal. The acoustic impact of the amended proposal on surrounding properties cannot be determined.</p>	
3.3 Accessibility	All boarding house developments to be accompanied by accessibility report	An amended Accessibility Report was not submitted with the amended architectural plans. An assessment cannot be made to determine if the amended proposal satisfies the relevant accessibility requirements under the BCA or Disability (Access to Premises) Standards 2010.	No
3.4 Waste Minimisation and Management	Required in accordance with Part 7.2 of the RDCP 2014	The proposed bin storage area does not adequately accommodate the required number of bins for the development or obstructed access to and from the point of collection.	No
3.5 Sustainability and Energy Efficiency	BASIX Certificate required	An amended BASIX Certificate has been received and is acceptable.	Yes

ITEM 1 (continued)

3.6 Internal Building Design	Must make provision for laundry facilities, communal food preparation facilities, sanitary facilities and storage areas	Each boarding room has a bathroom and kitchenette and storage. Communal facilities include a laundry, bathroom, kitchen, dining and lounge rooms.	Yes
	Safety to be optimized by providing for overlooking of communal areas, provision of lighting and providing clear definition between public and private spaces	<p>No communal living areas provide an outlook to public spaces. At the ground floor a window to the circulation space near the stairs has an outlook to Cooina Close. This window may provide some level of passive surveillance intermittently.</p> <p>The layout of the communal areas provides safety and security for occupants with internal communal areas overlooking outdoor open spaces.</p> <p>A bedroom window at the ground floor is immediately adjacent to the primary entrance to the development. This does not provide acceptable safety or security for the occupant of the boarding room.</p> <p>Proposed fences provide clear definition between public and private spaces. A side gate along the north-western boundary is not provided on the amended plans separating the front garden and side access to the rear of the site.</p>	Partially complies
3.6(e)(i) Bedrooms	<ul style="list-style-type: none"> • Not to open directly onto a communal area • Must comply with SEPP (Affordable Rental Housing) 2009 • Minimum 2.1m² required for basin and toilet plus 0.8m² for shower, 1.1m² for laundry which must include a tub and 2m² for a kitchenette • Kitchenettes must have 	<p>All boarding rooms open to a common hallway on both levels.</p> <p>Rooms do not exceed 25m² and comply with the areas specified in the SEPP (Affordable Rental Housing) 2009.</p> <p>Each boarding room contains a bathroom, kitchenette and laundry facilities. The areas provided for the kitchenettes range between 1.19m² and 1.86m², with bench</p>	Partially complies

ITEM 1 (continued)

	small fridge, cupboards, shelves, microwave and 0.5m ² of bench space	spaces between 0.6m ² and 0.66m ² . Whilst sufficient bench space is provided, the area of the kitchenettes are inadequate. The amended POM states that laundry facilities are provided in each room but this has not been clearly shown on the plans or calculations. A communal laundry is provided on the ground floor.	
3.6(e)(ii) Communal Living Room	<ul style="list-style-type: none"> • Locate adjacent to communal open space to minimise impact on neighbours • Minimum size 15m² plus additional 15m² for each additional 12 persons • Openings to be oriented away from adjoining residential properties 	<p>Communal living areas are facilities are located at the rear building on the ground floor.</p> <p>87.39m² of communal living area consisting of two separate spaces is provided at ground level.</p> <p>Window openings from the second living area and kitchen on the ground floor are on the south-eastern elevation adjacent to boundary with No. 9 Karingal Ct. However, the living room window is a highlight window and the kitchen window does not exceed the height of the boundary fence given the slope of the site. Overlooking of adjoining properties will be minimised.</p>	Partially complies
3.6(e)(iii) Communal Kitchen and Dining Areas	<ul style="list-style-type: none"> • To be in accessible location • Area to be minimum 6.5m² or 1.2m² per resident that does not contain a kitchenette and provide one sink and stove top cooker per 6 people • Combined kitchen/dining areas to have minimum 15m² area 	<p>Each boarding room contains a kitchenette. However, a communal kitchen and dining area are located on the ground floor.</p> <p>The communal kitchen, dining and pantry area is approximately 31m². A dining room table and 6 chairs are provided.</p>	Yes
3.6(e)(iv) Bathroom	Communal bathrooms must be accessible 24 hours a day	1 communal bathroom is provided on the ground floor.	Yes
3.6(e)(v) Laundry and Drying	Outside drying areas shall be located in communal	2 clothes drying areas are provided and are accessible from the	Yes

ITEM 1 (continued)

Facilities	open space	communal outdoor area.	
3.6(e)(vi) Management	Required to be managed. Plan of Management required addressing matters specified under Schedule 2.	<p>An amended Plan of Management (POM) has been submitted.</p> <p>The POM is not consistent with the requirements of Part 3.5 – Section 4.2 and Schedule 2 for the following reasons:</p> <ul style="list-style-type: none"> • No provision for contact detail of the Manager • Emergency contact details have not been provided. • Definitions for 'loud' and 'noise' are not specified. • Detail on how to manage visitor car parking and minimise impact on immediate streets not provided. • Definition of cooking is not provided. House rule of no cooking in boarding room is inconsistent with the provision of a kitchenette and self-contained rooms. • Unclear who is responsible for the garden maintenance • The communal dining area does not provide sufficient seating of 1 chair per lodger • No complaints handling procedure provided • Inadequate detail clarifying how lodgers will manage the movement of bins for collection. • Details of security and fencing are inconsistent with amended plans. • Inadequate emergency evacuation procedures • No details on the operation and management of double rooms. • Detail of outdoor furniture is inconsistent with amended plans. <p>It is noted that the NSW Police have raised concerns that the POM fails to demonstrate the operation</p>	No

ITEM 1 (continued)

		of the boarding house will satisfactorily manage safety, security or amenity impacts on future occupants and surrounding properties.	
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Part 7.2 Waste Minimisation and Management

Section 2.7 in Part 7.2 of the RDCP 2014 is applicable to the proposed development as the boarding house comprising of more than 12 lodgers is classified as a Class 3 building under the BCA.

