

4 AUGUST 2020

NOTICE OF MEETING

You are advised of the following meeting:

THURSDAY 13 AUGUST 2020.

City of Ryde Local Planning Panel Meeting No. 6/20

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 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 Ryde (در Top Ryde Shopping Centre) در Ryde 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 13 August 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

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DECLARATIONS OF INTEREST

DEVELOPMENT APPLICATIONS

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| 2 | 38 Wicks Road, North Ryde - Torrens Title subdivision to create two lots and construction of a dwelling house on each resulting lot - LDA2019/0411 | 63 |

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DEVELOPMENT APPLICATIONS

- 1 68-70 Chatham Road, Denistone - New multi-dwelling housing containing four (4) dwellings - 2 x 2 storey, 3 and 4 bedroom dwellings at the front and 2 x single storey, 3 bedroom dwellings at the rear as well as strata subdivision - LDA2018/458**

Report prepared by: Senior Coordinator - Administration and Reporting

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

Report dated: 04 August 2020

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

BP20/800

City of Ryde Local Planning Panel Report

DA Number	LDA2018/458
Site Address & Ward	68-70 Chatham Road, Denistone NSW 2114 Lot 13 in Deposited Plan 9166 Lot 14 in Deposited Plan 9166 West Ward
Zoning	R2 Low Density Residential
Proposal	New multi-dwelling housing containing four (4) dwellings - 2 x 2 storey, 3 and 4 bedroom dwellings at the front and 2 x single storey, 3 bedroom dwellings at the rear as well as strata subdivision.
Property Owners	Kwong Fah Chong, Yuen Yee Poon, and Siew Loon Poon
Applicant	Wen Architects C/O: Hao Yan
Report Author	Simon Truong, Consultant Planner
Lodgement Date	3 December 2018
No. of Submissions	110 submissions received, all objecting to the proposed development.
Cost of Works	\$1,385,428.00
Reason for Referral to LPP	Contentious development – (b) in any other case

ITEM 1 (continued)

	– is the subject of 10 or more unique submissions by way of objection. <i>Schedule 1, Part 2 of Local Planning Panels Direction</i>
Recommendation	Refusal
Attachments	Attachment 1 – LEP and DCP Compliance Table Attachment 2 – Plans submitted with the DA

1. Executive Summary

The subject development application (DA No. LDA2018/458) was lodged on 3 December 2018 and seeks consent for the construction of a multi dwelling development for four attached dwellings, comprising of two double storey dwellings at the front of the site, and two single storey dwellings at the rear.

In accordance with the *Environmental Planning and Assessment Act 1979*, Section 9.1 – Directions by the Minister, this application is reported to the Ryde Local Planning Panel for determination as it is contentious development, having received greater than ten (10) submissions (110 submissions have been received, all objecting to the development).

The site is located within the Draft Chatham Road Heritage Conservation Area (HCA). The planning proposal to amend the *Ryde Local Environmental Plan 2014* (RLEP 2014) is currently under consideration by the Department of Planning, Industry and Environment. In addition, Council resolved to place an Interim Heritage Order on the existing dwellings to prevent their demolition. The Interim Heritage Order has since expired; however, the existing dwellings are examples of Inter-War period houses that make a strong contribution to the character and significance of the area.

The proposal has been assessed in accordance with the relevant environmental planning instruments and local provisions in accordance with Section 4.15 of the *Environmental Planning and Assessment Act 1979*. The proposal is not consistent with the objectives of the R2 Low Density Residential zone, pursuant to RLEP 2014, as the development does not appropriately provide for the housing needs of the community within the low density residential environment.

Furthermore, the proposal is inconsistent with provisions within *Ryde Development Control Plan 2014* (RDCP 2014) pertaining to the *Denistone Character Area* as well as controls specific to multi dwelling housing. Non-compliances with the RDCP 2014 relate to cut and fill, solar amenity, privacy, car parking design, and vehicular manoeuvring.

ITEM 1 (continued)

The site has been assessed as being unsuitable for the proposed development, and the proposal is not in the public interest. For the reasons outlined above, the subject DA is recommended for refusal.

2. The Site and Locality

The subject site, 68-70 Chatham Road, comprises two lots legally described as Lot 13 (No.68) and Lot 14 (No.70) within Deposited Plan 9166. The site is an irregular shaped allotment with a frontage to Chatham Road of 30.47 metres and a total site area of 1,300m².

The site slopes up from Chatham Road towards the rear, with a total rise of up to 5.1 metres. The site also rises steadily from the south-east to the north-west for the eastern two-thirds of the site, before increasing steeply towards the rear.



Figure 1: Aerial photograph of the site (outlined in orange with hatching) in context.

Existing development on the site consists of two single storey dwelling houses of brick construction with tiled roofs (**Figure 2**). Two (2) small metal sheds also located within the rear of No.68, while one (1) small metal shed is located at the rear of No.70. Mature vegetation is contained at the front and rear of the site, and vehicular access is obtained via individual driveways and crossovers to each lot from Chatham Road. The site is located within the Draft Chatham Road HCA, and the Denistone Character Area.

ITEM 1 (continued)



Figure 2: The site as viewed from Chatham Road (No.68 left and No.70 right)
Source: CPS Site Inspection, 28 October 2019.

On the opposite side of Chatham Road is Darvall Park which is an item of local heritage significance, listed under RLEP 2014.

Adjoining the northern side boundary is No.72 Chatham Road, which contains a raised part one/ part two-storey dwelling house of brick construction with a tiled roof (**Figure 3**). Adjoining the southern side boundary is No.66 Chatham Road which contains a raised single storey dwelling house of brick construction with a tiled roof and rear addition (**Figure 4**).

Development within the surrounding area consists primarily of low-density residential accommodation (detached single and two-storey dwelling houses). A number of newer two-storey dwelling houses are located along Chatham Road at No.72, 74, 76, 80 and 82 Chatham Road (**Figures 5 and 6**).

A dual occupancy (**Figure 7**) is located nearby at No.60 Chatham Road.

ITEM 1 (continued)



Figure 3: No.72 Chatham Road, adjoining to the north of the subject site.
Source: CPS Site Inspection, 8 July 2020.



Figure 4: No.68 Chatham Road, adjoining to the south of the subject site
Source: CPS Site Inspection, 8 July 2020.

ITEM 1 (continued)



Figure 5: Contemporary two-storey dwelling at No.76 Chatham Road
Source: CPS Site Inspection, 8 July 2020



Figure 6: Contemporary two-storey dwellings at No.80 and 82 Chatham Road
Source: CPS Site Inspection, 8 July 2020

ITEM 1 (continued)



Figure 7: Two-storey dual occupancy at No. 60 Chatham Road
Source: CPS Site Inspection, 8 July 2020

3. The Proposal

LDA2018/458 seeks consent for the construction of a multi dwelling development comprising:

- Four (4) attached dwellings including:
 - 1 x two-storey dwelling at the front of the site (south-eastern), and containing four (4) bedrooms;
 - 1 x two-storey dwelling at the front of the site (north-eastern), and containing three (3) bedrooms; and,
 - 2 x single storey dwellings at the rear, both containing three (3) bedrooms.
- Nine (9) car parking spaces comprising eight (8) resident spaces and one (1) visitor space.
- Removal of nine (9) existing trees.
- Common driveway and vehicular crossing including car turntable.
- Retaining walls at the side and rear boundaries.
- Strata subdivision.

ITEM 1 (continued)

In order to facilitate the proposed development, demolition of existing dwellings will be required, but demolition works are not proposed as part of this DA.

A summary of individual dwellings as proposed is provided below:

Units One and Two

- Two two-storey dwellings at the south-eastern and north-eastern side of the eastern street frontage, containing four (4) bedrooms and three (3) bedrooms respectively, and both containing two (2) tandem car spaces with one (1) garage space. Both dwellings also provide combined living, dining and kitchen area, study, upstairs sitting room, four (4) bathrooms, and private open space on the respective side boundaries with a raised deck area.

Units Three and Four

- Two single storey dwellings at the north western and south western rear, both containing three (3) bedrooms, two (2) tandem car spaces with one (1) garage space, combined living, dining and kitchen area, two (2) bathrooms, and private open space on the side and rear boundaries, with raised deck areas.

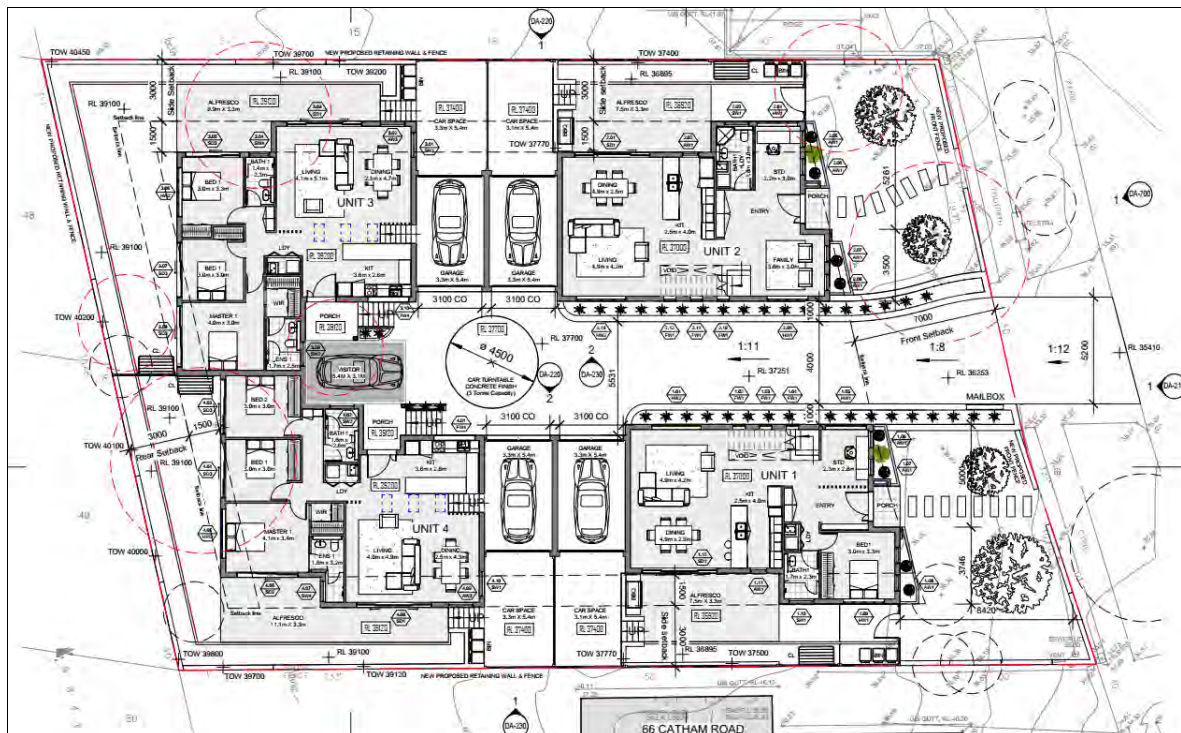


Figure 8: Proposed ground floor layout
Source: Architectural plans

ITEM 1 (continued)

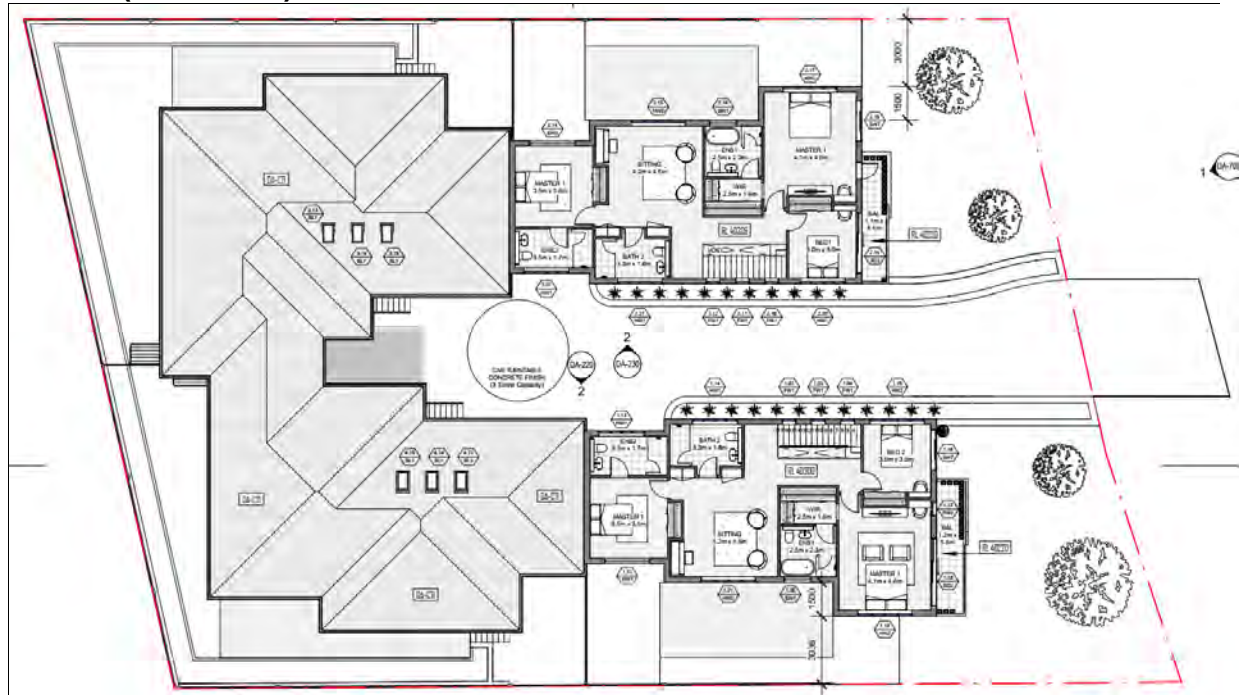


Figure 9: Proposed first floor layout

Source: Architectural plans



Figure 10: Proposed north-eastern and south-western elevations

Source: Architectural plans

External

ITEM 1 (continued)

Landscaping components of the front setback include three (3) retained trees at the southern end of the street frontage, numerous tree and shrub plantings, and groundcover. These plantings are surrounded by a series of retaining walls. A paved concrete driveway access is provided through the centre of the site, including a vehicle turntable for cars to enter and exit in a forward direction. The side and rear setbacks include private open space for dwellings comprising rear decks, car parking, new turf and planting.

