



**4 NOVEMBER 2020**

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**NOTICE OF MEETING**

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You are advised of the following meeting:

**THURSDAY 12 NOVEMBER 2020.**

**City of Ryde Local Planning Panel Meeting No. 9/20**

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

## English

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

## Arabic

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

## Armenian

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

## Chinese

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

## Farsi

لطفاً اگر نمی توانید مندرجات این نامه را درک کنید، به نشانی 1 Pope Street، Ryde (در Top Ryde Shopping Centre) مراجعه کنید تا با استفاده از یک مترجم در این 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 12 November 2020**  
**Location: Virtual Meeting held over Microsoft Teams**  
**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**

<b>Item</b>		<b>Page</b>
<b>DECLARATIONS OF INTEREST</b>		
<b>DEVELOPMENT APPLICATION</b>		
1	25 Clanwilliam Street, Eastwood - Demolition, new two storey dual occupancy (attached), front fence and strata subdivision - LDA2020/0135 .....	3



## **DEVELOPMENT APPLICATIONS**

- 1 25 Clanwilliam Street, Eastwood - Demolition, new two storey dual occupancy (attached), front fence and strata subdivision - LDA2020/0135**

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

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

**Report dated:** 03 November 2020  
BP20/1145

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

### **City of Ryde Local Planning Panel Report**

<b>DA Number</b>	LDA2020/0135
<b>Street Address &amp; Ward</b>	25 Clanwilliam Street, Eastwood West Ward
<b>Zoning</b>	R2 Low Density Residential under RLEP 2014
<b>Proposed Development</b>	Demolition, new two storey dual occupancy (attached), front fence and strata subdivision
<b>Owner</b>	Xiazhu Xue & Yan Xue
<b>Applicant</b>	Yan Xue
<b>Report Author</b>	Madeline Thomas - Senior Town Planner
<b>Lodgement Date</b>	29 April 2020
<b>Number of Submissions</b>	Public Notification Period No. 1 = 15 submissions received Public Notification Period No. 2 = 10 submissions received
<b>Cost of Works</b>	\$905,500.00
<b>Reason for Referral to Local Planning Panel</b>	Contentious Development – number of submissions
<b>Recommendation</b>	Approval
<b>Attachments</b>	Attachment 1: Compliance Check Attachment 2: Draft conditions of consent

**ITEM 1 (continued)**

	Attachment 3: Architectural Plans
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**1. Executive Summary**

The following report is an assessment of a development application for the demolition of the existing dwelling and construction of an attached two storey dual occupancy, front fence and strata subdivision at No. 25 Clanwilliam Street, Eastwood.

The application was lodged on the 29 April 2020. Council received fifteen (15) unique submissions during the first notification period and ten (10) unique submissions during the second notification period, all of which objected to the development. The issues raised in the submissions relate to the following:

- Bulk and scale of the building
- Building being out of character with the surrounding area
- Visual privacy
- Overshadowing
- Traffic generation and parking
- Future use as a boarding house

The application has undergone significant change since lodgement in an attempt to address issues raised by Council with respect to the built form and character. Through refinements of the proposed dual occupancy, the amended proposal has been designed to be compatible with character of the area, and will not result in any unacceptable impact to the surrounding properties with respect to their amenity. The site is suitable for the proposed development.

The proposal is fully compliant with all relevant planning provisions within the Ryde Local Environmental Plan 2014 (RLEP 2014) and the Ryde Development Control Plan 2014 (RDCP 2014), with the only exception being the level of fill proposed. This non-compliance is acceptable given the slope of the site and the careful design of the development.

Assessment of the amended application against the relevant planning framework, and consideration of various design matters by Council's technical departments have not identified any fundamental issues of concern such that the application should be refused.

Consequently, this report concludes the application to be sound in terms of its design, function, and relationship with its neighbours and is recommended for approval.

This report recommends consent be granted to this application, in accordance with recommended conditions provided at Attachment 2.

## ITEM 1 (continued)

### 2. The Site and Locality

The development site is legally described as Lot 24 in DP 4789, No. 25 Clanwilliam Street, Eastwood, and has a site area of 891.6m<sup>2</sup>. The site is located on the north western side of Clanwilliam Street.

It is a regular rectangular shaped allotment with a 20.115m frontage to Clanwilliam Street and a depth of 44.55m.

The site accommodates a two storey dwelling house that addresses Clanwilliam Street, as well as a detached single carport. The dwelling is constructed of facebrick and weatherboard with a tiled roof.

The surrounding residential area is predominately made up of detached dwellings, being a mixture of one and two storeys with gable roofs. Despite the predominant form of low density development in the surrounding area being detached dwelling houses, there is also attached and semi-attached dual occupancy development and multi dwelling housing developments dispersed through the surrounding low density residential area.

**Figure 1** below shows the site in context to its surroundings.



**ITEM 1 (continued)**

**Figure 1:** Aerial photo of subject site (site outlined in orange)

**Figure 2** below shows the site as viewed from the street.



**Figure 2:** Existing dwelling as viewed from Clanwilliam Street



**Figure 3:** View from backyard of existing dwelling



**ITEM 1 (continued)**



**Figure 4:** View of backyard and existing landscape setting

**Figures 5 to 8** show the surrounding development.



**Figure 5:** No. 27 Clanwilliam Street to the west of the site

**ITEM 1 (continued)**



**Figure 6:** No. 23 Clanwilliam Street to the east of the site



**Figure 7:** No. 14 and 16 Clanwilliam Street (on opposite side to subject site)

**ITEM 1 (continued)**



**Figure 8:** No. 19 Clanwilliam Street

**3. The Proposal**

It is proposed to demolish the existing structures on the site and construct a two storey attached dual occupancy. The proposal also includes the erection of a front fence and strata subdivision.

The proposal has undergone substantial refinement since being lodged in order to reduce the bulk and scale of the proposed dual occupancy and to allow the development to be more compatible with the character of the area.

**Figure 9** below shows the street elevation of the proposed development as originally lodged for this application.

**ITEM 1 (continued)**



**Figure 9:** Street Elevation of proposed development as originally lodged

Details of the proposed development (as amended) are as follows:

- Demolition of existing dwelling, carport and metal shed
- Removal of one (1) tree within the site
- Construction of a new two storey attached dual occupancy, with each dwelling comprising of the following:
  - Lower Ground floor: Rumpus room and laundry
  - Ground floor: Living room, dining room, kitchen, two bathrooms and guest bedroom
  - First floor: Three bedrooms and two bathrooms
- A single carport for each dwelling accessed from separate concrete driveways