The requirements for garbage and recycling for a Class 3 boarding house is provided as follows:

DCP requirement	DCP Control	Proposed	Compliance
Section 2.3 – All developments Must provide space for on-site sorting and storage of waste and containers.		A bin storage room is provided adjacent to the garage measuring approximately 2.4m x 2.0m	No. The bin storage room is inadequate and does not satisfy the minimum dimensions under Schedule 4. To accommodate 2 rows of the proposed bins and circulation space, the minimum dimension of the bin storage room needs to be 2.25m x 2.8m. Additional space is required to include a green bin. There is insufficient space available to store this bin in the bin storage room.
Storage areas and number of containers in accordance with Schedule 1 and 2.	1 x 240L garbage bin per 2 units 1 x 240L recycling bin per 2 units 1 x 240L green bin waste	4 x 240L garbage bins 3 x 240L recycling bins No green bin	No. 4 recycling bins are required for the development. At least 1 green bin should be provided.

ITEM 1 (continued)

DCP requirement	DCP Control	Proposed	Compliance
Additional space must be provided for storage of bulky waste		No bulky waste storage area has been provided.	No
Preparation of a Site Waste Minimisation and Management Plan		An amended Site Waste Minimisation and Management Plan has not been submitted with the amended proposal.	No
Gradient of 14:1 path between waste storage and collection point		The slope between the bin storage room and the footpath collection point has a gradient of 30:1.	Yes
Section 2.7 – residential flat buildings of 4 storeys or more This section applies to residential components of mixed use developments including hotels, motels, serviced units, Class 3 boarding houses and backpacker accommodation. Waste and recycling storage rooms designed in accordance with Schedule 4	Minimum 700mm wide x 750mm deep space per bin Adequate access to and from bin storage area.		No. See discussion in the table above.

Having regard to the assessment provided in the table above, the proposal does not provide sufficient space for waste and recycling storage and does not satisfy the requirements in Part 7.2 of the RDCP 2014.

ITEM 1 (continued)**Part 9.3 – Parking Controls**

In accordance with Section 2.2 in Part 9.3 of the RDCP 2014, the minimum car parking rate for the proposed development is 0.2 spaces per boarding room. As such, a minimum of 2 spaces is required. The proposal provides 4 car parking spaces and complies.

As outlined in the report above, the proposed development provides car parking spaces that satisfy the car parking controls under Clause 29(e) of the SEPP (Affordable Rental Housing) 2009.

Part 9.5 – Tree Preservation

The amended landscape plan is inconsistent with the recommendations of the Arborist Report submitted with the application and contains inconsistencies that do not enable a proper assessment of the impact of the proposal on the landscaped character of the site and amenity of the local area.

In particular, the amended landscape plan includes insufficient information relating to the proposed retention, removal and transplantation of existing trees on the site and immediately adjacent properties as follows:

- Tree 2 is to be retained but is not shown on the landscape plan
- Tree 3 could be transplanted but is not shown on the landscape plan
- Tree 4 is to be removed but is not shown on the landscape plan
- Tree 5 is to be retained but is shown to be removed on the landscape plan
- Tree 6 is located on the adjacent property and is to be retained but is shown as being removed on the landscape plan
- Tree 7 is to be retained but is shown to be removed on the landscape plan

As such, the insufficient landscape plan submitted with the amended proposal forms reason for refusal of the application.

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

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

ITEM 1 (continued)

housing density on the subject site (being for residential development outside the Macquarie Park Area) are as follows:

A – Contribution Type	B – Contribution Amount
Community & Cultural Facilities	\$12,404.68
Open Space & Recreation Facilities	\$21,360.25
Civic & Urban Improvements	-
Roads & Traffic Management facilities	\$6,557.52
Cycleways	-
Stormwater Management Facilities	-
Plan Administration	\$604.83
The total contribution is	\$40,927.28

5.7 Any matters prescribed by the regulations

There are no matters prescribed by the Regulation that have not been satisfied.

6. The likely impacts of the development

The proposed development is considered to have an adverse environmental impact for the following reasons:

- The operation of the boarding house is considered to have a detrimental environmental and built form impacts on the locality as the proposal is inconsistent with the low density residential character of the locality.
- The proposed intensification of the site to provide 8 boarding rooms for a maximum 16 occupants requires car parking spaces that cannot be accommodated without excessive hard paving and adverse impacts on the landscaped character of the site and streetscape.
- The proposed development significantly reduces landscape planting within the site that is visible from surrounding properties and the public domain.
- The proposed setbacks and design, particularly adjacent to the south-eastern rear boundary will have adverse visual and acoustic privacy impacts on adjoining properties.
- The proposal has failed to demonstrate that vehicles reversing out of the driveway onto Coinda Close will not result in adverse safety impacts on pedestrians.

7. Suitability of the site for the development

The proposed development is not compatible with the scale and character of existing developments in the vicinity of the site and will detract from the streetscape and character of the local area. In particular, the site cannot accommodate required services and facilities for the development in accordance with relevant planning controls including building setback, carparking and access, waste storage and landscaping.

ITEM 1 (continued)

The subject site is not a suitable location for the development of a boarding house as the site constraints do not enable an appropriate built form and landscaping treatments that minimises amenity impacts on surrounding residential properties and contribute to the character of the local area.