The proposed development will comprise of brick, timber, stone cladding and concrete roof tiles to provide a contemporary dwelling form.

Subdivision

The submitted application form and Statement of Environmental Effects each nominate strata subdivision as forming part of the proposal. No subdivision plan was submitted with the application; but strata subdivision could be directed by conditions of consent should development consent be granted.

4. Background

28 November 2017	Council resolved to undertake an LGA wide heritage study to ensure items of heritage significance are identified and options for their adequate protection are recommended.
3 December 2018	The DA was lodged with Council.
Advertising placed 16 January 2019. Notification – 11 January 2019 to 6 February 2019.	The DA was advertised in the <i>Northern District Times</i> and notified to surrounding properties. In response, 110 submissions were received, all objecting to the proposed development. The objectors raised a range of issues discussed later in this report.
27 February 2019	Council resolved to place an Interim Heritage Order (IHO) over the site being No.68-70 Chatham Road, Denistone. The IHO was in response to Council's 2017 resolution and subsequent findings within the <i>Ryde Heritage Review 2019</i> that was being prepared at the time. This Review recommended the Chatham Road HCA be established and select dwellings be acknowledged because of their contributory value.
28 February 2019	IHO No. 5 was published in the NSW Government Gazette which identified the land in the following terms:

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	<p>All that parcel of land known as Lots 13-14 in DP 9166 (also known as 68 and 70, <u>Denistone Road</u>) shown edged heavy black on the plan catalogued Interim Heritage Order No. 5 in the office of the Council of the City of Ryde.</p> <p><u>Emphasis</u> added.</p>
1 March 2019	<p>As it had erroneously referred to the land as being situated at Denistone Road instead of the correct street name, being Chatham Road, IHO No. 5 was revoked and IHO No. 6 was published in the NSW Government Gazette. Apart from the reference to the IHO number and the street name, IHO No. 5 and IHO No. 6 (including the plan) were identical.</p>
1 April 2019	<p>Class 1 Appeal against IHO No. 6 filed with the Land and Environment Court. This was discontinued on 21 April 2020.</p>
23 July 2019	<p>The <i>Ryde Heritage Review 2019</i> was prepared in accordance with Council's 2017 resolution. The <i>Ryde Heritage Review 2019</i> identified 44 new heritage items, 6 new HCAs, 2 new archaeological sites and amendments to 8 existing heritage items. This includes the Chatham Road HCA.</p> <p>Council resolved to prepare a Planning Proposal to amend RLEP 2014 to make a number of heritage amendments recommended in the <i>Ryde Heritage Review 2019</i> including establishing the Chatham Road HCA, which included the subject site.</p>
30 July 2019	<p>The Planning Proposal is submitted to the Department of Planning, Industry and Environment for Gateway Determination.</p>
7 August 2019	<p>Class 4 proceedings against IHO No. 6 filed with the Land and Environment Court.</p>
9 August 2019	<p>Department of Planning, Industry and Environment grant Gateway determination to the making of the Planning Proposal.</p>
11 September 2019	<p>The Planning Proposal is placed on exhibition with public consultation to conclude on 10 November 2019.</p>
8 November 2019	<p>The Class 4 appeal is upheld by the Land and Environment Court and IHO No. 6 applying to the site is deemed to be invalid as the IHO was made in breach of the Ministerial Authority made on 12 April 2013.</p>

ITEM 1 (continued)

	On the same day, new IHO's No. 7 and No. 8, also relating to the subject site, was published in the NSW Government Gazette.
12 December 2019	At the Council meeting, Council resolved to the making of the Planning Proposal to amend RLEP 2014 to make a number of heritage amendments including establishing the Chatham Road HCA containing the subject site.
13 December 2019	The Planning Proposal was referred to the Department of Planning, Industry and Environment for assessment and drafting of the LEP.
8 May 2019	IHO No. 7 and No.8 expired given Council has not passed a resolution to place the item on the heritage schedule of an LEP.

5. Planning Assessment

5.1 State Environmental Planning Instruments

State Environmental Planning Policy No. 55 – Remediation of Land

Clause 7 of State Environmental Planning Policy No. 55 – Remediation of land (SEPP 55) requires Council to consider whether the site is contaminated, and if so whether it is suitable for the proposed development.

A Stage 1 Preliminary Site Investigation has not been undertaken for the site to determine whether the site could potentially be subject to contamination based on historical uses on the land.

A review of online historical aerial imagery indicates the site and surrounding locality comprised residential dwellings as far back as 1943. The subject site has been historically used for residential purposes. As such, it is unlikely to contain any contamination and further investigation is not warranted.

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

In accordance with Clause 6(1) of this SEPP, BASIX applies to BASIX affected development which includes a building that contains one or more dwellings.

The proposal is supported by BASIX Certificate 953321M dated 04 September 2018. It is noted that the BASIX certificate incorrectly references that four (4) car parking spaces (assumed to be garage spaces) are proposed as part of the development. However, nine (9) car spaces in total are proposed with the five (5) car parking

ITEM 1 (continued)

spaces omitted from the description assumed to be the external spaces which do not impact on the BASIX assessment.

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

The objectives of this SEPP are to protect biodiversity values and amenity, through the preservation of trees and other vegetation.

The proposal seeks to remove nine (9) trees on the site to facilitate the development, and this is supported by an Arboricultural Impact Assessment (AIA), prepared by Redgum Horticultural, dated 11 September 2018.

The proposal was referred to Council's Consultant Landscape Architect / Arborist for comment who raised no objection with the proposed tree removal and recommends conditions for trees proposed to be retained on and adjoining the site.

State Environmental Planning Policy (Infrastructure) 2007

This SEPP requires consideration of noise impacts to sensitive uses. However, given the location of the site and its separation distances to rail and road infrastructure, consideration of rail noise (clause 87), or noise associated with roads with greater than 20,000 movements per day (clause 102) is not required.

5.2 Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

This SEPP applies to the whole of the Ryde Local Government Area. The aims are to establish a balance between promoting a prosperous working harbour, maintaining a healthy and sustainable waterway environment and promoting recreational access to the foreshore and waterways by establishing planning principles and controls for the catchment as a whole.

Given the residential scale of the project and the location of the site away from the waterway, there are no specific controls that directly apply to this proposal and the proposal is not inconsistent with this SEPP.

5.3 Ryde Local Environmental Plan 2014 (RLEP 2014)

The following outlines provisions of RLEP 2014 that are relevant to the proposal.

Clause 2.3 - Zone Objectives and Land Use Table

Under RLEP 2014, the site is zoned R2 low density residential and multi dwelling housing is permissible with consent.

ITEM 1 (continued)

Objectives for residential zones:

The objectives of the R2 low density residential zone are as follows:

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

The proposal is not consistent with the objectives of the zone as it fails to provide for housing that serves the needs of the community within a low density residential environment, as discussed throughout this report.

The following table provides a summary of the key provisions that apply to the proposal:

Clause	Proposal	Compliance
4.1B Minimum Lot Size		
900m ²	The subject site has a total area of 1,300m² (by title), therefore satisfactorily complies with the minimum site area requirement.	Yes
Road frontage of the lot is equal to or greater than 20 metres.	The subject site has a total road frontage to Chatham Road of 30.465m (as per survey).	Yes
4.3(2) Height of Buildings		
9.5m	The maximum building height is 8.05m (Dwelling 1). <u>Dwellings fronting Chatham Road:</u> Dwelling 1: 8.05m (RL 45.05 – RL 37.00) Dwelling 2: 7.804m (RL 45.054 – RL 37.25)	Yes
4.3A(2) Exceptions to height of buildings		
Despite clause 4.3, the maximum height of MDH on land in Zone R2 Low Density Residential is 5 metres for any dwelling that does not have a road frontage.	The maximum building height for dwellings without a road frontage is 4.324m (Dwelling 4). <u>Dwellings with no frontage:</u> Dwelling 3: 3.918m (RL 43.518 – RL 39.6) Dwelling 4: 4.329m (RL 43.529 – RL 39.2)	Yes
4.5A Density controls for Zone R2 Low Density Residential		
(a) the site area for the building is not less than: (i) for each 1, 2 or 3 bedroom dwelling—300	The development would require a site area of 1,265m ² . The site has	Yes

ITEM 1 (continued)

Clause	Proposal	Compliance
<p>square metres, and</p> <p>(ii) for each 4 or more bedroom dwelling—365 square metres, and</p> <p>(b) each dwelling will have its own contiguous private open space.</p>	<p>an area of 1,300m², and complies with this standard.</p> <p>(b) Each dwelling has its own contiguous private open space.</p>	
5.10 Heritage Conservation		
<p>(1) The objectives of this clause are as follows—</p> <p>(a) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,</p> <p>(b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, setting and views,</p> <p>(c) To conserve archaeological sites,</p> <p>(d) to conserve Aboriginal objects and Aboriginal places of heritage significance</p>	<p>The site is located within the Draft Chatham Road HCA. The proposal fails to conserve environmental heritage noting the contributory heritage value of existing dwellings, and is also unsatisfactory with regard to the Draft Chatham Road HCA as discussed later in this report.</p> <p>The site is also located within the visual catchment of Darvall Park, a locally listed heritage item, located on the opposite side of Chatham Road. The proposal is not considered to adversely impact on the heritage significance of Darvall Park and no further consideration is required.</p>	No
6.2 Earthworks		
<p>(1) The objective of this clause is to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.</p>	<p>The development proposes up to 810mm of fill and up to 1.27m of cut across the site, with raised driveways, retaining walls along the majority of side and rear boundaries, and steps provided throughout the site.</p> <p>The proposed earthworks will contribute to adverse amenity impacts associated with the development.</p>	No
6.4 Stormwater Management		
<p>(1) The objective of this clause is to minimise the impacts of urban stormwater on land to which this clause applies and on adjoining properties, native bushland and receiving waters.</p>	<p>The proposed stormwater management system is supported by Council's Senior Development Engineer, subject to conditions.</p>	Yes

5.4 Draft Environmental Planning Instruments

ITEM 1 (continued)

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 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 DAs. As discussed with the SEPP 55 assessment, the site has been used for residential purposes for an extended period of time, and is therefore unlikely to have been associated with land uses that would result in contamination of the site. Further investigation is not warranted.

Draft Environment SEPP

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 and deemed SEPPs, which includes:

- Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

The proposal is not inconsistent with the provisions of the draft SEPP.

Draft Amendment to the Ryde Local Environmental Plan 2014

The Planning Proposal to amend the RLEP 2014 to include the Chatham Road HCA within Schedule 5 of RLEP 2014 was exhibited from 11 September 2019 to 10 November 2019. The Planning Proposal is currently under the consideration of the Department of Planning, Industry and Environment.

The following is also relevant:

- The subject site was previously the subject of an Interim Heritage Order pursuant to Clause 25 of the *Heritage Act 1977*. The Interim Heritage Order specified a validity period of six (6) months unless Council has passed a resolution before the six month expiry that seeks to place the item on the heritage schedule of a local environmental plan, with appropriate provisions for protecting and managing the item. The Interim Heritage Order has since expired; however, the existing dwellings are examples of Inter-War period houses that make a strong contribution to the character and significance of the area. On this basis, demolition is not supported.

ITEM 1 (continued)

- The subject site is located within the visual catchment of Darvall Park which is an item of heritage significance under RLEP 2014. As discussed in earlier in this report, it is not expected that the development will impact on the heritage significance of Darvall Park.

It is noted the site is also located within the Denistone Character Area under Section 3.2 of Part 3.3 of RDCP 2014. This is discussed later in this report.

Council's Heritage Officer does not support demolition of existing dwellings and comments:

"The Chatham Road Heritage Conservation Area (HCA) is significant because it is a highly intact example of an early 20th century subdivision in the Ryde area and has aesthetic significance for its high concentration of Inter-War period housing from the early 20th century."

"Demolition of the existing dwellings is not supported as both 68 and 70 Chatham Road are considered to display characteristics and features which define both dwellings as reasonably intact examples of early 20th century Inter War Californian Bungalows. Both dwellings provide an important contribution to the streetscape and have contributory value to the draft Chatham Road HCA."