**Figure 10 - 14** below illustrates the proposed development (as amended).

**ITEM 1 (continued)**

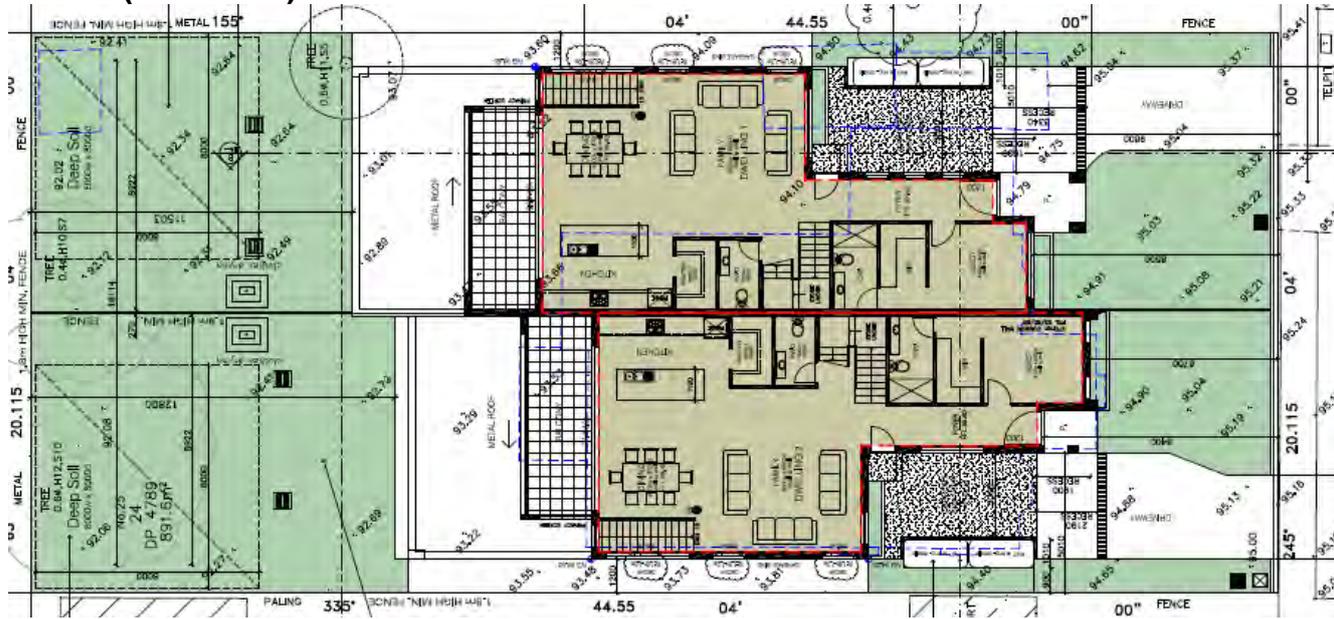


**Figure 10:** Elevation of proposed development (as amended) as viewed from Clanwilliam Street

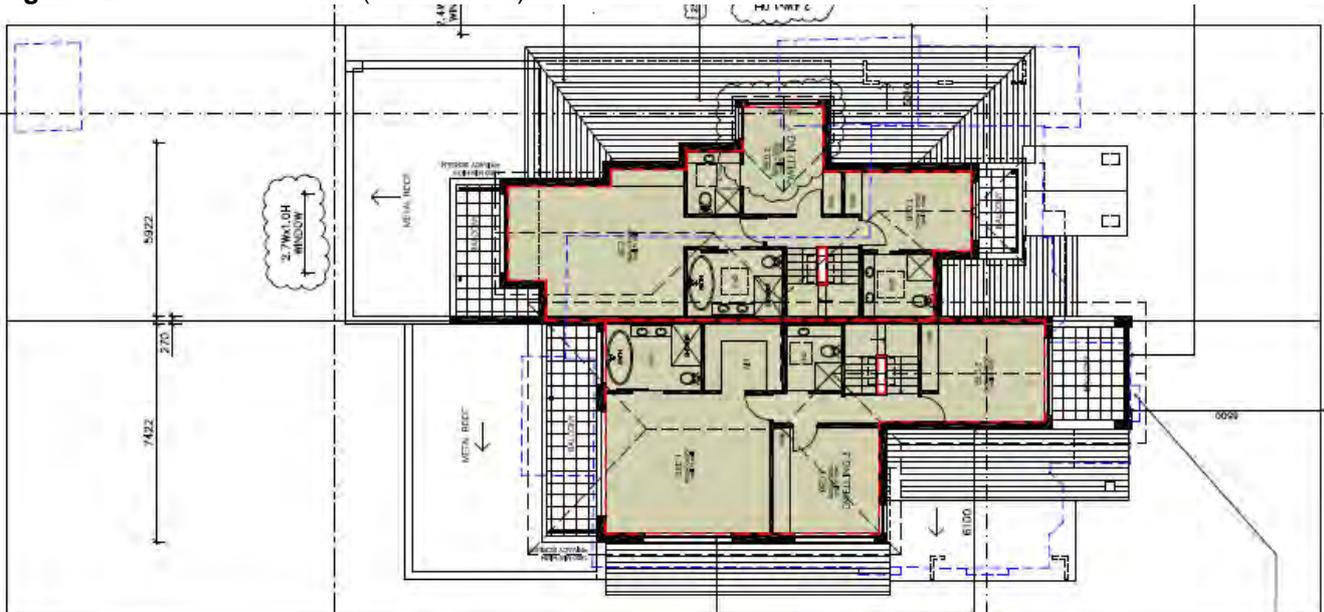


**Figure 11:** Lower Ground Floor Plan (as amended)

**ITEM 1 (continued)**



**Figure 12: Ground Floor Plan (as amended)**



**Figure 13: First Floor Plan (as amended)**

**ITEM 1 (continued)**



**Figure 14:** East elevation (as amended)

**4. Background**

13 February 2019	A development application (LDA2019/0051) was lodged for a dual occupancy development. Throughout the assessment of the application, key issues surrounding the proposal’s incompatibility with the character of the area were raised by Council Officers.
22 July 2019	The Applicant withdrew LDA2019/0051 in order to redesign the proposal to address the issues raised during the assessment of LDA2019/0051.
24 October 2019	A Pre-Lodgement meeting was attended to discuss the issues previously raised under LDA2020/0051 and changes required for any future development application lodged.
29 April 2020	Local Development Application LDA2020/0135 (the subject application) was lodged with Council.
4 May to 29 May 2020	The Application was notified to adjoining property owners. Concern was raised by a number of recipients of the plans that the plans notified did not accurately represent the proposed development.  Council requested the applicant provide amended plans accurately showing the roof form on the elevations.
20 May to 12 June 2020	Amended plans that rectified the inaccuracies in notification plans were submitted by the Applicant and renotified. 15 submissions were received objecting to the proposal.
30 June 2020	A request for an amended Arborist report was sent to the Applicant.
7 July 2020	A request for further information was forwarded to the applicant raising the following issues: <ul style="list-style-type: none"> <li>• Insufficient detail on excavation and fill proposed</li> </ul>

**ITEM 1 (continued)**

	<ul style="list-style-type: none"> <li>• Visual privacy and request for privacy screens</li> <li>• Request for amended stormwater design</li> </ul>
10 July 2020	<p>An additional request for information was sent to the Applicant following receipt of comments from Council's Urban Designer, who raised issues with the built form and incompatibility of the proposal with the character of the area.</p> <p>In particular, issues were raised with the regard to the symmetry of the development and the roof form.</p>
14 August 2020	<p>Amended plans were received by Council that included the following changes:</p> <ul style="list-style-type: none"> <li>• Change in roof form, with two distinct forms to help articulate and visually separate the two dwellings</li> <li>• Addition of privacy screens for rear balconies</li> <li>• Amended stormwater plans</li> <li>• Recessing of first floor to reduce bulk</li> <li>• Amended Arborist report</li> </ul>
17 August to 8 September 2020	<p>The amended plans received on 14 August 2020 were notified to adjoining neighbours and objectors. 10 submissions were received objecting to the amended proposal.</p>
10 September 2020	<p>A review of the amended plans was completed by Council's Urban Designer, who requested amendments to reduce the size of some of the dormer windows and to provide a dormer window for the upper level bedroom window of Unit 1.</p>
6 October 2020	<p>Amended plans were submitted by the Applicant to implement the window changes requested. These plans were not required to be renotified under the Ryde Community Participation Plan.</p>

## 5. Planning Assessment

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

- State Environmental Planning Policy No. 55 – Remediation of Land;
- State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017;
- State Environmental Planning Policy (Building Sustainability Index: BASIX);
- Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005;
- Ryde Local Environmental Plan 2014;
- Ryde Development Control Plan 2014:  
Section 7.11 Contribution Plan.

### 5.1 State Environmental Planning Instruments

#### State Environmental Planning Policy No. 55 – Remediation of Land



### ITEM 1 (continued)

The requirements of State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55) apply to the subject site.

In accordance with Clause 7 of SEPP 55, Council must consider if the land is contaminated, if it is contaminated whether it is suitable for the proposed use and if it is not suitable, can it be remediated to a standard such that it will be made suitable for the proposed development.

Currently the site contains a two storey residential dwelling house.

A search of Council's records and mapping confirms that the site has continuously been used as a dwelling house with no history of land uses that could cause suspected contamination. As such, further investigation is not warranted, and the site is suitable for the proposed residential development.

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

The development is identified under the Environmental Planning and Assessment Regulation 2000 as a BASIX Affected Building. As such, an amended BASIX Certificate has been submitted (No. 980960M\_03, dated 15 October 2020) which provides the development with a satisfactory target rating, as set out by the commitments below:

Commitment	Target	Proposed
Water	40	40
Thermal Comfort	Pass	Pass
Energy	50	51

Appropriate conditions have been imposed requiring compliance with these BASIX commitments. See **Conditions 3 & 64**.

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

The State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 (Vegetation SEPP commenced on 25 August 2017 and replaced Clause 5.9 of RLEP 2014, which related to the preservation of trees and vegetation.

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

The proposal has been supported by an arborist report recommending the removal of one (1) tree from the subject site, being a Leyland Cypress. The arborist also provides recommended measures for the protection and retention of all remaining trees.

**ITEM 1 (continued)**

Council's Landscape Architect has reviewed the proposal and supported the removal of the tree. Support has also been provided for the tree protection measures proposed in the arborist report. For this reason, it is considered that the proposal would not unduly impact upon any existing biodiversity or trees or vegetation on the site (subject to **Conditions 42-47, 57 and 60-63**).

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

Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 is a deemed SEPP and applies to the subject site.

The site is located within the designated hydrological catchment of Sydney Harbour and therefore is subject to the provisions of the above planning instrument. However, the site is not located on the foreshore or adjacent to the waterway and therefore, with the exception of the objective of improved water quality, the objectives of the planning instrument are not applicable to the proposed development. The objective of improved water quality is satisfied through compliance with the provisions of Part 8.2 of RDCP 2014. The proposed development raises no other issues and otherwise satisfies the aims and objectives of the planning instrument.

**5.2 Ryde Local Environmental Plan 2014**

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

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

Clause 2.3 – Zone Objectives

The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone.

The objectives for the R2 Low Density Residential zone are:

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

The development complies with the above objectives. It will be consistent with the desired future character of the area by providing residential accommodation within an established low density residential environment.

Clause 4.1(B) – Minimum Lot sizes for dual occupancies and multi dwelling housing

## ITEM 1 (continued)

Clause 4.1B states that the minimum lot size for a site is required to be 580m<sup>2</sup> to permit a dual occupancy (attached) if it is land zoned R2 Low Density Residential. The clause also states that a minimum road frontage of 20m is required for sites proposing a dual occupancy (attached) development.

The subject site has a lot size of 891.6m<sup>2</sup>, and a frontage of 20.115m to Clanwilliam Street, and therefore satisfies this development standard.

### Clause 4.3 Height of buildings

The Height of Buildings Map specifies the maximum heights of any building on the site must not exceed 9.5m.

Building height is defined in this planning instrument as meaning “*the vertical distance between ground level (existing) at any point to the highest point of the building, including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like.*”

The proposal has a maximum building height of 9.5m, and therefore complies with this development standard.

### Clause 4.4 Floor Space Ratio

The FSR for the site is 0.5:1, which equates to 445.8m<sup>2</sup> when applied to the subject site. The proposal has been measured to have a gross floor area of 424.7m<sup>2</sup> (FSR of 0.476:1) which complies with this control.