The site is at the end of a cul-de-sac, irregular in shape and shares a boundary with four (4) adjoining properties comprising single storey and two storey detached dwelling houses. The intensification of the use of the site to accommodate 16 lodgers is not compatible with the character of the low density residential area immediately surrounding the site and will detract from the amenity of the local area and adjoining properties.

The proposed development has not satisfactorily demonstrated that the site can achieve compliance with built form, landscaping and amenity provisions that are compatible with the low density residential character of the surrounding area. The proposed development on the site is considered an overdevelopment of the site as the boarding house will have unacceptable amenity impacts on adjoining properties and the character of the area.

Having regard to the above, the proposed development is not considered to be suitable for the subject site.

8. The Public Interest

Given the above assessment, it is not considered that approval of the application would not be in the public interest as the site is not suitable for the proposed development and the proposal fails to satisfy relevant provisions of the SEPP (Affordable Rental Housing) 2009 and RDCP 2014.

9. Submissions

In accordance with the RDCP 2014 Part 2.1 Notice of Development Applications, the proposal was advertised in *The Weekly Times* on 18 September 2019 and owners of surrounding properties were given notice of the application between 13 September to 2 October 2019. During the notification period, fifteen (15) submissions and 2 petitions with a total of 137 signatures objecting to the development were received.

Representations by three (3) Councillors on behalf of local residents were received objecting to the proposal.

The submissions raised objection to the proposal with respect to the following issues:

- Building bulk
- Boarding house use is out of character with the low density residential area
- Increase in vehicular and pedestrian traffic in the local area
- Additional demand for on street car parking
- Safety concern for pedestrians and children
- Excessive size of self-contained boarding rooms are equivalent to studio apartments

ITEM 1 (continued)

- Inappropriate increase in density
- The proposal will not be operated as an affordable housing development
- Amenity impacts (includes visual privacy, acoustic privacy and overshadowing)
- Operation of boarding house will have noise, pollution and security impacts
- Insufficient information to support the proposal
- Decrease property values
- Potential hire of rooms for non-residential uses
- Excessive waste generation and dumping
- Flooding impacts on downstream properties
- Construction noise impacts

As a result of design changes to address issues raised in Council's letter, the development was re-notified to surrounding property owners from 5 May 2020 to 22 May 2020. As a result of the re-notification, fifteen (15) submissions and representations by two (2) Councillors on behalf of the residents were received raising objection to the amended proposal. The issues raised in the submissions included the following:

A. The density of the amended proposal with 16 persons, is out of character with low density dwellings in the area and will result in noise and privacy impacts on adjoining properties.

Comment: The increase from 12 to 16 occupants is excessive in comparison to occupants and/or families occupying surrounding low scale residential dwellings in the local area.

The proposed built form, internal layout of boarding rooms and communal living areas, and management of the premises has failed to demonstrate that an increase in the number of occupants to 16 persons will not have any adverse amenity impacts on adjoining properties. This matter forms part of the recommendation for refusal.

B. The internal configuration is similar to a block of 8 self-contained studio apartments. Apartments should not be approved in the area.

Comment: The 8 self-contained boarding rooms are of a typical layout for a boarding house of this size. The proposal complies with the controls set out in SEPP (Affordable Rental Housing) 2009 relating to the layout, size and dimensions of boarding rooms. SEPP (Affordable Rental Housing) 2009 also specifies that boarding houses approved under the SEPP are not able to be subdivided.

Nonetheless, it is recognised that the proposal is of a scale and density that is out of keeping with the local area of the site, and this matter forms part of the recommendation for refusal.

ITEM 1 (continued)

- C. The development will not be providing affordable housing and will be managed as a commercial enterprise similar to apartment buildings.**

Comment: SEPP (Affordable Rental Housing) 2009 allows for the development of boarding houses that are not carried out on behalf of a social housing provider and there is no restriction on rental prices.

- D. The proposal will result in additional vehicular traffic that will impact pedestrian safety and amenity of surrounding properties. The proposal will also increase demand for on street parking in surrounding streets.**

Comment: The proposal has not provided sufficient information to address the impact of additional occupants on vehicular and pedestrian movements in Coinda Close and immediately surrounding streets. Council officers have raised concerns regarding vehicular movements and pedestrian safety particularly, vehicles not exiting the site in a forward direction.

The proposal in its current form is considered to have adverse impacts on the amenity of the street. This matter forms part of the recommendation for refusal.

- E. The size of the boarding house, window openings to the rear boundary and number of occupants will have privacy impacts on surrounding residents.**

Comment: The proposal does not provide a sufficient setback to the south-eastern rear boundary to minimise visual and acoustic privacy impacts on adjoining properties. The internal layout and window configurations to the ground floor provides poor amenity to occupants of the boarding house and does not mitigate amenity impacts on adjoining properties. The setting and design of the boarding house will have adverse impacts on the amenity of surrounding properties and is not supported.

- F. The proposal remains a 2 storey structure and has not addressed building bulk, overshadowing and visual privacy impacts on surrounding properties.**

Comment: The proposed boarding house projects beyond the front and rear (south-eastern) setbacks of an acceptable low density built form in the local area. The development will be visually prominent when viewed from the street and adjoining properties. The presentation of the boarding house is inconsistent with the built form of adjoining properties and is out of character with the streetscape. The proposed boarding house has a setback of 3 metres to the rear south-eastern boundary which is considered insufficient given the change in floor levels between the proposed ground floor and adjoining properties.

ITEM 1 (continued)

Amended shadow diagrams have not been submitted to show that the proposal will not have any adverse impacts on solar access to adjacent properties.

The proposal will have adverse impacts on the privacy of adjoining properties and forms reasons for refusal.

G. Residents have been experiencing impacts from existing shared accommodation in the area such as excessive litter and waste, increased demand on street parking obstructing local streets, increase traffic and noise, and lack of care of private and public property.