"The proposal fails to satisfy the NSW LEC Planning Principle relating to the demolition of a contributory dwelling in a HCA."

"Demolition of the dwellings would have an adverse deleterious impact on the streetscape and broader HCA by interrupting the visual continuum of the streetscape and the wholesale loss of two contributory built forms."

Whilst demolition of existing dwellings is not proposed as part of the application, the proposed multi dwelling development would require demolition of existing dwellings to be realised. The demolition of existing dwellings is not supported in light of Council's Heritage Officer comments.

In relation to the proposed new building works, Council's Heritage Officer provides:

"The proposed replacement built form is not of a sufficient quality by virtue of its typology, form, massing, scale, height and overall language and would not harmoniously integrate with the streetscape and broader HCA."

While multi-dwelling housing is permissible within the R2 zone, as discussed in more detail later in this report, the site is in a non-preferred location for multi-dwelling housing under the RDCP 2014 provisions given the land is within a draft HCA and because of the site's significant slope. Despite this, the proposal has not appropriately considered the key design characteristics of the draft HCA or constraints of the site.

ITEM 1 (continued)

In particular, the proposed upper storey footprint is similar to the ground floor footprint and provides a block shape and prominent second storey form. Historic buildings that have been extended to two storeys within the draft HCA have typically maintained the visual appearance of a single storey dwelling, with the upper storey footprints reduced and setback as seen at No. 58 and No.72 (**Figures 11 and 12**).

Whilst some examples of less modulated upper storeys can be found in Chatham Road (including No. 80 and No.82 Chatham Road (**Figure 13**) and the nearby locality, these are considered poor outcomes that are not consistent with the overall desired character for the area, and should not be replicated.

Further, the proposed materials and finishes introduce elements that are not in-keeping with the character of the draft HCA, particularly at the upper level. This includes the proposed white render, central sandstone portico and balcony, and timber cladding. The proposed window glazing proportions at the Chatham Road façade are also not in keeping with those prevalent in the streetscape.

The proposed contemporary design, including prominent and continuous two-storey form, combined with incongruent finishes is detrimental to the prevailing and desired single storey character of the Draft Chatham Road HCA, and is inconsistent with the streetscape.



Figure 11: Characteristic two-storey dwelling house at No.58 Chatham Road
Source: CPS Site Inspection, 8 July 2020

ITEM 1 (continued)



Figure 12: Characteristic two-storey dwelling at No.72 Chatham Road, immediately adjoining to the north of the subject site.
Source: CPS Site Inspection, 8 July 2020.



Figure 13: More recent two-storey dwellings at No. 80 and 82 Chatham Road
Source: CPS Site Inspection, 8 July 2020

5.5 Development Control Plans

Ryde Development Control Plan 2014 (RDCP 2014)

The proposal is subject to the provisions of the following parts of RDCP 2014:

- Part 3.3: Dwelling Houses and Dual Occupancy (Denistone Character Area);

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- Part 3.4: Multi Dwelling Housing;
- Part 7.2: Waste Minimisation and Management;
- Part 8.2: Stormwater & Floodplain Management;
- Part 8.3: Driveways; and
- Part 9.3: Parking Controls.

A full assessment of the proposal under RDCP 2014 is illustrated in the compliance table at **Attachment 1**.

The provisions of RDCP 2014 have been considered in this assessment, and it is concluded that the proposal is inconsistent with the aims and objectives of RDCP 2014. The key RDCP 2014 discussion points are below:

Denistone Character Area

The site is located within the Denistone Character Area (**Figure 14**) and Section 3.2.2 of Part 3.3 provides that new development is to be consistent with the characteristics described in the key character statement and to be compatible with the existing streetscape.

The following is an extract of the Character Statement:

“The Denistone Character Area, an early 20th century hillside subdivision, features a strong pattern of single detached brick and tile dwellings which predominately date from the Inter-War period and display architectural styles consistent with their period. Houses sit within established gardens, which together with the street trees, help establish the green and leafy character of the area.”

“Dwellings are almost exclusively single storey with two storey dwellings occurring as a lower ground level where the site slopes away from the street. They are relatively closely spaced with mostly minimum side setbacks but have clearly defined front façades through the use of modulation and architectural detail. Front setbacks are generally consistent within streetscapes.”

“The key characteristics are:

- *Face brickwork on visible façades, and tiled roofs, with the colours consistent with the existing predominant colours;*
- *Clearly defined front façades displaying modulation;*
- *Consistent front setbacks;*
- *Geometrically regular simple hipped roofs of a moderate slope and with a modest eaves overhang; and*
- *Low front fences which complement the design and materials of the house they front.”*

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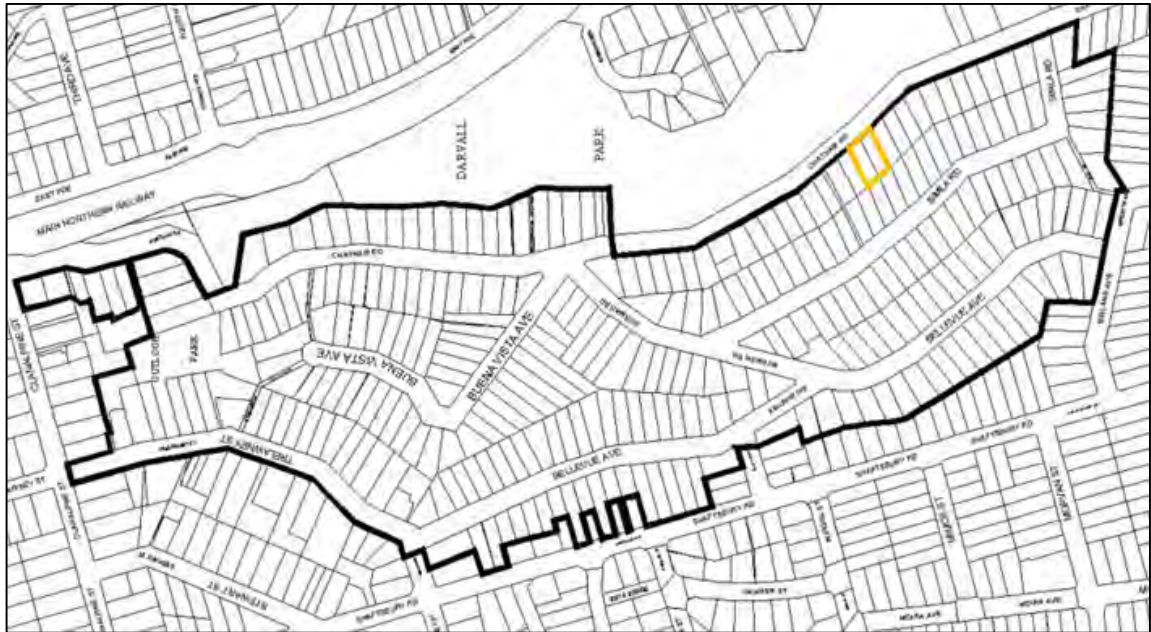


Figure 14: Denistone Character Area map with subject site outlined in orange
Source: Ryde Development Control Plan 2014

The existing dwellings are good examples of Inter-War period houses that make a strong contribution to the character and significance of the area as recognised by the Council's Heritage Officer. The proposed contemporary two-storey presentation to Chatham Road is detrimental to the prevailing and desired single storey character of the Denistone Character Area, and is inconsistent with the Chatham Road streetscape.

In addition, whilst the proposal includes face brick, the overall design is inconsistent with the key characteristics, noting the materials and finishes introduce elements that are not in-keeping with the Chatham Road streetscape and Denistone Character Area particularly at the upper level. This includes the proposed white render, central sandstone portico and balcony, and timber cladding. The proposed window glazing proportions at the Chatham Road façade are also not in keeping with those prevalent in the streetscape.

The two-storey form combined with the incongruent finishes fail to complement and enhance the existing streetscape, and is therefore incompatible with the Denistone Character Area.

Non Preferred Locations for Multi Dwelling Housing

The site is in a non preferred location for multi dwelling housing as defined in Section 2.3 and Schedule 2 of Part 3.4 which includes:

- Sites within HCAs; and
- Sites with slopes greater than the allowed gradient of 1:14 prescribed in Section 3.1 of Part 3.4.

ITEM 1 (continued)

Whilst the Draft Chatham HCA has not been formally adopted, the draft HCA forms part of a Draft Environmental Planning Instrument and is nonetheless a matter for consideration under Section 4.15 of the *Environmental Planning and Assessment Act 1979*. In this regard, the site is within the Draft Chatham HCA and is considered to be a non preferred location for multi dwelling housing.

Regarding site gradient, the cross fall is 1:11.5 across the majority of the site and 1:5.6 at the rear, and as such constitutes a non preferred location for multi dwelling housing. The proposed design response has not satisfactorily addressed the slope constraints of the site. A more responsive design may have adopted better terracing or split level dwellings.

Front Setbacks

The proposal fails to comply with Section 3.5.1 of Part 3.4 which indicates the front setback of the proposal to match the setback of an adjoining building, where the difference between the setbacks of the two adjoining buildings is not more than 2 metres. The minimum front setbacks of No. 66 and No. 72 Chatham Road are 7.66 metres and 8.5 metres respectively, based on the survey submitted with the DA.

The proposal provides a minimum front setback of 7 metres but varies up to 8.3 metres which is generally consistent with the existing front setbacks at the subject site which vary between 5.74 metres and 7.3 metres. In addition, the front boundary of properties at Chatham Road are angled, causing varied setbacks to all dwellings. In this regard, the proposed front setback, of a minimum 7 metres, is considered a reasonable response and in keeping with the setback pattern of the local area.

Side and Rear Setbacks

The proposal fails to comply with Section 3.5.4 of Part 3.4, which includes a minimum 4.5 metre setback to side and rear boundaries. Despite this, Section 3.5.4 also provides that:

“To promote variation and interest in design Council may allow up to 50% of the wall of any multi dwelling housing dwelling to be not less than 3 metres from the side and rear boundary”.

The submitted Statement of Environmental Effects indicates that the proposal is reliant on this variation for compliance for all side and rear setbacks; however, this is not correct for the proposed rear setbacks. Approximately 52.4% of the length of Unit 3, and 64.4% of the length of Unit 4, do not comply with the minimum required 4.5 metre rear setback.

Importantly, the Statement of Environmental Effects does not describe how the development promotes variation and interest in design. Given the context within a draft HCA, and that the proposal does not make any meaningful contribution to the

ITEM 1 (continued)

draft conservation area, concessions for 50% of the length of each wall, for the purposes of design variation, are not appropriate in this instance. All rear and side setbacks are therefore unable to be supported, particularly the rear setbacks which seek a concession for over 50% of the length of the respective walls.

Finally, the variation will unnecessarily exacerbate solar access compliance, which is described later within this report.

Excessive Cut and Fill

As outlined above, the site fails to comply with the minimum 1:14 cross fall, and includes a gradient of 1:11.5 across the majority of the site and 1:5.6 to the rear. Whilst the cross fall is compliant in parts of the site (towards the street and within the centre), the overfall cross fall is undesirable as it creates inherent challenges in maintaining privacy of adjoining properties, whilst minimising general cut and fill to retain natural ground levels.

In this regard, significant levels of excavation occur throughout most of the site, whereby over 75% of the site area includes cut or fill in excess of 300mm, contrary to Section 3.2 of Part 3.4. Fill of up to 810mm is proposed within the front setback of Dwelling 1, with cut up to 1.27 metres proposed across the site. This results in a raised driveway, retaining walls along the majority of side and rear boundaries, and steps provided throughout the site. The significant variation to cut and fill requirements is unsympathetic with the natural topography of the site and is not supported.

Additionally, none of the private open space areas are provided at natural ground level, relying on raised decks amongst areas of excessive cut. As discussed later, the proposal provides a 1.8 metre side boundary fence on top of a 1.12 metre high retaining wall along the southern boundary of Unit 4. This results in an almost 3 metre high boundary treatment presenting to No.66 Chatham Road. The excessive wall and fence height at the southern boundary results in a poor visual outlook from the private open space of No.66 Chatham Road. This is a poor design response to the site constraints.

Overshadowing and Access to Sunlight

Section 3.9 of Part 3.4 requires 2 hours of midwinter solar access to 50% of courtyards within the development, as well as to ground level private open space of adjacent properties. For private open space areas on adjacent properties that are already non-compliant, this section provides that sunlight must not be further reduced by more than 20%.

The submitted shadow diagrams (**Figure 15**) show that the proposal will overshadow the adjoining private open spaces of No. 21 Simla Road (west) and No. 66 Chatham Road (south) but fails to account for shadows from adjoining buildings and fences as required by the sunlight planning principle within *The Benevolent Society v Waverley*

ITEM 1 (continued)

Council (2010) and control (b). The shadow diagrams also fail to show the entire extent of the private open space areas of the affected properties, or any windows that might be affected. In this regard, there is insufficient information to demonstrate the proposal will not have any unreasonable solar impacts on adjoining properties, particularly to No. 66 Chatham Road.

The submitted shadow diagrams indicate that the private open space of the southern oriented units, being Dwellings 1 and 4, will each receive non-compliant solar access during midwinter. Again, there is a shortfall of information required to determine whether each unit is compliant, namely shadows from the adjoining building to the north at 72 Chatham Road. This building likely places significant limitations on solar access to Dwellings 2 and 3.