## Other applicable RLEP 2014 provisions

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

Provision	Comment
Clause 5.1 Relevant acquisition authority	No part of the site is mapped as being reserved for acquisition for public purposes.
Clause 6.2 Earthworks	The proposed development includes 1.05m of excavation to facilitate the proposed design. Council's Senior Development Engineer has reviewed the submitted sediment and erosion control plan and it is considered satisfactory. <b>Condition 58</b> has been imposed requiring compliance with the measures proposed in the submitted plan.
Clause 6.4 Stormwater management	Council's Senior Development Engineer has raised no objections to the proposed stormwater management system for the site, subject to engineering conditions. See <b>Conditions 34, 59, 68, 69 and 72.</b>

## 5.3 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 development applications. Refer to conclusions made in relation to SEPP 55.

### Draft Environment State Environmental Planning Policy

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

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

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

## 5.4 Development Control Plans

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

- Part 3.3 Dwelling Houses and Dual Occupancy (Attached);
- Part 7.1 Energy Smart, Water Wise;
- Part 7.2 Waste Minimisation and Management;
- Part 8.2 Stormwater & Floodplain Management;
- Part 8.3 Driveways;
- Part 9.3 Parking Controls; and
- Part 9.5 Tree Preservation.

An assessment of the relevant controls is provided in **Attachment 1**. A discussion of the relevant provisions of the DCP is discussed below:

## ITEM 1 (continued)

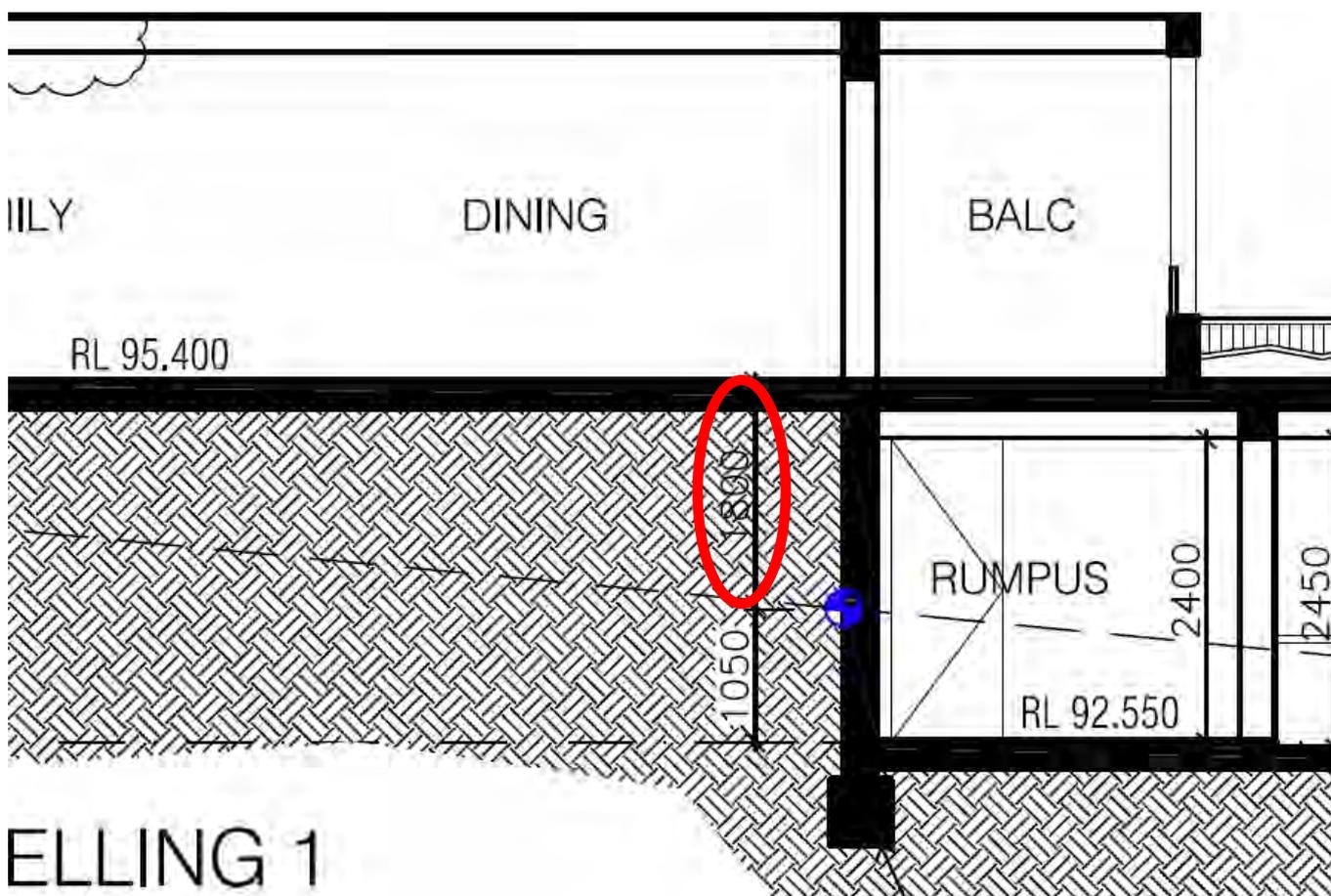
### Part 3.3 – Dwelling Houses and Dual Occupancy

The proposal is generally compliant with the controls of Part 3.3 of the Ryde DCP 2014, with the following exception:

#### *Topography and Excavation*

The RDCP 2014 (Section 2.6.2) contains a requirement that the maximum depth of excavation under the building footprint is to be 1.2m, and that the maximum height of fill under the dwelling footprint is 900mm. The purpose of this requirement is to ensure that excavation and fill does not result in unreasonable loss of privacy for neighbours, and to retain ground levels where possible.

The level of fill under the building footprint is 1.8m, thereby exceeding the maximum level of fill specified in Clause 2.6.2 (b). This is illustrated in **Figure 15** below.



**Figure 15:** Extract from section plan (as amended) showing 1.8m of fill within building footprint

This is considered acceptable in this instance as the proposal still meets the objectives of Section 2.6.2 for the following reasons:

### ITEM 1 (continued)

- The proposal does not have an unacceptable impact on the adjoining properties in relation to privacy and overshadowing given the careful window placement and design;
- The proposed fill does not adversely impact the streetscape, as the level of fill is not visible from Clanwilliam Street; and
- The proposed cut and fill is an appropriate design response to the topography of the site.

### Part 7.2 Waste Minimisation and Management

The development involves the demolition of existing structures and construction of a dual occupancy and the applicant has submitted a Waste Management Plan (WMP). The WMP is considered satisfactory.

### 5.5 Planning Agreements OR Draft Planning Agreements

There are no planning agreement or draft planning agreement applicable to this application.

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

Council's current Section 7.11 Development Contributions Plan 2020 effective 1 July 2020 requires a contribution for the provision of various additional services required as a result of increased development density. The contribution is based on the number of additional dwellings there are in the development proposal. The contribution that are payable with respect to the increase housing density on the subject site (being for residential development outside the Macquarie Park Area) are as follows:

A – Contribution Type	B – Contribution Amount
Community & Cultural	\$ 6,061.80
Open Space & Recreation	\$ 10,438.15
Transport facilities	\$ 3,204.48
Plan Administration	\$ 295.57
<b>The total contribution is</b>	<b>\$ 20,000.00</b>

**Condition 23** has been imposed with respect to the payment of the Section 7.11 contributions.

### 5.7 Any matters prescribed by the regulations

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

## **ITEM 1 (continued)**

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

Most of the impacts associated with the proposed development have already been addressed in the report. The additional impacts associated with the development or those requiring further consideration are discussed below.

#### Built Form

The development is consistent with the built form objectives envisaged for the area. It provides a suitable bulk and scale for a development of this size, and contributes to additional housing in the area in a high-quality architectural design (refer Dwelling Analysis and Streetscapes Plan, Dwg No. DA:09 (Rev C), dated 01.10.2020).

The proposed built form is considered to be compatible with the surrounding character, and will not detract from the streetscape.

#### Access and Traffic

The development will result in one (1) additional dwelling. The traffic generation from the additional dwelling is considered to be negligible.

Accordingly, from a traffic perspective the development will not result in any unacceptable traffic implications to the road network.

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

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

### **8. The Public Interest**

The development is considered to be in the public interest as it is reasonably consistent with the relevant planning controls and complies with the objectives of the planning controls. Where variations to the planning controls occur in terms of the level of fill, the proposal has been designed to minimise any potential impact to adjoining properties.

### **9. Submissions**

#### Public Notification Period No. 1

**ITEM 1 (continued)**

In accordance with the Ryde Community Participation Plan, the owners of the surrounding properties were given notice of the application between 4 May 2020 and 29 May 2020. Following feedback from some of the neighbours notified, the notification plans were amended to more clearly reflect the proposed roof form. It is noted that the amended plans did not change the proposal that was originally submitted.

The amended plans were notified between 20 May 2020 and 12 June 2020. Fifteen (15) unique submissions were received from the following properties:

18 Clanwilliam Street, Eastwood	32 Clanwilliam Street, Eastwood
22 Railway Street, Eastwood	27 Clanwilliam Street, Eastwood
16 Clanwilliam Street, Eastwood	22 Lakeside Road, Eastwood
14 Clanwilliam Street, Eastwood	12 Clanwilliam Street, Eastwood
22 Clanwilliam Street, Eastwood	20 Clanwilliam Street, Eastwood
27A Clanwilliam Street, Eastwood	150 Chatham Road, Eastwood
11 Campbell Street, Eastwood	68 Tarrants Avenue, Eastwood
10 Clanwilliam Street, Eastwood	

The issues raised in the first public notification period were replicated in the second notification period (discussed below). As such, these are addressed under the Public Notification No. 2 below.