Comment: The amended Plan of Management provides insufficient information and does not demonstrate that the boarding house will be operated in a manner that will not result in additional amenity impacts on surrounding properties including excessive traffic in surrounding streets and impacts on pedestrian safety.

H. The community does not want more boarding houses to replace family homes in the area as it will affect the character of the area.

Comment: The community concerns regarding the character of the neighbourhood is that the proposal will detract from the family and low density character of the local area have been considered in the assessment of the application. The proposal is permissible under SEPP (Affordable Rental Housing) 2009, however in this instance, the construction of a boarding house containing 8 x 2 bed boarding rooms is considered out of character with the local area and will have adverse amenity impacts on surrounding properties.

I. Boarding houses attract transient populations who reduce the sense of community spirit and the character of the neighbourhood created by long term residents and families.

Comment: This is not a relevant reason for refusal.

J. The proposed 4 car parking spaces will not meet the demands of 16 occupants and will increase on street parking and obstruct access to surrounding streets.

Comment: The proposed number of car parking spaces satisfies the requirement under SEPP (Affordable Rental Housing) 2009. However, given the proposed intensification of the site to accommodate 16 occupants and any visitors, Council is not satisfied that the proposal has adequately considered traffic and parking, and pedestrian safety impacts on surrounding streets.

K. Use of the communal living area and outdoor areas at the rear of the site will have noise and privacy impacts on adjoining properties.

Comment: The orientation of the communal living areas (indoor and outdoor) and setback adjacent to the south-eastern boundary do not mitigate noise and privacy impacts on adjoining properties. The amended Plan of Management

ITEM 1 (continued)

does not include adequate operational provisions to ensure that occupants and visitors will not cause disturbances to the amenity of surrounding properties. This forms part of the reasons for refusal.

L. The boarding rooms could be hired by sex workers with the building becoming an illegal brothel.

Comment: Assessment of the development is limited to the scope of the proposal and assumptions cannot be made relating to uses that have not been included as part of the development application.

M. Stormwater and flooding impacts on downstream properties.

Comment: The amended proposal incorporates underground on site detention and drainage connection to an existing Council drain beneath the pedestrian pathway adjacent to the site. Council's Stormwater and Catchments team have advised that proposal has provided insufficient information and a proper assessment of the stormwater impacts on Council assets and surrounding properties cannot be completed. This forms part of the reasons for refusal.

N. Devaluation of surrounding properties.

Comment: Impacts on property values of surrounding developments is not a matter for consideration under Clause 4.15(1) of the *Environmental Planning and Assessment Act 1979*.

O. The garbage bins servicing the boarding house cannot be accommodated on the street.

Comment: The proposed bins can be reasonably accommodated at the collection point on the street adjacent to the site. As the bins will only be in the street temporarily to allow waste collection, it is not considered to have any adverse impact on the amenity of the street.

P. Vehicular movements to and from the site will have light spill impacts on adjoining properties.

Comments: The number of car parking spaces comply with the requirement under the SEPP (Affordable Rental Housing) 2009, however the proposed development has failed to demonstrate the boarding house is compatible with the character of the streetscape or local area. Light spill from vehicles entering and exiting the site contributes to the loss of amenity for surrounding properties. The proposal has cumulative impacts on residential amenity and is not supported.

Q. The proposal will increase pedestrian and vehicular traffic in Karingal Ct and impact on the character and amenity for residents.

ITEM 1 (continued)

Comment: The proposal has provided insufficient information to adequately address the traffic and pedestrian impacts of the proposed intensification of the use of the site. The proposal has failed to demonstrate that the increase of occupants will not have adverse impacts on the amenity or character of the area. This forms part of the reasons the application is recommended for refusal.

R. Construction works will cause extensive disturbances to surrounding properties as the scale of the development is greater than a typical dwelling house.

Comment: Construction phases and noise are typical for any scale of development, however developers must take measures to minimise noise from construction sites. Conditions of consent and standard construction times apply to development across the City of Ryde to limit the disruptions and noise impacts on surrounding properties.

10. Referrals

Note: Given the extensive history of this application, only the most recent comments have been provided below:

NSW Police

The proposal was referred to the NSW Police – Ryde Area Command. The Police raised concerns relating to security measures for the boarding house in accordance with Crime Prevention Through Environmental Design (CPTED) principles.

In addition, Police have raised concerns relating to increased traffic and noise impacts on surrounding residents and streets, and potential for increase complaints from residents.

It is recommended that a comprehensive CPTED report should be prepared by an accredited company outlining what safety and security measures would be adopted within the development. The Plan of Management should be amended to adequately address the following:

- Noise - the term 'Loud' in relation to noise be clearly defined and a provision included to restrict playing of amplified music at any time.
- Use of outdoor areas and alcohol consumption within the premises.
- A contact should be available 24 hours, 7 days a week in case of emergencies.
- How the Strata Manager will enforce rules

Assessing Officer comment:

The concerns raised by the NSW Police and recommendations to the Plan of Management to clearly define terms and operational management provisions of the premises are supported. The amended proposal and Plan of Management does not

ITEM 1 (continued)

satisfactorily address the concerns raised by the NSW Police. The insufficient information submitted forms reasons for refusal.

City Works (Stormwater and Catchments)

The amended stormwater plan was discussed with the Stormwater and Catchments team of Council's Assets and Infrastructure Department in regard to connection to Council's existing stormwater drain located beneath the pedestrian pathway adjacent to the site.