The non-compliant side and rear setbacks significantly exacerbate this issue. Subsequently, the non-compliant side and rear setbacks, solar access impacts, and shortfall of information within the shadow diagrams, all form reasons for refusal.



Figure 15: Shadow diagrams during mid-winter
Source: Architectural plans

Visual and Acoustic Privacy

Section 3.10 Visual and Acoustic Privacy of Part 3.4 provide:

- Minimum 9 metres separation between facing habitable room windows;
- No direct views between living area windows of adjacent dwellings (otherwise screening or obscuring necessary); and
- Direct views from living areas to private open space of other dwellings to be screened or obscured within privacy sensitive zone of 12 metre radius.

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The stairs of Dwelling 1 and 2 have direct views into the respective living and family rooms. Further the sill height of the living room windows of Dwelling 2 is less than 1.5 metres high and this window faces onto the common driveway. The above will result in unacceptable privacy impacts between dwellings (**Figure 16**).

Additionally, the excessive cut and fill arrangements result in poor design outcomes when trying to limit overlooking to adjoining properties. For example, in order to maintain visual privacy, a 1.8 metre boundary fence on top of a 1.12 metres high retaining wall is proposed along the southern boundary of Unit 4. This adversely impacts on the visual outlook of No. 66 Chatham Road whereby a boundary fence height of up to almost 3 metres is provided at the private open space of No. 66 Chatham Road. Alternatively, if an overall fence height of 1.8 metres was utilised (when measured from EGL at No. 66 Chatham Road), this would result in direct overlooking into the rear private open space of No. 66 Chatham Road given the raised deck and ground floor level of Unit 4. This poor design outcome is a direct result of the site's unsuitability for multi dwelling housing because of the gradient, and the poor design response to the site constraints.

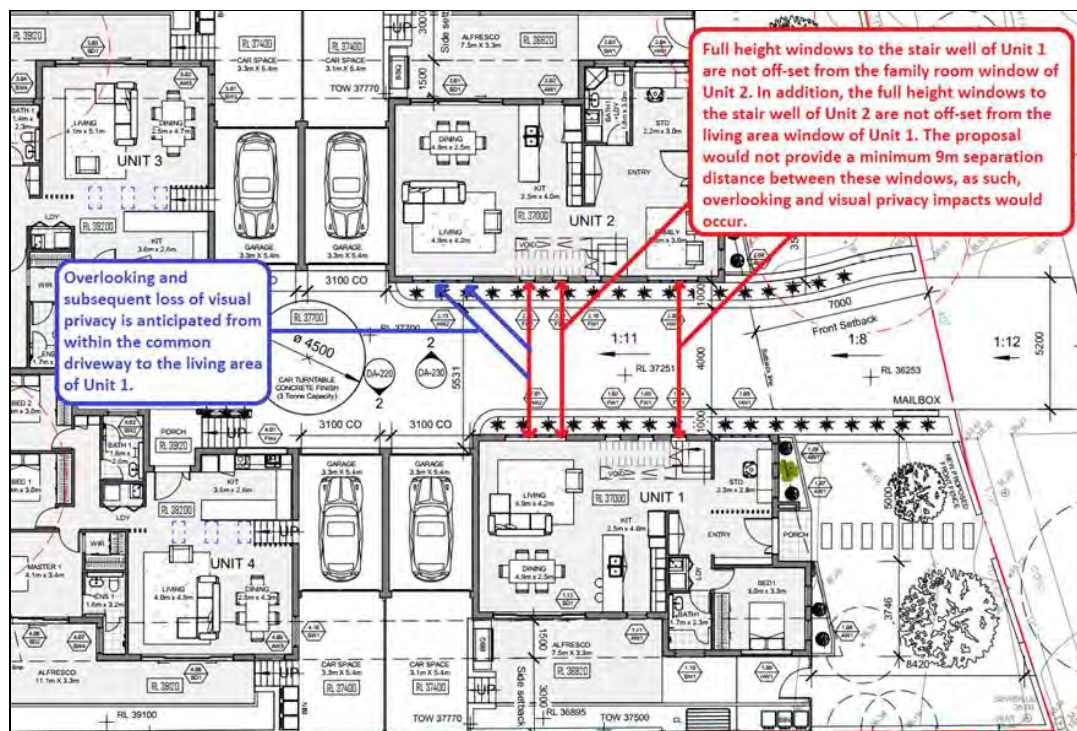


Figure 16: Extract of ground floor plans showing internal privacy impacts
Source: Architectural plans

Car Parking, Manoeuvrability and Driveway Crossings

Section 3.8 of Part 3.4 requires that vehicles be able to enter and leave garage/parking areas in a forward direction, with a single three-point turn permitted.

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The proposal is not supported by swept path plans that demonstrate vehicles are able to enter and exit the site in a forward direction. Further, the proposed driveway is 4 metres in width which does not allow for two way traffic and relies upon a central car turntable for vehicles to enter and exit in a forward direction.

Council's Traffic Engineer comments that:

- The proposal fails to comply with *AS2890.1* requirements with regards to swept paths to allow for vehicles to enter and exit the site in a forward direction. The proposed car turntable as an alternative solution is not sustainable and is impractical. The car turntable is not supported.
- A vehicular waiting bay must be included at the entry to the site. It must have a minimum width of 5.5 metres and length of 6.0 metres within the site's boundary.
- The proposed length of the car spaces provided for both the garage and secondary space, whilst technically complying with the minimum 5.4 metre length, are insufficient in the enclosed and restricted spaces. An additional 300mm must be provided on either end. Thus, each space provided must be a minimum 6 metres in length.
- Minimum lines of sight for pedestrian safety must be provided in accordance with Figure 3.3 of *AS 2890.1*.

Car turntables as an alternate solution are unprecedented for multi dwelling developments within the City of Ryde. Such a solution is uncharacteristic of the low density residential zone. Further, there are risks that in the event of a turntable breakdown, vehicles will be required to reverse out of the site posing a significant safety risk to residents and other vehicles. The proposed solution for this limited number of dwellings is considered unsustainable and impractical. The subject site is of a suitable size without the constraints that could warrant a car turntable, and the proposal is capable of being redesigned to comply with minimum requirements of *AS2890.1*. Failure to achieve compliance with *AS2890.1*, as well as reliance on mechanical equipment that may be prone to failure in the future, will likely discourage the use of the dedicated parking areas (particularly noting all units comprise tandem car spaces), placing unnecessary demand for on street parking. Further, the proposed arrangement to facilitate the forward movement of vehicles into and out of the site is not supported given the potential safety implications to pedestrians and vehicles, in particular noting a dedicated pedestrian pathway for access to the rear units has not been provided as prescribed by Section 3.11.1 of Part 3.4.

In addition, whilst a waiting bay could be provided in the front setback area, the resultant reduction to landscaped area will adversely impact on the streetscape character. An increased driveway width allowing for two way traffic would be required.

5.6 Planning agreements or draft planning agreements

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The application is not the subject of any planning agreements or draft planning agreements.

5.7 Section 7.11 Development Contributions Plan 2020

Although the development attracts contributions, the application has been recommended for refusal.

5.8 Any matters prescribed by the regulations

The Regulation guides the processes, plans, public consultation, impact assessment and decisions made by local councils, the Department of Planning, Industry and Environment and others. As the proposal is recommended for refusal, there are no further matters for consideration.

6. The likely impacts of the development

The proposal is inconsistent with the provisions of RLEP 2014, including the Draft Chatham Road HCA, and RDCP 2014. The development proposes numerous variations to provisions within these instruments and plans. There are a number of impacts which arise from these non-compliances which have already been addressed in the report. The proposal is not supported on this basis.

7. Suitability of the site for the development

The subject site is located within a non-preferred location for multi dwelling housing being within the Draft Chatham Road HCA and due to the slope of the site. These constraints require careful consideration to ensure that the site is suitable for the development. However, for the reasons outlined within this report, the proposal is not suitable for the subject site.

8. The Public Interest

Based on the assessment contained in this report, approval of the development is contrary to the public interest, and this forms a reason for refusal.

9. Submissions

In accordance with Part 2.1 Notice of Development Application of the DCP2014, the proposal was advertised in the Northern District Times on 16 January 2019, and the owners of surrounding properties were given notice of the application on 11 January

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2019, with the notification period for submissions closing on 6 February 2019. In response, 110 submissions were received, all objecting to the development. Of the 110 submissions, 84 were based on a pro-forma document, and 2 of these contained signed petitions, with 60 signatures in one petition and 5 signatures in the other (total 65 signatures).

The objections raised in the submissions are covered below, followed by a comment from the assessing planner:

A. The proposal will result in an overdevelopment of the site where four large homes replace two, increasing the density of the area.

Comment: The proposal will increase the density of the area through replacement of two (2) existing single storey dwellings with a multi-dwelling housing development comprising of four (4) dwellings.

Clause 4.5A (Density controls for Zone R2 Low Density Residential) prescribes the site area required for dwellings based on the number of bedrooms provided.

A site area of 1,265m² is required to accommodate the proposed development.

The subject site has an area of 1,300m², thus achieving compliance with Clause 4.5A of RLEP2014. The resultant additional density is considered acceptable. However, the built form impacts as discussed in this report are considered unacceptable and the proposal is recommended for refusal.

B. The proposed development fails to achieve compliance with clause 3.2.1 and 3.2.2 (Denistone Character Area). Specific concerns include:

- **The façade is not in keeping with the streetscape and broader Denistone Character Area.**
- **Approval of the development will set an undesirable precedent within the Denistone Character Area.**
- **Concerns regarding demolition of the existing dwelling.**
- **Front fence design.**

Comment: The site is also located within the Draft Chatham Road HCA and the Denistone Character Area. Council's Heritage Officer has confirmed the existing dwellings are examples of Inter-War period houses that make a strong contribution to the character and significance of the area. On this basis, demolition is not supported. The new development proposed is not supported given the resultant built form is incompatible with the Denistone Character Area and draft HCA.

The front fence fails to comply with the visual permeability requirements of RDCP 2014; this could potentially be addressed by conditions.

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- C. Objectors at No.72 Chatham Road have indicated that two entertaining areas will be located adjacent to their boundary fence and will likely result in an increase in noise.**

Comment: Although the proposal is not being recommended for approval, if it were, the proposed private open space areas are considered acceptable from a noise impact perspective. The spaces are of moderate size, and associated with a land use that is not considered a noise generating development. In addition, the provisions of the *Protection of the Environment Operations Act 1997* and associated Regulations would apply.

- D. The proposal results in structural issues to No.21 Simla Road.**

Comment: This could be addressed by prescribed conditions of consent, which require the protection of neighbouring buildings. Notwithstanding, the application is recommended for refusal.

- E. The proposal will result in overlooking and visual privacy impacts to adjoining properties, particularly at No.21 Simla Road and No.66 Chatham Road.**

Comment: The 1.8 metre southern boundary fence of Units 1 and 4 will limit potential for overlooking, noting the levels of the proposed decks and ground floors to Units 1 and 4 are below or equal to the base of the boundary fence. Overlooking from the first floor of Unit 1 to No. 66 Chatham Road is limited to oblique views only, and is therefore considered acceptable. Notwithstanding, as discussed in earlier in this report, the proposed southern boundary fence height of up to almost 3 metres (1.8 metre fence plus 1.12 metre retaining wall) is a poor response to the site's gradient in order to maintain visual privacy, and is not supported.

The privacy of No. 21 Simla Road would most likely be affected by rear west-facing windows on the front dwelling; however, none are proposed. The proposed ground level of the single storey dwellings at the rear, including the private open space which adjoins No. 21 Simla Road, is below the natural ground level of that property. In this regard, the proposal will not result in unacceptable overlooking to No. 21 Simla Road given the difference in site/finished levels.

- F. Overshadowing of adjoining properties, including No.66 Chatham Road and No.21 Simla Road. Submissions noted that the shadow diagrams did not include shadows cast by existing buildings and structures at adjoining properties, including the location of windows.**

Comment: As discussed in Section 5, the shadow diagrams show that the proposal will overshadow the adjoining private open spaces of No. 21 Simla Road (west) and No. 66 Chatham Road (south) but the diagrams fail to show

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shadows for adjoining buildings and fences, as required to undertake a full assessment. The shadow diagrams also fail to show the entire extent of the private open space areas of the affected properties, or any windows that might be affected. There is insufficient information to demonstrate the proposal will not have any unreasonable solar impacts on adjoining properties, particularly to No. 66 Chatham Road. This forms a recommended reason for refusal.

G. The proposal will result in excessive tree removal. This will have an effect on the ecology of the area.

- **Concerns regarding the submitted Arborist Report.**
- **Objectors at 21 Simla Road, have raised concern that the proposed development will result in tree imbalances causing trees to lean into the direction of their property.**
- **Excavation adjacent to boundaries will result in an impact to trees on adjoining properties**

Comment: The proposal was referred to Council's Consultant Landscape Architect/Arborist who assessed the submitted Arboricultural Impact Assessment and Tree Management Plan, and raised no objection with the proposed removal of nine (9) existing trees on site and retention of three (3) trees within the southern front setback. The nine (9) trees proposed to be removed are not considered capable of being retained due to the unacceptable and unavoidable impacts from the proposed construction works. Council's Consultant Landscape Architect/Arborist noted that the removal of these trees will result in a low to moderate impact to the landscape character of the subject site and replacement planting is required.