Public Notification Period No. 2

Amended plans were received on 14 August 2020 and notified between 17 August 2020 and 8 September 2020. Ten (10) unique submissions were received objecting to the development, from the following properties:

18 Clanwilliam Street, Eastwood	32 Clanalpine Street, Eastwood
22 Railway Street, Eastwood	27 Clanwilliam Street, Eastwood
14 Clanwilliam Street, Eastwood	12 Clanwilliam Street, Eastwood
21 Clanwilliam Street, Eastwood	20 Clanwilliam Street, Eastwood
11 Campbell Street, Eastwood	10 Clanwilliam Street, Eastwood

The submissions received were largely unchanged for the first public notification period, with the following issues raised across both notification periods:

- *Excessive bulk and scale*

All of the objections have raised concern that the proposal results in a built form with excessive bulk and scale.

Assessing officer comment:



**ITEM 1 (continued)**

The proposal has undergone significant refinement since the lodgement of the first development application (LDA2019/0051) in order to reduce the bulk and scale of the proposed dual occupancy development.

The bulk of the development has been reduced by providing single carport structures, setting back the front setback of the first floor and by providing two distinctly different roof forms for each of the dwellings within the dual occupancy development. The articulation of the roof form has assisted in reducing the bulk and scale of the development.

The proposal is compliant with respect to floor space ratio, building height, and building setbacks. The scale of the development is consistent with the desired future character of the area and low density development within the Ryde Local Government Area.

- *Proposal is out of character with the area*

All of the objections have raised concern that the proposal is not consistent with the prevailing character of the surrounding area.

Assessing Officer comment:

It is noted that the subject site is not located within a Heritage Conservation Area or Character Area. Despite this, an assessment of the prevailing form of low density residential development was undertaken, and the compatibility of the development to the character of the area was considered.

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

The Planning Principle states that:

*“Compatibility is... different from sameness. It is generally accepted that buildings can exist together in harmony without having the same density, scale or appearance, though as the difference in these attributes increases, harmony is harder to achieve”.*

The criteria used to assess the local character includes the following:

- Building heights
- Site coverage and floor space ratio
- Scale and form of dwellings
- Building typology
- Building style and finishes
- Views and vistas

## ITEM 1 (continued)

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

### Building height

The local character of the surrounding area comprises a mixture of one and two storey dwellings. The proposed dual occupancy complies with the maximum building height development standard of 9.5m, and is not disproportionate to other dwellings within the surrounding area.

### Site coverage and floor space ratio

The proposal has a floor space ratio of 0.476:1, which is less than the maximum floor space ratio applicable to both the site and surrounding residential properties.

With respect to the site coverage, the proposal provides 352.6m<sup>2</sup>, which represents 39.6% of the total site area. The Ryde DCP 2014 requires a minimum of 30% deep soil area to be provided for dual occupancy developments.

### Scale and form of dwellings

It is acknowledged the roof form of the development as originally submitted was not consistent with the prevailing character of the area. However, the changes to the roof form detailed below have enabled the development to be consistent with the character of the area:

- The roof form has been amended so that each dwelling within the dual occupancy development has its own distinct form, rather than one single roof structure spanning both dwellings. Not only has this assisted in reduced the bulk of the dwelling, it is consistent with the prevailing roof forms in the area.
- The pitch of the roof is consistent with the adjoining properties.

The proposal also incorporates carports instead of garages.

The amended design of the proposal has recessed the first floor from the front façade, which is consistent with the existing dwelling on the site and the two storey dwellings within proximity of the subject site (see **Figures 16, 17 and 18** below).

The first floor is also setback from the side boundaries by 2.5m, meaning it will be slightly set into the roof, given the ground floor side setbacks are 1.2m.

**ITEM 1 (continued)**



**Figure 16:** Photograph of existing dwelling on subject site with recessed first floor

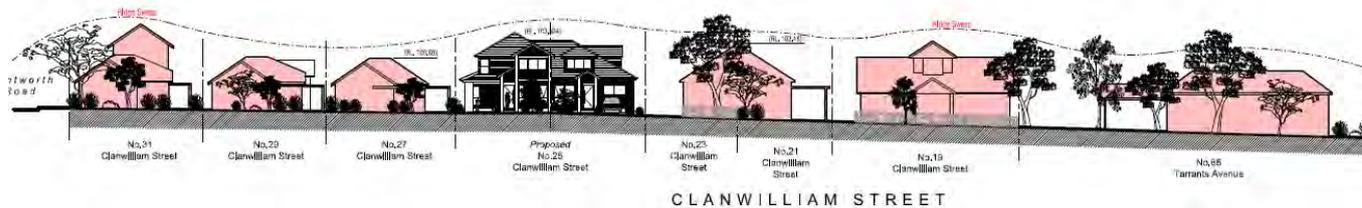


**Figure 17:** Photograph of No. 19 Clanwilliam Street showing recessed first floor

**ITEM 1 (continued)**



**Figure 18:** Photograph of No. 12 Clanwilliam Street with recessed first floor



ANALYSIS OF PROPOSED STREETScape - CLANWILLIAM STREET, EASTWOOD

**Figure 19:** Streetscape analysis submitted by the applicant

Building typology

Dual occupancy (attached) development is not prohibited in the zone, and the proposed design is considered to respond appropriately to the prevailing character in the area. Dual occupancy development and multi dwelling housing development occurs within the character catchment of the site, as shown in **Figure 20** below which shows a dual occupancy development at No. 18 Campbell Street, which has recently been constructed.

## ITEM 1 (continued)



**Figure 20:** Dual occupancy development recently constructed at No. 18 Campbell Street (within 200m of site)

### Building style and finishes

The materials and finishes selected are compatible with those used in the surrounding low density residential area. Facebrick, weatherboard cladding and tiled roofs are the predominant materials used in the surrounding area. The proposal is consistent with these materials.

### View and Vistas

The surrounding area does not benefit from any significant views or vistas. The proposal will not disrupt the view or vista of the surrounding properties.

The following questions are considered considering the questions posed in the Planning Principle:

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

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

### Comment

The proposal is harmonious with the building around it, given the compatibility as assessed under the above criteria.

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

**ITEM 1 (continued)**Comment

The proposal's compliance with the Ryde DCP 2014 demonstrates that the proposal will not have an adverse impact on the amenity of the surrounding areas with respect to overshadowing, visual and acoustic privacy, outlook and retention of vegetation.

Given the development has been assessed as being consistent with the existing character of the area and the desired future character of the area, this concern does not warrant refusal of the application.

- *The proposal is three storeys in height*

Concern was raised in several submissions that the development is three storeys at the rear, which does not comply with the Ryde DCP 2014.

Assessing Officer comment:

The proposed development is considered to be two storeys in height.

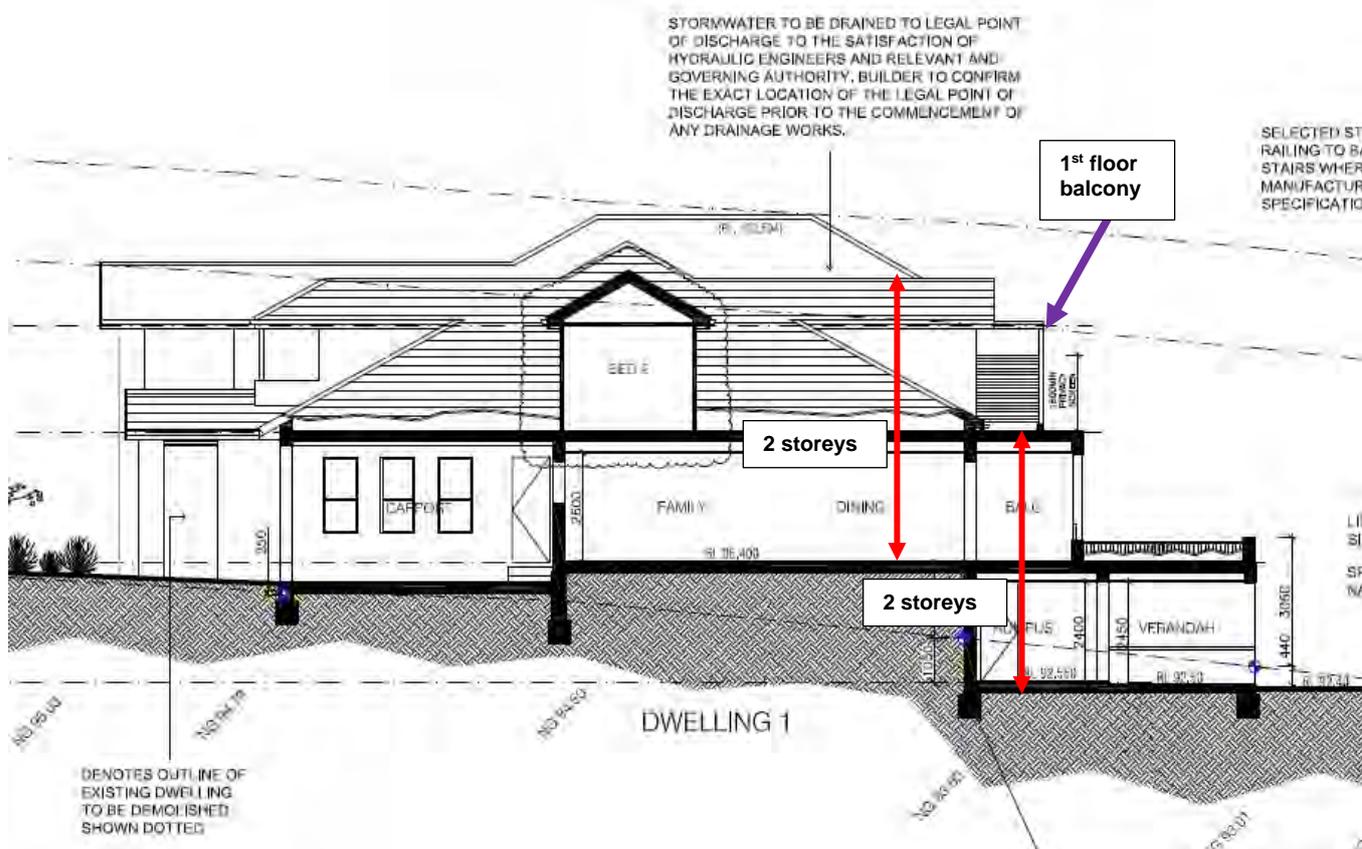
The Ryde LEP 2014 defines "storey" as follows:

**storey** means a space within a building that is situated between one floor level and the floor level next above, or if there is no floor above, the ceiling or roof above, but does not include—

- a space that contains only a lift shaft, stairway or meter room, or
- a mezzanine, or
- an attic.