Stormwater and Catchments advised that insufficient information has been provided to appropriately determine if the design is acceptable. For a proper assessment of the stormwater drainage plan, the following must be provided:

- *All new pipes within Council's land must be minimum Class 4 with a minimum 1% slope. 0.8% could be considered if 1% is not viable.*
- *To demonstrate surcharges and pipe covers, a long section is required including, pipe invert levels, diameters, hydraulic grades, and surface levels.*
- *Details of the connection with Council pipe and new pipe proposed, as per Council standards.*
- *All services to be located at design stage. All services in the vicinity of the new proposed pipe, or crossing it, will have to be included in the design to ensure the proposal is viable.*
- *Catchment calculations discharging on the affected Council pipe to show the existing hydraulic situation and the hydraulic situation if the proposal is accepted.*
- *The stormwater management plan to be amended prior to development consent.*

Assessing Officer Comment:

The assessment carried out by the Assets and Infrastructure Department and the recommendation that additional information is required is supported as the proposed stormwater management plan will impact on existing Council assets and insufficient information does not allow Council to complete a proper assessment. Council must be satisfied that the proposal will not have any adverse impact on existing stormwater infrastructure and Council assets. This forms part of the reasons for the recommended refusal of the application.

Senior Development Engineer

The application was referred to Council's Senior Development Engineer on numerous occasions throughout the assessment of this application. The amended plans have been reviewed and the following comments have been provided:

The Applicant has advised Council that the downstream owners have now refused to permit a drainage easement via their property. As a result, the Applicant has appointed a new stormwater engineer to provide an alternative stormwater system

ITEM 1 (continued)

that is capable of draining by gravity that connects directly to Council's public infrastructure located in the adjacent public footway. The amended stormwater plan, completed by Australian Consulting Engineers Pty Ltd, drawing number 171308 000, 101 to 104, Issue A, dated 24th April 2020, depicts an OSD system below the garage and front hardstand area. Although the impervious bypass area and location of the OSD does not technically comply with the requirements of Part 8.2 of Council's DCP, Council could consider the proposal on its merits.

Vehicle Access and Parking

The Applicant has failed to address Council's concern in relation to the exiting kerb inlet pit and its close proximity to the vehicular crossing. It is acknowledged the vehicular crossing is within the existing location, although considering the intensification of the development, Council are concerned regarding the maintenance of its asset. As the architectural plans do not depict the location of the kerb inlet pit in relation to the vehicular crossing, the application cannot be assessed appropriately.

The development has resulted in an overall reduction of boarding rooms (12 to 8 rooms), although the size of the rooms have significantly increased to accommodate up to 16 individuals whilst providing a total of four off-street parking spaces. The number of parking spaces technically complies with the requirements of the SEPP, however Council are concerned about the increase in density of potential occupants. Council require additional information to further understand the traffic implications, primarily in relation to on-street parking. A Traffic Impact Assessment was requested to appropriately address this concern.

The car spaces within the garage are most likely to reverse onto Cooinda Close due to excessive movements required to enter and exit the space in a forward direction. As the development will increase the number of occupants significantly, it is expected the foot traffic along the adjacent public pathway will also increase and subsequently jeopardise public safety. As a result, all vehicles must be capable of forward entry and exit to the site within 3 manoeuvres or less.

The 923mm access path to the bicycle spaces, motorbike space 2, and bins area is not considered sufficient. This area requires a minimum 1200mm access path to safely manoeuvre around motorbike space 1.

Assessing Officer comment:

Council's Senior Development Engineer's assessment that the proposed stormwater drainage, car parking and vehicular access contain insufficient information and cannot be supported in its current form is supported as the amended proposal results in a significant intensification of use for the site notwithstanding the reduction in boarding rooms from twelve (12) to eight (8) and the implications of additional vehicular volume and adequate access to and from the site need to be considered.

ITEM 1 (continued)

Environmental Health Officer

The application was referred to Council's Environmental Health Department for review. Council's Environmental Health Officer is satisfied that the site is suitable for the proposed development in accordance with provisions of SEPP 55.

The amended proposal does not include insufficient information, specifically, no acoustic assessment has been prepared for the amended proposal and the waste management plan does not address asbestos within the existing structure.

Council's Environmental Health Officer has recommended conditions relating to management of asbestos and construction waste, on-going waste management and operational management of the boarding house.

Assessing Officer comment:

Council's Environmental Health Officer's assessment of the site and contamination provisions under SEPP 55 is supported.

The insufficient information identified relating to the Waste Management Plan and recommendation of conditions to address management of asbestos and construction waste is noted. The proposed waste storage and management is inadequate, as assessed in the report above, and does not satisfy relevant provisions under Part 7.2 of the RDCP 2014.

Landscape Architect

The amended proposal was referred to Council's Landscape Architect and comment was provided as follows:

A summary of the existing trees identified by the Arborist are show in the table below, however the amended Landscape Plan has changed whether the tree is to be retained or removed.

Tree No.	Species "Common name"	Proposed recommendation by Arborist	Comment
1	Cupressus macrocarpa Monterey cypress	Remove	Agree
2	Cupressus macrocarpa "Bruniana aurea" Monterey cypress	Retain <i>Not shown on amended Landscape Plan</i>	Agree
3	Plumeria acutifolia Frangipini	Could transplant	Agree - <i>Need to be incorporated into Landscape Plan</i>

ITEM 1 (continued)

4	Cinnamomum camphora Camphor Laurel	Remove Weed tree <i>Not shown on amended Landscape Plan</i>	Agree
5	Lagerstroemia indica Crape Myrtle	Retain <i>Shown to be removed on amended Landscape Plan</i>	Retain <i>Not affected by development</i>
6	Glochidion ferdinandl Cheese tree	Retain On adjoining property <i>Shown to be removed on amended Landscape Plan</i>	Retain <i>Not affected by development, and survey shows it to be on the adjoining property.</i>
7	Magnolia x soulangeana Chinese Magnolia	Retain <i>Shown to be removed on amended Landscape Plan</i>	Remove <i>Encroached by Stormwater pipes.</i>
8	Tibouchina urvilleana Lassiandra	Remove In development area	Agree