The Council's Consultant Landscape Architect/Arborist was generally satisfied that the proposed landscape plan's overall layout, design, and plantings was acceptable. However, a recommendation was made for two (2) locally native canopy replacement trees within the front setback, and continuous screen planting at the site boundaries.

Where impacts to trees required for retention were identified, including those on adjoining properties, appropriate conditions of consent could be recommended to address this issue.

H. Concerns regarding impact to services and utilities.

Comment: The following standard condition could be imposed on any development consent, to ensure adequate services and utility connections and upgrades as required.

- ***Service Alterations.*** All services or utilities required to be altered in order to complete the development works are to be undertaken in accordance

ITEM 1 (continued)

with the requirements of the relevant service provider (eg Telstra, Jemena, Ausgrid, etc), with all costs associated with this alteration to be borne by the applicant.

Notwithstanding, the proposal is recommended for refusal.

I. The proposal will increase traffic congestion and reduces the availability of off-street parking within Chatham Road. Concerns also include that:

- **The proposal provides insufficient on-site parking.**
- **Tandem car parking spaces within garages are unlikely be utilised.**

Comment: The proposal is for a multi-dwelling housing development for four dwellings. This results in two additional dwellings above what is existing on the site. The traffic generated by two additional dwellings is not expected to have noticeable adverse impacts on the local traffic network. The proposed car parking provision for eight (8) residential car spaces and one (1) visitor car space complies with car parking requirements prescribed in Section 2.2 of Part 9.3 of RDCP 2014.

Notwithstanding, as detailed in Section 5, Council's Senior Development Engineer has raised a number of concerns with the proposed car parking dimensions, vehicular access and manoeuvrability arrangements. The inability to satisfy these issues will likely discourage the use of the dedicated parking areas, and place unnecessary demand on on-street parking. See the referrals section of this report for more details.

J. Excavation adjacent to boundaries will affect ground water.

Comment: The proposal was referred to Council's Senior Development Engineer who raised no objections with regards to ground water. Notwithstanding, as detailed in Section 5, the proposal seeks significant levels of excavation across the site which result in poor amenity outcomes and significant modification to the existing site topography. For these reasons the proposed site excavation is not supported.

K. Proposal results in a non-compliant site coverage.

Comment: The proposal includes a site coverage of 516m² which equates to 39.69% of the total site area. As such the proposal complies with Section 3.4 of Part 3.4 of RDCP 2014 which prescribes a maximum 40% site coverage.

L. The proposal does not comply with the front setback controls contained within DCP 2014.

Comment: As detailed in Section 5, the proposal fails to comply with Section 3.5.1 of Part 3.4 of RDCP 2014 which indicates the front setback of the proposal

ITEM 1 (continued)

is to be the same distance as one of the buildings on an adjoining allotment, if the difference between the setbacks of the building on the two adjoining allotments is not more than 2 metres.

The minimum front setbacks of No.66 and No.72 Chatham Road are 7.66 metres and 8.5 metres respectively. The proposal provides a minimum front setback of 7 metres but varies up to 8.3 metres. The existing front setback of No. 68 and No.70 Chatham Road are a minimum of 5.74 metres and 7.3 metres respectively. In addition, the front boundary of properties at Chatham Road are angled and results in varied setbacks to all dwellings. Noting this, the proposed front setback of a minimum 7 metres is a reasonable response and in keeping with the streetscape pattern.

M. The proposal does not achieve compliance with the side and rear setback controls contained within RDCP 2014.

Comment: As detailed in Section 5, the proposal fails to comply with the Section 3.5.4 of Part 3.4 of RDCP 2014 which requires a minimum 4.5 metre setback to the side and rear boundaries. A concession for up to 50% of the setback to be reduced to no more than 3 metres is also included in Section 3.5.4, but only in circumstances where it promotes variation and interest in the design; this is not the case with the subject development. Furthermore, the rear setbacks fail to comply, even accounting for this concession.

These non-compliances will also unnecessarily exacerbate solar amenity impacts and are not supported.

N. Non-compliant building height; request for double storey villas to be replaced with single storey villas at the front of the site.

Comment: As detailed in Section 5, whilst the proposal complies with the maximum height control, the site is located within the Draft Chatham Road HCA and the Denistone Character Area, where the predominant existing/desired building form is dwellings of single storey appearance. The proposed design, including the upper storey form, does not reflect the desired character of buildings in the area and fails to complement and enhance the existing streetscape.

O. Concerns regarding the removal of asbestos.

Comment: Demolition is not proposed as part of this DA, and would be subject to separate approval which would need to include conditions regarding the removal and disposal of hazardous materials.

P. No overshadowing details within the submitted BASIX certificate.

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Comment: Overshadowing impacts to neighbouring properties are assessed under the provisions contained within RDCP 2014. BASIX assessments do not require consideration of overshadowing to neighbouring properties.

Q. The submitted BASIX certificate indicates that only four (4) residential car spaces are provided.

Comment: The proposal is supported by BASIX Certificate 953321M dated 04 September 2018. The BASIX certificate lists 4 car parking spaces being proposed as part of the development, despite nine (9) car spaces in total being proposed. However, the five (5) car parking spaces not included in the description are external and do not impact on the BASIX assessment.

R. The existing two lots should not be retained and be consolidated.

Comment: In the event of an approval, consolidation of the two lots is typically required by Council, given that access and drainage arrangements are made across the entire site, and to avoid any BCA issues associated with lot boundaries being through the centre of the site.

S. Request for the subject DA to be put on hold until the Local Environmental Plan is amended.

Comment: The assessment has been completed, and the application is recommended for refusal. It is not appropriate to hold applications in abeyance, given the uncertainty over the timing of the future Draft LEP's progression.

T. Insufficient size of private open space areas inhibit the ability to provide screen planting along the boundaries.

Comment: The proposed size of private open spaces complies with the minimum 35m² required for each dwelling containing 3 or more bedrooms, as prescribed by Section 3.6 of Part 3.4 of RDCP 2014. The private open space areas are capable of accommodating screen planting along the boundaries to improve privacy. A condition addressing this matter was recommended by the Council's Consultant Landscape Architect / Arborist, but the application is recommended for refusal.

U. Incorrect labelling of adjoining properties on the submitted documentation.

Comment: It is acknowledged that the aerial site plan on page 3 of the submitted Statement of Environmental Effects incorrectly identifies No. 66 and No.68 as the subject site. Further, the site plans and floor plans incorrectly refer to adjoining properties as No. 66 and No.72 'Catham Road'. These errors do not impact on Council's capacity to complete its consideration of the proposal and recommendation for refusal.

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V. Inadequate waste storage

Comment: The proposal provides private waste bin storage areas for individual dwellings within the respective external dwelling areas, consistent with Council's requirements. The waste bins will be collected by Council similar to other residential developments.

W. The proposed housing form will attract undesirable residents.

Assessing officer comment: Personal attributes of future occupants of the proposed development are not a matter of consideration pursuant to Section 4.15 of the *Environmental Planning and Assessment Act 1979*.

X. Concerns regarding construction noise.

Comment: In the event of an approval, standard conditions will be imposed in respect to construction noise and hours of construction. These conditions aim to reduce construction noise to an acceptable level.

Y. The existing child care centre at no. 70 Chatham Road should not form part of the proposal.

Comment: The proposal is for a multi dwelling development. The existing child care centre does not form part of the proposal.

10. Referrals

INTERNAL REFERRALS

Senior Development Engineer

The proposal was referred to Council's Senior Development Engineer for comment who advised the following:

Stormwater Management

The proposed stormwater management system for the development discharges to the existing kerb inlet pit located in Chatham Road and incorporates an onsite detention system. This complies with Council requirements and standard conditions of consent were recommended.

Vehicle Access and Parking

- The proposed car parking provision is compliant.

ITEM 1 (continued)

- There is a concern regarding the length of the car spaces provided for both the garage and secondary space. The plans depict a complying 5.4m, however as the spaces are either enclosed or restricted, an additional 300mm must be provided on either end. Thus each space provided must be a minimum 6m in length.
- It is required that for all vehicles utilising the site must enter and exit in a forward direction. No swept path diagrams have been submitted for review, however it is noted the provisions provided do not comply with AS2890.1 requirements. It appears entry and exit to each car space is dependent on a car turntable. Utilising a mechanical device to service the entire development is not sustainable and practical. Thus the car turntable is not supported and must be removed. A swept path analysis is required to be submitted demonstrating forward entry and exit from the site to all car spaces provided.
- A vehicular waiting bay must be included at the entry to the site. It must have a minimum width of 5.5m and length of 6.0m within the sites boundary.
- Minimum lines of sight for pedestrian safety must be provided in accordance Figure 3.3 of AS/NZS 2890.1:2004.
- A turntable is likely to result in the tandem car parking space not being used by occupants of the dwelling. This would result in increased demand for on street car parking.

Heritage

The proposal was referred to Council's Heritage Officer for comment on two occasions. Initial comments on 23 January 2019 (prior to the Planning Proposal to establish the Chatham Road HCA) were unsupportive of the proposal given the detrimental impacts to the Chatham Road streetscape and Denistone Character Area.

Updated comments were obtained on 21 July 2020 given the Planning Proposal to amend RLEP 2014 to establish the Chatham Road HCA requires consideration pursuant to Section 4.15(1)(a)(ii) of the *Environmental Planning and Assessment Act 1979*. The recommendation of the Heritage Officer is provided below:

The proposed development is not supported on heritage grounds for the following reasons:

1. *The proposed demolition of the two dwellings is not supported, as demolition would result in the loss of two contributory built forms within the draft Chatham Road HCA and would have an adverse and deleterious impact on the significance of the Chatham Road HCA.*

ITEM 1 (continued)

2. *The proposal fails to satisfy the NSW LEC Planning Principle relating to the demolition of a contributory dwelling in a HCA.*
3. *The proposed development fails to satisfy clause 5.10 of the Ryde LEP 2014 in that the development does not conserve the environmental heritage of Ryde.*
4. *The proposed replacement built form is not of a sufficient quality by virtue of its typology, form, massing, scale, height and overall language and would not harmoniously integrate with the streetscape and broader HCA.*
5. *The proposed development is not considered in the public interest.*

Landscape Architect/Arborist

In their referral response, Council's Consultant Landscape Architect/Arborist commented the following:

- The proposed removal of nine (9) trees (Trees 7, 8, 9, 10, 11, 12, 14, 15 and 16) is supported as they are not considered capable of being retained due to the unacceptable and unavoidable impacts from the proposed construction works. The removal of these trees will result in a low to moderate impact to the landscape character of the subject site and replacement planting is required.
- The retention of three (3) trees on site (Trees 2, 3 and 4) is supported. The retention of three (3) Council street trees (Trees 1, 5 and 6) will require referral and approval from Council's Tree Management Team prior to any consent being granted. However, given their location away from the proposed construction works, they are unlikely to be impacted.

ITEM 1 (continued)

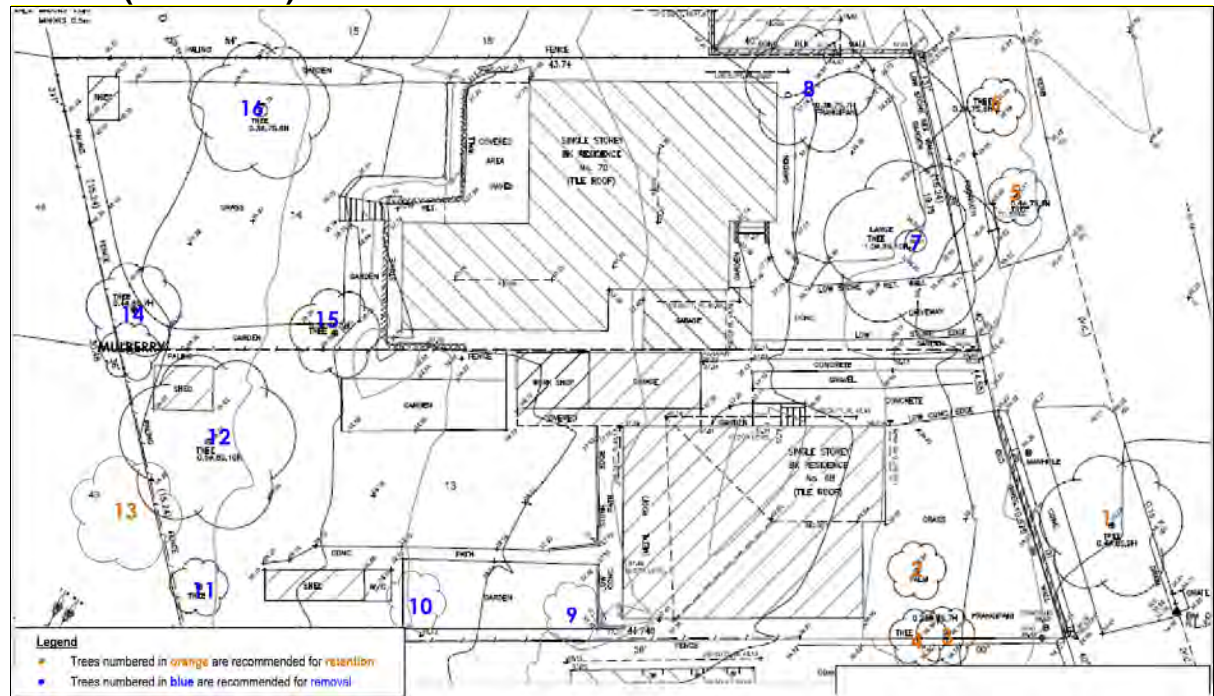


Figure 17: Extract of Tree removal and retention plan

Source: Arboricultural Impact Assessment and Tree Management Plan submitted with application

- The landscape plans indicate the proposal is generally compliant with the overall key controls and objectives with regards to private open space size, pervious area, design and plant species selection.
- Concern is raised in relation to the removal of all existing canopy trees on site and the lack of adequate replacement species specified. A condition is recommended to ensure that adequate replacement tree canopy is established in the medium term for two (2) locally native canopy trees capable of reaching a minimum mature height of 10 metres with a spreading canopy within the front setback.
- The landscape plans lack label definition and therefore concern is raised in relation to the lack of suitable screen planting provided.
- Conditions are recommended to ensure continuous screen planting is provided at site boundaries capable of reaching a mature height of 3 metres; a permeable surface finish such as gravel, pebble, crushed sandstone or permeable concrete pavers be provided at the secondary car spaces; standard condition to protect trees proposed to be retained on site and off site; requiring a qualified arborist be present during tree removal.