The elements of the building that are above the rumpus area at the rear of the site are balconies, and are not enclosed and "within the building". Some elements of the balcony have a roof over, however, the first floor balcony is not considered to constitute an additional storey.

**ITEM 1 (continued)**



**Figure 21:** Section of proposed development showing maximum of two storeys at any time

Irrespective of the above, the building height and configuration at the rear of the site is considered to be an appropriate design response to the slope of the site.

As such, this concern does not warrant refusal of the application.

- *Side setback is less than 1.5m*

Concern was raised in several submissions that the proposal does not comply with the Ryde DCP 2014 given the ground floor side setback is less than 1.5m.

Assessing Officer comment:

The Ryde DCP 2014 specifies that the minimum side setback for single storey buildings is 900mm, and 1.5 for two storeys. The intent behind this control is for development to either meet the minimum 1.5m side setback for the entire vertical length of the wall, or for the development to be stepped in for the second storey.

The proposal complies with this control, as the ground floor has a side setback of 1.2m (which exceeds the 900mm minimum requirement) and a first floor setback of 2.5m (exceeding the 1.5m minimum requirement).

**ITEM 1 (continued)**

The side setbacks proposed ensure the development is of an appropriate scale by reducing the dominance of the second storey.

As such, this concern does not warrant refusal of the application.

- *Number of bedrooms and bathrooms would result in the development being used as an illegal boarding house*

Assessing Officer comment:

The proposal includes 2 x 4 bedroom dwellings with 3/4 bathrooms each and one powder room. The number of bedrooms and bathrooms does not indicate the potential use for a boarding house, and approval is only recommended for a dual occupancy development.

Regardless, **Condition 84** has been imposed that the development is not to be used as a boarding house.

This concern does not warrant refusal of the application.

- *Increase in traffic generation*

Assessing officer comment:

The proposal will result in one additional dwelling being provided on the subject site. The additional traffic generation from this dwelling will be negligible, and will not result in an adverse impact to the local road network.

This concern does not warrant refusal of the application.

- *Insufficient parking provided*

Assessing Officer comment:

The Ryde DCP 2014 requires one (1) parking space per dwelling within a dual occupancy development. This requirement does not vary based on the number of bedrooms within a dual occupancy development, and as such, the parking provision specified in the Ryde DCP 2014 has been satisfied by the development.

Therefore, this concern does not warrant refusal of the application.

- *Excessive fill, meaning the proposal does not follow the natural landform*

Assessing Officer comment:

The proposal involves 1.8m of fill within the building footprint, as shown in **Figure 15** earlier in this report.



### ITEM 1 (continued)

This exceeds the maximum fill control within the Ryde DCP 2014 of 900mm. The objective of this control is to ensure the visual privacy of adjoining properties is maintained and to retain natural ground levels and existing landform where possible.

The level of fill proposed does not result in adverse visual privacy for the adjoining properties, and still allows for the existing ground levels to generally be maintained outside of the building footprint. The design is an appropriate response to the slope of the site.

This concern does not warrant refusal of the application.

- *Concern the lower ground floor alfresco areas will be enclosed illegally and result in non-compliance with floor space ratio*

Concern has been raised that the rumpus room and alfresco on the lower ground floor will be separately enclosed, given there is not internal stairs accessing these areas.

#### Assessing Officer comment:

The proposed development does not include enclosure of these areas, and any development that is built on the site will need to be built strictly in accordance with the conditions of consent and stamped approved plans.

Regardless, there are internal stairs provided to access the lower ground floor within both units.

This concern does not warrant refusal of the application.

- *Visual privacy*

Concern has been raised that the adjoining properties will be overlooked by windows and balconies.

#### Assessing Officer comment:

The windows and balconies have been designed to ensure the development does not overlook the adjoining properties through the use of privacy screens on the balconies, high light windows and obscure glazing. The proposal complies with the Ryde DCP 2014 with respect to visual privacy, as no living, dining or kitchen windows overlook the adjoining properties' private open space or living room windows.

The location and style of the side windows and privacy screens is illustrated in **Figures 22** and **23** below.

**ITEM 1 (continued)**



**Figure 22:** Eastern elevation showing window locations and windows with obscure glazing



**Figure 23:** Western elevation showing window locations and windows with obscure glazing

As such, this concern does not warrant refusal of the application.

- *Overshadowing of adjoining property at No. 27 Clanwilliam Street*

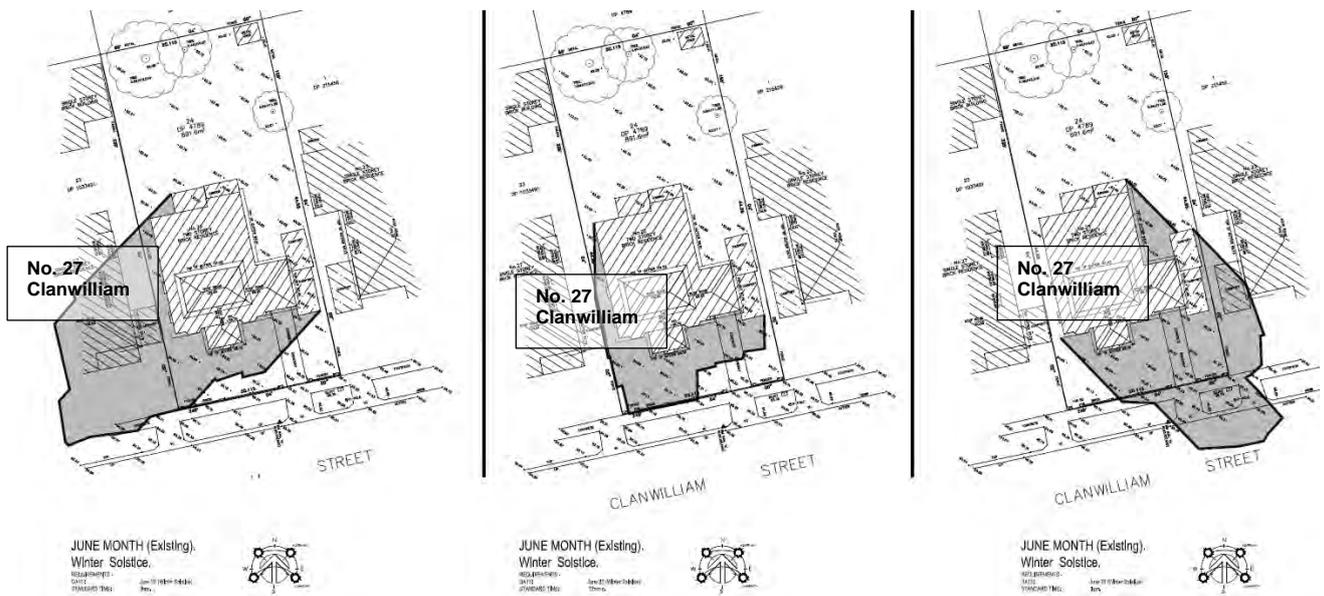
Assessing Officer comment:

The Ryde DCP 2014 requires the proposal to ensure the adjoining properties receive:

**ITEM 1 (continued)**

- a) A minimum of 3 hours sunlight to north facing living room windows
- b) A minimum of 2 hours sunlight to private open space

**Figure 24** below demonstrates that overshadowing from the proposal is predominantly to the street, and the proposal will not result in overshadowing of No. 27 Clanwilliam Street that would result in less than 2 hours sunlight to north facing windows or 3 hours sunlight for private open space.



**Figure 24:** Shadow diagrams for 21 June

As such, this does not warrant refusal of the application.

- *Unsafe driveway access*

Concern was raised that the proposed driveways do not provide appropriate sight distances to facilitate safe pedestrian access along the footpath.

Assessing Officer comment:

The proposal has been reviewed by Council's Senior Development Engineer, who has confirmed that the driveway complies with the relevant Australian Standards subject to conditions of consent (see **Conditions 11, 14, 32, 33 and 41**).

The proposed front fencing will not block sightlines for pedestrians.

This concern does not warrant refusal of the application.

- *Banded brickwork will accentuate the visual dominance of proposed development*

**ITEM 1 (continued)**Assessing Officer comment:

The proposed materials and finishes are consistent with those predominately used in Clanwilliam Street. The proposal has sufficient building articulation to prevent it from visually dominating the streetscape.

As such, this concern does not warrant refusal of the application.

- *Floor Space Ratio exceeds the 0.5:1 maximum development standard*

Assessing Officer comment:

The proposal has a total gross floor area of 424.7m<sup>2</sup> (FSR of 0.476:1), and therefore complies with this development standard.

Given the compliance with Clause 4.4 of the Ryde LEP 2014, this does not warrant refusal of the application.

The amended plans received on 6 October 2020 did not require re-notification given the changes reduced the impact on the adjoining properties by providing obscure glazing on some windows, adding a dormer window to restrict views to the adjoining property and reduced the size of another dormer window.