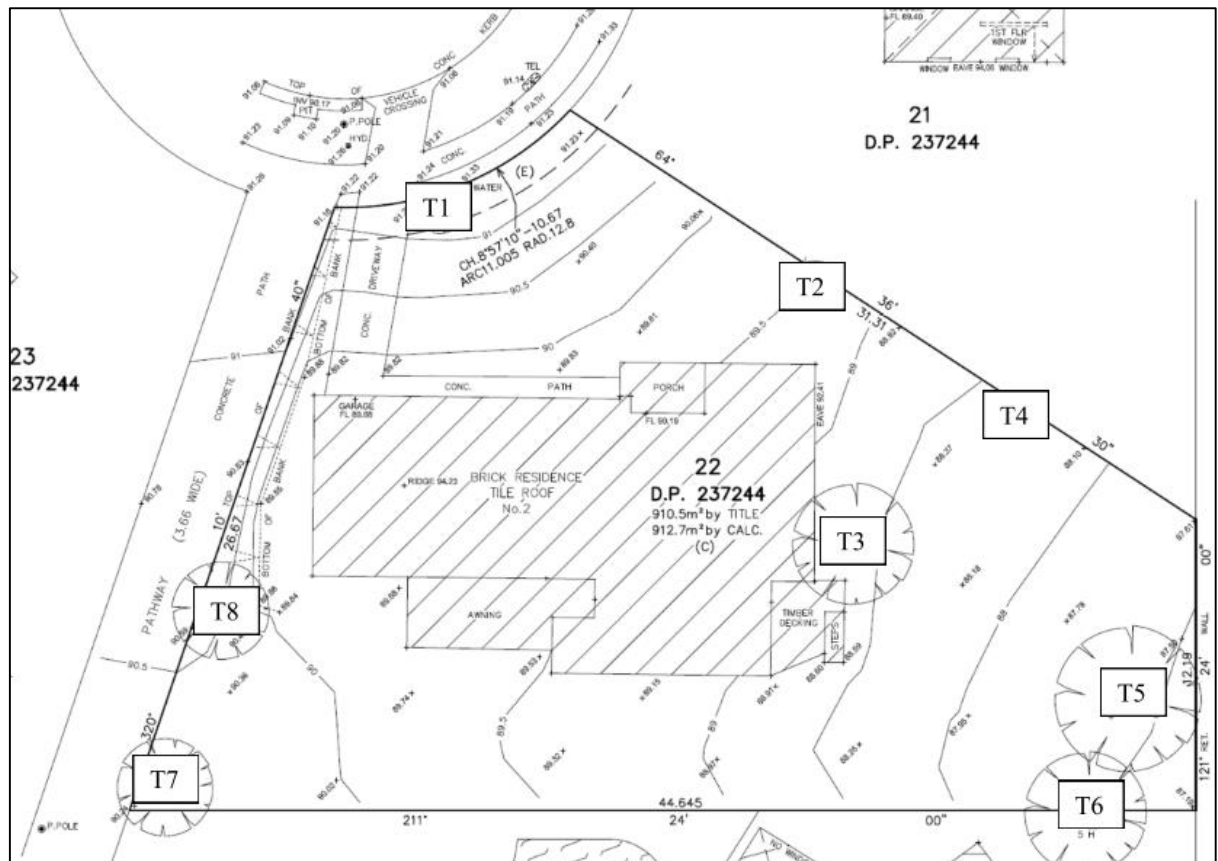


Figure 25: Tree location plan

ITEM 1 (continued)

In addition the Amended Landscape Plan contradicts the Arborist Report regarding the trees that are to be retained or removed. The following trees are to be retained: T2, T5, T6 and the Camellias along the south eastern boundary. The following trees are to be removed T1, T4, T7 and T8. Tree 3 is to be transplanted.

The Landscape Plan is NOT satisfactory for the following reasons:

- *It has NOT been prepared by a qualified Landscape Architect*
- *Screen planting has NOT been provided along the boundaries to provide privacy to adjoining properties*
- *There is no clear distinction between garden beds and turfed areas.*
- *The veranda needs to be a minimum 3 metres wide to provide sufficient depth for a table and chairs.*
- *The Camellias along the south east boundary should be retained to provide screening to adjoining properties. This needs to be shown on the Landscape Plan.*
- *The Arborist Report by Treehaven Environmentscapes dated 26/06/2019 has stated that Tree 3 (Frangipane) could be transplanted. This transplanted tree needs to be incorporated into the Landscape Plan.*
- *There is an existing sandstone flagged bank to the south west boundary. The Landscape Plan does not state if this bank is to be retained or removed. If removed the Plan needs to show how this steep bank is to be retained.*
- *The Amended Landscape Plan contradicts the Arborist Report regarding the existing trees that are to be retained or removed. The following trees are to be retained: T2, T5, T6 and the Camellias along the south eastern boundary. The following trees are to be removed T1, T4, T7 and T8. Tree 3 is to be transplanted. All existing trees need to be show on the Landscape Plan as retained or removed.*

Major redesign of the Landscape Plan is needed to comply with the requirement as outlined above. Therefore the proposal cannot be supported in its current state.

Assessing Officer comment:

Council's Landscape Architect assessment that the amended landscape plan is insufficient and cannot be supported in its current form is supported given the significant impact landscaping has on the character of the site and consistency with the existing character and amenity of adjoining properties. As such, insufficient information regarding the landscape plan forms a reason for refusal.