Despite the recommendation for refusal, in the event of an approval, the above consent conditions are supported.

11. Conclusion

ITEM 1 (continued)

After consideration of the development against the provisions of Section 4.15 of the *Environmental Planning and Assessment Act 1979*, and the relevant statutory and policy provisions, the proposal is not considered suitable for the site and is contrary to the public interest.

It is therefore recommended that the application be refused. The reasons for this recommendation are as follows:

- The demolition of the existing dwellings, which are contributory buildings within the Draft Chatham Road HCA, is not supported.
- The proposed contemporary two storey building form facing Chatham Road is detrimental to the prevailing single storey character of the Draft Chatham Road HCA, Denistone Character Area and is incompatible with the Chatham Road streetscape.
- The site is in a non-preferred location for multi dwelling housing being within the Draft Chatham Road HCA and because of its steep topography.
- The proposal results in a range of poor amenity outcomes, including inadequate solar amenity to the proposed rear units, privacy impacts within the development.
- The submitted solar diagrams are unsatisfactory to correctly demonstrate the solar amenity impacts associated with the development.
- The proposed parking and access arrangements, including the mechanical car turntable, exhibit various shortcomings and are not appropriate to service the development.
- A number of well-founded objections to the proposal have been received following notification of the DA.

12. Recommendation

Pursuant to Section 4.16(1)(b) of the *Environmental Planning and Assessment Act 1979*, that the Ryde Local Planning Panel refuse LDA2018/458 for the construction of a multi dwelling development for four units with two double storey dwellings at the front streetscape and two single storey dwellings at the rear, for the following reasons:

1. Pursuant to Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*, the development is inconsistent with the provisions of *Ryde Local Environmental Plan 2014* in that:
 - The proposal is contrary to the objectives of the R2 Low Density Residential Zone in failing to provide housing that serves the housing needs of the community within a low density residential environment.
 - The proposal is inconsistent with Clause 6.2 of *Ryde Local Environmental*

ITEM 1 (continued)

Plan 2014 as the proposed earthworks are unsympathetic to the natural topography of the site, resulting in unacceptable impacts on the amenity of neighbouring properties and the streetscape.

2. Pursuant to Clause 4.15(1)(a)(ii) of the *Environmental Planning and Assessment Act 1979*, the proposed development is detrimental to the character of the Draft Chatham Road Heritage Conservation Area, and the proposed demolition of the existing contributory dwellings and replacement with contemporary buildings is not appropriate.
3. Pursuant to Clause 4.15(1)(a)(iii) of the *Environmental Planning and Assessment Act 1979*, the development is inconsistent with *Ryde Development Control Plan 2014*, Section 3.2 of Part 3.3 Dwelling Houses and Dual Occupancy, as it is not compatible with the Denistone Character Area.
4. Pursuant to Clause 4.15(1)(a)(iii) of the *Environmental Planning and Assessment Act 1979*, the development is inconsistent with the following provisions of Part 3.4 Multi Dwelling Housing of *Ryde Development Control Plan 2014*, specifically:
 - Section 2.3, as the site is in a non-preferred location for multi dwelling housing being within the Draft Chatham Road Heritage Conservation Area and because of its steep topography. The proposal is a poor response to the site's natural constraints and the character of the local area.
 - Section 3.5.4 and Section 3.6, as the non-complying rear and side setbacks contribute unnecessarily towards poor built form and solar amenity outcomes.
 - Section 3.8 as the proposal fails to safely allow for vehicles to enter and exit the site in a forward direction in accordance with *AS2890.1* requirements without reliance on a mechanical car turntable; and, the dimensions of the proposed tandem residential car parking spaces is insufficient to adequately accommodate vehicles.
 - Section 3.9, as the submitted solar diagrams are unsatisfactory to demonstrate that the proposal will not have any unreasonable solar amenity impacts on proposed dwellings or to adjoining properties.
 - Section 3.10 as the proposal results in adverse overlooking impacts between Dwellings 1 and 2.
5. The site is unsuitable for the proposed development pursuant to Section 4.15(1)(c) of the *Environmental Planning and Assessment Act 1979* for the following reasons:
 - The site is in a non-preferred location for multi dwelling housing being within the Draft Chatham Road Heritage Conservation Area and because of its steep topography.
 - The proposal is not compatible with the Draft Chatham Road Heritage Conservation Area and the Denistone Character Area.

ITEM 1 (continued)

6. Having regard to the reasons noted above, pursuant to the provisions of Section 4.15(1)(d) and Section 4.15(1)(e) of the *Environmental Planning and Assessment Act 1979*, approval of the development application is not in the public interest.

ATTACHMENTS

- 1 Compliance Table
- 2 A3 Plans - subject to copyright provisions

Report Prepared By:

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Report Approved By:

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ATTACHMENT 1

Attachment 1 – Compliance Table

Compliance Check - Quality Certification

**Assessment of a Multi Dwelling
Housing Development**

LDA No: LDA2018/0458	Date Plans Rec'd: 03/12/2018
Address: 68-70 Chatham Road, Denistone, NSW 2114	
Proposal: New Multi-dwelling housing comprising 1 x 4 bedroom and 3 x 3 bedroom dwellings and subdivision.	
Constraints Identified: Interim Heritage Order (expired), within draft Chatham Road Heritage Conservation Area, within 100m of Heritage item, site slope.	

RLEP 2014	Proposed	Compliance
4.1B Minimum Lot Size		
<ul style="list-style-type: none"> 900 square metres Road frontage of the lot is equal to or greater than 20 metres. 	Existing Lot: 68 Chatham Road, (Lot 13 DP 9166) 70 Chatham Road, (Lot 14 DP 9166) <ul style="list-style-type: none"> Total Site Area = 1300m² Total Road Frontage = 30.465m 	Yes
4.3(2) Height of buildings		
<ul style="list-style-type: none"> 9.5m – maximum building height 	The maximum building height is 8.05m (Unit 1) . <u>Dwellings fronting Chatham Road:</u> Dwelling 1: 8.05m (RL 45.050 – RL 37.00) Dwelling 2: 7.804m (RL 45.054 – RL 37.25)	Yes
4.3A(2) Exceptions to height of buildings		
<ul style="list-style-type: none"> Despite clause 4.3, the maximum height of multi dwelling housing on land in Zone R2 Low Density Residential is 5 metres for any dwelling that does not have a road frontage. 	The maximum building height for dwellings without a road frontage is 4.324m (Unit 4) . <u>Dwellings with no frontage:</u> Dwelling 3: 3.918m (RL 43.518 – RL 39.6) Dwelling 4: 4.329m	Yes

ITEM 1 (continued)

ATTACHMENT 1

RLEP 2014	Proposed	Compliance
	(RL43.529 – RL 39.2)	
4.5A Density controls for Zone R2 Low Density Residential		
<p>(a) The site area for the building is not less than:</p> <p>i. For each 1, 2 or 3 bedroom dwelling – 300 square metres and</p> <p>ii. For each 4 or more bedroom dwelling – 365 square metres</p>	<p>The site has an area of 1,300m², it achieves compliance with this standard.</p> <p>The proposal provides for 3 x 3-bedroom Dwellings, and 1 x 4-bedroom Dwelling.</p> <p>3 x 300m² + 1 x 365m² = 1,265m².</p>	Yes
(b) each dwelling will have its own contiguous private open space	Each dwelling will have its own contiguous private open space.	Yes
5.10 Heritage Conservation		
<p>(5) Heritage assessment. The consent authority may, before granting consent to any development:</p> <p>(a) on land on which a heritage item is located or</p> <p>(b) on land that is within a heritage conservation area or</p> <p>(c) on land that is within the vicinity of land referred to in paragraph (a) or (b).</p>	<p>The site is located within the Draft Chatham Road Heritage Conservation Area. The proposal fails to conserve environmental heritage noting the contributory heritage value of existing dwellings, and is unsatisfactory with regard to the Draft Chatham Road Heritage Conservation Area.</p> <p>The site is also located within the visual catchment of Darvall Park, a locally listed heritage item, located on the opposite side of Chatham Road. The proposal is not considered to adversely impact on the heritage significance of Darvall Park.</p>	No
6.1 Acid Sulfate Soils		
(1) The objective of this clause is to ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage.	The subject site is not affected by any Class of Acid Sulfate Soils.	N/A
6.2 Earthworks		
(1) The objectives of this clause is to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.	<p>The development seeks up to 810mm of fill and up to 1.27m of cut across the site with raised driveways, retaining walls along the majority of side and rear boundaries, and steps also provided throughout the site.</p> <p>The proposed earthworks will contribute to adverse amenity impacts on neighbouring properties and the significant cut and fill is unsympathetic</p>	No

ITEM 1 (continued)

ATTACHMENT 1

RLEP 2014	Proposed	Compliance
	with the natural topography of the site and is not supported.	
6.3 Flood Planning		
(1) The objectives of this clause are as follows— (a) to minimise the flood risk to life and property associated with the use of land, (b) to allow development on land that is compatible with the land's flood hazard, taking into account projected changes as a result of climate change, (c) to avoid significant adverse impacts on flood behaviour and the environment.	The subject site is not affected by overland flow.	N/A
6.4 Stormwater Management		
(1) The objective of this clause is to minimise the impacts of urban stormwater on land to which this clause applies and on adjoining properties, native bushland and all receiving water.	The proposed stormwater management system is supported by Council's Senior Development Engineer, subject to conditions.	Yes

DCP 2014	Proposed	Compliance
Part 3.3 Dwelling Houses and Dual Occupancy (attached)		
3.2 Denistone Character Area		
<ul style="list-style-type: none"> New development is to be consistent with the characteristics described in the key character statement. New development is to be compatible with the existing streetscape. Existing houses, garages and front fences are not to be demolished unless a replacement is part of the same application 	<p>As detailed in the assessment report, the proposed demolition is not supported.</p> <p>Further, the contemporary double storey building form is detrimental to the prevalent desired single storey character of the area and is not compatible with the streetscape.</p>	No
PART 2.0 – Site Analysis, Location Number and Type of Dwelling		
2.1 Site Analysis		
(a) Site analysis submitted (b) The site analysis should be used to: i. how future dwellings will relate to their immediate	Site Analysis Plan submitted.	Yes

ITEM 1 (continued)

ATTACHMENT 1

DCP 2014	Proposed	Compliance
ii. surroundings and to each other produce a design that minimise the negative impact on the amenity of adjoining properties and street/neighbourhood		
2.2 Minimum allotment size		
<ul style="list-style-type: none"> Frontage and site area not less than 20m and 900sqm respectively. 	Frontage = 30.465m. Site area = 1300m ²	Yes
<ul style="list-style-type: none"> Hatchet Shaped' lots considered unsuitable exception Section 2.4 Retention of existing dwellings. 	The subject site is not a hatchet shaped allotment.	N/A
2.3 Non-preferred locations		
(a) The site is suitable for more intense residential development being multi dwelling. The site is a non preferred location.	The subject site as per Schedule 2, is located within a non-preferred location being within the draft Chatham Heritage Conservation Area and, subject to a slope which exceeds that allowed in Section 3.1 as discussed below.	No
2.4 Retention of Existing Dwellings		
(a) Retention of existing dwelling as part of a MDH will not be approved. Exception being heritage significant building or contributory building.	The proposed development does not seek to retain the existing dwellings. However as discussed below, this will be contrary to the now expired Interim Heritage Order for the site.	Refer to report
2.4.1 Heritage Significant Buildings		
(a) The site can be subdivided so that the development is on a separate lot to the item. In this circumstance, the multi dwelling lot must have: <ul style="list-style-type: none"> iii. Width not less than 20m beyond access handle; iv. Minimum area of 900sqm excl access handle; v. Width of access handle not less than 4m for 3 or more dwellings. (b) New development must	The subject site was the subject of a now expired Interim Heritage Order and is within the draft Chatham Road Heritage Conservation Area. The proposed development seeks to demolish the existing dwellings and is not supported given the dwellings have been assessed to have contributory value to the draft Heritage Conservation Area.	No