**10. Referrals**Internal Referrals:**Urban Designer**

A referral was made to Council's Urban Designer, who has made the following comments:

*"The key issue concerned in the previous round of comments is the proposal's contextual fit with the existing streetscape. I am satisfied that the amendments to the built form and composition of the proposal's façade have addressed the issue. However, the amended proposal is still required to resolve the following issues:*

*Visual privacy*

- *The dormer window of Bedroom 2 in Dwelling 1 looks directly over the side boundary, potentially causing visual privacy impact on the*

**ITEM 1 (continued)**

*adjoining property to the east. Bedroom 2 also relies on borrowed amenity from No.23 to achieve the outlook.*

- *No.23 has the potential to redevelop into a 2-storey dwelling house with habitable rooms on the first level. The future amenity of the neighbours should be taken into consideration and any potential adverse impact should be avoided.*
- *It is recommended to use dormer windows with glazing on the sides (see examples in images below) for Bedroom 2 of Dwelling 1. It will allow for views to the front and rear of the property and maximum daylight access to the bedroom. However, the east facing windowpanes are to be frosted to avoid any direct looking over the side boundary.*
- *The side windows of the living room in both dwellings on the ground floor sit above the 1.8m high side fences and directly face the side boundaries to No.23 and No.27. The future occupants of the proposed development will be able to look over the top of the side fences and into neighbouring dwellings. These side windows are to be replaced with high-level windows or frosted windows to eliminate any overlooking.*
- *Frosted windows, if used, should be included in the list of materials.*

***Dormer windows***

- *The scale of the dormer window of Bedroom 2 in Dwelling 1 is excessive. Clause 2.15.2(b) of DCP Part 3.3 requires that dormer windows should have a maximum total width of 3m; whereas the proposed dormer window is approximately 4m wide.*
- *The dormer window of Bedroom 3 in Dwelling 1 also exceeds the maximum allowable width of the DCP.*
- *It is recommended that the design reduces the scale of the dormer windows to achieve the compliance with the relevant DCP controls.*
- *The architectural drawings are also to demonstrate the compliance with Clause 2.15.2(d) of DCP Part 3.3 – “The total roof area of attic dormer windows is to be a maximum of 8 m<sup>2</sup>.”*

**Assessing Officer comment:**

The above comments were forwarded to the applicant, and amended plans were submitted implementing the requested changes to the windows (including dormer windows). Given the change in the windows reduced the impact on the adjoining properties, re-notification of these plans was not required.

**Senior Development Engineer:**

**ITEM 1 (continued)**

Council's Senior Development Engineer has reviewed the proposal (as amended) and has raised no issues with the amended proposal.

Council's Senior Development Engineer has imposed **Conditions 11, 14, 32, 33, 34, 41, 59, 68, 69 and 72.**

**Landscape Architect**

Council's Landscape Architect has reviewed the amended landscaping and architectural plans and has raised no issues with the amended proposal.

Council's Landscape Architect has imposed **Conditions 42-47, 57 and 60-63.**

**11. Conclusion**

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

The site is consistent with the objectives of the R2 Low Density Residential zone under Ryde LEP 2014 and complies with the applicable development standards.

The development generally complies with the relevant planning controls, and is consistent with the established low density residential character of the surrounding area.

The development is recommended for approval subject to appropriate conditions of consent provided in **Attachment 2** of this report.

The reasons for approval are as follows:

1. The proposal is consistent with the objectives of the R2 Low Density zone under RLEP 2014. The development is also consistent with the development standards in RLEP 2014.
2. The development will provide amenity to future residents whilst maintaining amenity to the adjoining residential properties.
3. The proposal is consistent with the existing and desired future character of the area.
4. The proposal is suitable for the site and in the public interest.

**ITEM 1 (continued)**

5. The submissions received in response to the development application have been adequately addressed in the assessment report for the proposal (as amended).

**12. Recommendation**

Pursuant to Section 4.6 of the Environmental Planning and Assessment Act, 1979, the following is recommended:

- A. That the Local Planning Panel grant consent to development application LDA2020/0135 for the demolition of existing structures, construction of a new two storey dual occupancy (attached), front fence and strata subdivision at No. 25 Clanwilliam Street, Eastwood subject to the conditions of consent in **Attachment 2** of this report; and
- B. Those that have made a submission be advised of the decision.

**ATTACHMENTS**

- 1 Compliance Check
- 2 Draft Conditions of Consent
- 3 A3 Plans - subject to copyright provisions

Report Prepared By:

**Madeline Thomas**  
**Assessment Officer - Town Planner**

Report Approved By:

**Rebecca Lockart**  
**Senior Coordinator - Major Development**

**Sandra Bailey**  
**Manager - Development Assessment**

**Liz Coad**  
**Director - City Planning and Environment**

ITEM 1 (continued)

ATTACHMENT 1

## Compliance Check - Quality Certification

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

<b>LDA No:</b> LDA2020/0135	<b>Date Plans Rec'd:</b>
<b>Address:</b> 25 Clanwilliam St Eastwood	
<b>Proposal:</b> To Demolish & construct a dual occupancy ( attached front fence a strata) Subdivision	
<b>Constraints Identified:</b>	

### COMPLIANCE CHECK

Ryde LEP 2014	Proposal	Compliance
<b>4.3(2) Height</b>		
9.5m	Ridge height: 103.504 EGL below Ridge: 94.004 <b>Max building height = 9.5m</b>	Yes
<b>4.4(2) &amp; 4.4A(1) FSR</b>		
0.5:1 (445.8m <sup>2</sup> )	Lower ground floor: 43.4m <sup>2</sup> Ground floor: 227.7m <sup>2</sup> First floor: 153.6m <sup>2</sup> Total GFA = <b>424.7m<sup>2</sup></b> <b>0.476:1</b>	Yes

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



**ITEM 1 (continued)**

**ATTACHMENT 1**

<b>DCP 2014</b>	<b>Proposed</b>	<b>Compliance</b>
setting which includes significant deep soil areas at front and rear. - Maximum 2 storeys. - Dwellings to address street - Garage/carports not visually prominent features.	proposed.  Two storeys generally proposed. Three storeys proposed for a small portion at the rear of the site.  Dwelling presents to Clanwilliam Street.  Carports not prominent feature as setback in front elevation of building.	Yes    Yes  Yes
<b>Public Domain Amenity</b>		
<b>Streetscape</b>		
- Front doors and windows are to face the street. Side entries to be clearly apparent. - Single storey entrance porticos. - Articulated street facades.	Front doors and windows face street.  Single entrance portico.  Articulated street façade.	Yes  Yes  Yes
<b>Public Views and Vistas</b>		
- A view corridor is to be provided along at least one side allotment boundary where there is an existing or potential view to the water from the street. Landscaping is not to restrict views. Garages/carports and outbuildings are not to be located within view corridor if they obstruct view. Fence 70% open where height is >900mm.	The proposed development will not impact any existing views or vistas.	Yes
<b>Pedestrian &amp; Vehicle Safety</b>		
- Car parking located to accommodate sightlines to footpath & road in accordance with relevant	The proposal complies with the relevant Australian Standards with respect to the vehicular access.	Yes



**ITEM 1 (continued)**

**ATTACHMENT 1**

<b>DCP 2014</b>	<b>Proposed</b>	<b>Compliance</b>
Height) - 7.5m max above FGL <i>or</i> - 8m max to top of parapet  <i>NB:</i> <i>TOW = Top of Wall</i> <i>EGL = Existing Ground Level</i> <i>FGL = Finished Ground Level</i>	FGL below (lowest point): RL: 93.75  TOW Height = 7.25m	
Habitable rooms to have 2.4m floor to ceiling height (min).	2.5m min room height.	Yes
<b>Setbacks</b>		
<b>SIDE</b>  <b>Single storey dwelling (component of)</b> - 900mm to wall - Includes balconies etc	To wall min 1.2m	Yes
<b>SIDE</b>  <b>Two storey dwelling</b> - 1500mm to wall - Includes balconies etc	To wall min 2.5m	Yes
<b>Front</b> - 6m to façade (generally) - Garage setback 1m from the dwelling façade - Wall above is to align with outside face of garage below. Front setback free of ancillary elements eg RWT, A/C	6.7m front setback  Carport set back 2m behind building façade.  No structures within front setback.	Yes
<b>Rear</b> - 8m to rear of dwelling <b>OR</b> 25% of the length of the site, whichever is greater.  - <b>Note: 11.14m is 25% of</b>	11.5m rear setback (minimum)	Yes

**ITEM 1 (continued)**

**ATTACHMENT 1**

<b>DCP 2014</b>	<b>Proposed</b>	<b>Compliance</b>
<b>site length.</b>		
<p><b>General</b></p> <ul style="list-style-type: none"> <li>- Dwelling: 2 spaces max, 1 space min.</li> <li>- Dual Occupancy (attached): 1 space max per dwelling.</li> <li>- Where possible access off secondary street frontages or laneways is preferable.</li> <li>- Max 6m wide or 50% of frontage, whichever is less.</li> </ul> <p>Behind building façade.</p>	<p>Number/location of car spaces: 2 single carports</p> <p>Access from: Clanwilliam Street</p> <p>External width: 3m</p>	<p>Yes</p>
<p><b>Carports</b></p> <ul style="list-style-type: none"> <li>- Sides 1/3 open (definition in BCA)</li> <li>- Design &amp; materials compatible with dwelling.</li> </ul>	<p>Carports have 2 sides open and are effectively integrated into the building design.</p>	<p>Yes</p>
<p><b>Parking Space Sizes (AS)</b></p> <ul style="list-style-type: none"> <li>o Double garage: 5.4m wide (min)</li> <li>o Single garage: 3m w(min)</li> <li>- Internal length: 5.4m (min)</li> </ul>	<p>Internal measurements: 3m x 5.4m and 3m x 5.4m</p>	<p>Yes</p>
<p><b>Driveways</b></p> <ul style="list-style-type: none"> <li>o Extent of driveways minimised</li> </ul>	<p>Two separate driveways which have minimal hardstand area given they each access single carports.</p>	<p>Yes</p>
<p>- <b>Landscaping</b></p>		
<p><b>Trees &amp; Landscaping</b></p> <ul style="list-style-type: none"> <li>- Major trees retained where practicable</li> <li>- Physical connection to be provided between dwelling and outdoor spaces where the</li> </ul>	<p>Major trees have been retained.</p> <p>Stairs provided for access to POS.</p>	<p>Yes</p> <p>Yes</p>