11. Conclusion

After consideration of the development against section 4.15 of the Environmental Planning and Assessment Act 1979, the development application is recommended for refusal for the following reasons:

1. The proposed development is not suitable for the site as the intensification of use requires the provision of car parking and services that result in a built form and landscaping that is inconsistent with the existing character of

ITEM 1 (continued)

the local area and does not satisfy Clause 30A of the State Environmental Planning Policy (Affordable Rental Housing) 2009, Section 2.0 in Part 3.3, Section 2.1 in Part 3.5, and Section 1.1 in Part 9.3 of the Ryde Development Control Plan 2014.

2. The proposed development projects beyond the front setback for the site and the rear setback and is of a built form that is uncharacteristic of residential developments in the immediate vicinity of the site. The proposed development does not satisfy the objectives and provisions under Section 2.9.1 and 2.9.3 in Part 3.3 of the Ryde Development Control Plan 2014.
3. The proposed development has not satisfactorily demonstrated that the increase in density and vehicular traffic will not have any impact on pedestrian safety.
4. The proposed development does not provide a boarding house that is of high quality design and has not sufficiently mitigated amenity impacts on adjoining properties. In particular, visual and acoustic privacy has not been sufficiently addressed.
5. The proposed development provides for an inadequate level of amenity for the ground floor boarding room immediately adjacent to the primary entrance. The proximity of the boarding room window and building entry will have visual and acoustic privacy impacts on occupants and reduce security. In addition, the use of high light windows as sole openings to boarding rooms provides poor outlook and amenity.
6. Insufficient information has been provided to demonstrate the proposed front and return fences, particularly at the south-western boundary, is compatible the character of the streetscape.
7. The proposed development has failed to satisfactorily address stormwater management in accordance with Part 8.2 of the Ryde Development Control Plan 2014.
8. The Plan of Management lodged with the application does not provide adequate information as required by Part 3.5 of the DCP. The operation of the boarding house has not demonstrated management of the premises will minimise amenity impacts on surrounding properties.
9. The proposed development has not provided sufficient information to demonstrate the built form will not have any adverse overshadowing impacts on adjoining properties, particularly adjoining private open spaces.
10. The proposed intensification of the use comprising a 16 lodger boarding house is considered an overdevelopment of the site as the design will have adverse environmental and amenity impacts on the locality and surrounding properties.
11. The proposed development is not considered to be in the public interest.

ITEM 1 (continued)**12. Recommendation**

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

A. That the Local Planning Panel refuse the Development Application LDA2019/0304 for the construction of a two storey boarding house containing eight (8) x two (2) bed, self-contained boarding rooms, 4 car spaces, 2 motorbike spaces and 4 bicycle spaces at No. 2 Cooina Close, Marsfield, for the reasons as follows:

1. Pursuant to Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*, the development does not comply with Clause 29(2)(b) and Clause 30A – Character of local area, of the *State Environmental Planning Policy (Affordable Rental Housing) 2009* as the proposed landscaped areas in the front and rear of the site is out of character with existing landscaped setting of the local area, adjoining properties and the streetscape. In particular, the extent of hard paving to provide vehicular access and parking and lack of screen planting to adjoining properties is inconsistent with the landscaped character and garden settings in the vicinity of the site.
2. 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*:

Part 3.3 – Dwelling Houses and Dual Occupancy (Attached)

- *Clause 2.2.1(2), (3), (a) and (e) – New Dwelling Houses* in that:
 - the width of the garage and driveway is excessive and is visually dominant; and
 - the landscaped character of the site, comprising of excessive hard stand paving in the front garden detracts from the character of front gardens in the vicinity of the site.
- *Clause 2.5.1(2) to (5) and (b)(ii), (iii) and (iv) – Streetscape* in that:
 - the proposed building setback, landscaping and car parking is out of character with immediately surrounding developments and does not contribute to the existing streetscape or character of the low density residential area;
 - the width of the garage and driveway are excessive and dominates the front elevation of the boarding house, and is inconsistent with the built form or landscaped character of adjoining properties;
 - the intensification of use of the site and additional vehicles not leaving the premises in a forward direction increase risk to pedestrian safety;
 - insufficient information has been provided relating to the design of

ITEM 1 (continued)

- the front and side boundary fence and its relationship to the street and pedestrian pathway; and
- insufficient information has been provided to clearly show the retention, removal and transplantation of existing trees.
- *Clause 2.5.3(1) and (b) – Pedestrian and Vehicle Safety* in that:
 - insufficient information has been provided to demonstrate that additional vehicular traffic and movements into and out of the site will not result in adverse impacts on pedestrian safety and amenity;
 - the proposed 1.8 metre high side boundary fence will obstruct views of the footpath and road and does not provide sufficient sightlines to maintain pedestrian safety; and
 - vehicles that do not exit the site in a forward direction will have adverse impacts on pedestrian safety and amenity.
- *Clause 2.9.1(2) and (d) – Front Setback* in that the proposal projects beyond the front building line and is inconsistent with the setback and form of adjoining properties. The proposal is not compatible with the character of the streetscape.
- *Clause 2.9.3(3) and (b) – Rear Setback* in that the part of the boarding house projects beyond the permitted 4 metre setback to the south-eastern boundary and will have amenity impacts on occupants and surrounding properties.
- *Clause 2.11.1(g) and (i) – Car Parking* in that:
 - The width of the driveway is excessive in width and detracts from the landscaped character of the front garden; and
 - The width of the garage is excessive and is visually dominating when viewed from the street.
- *Clause 2.13(1) to (4), (e), (g), (j) and (k) – Landscaping* in that:
 - the proposal comprises excessive hard stand paving in the front setback and does not provide sufficient soft landscaping;
 - the proposal does not provide screen planting along side and rear boundaries to enhance privacy between occupants and adjoining properties; and
 - insufficient information has been provided relating to the landscape plan to demonstrate appropriate retention of existing trees and proposed landscaping that will enhance the character of the site, adjoining properties and streetscape.