ITEM 1 (continued)

ATTACHMENT 1

DCP 2014	Proposed	Compliance
<p>complement item;</p> <p>(c) Schedule of conservation and restoration works for item lodged with DA for subdivision.</p> <p>(d) The item is not to be demolished.</p>		
2.5 Density controls in R2 zone		
<p>(a) The proposal complies with Clause 4.5A RLEP 2014</p> <p>(b) The area of any access handle or the area between the FSBL and MHWL is not included in site area.</p>	The proposal complies with density requirements prescribed by cl. 4.5A of RLEP 2014.	Yes
2.6 Number of Dwellings		
(a) No more than 12 Dwellings	Four (4) dwellings proposed	Yes
2.7 Type of Dwellings		
(a) 4 or more dwgs, not more than 75% should have same number of bedrooms. (Round down)	The proposed development includes only four (4) dwellings. Not more than 75% of dwellings will include the same number of bedrooms.	Yes
<p>(b) The proposed slope, levels, building height, site coverage, landscaping, setbacks, accessibility and shadowing to be considered when assessing:</p> <p>i. whether the development complements existing neighbourhood, and</p> <p>ii. whether the development meet needs of householders including older persons with disabilities.</p>	<p>The site is non-compliant with slope requirements for multi dwelling development.</p> <p>Heritage character and amenity concerns outlined elsewhere.</p>	No
PART 3.0 Site Planning		
3.1 Slope of Site		
(a) Dwellings presentation to	Dwelling 1 and Dwelling 2 will front	Yes

ITEM 1 (continued)

ATTACHMENT 1

DCP 2014	Proposed	Compliance
street. At least one dwelling clearly seen from street.	Chatham Road.	
(b) Sites with a down slope > than 1:6 unacceptable.	Northern Boundary RL40.5 - RL35.8 43.64m /4.7m = 1:9.3 Southern Boundary RL39.65 - RL35.0 44.83m /4.65 = 1.9.6	Yes
(c) Site that slope up from street > than 1:6 unacceptable.	Refer above.	N/A
(d) Cross fall > than 1:14 not acceptable.	NW corner - SE corner RL40.5 – RL35.4 = 5.1m 58.99m/ 5.1m (site survey) or 1:11.5	No
	Rear crossfall of site RL40.33- RL38.42 = 5.91 5.91m/ 33.33m = 1:5.6	No
	Mid crossfall of site RL37.75-RL36.81 = 0.94 32.17m/0.94m = 1:34	Yes
	Front crossfall of site RL37.00-RL35.4 = 1.6m 33.61m/1.6m = 1:21	Yes
3.2 Altering the Levels of the Site		
(a) No imported Fill.	Fill is proposed under the building footprint of Dwelling 1, 3 & 4. However, it is not anticipated imported fill will be required.	Yes
(b) Levels of the site outside of the building footprint not altered by >300mm	POS Dwelling 2 NGL RL 37.50 – POS of RL 36.84 = 660mm cut POS Dwelling 3 NGL RL 40.30 – POS of RL 39.03 = 1270mm cut POS Dwelling 4 NGL RL 39.97- POS of RL 39.04 = 930mm cut Front Setback Dwelling 1 NGL RL 36.11 – lawn area RL 36.92 = 810mm fill Tandem parking spaces Dwg 1 & 4 NGL RL 38.00 – parking RL 37.30	No

ITEM 1 (continued)

ATTACHMENT 1

DCP 2014	Proposed	Compliance
	= 700m cut	
(c) Basement garages not permitted. Steps to be minimised and minimal retaining walls.	Retaining walls proposed to side and rear boundaries of up to 1.21m in height. A significant number of steps are also proposed within the open space areas as well as to access Unit 3 & 4 noting the significant changes proposed to the natural topography.	No
(d) Private open space generally at natural ground level.	POS is generally not proposed at NGL. The submitted plans show that cut and fill is proposed to alter the natural ground level across the site. This results in greater overshadowing from proposed units to the private open spaces and excessive southern boundary fence height at the adjoining No. 66 Chatham Road.	No
3.3 Storey and Height		
3.3.1 Storeys		
(a) Street facing dwelling may be two storeys provided: i. Two storey dwelling not attached to any other two storey dwelling. ii. Two storey dwelling is suitable within streetscape.	Dwelling 1 – 2 have a frontage to Chatham Road and are each 2-stories, and not attached to another 2 storey dwelling. The remaining two dwellings located at the rear are single storey.	Yes
(b) Corner lots, one dwelling can be two storeys on shortest street frontage.	N/A	N/A
(c) Corner lots with 2 storey dwelling to be sensitively designed in regards to topography, dwelling size and height.	N/A	N/A
3.3.2 Height		
(a) Proposal complies with Clause 4.3 and 4.3A (2) of RLEP 2014.	Refer to LEP assessment.	Yes
3.4 Site Coverage		
(a) Site coverage < 40%	Site coverage: 516m ² (39.69%)	Yes
(b) Pervious area > 35%	Pervious area: 461.44m ² (35.5%)	Yes

ITEM 1 (continued)

ATTACHMENT 1

DCP 2014	Proposed	Compliance
3.5 Setbacks		
3.5.1 Front Setbacks		
<p>(a) Development must be</p> <p>i. same as adjoining if difference between setbacks of adjoining dwellings is <2m</p> <p>ii. Average of setback between the two if the setback of adjoining dwellings is >2m</p>	<p>Neighbouring front setbacks: No.72 Chatham Rd = 8.5m No.66 Chatham Road = 7.66m</p> <p>Therefore a minimum 7.66m front setback is required.</p> <p>Proposed front setback is minimum 7m but varies up to 8.3m. It is noted the existing front setback of No. 68 and No. 70 are a minimum of 5.74m and 7.3m respectively. In addition, the front boundary of properties at Chatham Road is angled and results in varied setbacks to all dwellings. Noting this the proposed front setback of a minimum 7m is considered a reasonable response and in keeping with the desired setback for the site. However, given other built form concerns, the proposal is not supported.</p>	<p>No (acceptable)</p>
<p>(b) Setback of 1m less than the above standard for not more than 50% of the front elevation.</p>	<p>Greater than 50% setback more than 1m from required 7.66m.</p>	<p>No</p>
<p>(c) May vary this requirement if streetscape is likely to change: not less than 7.5m for 50% of frontage, not less than 6.5m for 50% of frontage.</p>	<p>Greater than 50% of the proposed setback is less than 7.5m</p>	<p>N/A</p>
3.5.2 Hatchet Shaped Allotment		
<p>(a) Vehicles enter and leave in forward direction.</p>	<p>The subject site is not a hatchet shaped allotment.</p>	<p>N/A</p>
3.5.3 Setback from secondary frontage		
<p>(a) Min 4.5m</p>	<p>The subject site does not contain a secondary street frontage.</p>	<p>N/A</p>
3.5.4 Side and Rear Setbacks		

ITEM 1 (continued)

ATTACHMENT 1

DCP 2014	Proposed	Compliance
(a) Min 4.5m unless vehicular access is included in this area, then min 6m.	Side setbacks not compliant with min. 4.5m, but some setbacks provided at 3m for up to 50% of building length.	No
(b) Must be adequate to provide appropriate solar access.	Shadow diagrams suggest that the courtyards to Unit 1 & 4 will not receive complaint levels of sunlight access between 9am-3pm.	No
(c) Ensure existing substantial trees not within proposed courtyard areas.	No trees in courtyards.	Yes
(d) Min 3m up to 50% permitted.	Rear setbacks - greater than 50% non-compliant with 4.5m rear setback (52.4% of Unit 3 and 64.4% of Unit 4).	No
3.5.5 Internal Setbacks		
(a) Habitable windows do not overlook habitable windows of another dwelling.	The common stairway of Units 1 and 2 have direct views into the respective living and family rooms. Further the window sill height of the living room of Unit 2 is less 1.5m and faces onto the common driveway. The above will result in unacceptable privacy impacts between units.	No
(b) Min 9m separation provided between habitable windows within development.	Generally no direct facing habitable room windows proposed.	Yes
3.6 Private Outdoor Space (courtyards)		
(a) Minimum: i. 30m ² for 2 bed. ii. 35m ² for >3 bed.	Sufficient POS has been provided based on min. 35 m ² requirement. POS has been provided at the following amounts: <ul style="list-style-type: none"> Unit 1: 55m² (30m² with min. 4m dimension. Remaining POS are useable spaces and considered acceptable.) Unit 2: 52m² (30m² with min. 4m dimension. Remaining POS are useable spaces and considered acceptable.) Unit 3: 104m² (81m² with min. 4m dimension) Unit 4: 87m² (52m² with min. 4m dimension) 	Yes
(b) Min 4m dimensions and at natural ground level	Minimum dimensions for POS are achieved for large portion of POS for Units. However, courtyards are	No

ITEM 1 (continued)

ATTACHMENT 1

DCP 2014	Proposed	Compliance
(c) At least 50% access to sunlight for 2 hours.	generally 500mm-1.27m above or below natural ground level. The submitted shadow diagrams indicate that the private open space of Units 1 and 4 will not receive the required two hours of sunlight during mid winter between 9am and 3pm to at least 50% of each courtyard.	No
(d) Courtyards do not contain existing substantial trees.	Unit 2 & 3 likely 20 overshadowed by dwelling at 72 Chatham Road. Courtyards are not to contain existing large trees.	Yes
(e) Access other than through dwelling to POS and not less than 1m wide.	Access to POS available for all units other than through dwelling Private outdoor space securely enclosed and visible from living area.	Yes
(f) Private outdoor space securely enclosed and visible from living area.	All POS areas are located behind the building line.	Yes
(g) Must be one area, can be partially paved but not roofed.	A hard stand courtyard area is provided to all units.	Yes
(h) Courtyards not in front setback.	No courtyards within the front setback.	Yes
(i) Min 1.2m wide landscape privacy strip between courtyard and adjoining property.	1.2m wide landscaping provided between courtyards and adjoining property.	Yes
3.7 Landscaping		
Landscape plans		
(a) A concept landscape plan submitted.	Concept Landscape Plan submitted, prepared by Chak Shing Chan, dated 17/09/2018.	Yes
(b) Landscaping completed prior to occupation. Should include watering system.	Capable of being satisfied by a condition of consent.	Yes
Protection and retention of trees		
(c) Existing trees retained and	The majority of existing trees within the	No

ITEM 1 (continued)

ATTACHMENT 1

DCP 2014	Proposed	Compliance
buildings setback appropriately.	subject site have been proposed to be removed.	
(d) Existing substantial trees not located within courtyards.	Existing substantial trees will not be located within courtyards.	Yes
(e) Tree location must not cause damage to building.	The proposed tree locations will not cause any damage to the buildings	Yes
(f) Arboricultural assessment where significant tree/s impacted.	An Arboricultural Impact Assessment and Tree Management Plan, prepared by Redgum Horticultural, dated 11 September 2018 has been submitted.	Yes
Privacy planting		
(g) Planting along the driveway and around pathways. Landscape strips included for privacy purposes must be not less than 1.2 metres wide	Landscape plant labelling is unclear to confirm landscape strips achieve privacy. Able to be conditioned but applications is recommended for refusal.	No
(h) Landscape strip not less than 1.2m wide between driveway and boundary. Shrubs 2 - 2.5m high. Trees 5 - 6m high.	Landscaping strips have been provided where possible.	Yes
(i) Landscape strip not less than 1m between driveway and wall of dwgs.	Landscape strip greater than 1m between driveway and wall of dwellings.	Yes
(j) Edge between driveway & paths edged with concrete, not timber.	Able to be required by condition. However, application is recommended for refusal.	Able to comply
(k) Rolled edge between driveway & garden/lawn areas.	Able to be required by condition. However, application is recommended for refusal.	Able to comply
Nature strips		
(l) Trees within footpath to be protected.		
On site detention		
(m) OSD tanks and above ground OSD not located in front setback. Driveway preferable. In landscape area, min 300mm soil cover.	There are no street trees that will be impacted by the proposed development. OSD Tanks provided within driveway.	Yes Yes

ITEM 1 (continued)

ATTACHMENT 1

DCP 2014	Proposed	Compliance
3.8 Car Parking, Manoeuvrability and Driveway crossings		
3.8.1 Car Parking		
Number of car spaces		
(a) Number of parking spaces, refer to Part 9.3 of DCP: <ul style="list-style-type: none"> - 1 space per 1 or 2 B dwelling, - 2 spaces per 3+B dwelling, - 1 visitor space per 4 dwellings. 	All dwellings are 3-bed or 4-bed. Two (2) car parking spaces provided for each dwelling in a tandem arrangement, with one space per dwelling within lockable garage.	Yes
(b) At least 1 space per dwg must be lockable garage (round up).	One (1) visitor space provided.	Yes
Hatchet shaped allotments		
(c) Additional onsite parking to be provided for hatchet-shaped lots.	Subject site is not a hatchet shaped allotment.	N/A
(d) Hatchet shaped lots require 1 additional space for every 4 dwellings and be accessible to all residents.	Refer above.	N/A
Location		
(e) Garages not located between dwellings and street frontage.	No garages to be located between dwellings and the street.	Yes
(f) Garages and parking spaces do not dominate streetscape.	Garages will not dominate the streetscape.	Yes
(g) Garage (doors) should be designed to reduce visual prominence.	Garage doors are designed to reduce visual prominence.	Yes
(h) Tandem parking not permitted in front of a garage.	Tandem parking is not proposed in front of the garage.	Yes
(i) Garages and parking areas convenient.	Parking is conveniently located for all dwellings.	Yes
(j) Garages separate dwellings.	Parking has been designed to	Yes