**ITEM 1 (continued)**

**ATTACHMENT 1**

<b>DCP 2014</b>	<b>Proposed</b>	<b>Compliance</b>
<p>ground floor is elevated above NGL eg. stairs, terraces.</p> <ul style="list-style-type: none"> <li>- Obstruction-free pathway on one side of dwelling (excl cnr allotments or rear lane access)</li> <li>- Front yard to have at least 1 tree with mature ht of 10m min and a spreading canopy.</li> <li>- Back yard to have at least 1 tree with mature ht of 15m min and a spreading canopy.</li> <li>- Hedging or screen planting on boundary mature plants reaching no more than 2.7m.</li> </ul> <p>OSD generally not to be located in front setback unless under driveway.</p>	<p>Pathway provided</p>	
<ul style="list-style-type: none"> <li>- Landscaped front garden, with max 40% hard paving</li> </ul>	<p>Hard Paving: 64.7%</p>	<p>Yes</p>
<p><b>Landscaping for lots with Urban Bushland or Overland Flow constraints</b></p> <ul style="list-style-type: none"> <li>- Where lot is adjoining bushland protect, retain and use only native indigenous vegetation for distance of 10m from bdy adjoining bushland.</li> <li>- No fill allowed in overland flow areas.</li> <li>- Fences in Overland Flow areas must be of open construction so it doesn't impede the flow of water.</li> </ul>	<p>The site does not adjoin urban bushland and is not affected by overland flow.</p>	<p>N/A</p>
<ul style="list-style-type: none"> <li>- <b>Dwelling Amenity</b></li> </ul>		
<p><b>Daylight and Sunlight</b></p>		

**ITEM 1 (continued)**

**ATTACHMENT 1**

<b>DCP 2014</b>	<b>Proposed</b>	<b>Compliance</b>
<p><b>Access</b></p> <ul style="list-style-type: none"> <li>- Living areas to face north where orientation makes this possible.</li> <li>- 4m side setback for side living areas where north is to the side allotment boundary.</li> </ul> <p><u>Subject Dwelling:</u></p> <ul style="list-style-type: none"> <li>- Subject dwelling north facing windows are to receive at least 3hrs of sunlight to a portion of their surface between 9am and 3pm on June 21.</li> <li>- Private Open space of subject dwelling is to receive at least 2 hours sunlight between 9am and 3pm on June 21.</li> </ul> <p><u>Neighbouring properties are to receive:</u></p> <ul style="list-style-type: none"> <li>- 2 hours sunlight to at least 50% of adjoining principal ground level open space between 9am and 3pm on June 21.</li> </ul> <p>At least 3 hours sunlight to a portion of the surface of north facing adjoining living area windows between 9am and 3pm on June 21.</p>	<p>Living areas face north</p> <p>N facing windows achieve at least 3 hours sunlight on June 21.</p> <p>POS: at least 2 hours</p> <p>Hours of sunlight to adjoining principal open space: proposal does not reduce hours to POS on adjoining properties.</p> <p>Hours of sunlight to adjoining living area windows: does not reduce to less than 3 hours achieved.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
<p><b>Visual Privacy</b></p> <ul style="list-style-type: none"> <li>- Orientate windows of living areas, balconies and outdoor living areas to the front and rear of dwelling.</li> <li>- Windows of living, dining, family etc placed</li> </ul>	<p>All windows on elevated ground floor that could pose views into adjoining properties have obscure glazing or a high light windows. The first floor windows are not living rooms windows. Proposed balconies</p>	<p>Yes</p>

**ITEM 1 (continued)**

**ATTACHMENT 1**

<b>DCP 2014</b>	<b>Proposed</b>	<b>Compliance</b>
so there are no close or direct views to adjoining dwelling or open space. - Side windows offset from adjoining windows. - Terraces, balconies etc are not to overlook neighbouring dwellings/private open space.	include privacy screens to ensure no overlooking occurs.	
<b>Acoustic Privacy</b> - Layout of rooms in dual occupancies (attached) are to minimise noise impacts between dwellings eg: place adjoining living areas near each other and adjoining bedrooms near each other.	Achieved.	Yes
<b>View Sharing</b> The siting of development is to provide for view sharing.	No views are impeded by proposal.	Yes
<b>Cross Ventilation</b> - Plan layout is to optimise access to prevailing breezes and to provide for cross ventilation.	Sufficient cross ventilation.	Yes
- <b>External Building Elements</b>		
<b>Roof</b> - Articulated. - 450mm eaves overhang minimum. - Not to be trafficable Terrace. - Skylights to be minimised and placed symmetrically. - Front roof plane is not to have both dormer windows and skylights. <b>Attic Dormer Windows</b>	The proposal was reviewed by Council's Urban Designer, who is satisfied that the roof design is consistent with the existing streetscape and has sufficient articulation to ensure the dominance of the built form is mitigated.  The dormer windows	Yes

**ITEM 1 (continued)**

**ATTACHMENT 1**

<b>DCP 2014</b>	<b>Proposed</b>	<b>Compliance</b>
<ul style="list-style-type: none"> <li>- Max 2 dormer windows with a max total width of 3m.</li> <li>- Highest point to be 500mm min below roof ridge and 1m min above the top of gutter.</li> <li>- Total roof area of attic dormer: 8m<sup>2</sup></li> <li>- Front face to be setback 1m min back from external face of wall below.</li> <li>- Balconies set into roof not permitted.</li> </ul>	<p>comply with the controls.</p>	
<b>Fencing</b>		
<p><b>Front/return:</b></p> <ul style="list-style-type: none"> <li>- To reflect design of dwelling.</li> <li>- To reflect character &amp; height of neighbouring fences.</li> <li>- Max 900mm high for solid (picket can be 1m).</li> <li>- Max 1.8m high if 50% open (any solid base max 900mm).</li> <li>- Retaining walls on front bdy max 900mm.</li> <li>- No colorbond or paling</li> </ul> <p>Max width of piers 350mm.</p>	<p><u>Front fence</u> Description: 1.2m</p>	<p>Yes</p>
<p><b>Side/rear fencing:</b></p> <ul style="list-style-type: none"> <li>- 1.8m max o/a height.</li> </ul>	<p>No details provided for side fencing. Any fencing would need to be in accordance with the Dividing Fences Act.</p>	<p>N/A</p>
<b>Part 7.1 - Energy Smart, Water Wise</b>		
<b>Insulation</b>		
<p>Walls: R1.5 Ceiling: R3.0</p>		



**ITEM 1 (continued)**

**ATTACHMENT 1**

<b>DCP 2014</b>	<b>Proposed</b>	<b>Compliance</b>
<b>External Clothes Drying Area</b>		
External yard space or sheltered ventilated space for clothes drying	Clotheslines proposed for each dwelling.	
<b>Part 7.2- Waste Minimisation &amp; Management</b>		
Submission of a Waste Management Plan in accordance with Part 7.2 of DCP 2014.	The applicant has submitted a Waste Management Plan in accordance with Part 7.2 of DCP 2014.	Yes
<b>Part 8.2 - Stormwater Management</b>		
<b>Stormwater &amp; Floodplain Management</b>		
Drainage is to be piped in accordance with Part 8.2 - Stormwater & Floodplain Management.	No issues have been raised by Council's Senior Development Engineer	
<b>Part 9.2- Access for People with Disabilities</b>		
Accessible path required from the street to the front door, where the level of land permits.	Achieved.	Yes
<b>Part 9.5 – Tree Preservation</b>		
Where the removal of tree(s) is associated with the redevelopment of a site, or a neighbouring site, the applicant is required to demonstrate that an alternative design(s) is not feasible and retaining the tree(s) is not possible in order to provide adequate clearance between the tree(s) and the proposed	One tree is being removed, and remaining trees retained/protected. An arborist report has been submitted and considered acceptable by Council's Landscape Architect.	Yes

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**ATTACHMENT 1**

DCP 2014	Proposed	Compliance
building and the driveway.		