ITEM 1 (continued)Part 3.5 – Boarding Houses

- *Clause 1.3(2), (4) and (6) – Objectives* in that the boarding house does not:
 - provide high quality affordable rental housing in the form of boarding houses;
 - ensure the design and operation would not adversely impact upon the amenity of surrounding properties;
 - enhance the character of the local area and is not compatible with existing landscaped areas and built form in the streetscape; and
 - provide for a satisfactory standard of amenity for the needs of the occupants.
- *Clause 2.1 – Design and Local Area Character* in that the proposed front patio projects beyond the front setback for the site and is inconsistent with the built form and setbacks of immediately surrounding properties. Therefore, the proposed development is not compatible with the character of the local area.
- *Clause 2.3(a) – Development subject to provisions of Part 2 of the SEPP (Affordable Rental Housing) 2009* in that the proposed development is not considered compatible with the character of the local area as required under Clause 2.1 in part 3.3 of the Ryde Development Control Plan 2014.
- *Clause 2.3 (e) and (f) – Size and Scale* in that:
 - the proposal has not demonstrated that there is an acceptable level of solar access has been provided to the adjoining properties;
 - the landscaping proposed does not provide an appropriate level of amenity for the occupants of the boarding house or adjoining properties; and
 - the two storey built form is visually prominent from adjoining properties as insufficient landscaping is proposed to minimise visual impact.
- *Clause 3.2(b) to (d) - Privacy and Amenity* in that:
 - the proposal provides for an inadequate level of amenity for several boarding rooms due to the location and design of the windows;
 - the proposal has not been designed to mitigate visual and acoustic impact on the amenity of future residents or adjoining properties; and
 - an Acoustic Report has not been provided which satisfactorily addresses acoustic impact on adjoining properties.

ITEM 1 (continued)

- *Clause 3.3(a) – Accessibility* in that an Accessibility Report has not been prepared relating to the amended proposal.
- *Clause 3.4(a) – Waste Minimisation and Management* in that:
 - the proposal does not provide adequate waste storage facilities to accommodate the required number of waste receptacles as required under Clause 2.7(b) and (c), and Schedules 2 and 4 in Part 7.2 of the *Ryde Development Control Plan 2014*; and
 - the narrow width of the access path between the bin storage to the collection point is inadequate and does not provide unobstructed access for the movement of bins without impacting adjacent motorcycle parking spaces.
- *Clause 3.6(e)(i)(d)(iii) and (iv) – Internal Building Design* in that:
 - the boarding rooms do not provide sufficient areas for kitchenettes; and
 - the proposal does not provide sufficient information to demonstrate adequate laundry facilities are provided within each boarding rooms.
- *Clause 4.1(2) – Objectives* in that:
 - the proposal has not demonstrated that the operation and management of the boarding house will ensure the safety and wellbeing of occupants; and
 - the proposal has not demonstrated that the operation will be managed in a manner that minimises amenity impacts on adjoining properties.
- *Clause 4.2 (a) to (d) – Management* in that the Plan of Management fails to provide the following information:
 - details of Manager who can be contacted particularly for emergencies;
 - the plan is not consistent with the plans and documentation provided;
 - the plan contains insufficient details relating to definitions of loud music and noise;
 - insufficient details are provided on emergency evacuation training; and
 - the plan does not provide details relating to complaints handling and recording procedure.

ITEM 1 (continued)Part 8.2 – Stormwater and Floodplain Management

- *Clause 1.3 – Objectives* in that Insufficient information has been provided to demonstrate the proposed stormwater management plan is safe, will not have any adverse impacts to adjoining properties and public safety, and minimises property damage.

Part 9.3 – Parking Controls

- *Clause 1.1(1) and (5) – Objectives* in that:
 - insufficient information has been provided to demonstrate that the proposal has identified and addressed traffic volumes and safety impacts from the proposed intensification of the site;
 - the proposal has failed to demonstrate that all vehicles will exit the site in a forward direction. Vehicles reversing out of the driveway will adversely impact on pedestrian safety in Coinda Close; and
 - the proposed car parking layout and access does not minimise visual impacts when viewed from the public domain and is not compatible with the character of the streetscape.

Part 9.5 – Tree Preservation

- *Clause 1.2(5) – Objectives* in that insufficient and inconsistent information provided in the landscape plan and Arborist Report does not enable consideration of retention of trees and appropriate landscaping of the site.
3. Section 4.15(1)(b) and (c) of the Environmental Planning and Assessment Act 1979 and Section 50(1)(a) and Schedule 1 of the Environmental Planning Assessment Regulations 2000, the proposal includes insufficient information and does not enable a proper assessment to determine the likely impacts of the proposal and the suitability of the site.
 4. Pursuant to Section 4.15(1)(e) of the *Environmental Planning and Assessment Act 1979*, the development is not in the public interest because it fails to achieve the objectives and requirements of the applicable environmental planning instruments.

- B. That the objectors be advised of the decision.

ITEM 1 (continued)**ATTACHMENTS**

- 1 Architectural & Landscape Plans - subject to copyright provisions - CIRCULATED UNDER SEPARATE COVER**
- 2 Stormwater Plans - subject to copyright provisions - CIRCULATED UNDER SEPARATE COVER**

Report Prepared By:

Peggy Wong
Senior Town Planner

Report Approved By:

Rebecca Lockart
Senior Coordinator - Major Development

Sandra Bailey
Manager - Development Assessment

Liz Coad
Director - City Planning and Environment