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DCP 2014	Proposed	Compliance
	separate dwellings.	
3.8.2 Manoeuvrability		
(a) Vehicles enter and leave in a forward direction.	Development engineer comments note that the proposal does not comply with minimum swept path requirements. Vehicles entering and exiting the site rely upon a car turntable which is not supported. Car parking dimensions provided is insufficient to accommodate 2 car spaces noting spaces are enclosed. 6m length required. Vehicular waiting bay required at site entry.	No
(b) Corner lots, reversing out permitted depending on traffic conditions.	The subject site is not located on a corner allotment.	N/A
(c) Corner lot, vehicle access point not less than 6m from property boundary at intersection of 2 roads.	Refer above.	N/A
(d) Tandem arrangement permitted where no impact on manoeuvrability.	Tandem parking proposed, manoeuvrability concerns in relation to parking design.	No
(e) Enter and leave parking spaces in a single 3-point turn	Not supported by Council's Senior Development Engineer.	No
(f) Comply with AS 2890.1.	Proposal does not comply.	No
3.8.3 Driveways		
(a) Driveways paved and extent minimised appropriately.	The concrete driveways are to be suitably paved and lead to each lockable garage. The proposed driveways have been minimised.	Yes
3.8.4 Driveway crossings		
(a) Up to 10 spaces – Minimum 4m More than 10 spaces – not more than 6m	One common driveway proposed with a width of 5.3m.	Yes
If width of driveway crossings more than 30% of frontage, two crossings not permitted.	Only one crossing proposed	N/A
3.9 Overshadowing and Access to Sunlight		

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DCP 2014	Proposed	Compliance
(a) Habitable room windows face courtyard or other outdoor space open to the sky, no closer than 1.5m to facing wall.	Habitable room windows will be orientated towards the POS areas.	Yes
(b) Sunlight to at least 50% of each courtyard, and principal ground level open space of adjacent properties must not be reduced to less than 2hrs between 9am and 3pm on June 21. Where existing overshadowing by buildings and fences is greater than this on adjoining properties, sunlight must not be further reduced by more than 20%.	The submitted shadow diagrams indicate that the private open space of Units 1 and 4 will not receive the required two hours of sunlight during mid winter between 9am and 3pm to at least 50% of each courtyard. Adjoining properties to the west and south will receive some additional overshadowing. However shadow diagrams provided do not allow for a full assessment.	No
(c) Shadow diagrams must indicate extent of shadowing within development and adjoining properties.	Unsatisfactory shadow diagrams submitted.	No
3.10 Visual and Acoustic Privacy		
(a) Min 9m separation between facing habitable room windows.	Min. separation between facing habitable room windows achieved.	Yes
(b) No direct views between living area windows or adjacent dwellings (otherwise screening or obscuring necessary).	No direct facing of habitable room windows. However, the common stairway of Units 1 and 2 have direct views into the respective living and family rooms which have less 9m separation. Further the window seal height of the living room of Unit 2 is less 1.5m	No
(c) Direct views from living areas to private open space of other dwellings should be screened or obscured within privacy sensitive zone of 12m radius	There will be no direct views from the living areas of the proposed dwellings to the adjoining residential properties.	Yes
(d) No balconies. Elevated landings (or similar associated with stairs into courtyard) max 1m wide	All units will comprise elevated decking which are greater than 1m in width.	No
(e) Living and sleeping areas protected from high levels of	The layout of each dwelling of the development is generally considered to	Yes

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DCP 2014	Proposed	Compliance
external noise.	be acceptable in terms of protecting living and sleeping areas of high levels of external noise.	Yes
(f) Noise levels of air con pool pumps etc must not exceed background noise level by more than 5dB(A)	No A/C, swimming pools or pumps proposed.	
3.11 Accessibility		
3.11.1 Pedestrian Access		
(a) Safe access achieved for pedestrians.	Pedestrian access to rear dwellings provided by the driveway. As safe forward access and egress is not provided for vehicles, the proposal does not achieve safe access for pedestrians.	No
(b) Continuous access path provided and separate from vehicle access.	Continuous access path for rear dwellings is not provided separate from vehicle access.	No
3.11.2 Access for People with Disabilities – Developments of 6 or more dwellings		
(a) 6 or more dwelling developments have min 35% of dwellings provide access to all indoor areas and outdoor living areas for people with disabilities (street, car parking and common areas accessed in one continuous path of travel)	Not applicable. The proposal includes four (4) dwellings.	N/A
(b) Dwellings designed as per AS4299 must be able to access street, car pkg and common areas using continuous path of travel.		
3.11.3 Access Audits		
(a) Access audit must be submitted for 6 or more dwellings.	Less than six (6) dwellings proposed.	N/A
PART 4.0 Building Form		
4.1 Appearance		

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DCP 2014	Proposed	Compliance
(a) Complement streetscape.	The two storey block form and materiality of the finished development is incompatible with the existing streetscape character of Chatham Rd, utilising brick, timber, stone cladding and concrete roof tiles which are not characteristic of the streetscape, Denistone Character Area and Draft Chatham Road Heritage Conservation Area.	No
(b) Includes pitched roof, eaves, vertically oriented windows, verandahs, rendered and face brick.	The proposed development includes dwellings with pitched roofs, eaves, vertically orientated windows and face brick.	Yes
(c) At least 1 dwg must face street.	Unit 1 and Unit 2 face the street.	Yes
4.2 Ceiling Height		
(a) Floor to Ceiling min 2.7m	All dwellings have a minimum floor to ceiling height of 2.7m.	Yes
4.3 Roofscape and Roof Materials		
(a) Pitch 22-30 degrees where visible from a public place.	Roof pitch of front dwellings visible from the street will be 27 degrees. Rear dwellings will be 18 degrees. Whilst the proposed pitch of rear dwellings does not comply, the roof pitch will not have an adverse impacts on the visual character of the development given its location at the rear of the site.	No
(b) Pitch increase to 35% where second storey contained in roof.	The proposed development will not include a second storey contained within a roof.	N/A
(c) Eaves of at least 300mm.	Minimum 300mm eaves proposed.	Yes
(d) Gables fronting street is required and hip roofs generally not permitted.	Gables provided within roof form fronting Chatham Road.	Yes
(e) Variation in roof line.	Appropriate levels of variation to the roof line.	Yes
(f) Use materials consistent with traditional materials.	Concrete roof proposed is incompatible with visual character of the street.	No
4.4 Building materials for Walls		
(a) Exterior walls use materials consistent in form and colour of existing development.	The materiality of the finished development is incompatible with the existing streetscape character of	No

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DCP 2014	Proposed	Compliance
(b) Windows have vertical proportion of between 2:1 and 3:1.	Chatham Road utilising brick, timber, stone cladding and concrete roof tiles which are not characteristic of the streetscape, Denistone Character Area, and Draft Chatham Road Heritage Conservation Area. The windows proposed in the development are incompatible with the proportions of windows within the existing dwellings and wider locality.	No
4.5 Fences		
4.5.1 Front fence		
(a) Front fences not higher than 1m and must be at least 70% visually permeable.	Front fence details indicate 1m high front fence with 500mm solid masonry base and 500mm open vertical uprights. Upper portion of fence is 50% open. Capable of compliance subject to conditions.	No
(b) Front fences constructed of materials including: i. Wooden pickets (open), ii. Masonry (sand stone or facebrick); and iii. Wrought iron or similar.	The front fence, as mentioned above, is proposed to be constructed of rendered masonry and vertical uprights. The proposed fence matches the façade materials of the fronting dwellings.	Yes
4.5.2 Other Boundary Fences which Face a Street		
(a) Boundary fences facing another street must be constructed of similar materials to front fence. (b) Boundary fencing facing another street, capped and capped timber fences and 'colorbond' not permitted. (c) If boundary fencing is solid, no indentation less than 600mm by 300mm must be provided.	The subject site is not located on a corner allotment and therefore does not have a secondary street frontage.	N/A
4.5.3 Other boundary fences		
(a) Fences other than boundary fences facing street must be a min of 1.8m high.	Insufficient information provided, regarding side, rear and internal boundary fencing. Capable of compliance subject to conditions.	Able to comply
(b) Side, return and rear boundary fencing constructed of timber to lapped and capped standard.	Sections and elevations suggest that the fencing is to be a timber paling.	Yes

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DCP 2014	Proposed	Compliance
4.6 Clotheslines and drying area		
(a) Clothes drying facility provided to each dwelling in appropriate location.	Clotheslines provided in each POS area and not visible from adjoining properties or public areas.	Yes
(b) Laundry within each dwelling.	All dwellings provided with an internal laundry.	Yes
4.7 Lighting		
(a) Front yard lighting and front of dwelling provided	No information provided. Standard condition able to be imposed.	No-Condition
(b) External lighting must not adversely affect adjoining properties.	Capable of compliance via the imposition of standard consent conditions to be imposed.	No-Condition
(c) Spot lights discouraged.	No spot lights are proposed.	Yes
4.8 Location of bin enclosures		
(a) A. Waste and recycling storage areas and facilities provided in accordance with Part 7.2 of Waste DCP. (b) Up to 5 dwellings, not steeply sloping and wide road frontage: <ul style="list-style-type: none"> i. Each dwelling provided with storage area. ii. Storage area not visible from public spaces, habitable rooms or common areas within development or other properties. (c) 6 or more dwellings, or steeply sloping or have narrow frontage: <ul style="list-style-type: none"> i. Central bin enclosure provided. ii. Enclosure is behind building line and suitably screened. 	Each dwelling is provided with a storage area for bins not visible from public spaces, habitable rooms or common areas.	Yes
PART 5.0 – Engineering		
5.1 Drainage		
Stormwater Runoff		
(a) Refer to Part 8.2 Stormwater & Floodplains Management DCP 2014.	Refer to Council's engineer comments; the proposal complies with Council requirements.	Yes
Property Drainage		

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<p>(b) Runoff from roofs and hard surfaces must not cause nuisance or damage to other private properties.</p> <p>(c) Runoff from roofs, driveways and hard surfaces collected and drained via gravity to on-site stormwater detention system before discharge to street gutter or council pipe or watercourse.</p> <p>(d) Inter-allotment easement acquired where runoff cannot be directed to street or a suitable pipeline.</p> <p>(e) Pump out systems not permitted.</p> <p>Minimising Flowrates</p> <p>(f) Surface on-site detention basis not permitted.</p> <p>(g) Pervious area must not be less than 35%.</p> <p>(h) On-site detention system must be provided.</p> <p>(i) Use of porous paving for patios and pathways encouraged.</p> <p>(j) Porous paving considered to be 25% impervious. Use for driveways not permitted.</p> <p>Stormwater Conservation</p> <p>(k) Rainwater tanks encouraged.</p> <p>(l) Details of tanks in Part 8.2 of Stormwater Management DCP.</p> <p>Overland Flow</p> <p>(m) Consideration given to overland flow.</p> <p>(n) If water entering property is sizeable, demonstrate proposed development complies with minimum design standards.</p> <p>(o) If overland flow is small, hydraulic study generally unnecessary</p> <p>(p) Overland flow must not:</p> <p>ii. Be redirected in a manner</p>		

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DCP 2014	Proposed	Compliance
<p>which increases the quantity or concentration of flows through adjoining properties;</p> <p>iii. Enter buildings, lockup garages or sheds;</p> <p>iv. Enter the piped drainage system unless that system has been designed to accept those flows;</p> <p>v. Enter the on-site detention system.</p> <p>(q) Overland flow must:</p> <p>i. Be conveyed through the site in a safe manner,</p> <p>ii. Be conveyed in a manner which will not result in scour.</p> <p>(r) Details of the method of dealing with stormwater are to be submitted with the Development Application to Council's satisfaction.</p>		
Part 6.0 Public Facilities		
6.1 Local Open Space Facilities		
<p>(a) Increased demand for local open space facilities is to be satisfied through the acquisition and embellishment of certain land for open space purposes identified in Council's Open Space and Recreation Facilities Plan. Contributions required.</p>	<p>Although the development attracts contributions, the application has been recommended for refusal.</p>	<p>N/A</p>
6.2 Local Road Facilities		
<p>(a) The construction of kerb and gutter, paved road shoulder, foot paving and landscaping where such facilities do not exist across the entire frontage of the land adjacent to the proposed development will be requested to be undertaken as part of the development. This work is to be carried out in accordance with the requirements of Council.</p>	<p>No public domain works recommended by Councils engineer. However it is noted from site inspections the existing pathway is in a reasonable condition.</p>	<p>Yes.</p>