<b>BASIX</b>		
All ticked "DA plans" commitments on the BASIX Certificate are to be shown on plans (list) <b>BASIX Cert 980960M_03 dated 15 October 2020</b> <ul style="list-style-type: none"> <li>• RWT 5000L</li> <li>• Swimming Pool               <ol style="list-style-type: none"> <li>1. &lt;28kL</li> <li>2. outdoors</li> </ol> </li> <li>• Thermal Comfort Commitments – Construction.</li> <li>• TCC – Glazing.</li> <li>• Solar Gas Boosted HWS w/41-45 RECS+</li> <li>• HWS Gas Instantaneous 5 star.</li> <li>• Natural Lighting               <ol style="list-style-type: none"> <li>1. kitchen</li> <li>2. bathrooms ()</li> </ol> </li> </ul>	<b>Suitable BASIX Certificate provided.</b>	Yes
Water Target 40 Energy Target 40	Water: 40 Energy: 51	Yes Yes
Correct description of property/proposal on 1 <sup>st</sup> page of Certificate.	No incorrect details	Yes

<b>Demolition</b>		
Plan showing all structures to be removed	Appropriate demolition plan provided.	Yes
Demolition Work Plan	Demolition WMS provided.	Yes
Waste Management Plan	Demolition details provided within WMP.	Yes

**Summary of Issues/Non compliances:**

- Fill level (justifiable)

**ITEM 1 (continued)**

**ATTACHMENT 1**

**Certification**

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

Name : Madeline Thomas

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**Draft conditions of consent – 25 Clanwilliam Street, Eastwood  
LDA2020/0135**

**GENERAL**

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

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

<b>Document Description</b>	<b>Date</b>	<b>Plan No/Reference</b>
Lower Ground Floor Plan	22.02.2020	CLAN-2020, Drawing 3, Revision A
Ground Floor Plan	01.10.2020	CLAN-2020, Drawing 4, Revision C
First Floor Plan	01.10.2020	CLAN-2020, Drawing 5, Revision C
Elevations A	01.10.2020	CLAN-2020, Drawing 5, Revision C
Elevations B	01.10.2020	CLAN-2020, Drawing 5, Revision C
Sections	01.10.2020	CLAN-2020, Drawing 5, Revision C
Landscape Plan	14 August 2020	CP:1A and CP:2A, Revision B
Stormwater Drainage Plans	12.08.2020	H688 – S1/3 to S3/3, Revision B
Site Waste Minimisation and Management Plan prepared by Nassima Design	-	-
Arborist Report prepared by Mark Bury Consulting	04/08/2020	-

2. **Building Code of Australia.** All building works approved by this consent must be carried out in accordance with the requirements of the Building Code of Australia.
3. **BASIX.** Compliance with all commitments listed in BASIX Certificate numbered 980960M\_03 dated 15 October 2020.
4. **Support for neighbouring buildings.** If the development involves excavation that extends below the base of the footings of a building on adjoining land, the

**ITEM 1 (continued)**

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person having the benefit of the development consent must, at the person's own expense:

- a) Protect and support the adjoining premises from possible damage from the excavation, and
  - b) Where necessary, underpin the adjoining premises to prevent any such damage, in accordance with relevant Australian Standards.
5. **Hours of work.** Building activities (including demolition) may only be carried out between 7.00am and 7.00pm Monday to Friday (other than public holidays) and between 8.00am and 4.00pm on Saturday. No building activities are to be carried out at any time on a Sunday or a public holiday.
6. **Hoardings.**
- (a) A hoarding or fence must be erected between the work site and any adjoining public place.
  - (b) Any hoarding, fence or awning erected pursuant this consent is to be removed when the work has been completed.
7. **Development to be within site boundaries.** The development must be constructed wholly within the boundaries of the premises. No portion of the proposed structure shall encroach onto the adjoining properties. Gates must be installed so they do not open onto any footpath.
8. **Public space.** The public way must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances, without prior approval from Council.
9. **Public Utilities.** Compliance with the requirements (including financial costs) of any relevant utility provider (e.g. Energy Australia, Sydney Water, Telstra, RMS, Council etc) in relation to any connections, works, repairs, relocation, replacements and/or adjustments to public infrastructure or services affected by the development.
10. **Roads Act.** Any works performed in, on or over a public road pursuant to this consent must be carried out in accordance with this consent and with the Road Opening Permit issued by Council as required under section 139 of the Roads Act 1993.
11. **Design and Construction Standards.** All engineering plans and work inside the property shall be carried out in accordance with the requirements of the relevant Australian Standard. All Public Domain works or modification to Council infrastructure which may be located inside the property boundary, must be undertaken in accordance with Council's 2014 DCP Part 8.5 "Public Domain Works", except otherwise as amended by conditions of this consent.
12. **Service Alterations.** All mains, services, poles, etc., which require alteration shall be altered at the applicant's expense.
13. **Restoration.** Public areas must be maintained in a safe condition at all times. Restoration of disturbed road and footway areas for the purpose of connection to public utilities will be carried out by Council following submission of a permit

**ITEM 1 (continued)**

**ATTACHMENT 2**

application and payment of appropriate fees. Repairs of damage to any public stormwater drainage facility will be carried out by Council following receipt of payment. Restoration of any disused gutter crossings will be carried out by Council following receipt of the relevant payment.

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

**DEMOLITION CONDITIONS**

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

A Construction Certificate is not required for Demolition.

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

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

**PRIOR TO CONSTRUCTION CERTIFICATE**

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

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

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

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

23. **Section 7.11.** A monetary contribution for the services in Column A and for the amount in Column B shall be made to Council as follows:

**ITEM 1 (continued)**

**ATTACHMENT 2**

<b>A – Contribution Type</b>	<b>B – Contribution Amount</b>
Community & Cultural	\$ 6,061.80
Open Space & Recreation	\$ 10,438.15
Transport facilities	\$ 3,204.48
Plan Administration	\$ 295.57
<b>The total contribution is</b>	<b>\$ 20,000.00</b>

These are contributions under the provisions of Section 7.11 of the Environmental Planning and Assessment Act, 1979 as specified in Section 7.11 Development Contributions Plan 2020, effective from 1 July 2020.

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

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

A copy of the Section 7.11 Development Contributions Plan may be inspected at the Ryde Customer Service Centre, 1 Pope Street Ryde (corner Pope and Devlin Streets, within Top Ryde City Shopping Centre) or on Council's website <http://www.ryde.nsw.gov.au>.

24. **Compliance with Australian Standards.** The development is required to be carried out in accordance with all relevant Australian Standards. Details demonstrating compliance with the relevant Australian Standard are to be submitted to the Principal Certifying Authority prior to the issue of the **Construction Certificate**.
25. **Security deposit.** The Council must be provided with security for the purposes of section 4.17(6) of the *Environmental Planning and Assessment Act 1979* in a sum determined by reference to Council's Management Plan prior to the release of the **Construction Certificate**. (dwelling houses with delivery of bricks or concrete or machine excavation)
26. **Structural Certification.** The applicant must engage a qualified practising structural engineer to provide structural certification in accordance with relevant BCA requirements prior to the release of the **Construction Certificate**.
27. **Fees.** The following fees must be paid to Council in accordance with Council's Management Plan prior to the release of the **Construction Certificate**:
  - (a) Infrastructure Restoration and Administration Fee



**ITEM 1 (continued)**

**ATTACHMENT 2**

(b) Enforcement Levy

28. **Long Service Levy.** Documentary evidence of payment of the Long Service Levy under Section 34 of the Building and Construction Industry Long Service Payments Act 1986 is to be submitted to the Principal Certifying Authority prior to the issuing of the **Construction Certificate**.
29. **Sydney Water – Building Plan Approval.** The plans approved as part of the Construction Certificate must also be approved by Sydney Water prior to excavation or construction works commencing. This allows Sydney Water to determine if sewer, water or stormwater mains or easements will be affected by any part of your development. Please go to [www.sydneywater.com.au/tapin](http://www.sydneywater.com.au/tapin) to apply.
30. **Reflectivity of materials.** Roofing and other external materials must be of low glare and reflectivity. Details of finished external surface materials, including colours and texture must be provided to the Principal Certifying Authority prior to the release of the **Construction Certificate**.
31. **Fibre-ready facilities and telecommunications infrastructure.** Prior to the issue of any Construction Certificate satisfactory evidence is to be provided to the Certifier that arrangements have been made for:
- (i) The installation of fibre-ready facilities to all individual lots and/or premises in a real estate development project so as to enable fibre to be readily connected to any premises that is being or may be constructed on those lots. Alternatively, demonstrate that the carrier has confirmed in writing that they are satisfied that the fibre ready facilities are fit for purpose.
- And
- (ii) The provision of fixed-line telecommunications infrastructure in the fibre-ready facilities to all individual lots and/or premises in a real estate development project demonstrated through an agreement with a carrier.
- (Note real estate development project has the meanings given in Section 372Q of the Telecommunications Act).
32. **Vehicle Access & Parking.** All internal driveways, vehicle turning areas, garages and vehicle parking space/ loading bay dimensions must be designed and constructed to comply with the relevant section of AS 2890 (Offstreet Parking standards).

With respect to this, the following revision(s) / documentation must be provided with the plans submitted with the application for a Construction Certificate;

- a) All internal driveways and vehicle access ramps must have ramp grades, transitions and height clearances complying with AS 2890 for all types of vehicles accessing the parking area. To demonstrate compliance with this Australian Standard, the plans to be prepared for the Construction

**ITEM 1 (continued)**

**ATTACHMENT 2**

Certificate must include a driveway profile, showing ramp lengths, grades, surface RL's and overhead clearances taken along the vehicle path of travel from the crest of the ramp to the basement. The driveway profile must be taken along the steepest grade of travel or sections having significant changes in grades, where scraping or height restrictions could potentially occur and is to demonstrate compliance with AS 2890 for the respective type of vehicle.

- b) To allow for adequate sight distance from a vehicle exiting the property to pedestrians in the footpath area, the driveway entry at the property boundary must have clear sight through a splayed region defined by Figure 3.3 of AS 2890.1 (2004) and Council's DCP. Ideally the region is to be free of all obstructions, otherwise any solid obstructions are to be no greater than 900mm above finished surfaces and horizontal fencing/ slats are to permit more than 50% visual permeability.

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

33. **Vehicle Footpath and Gutter Crossover Approval.** A new vehicle footpath crossing and associated gutter crossover shall be constructed at the approved vehicular access location/s. Where there is an existing vehicle footpath crossing and gutter crossover, the reconstruction of this infrastructure may be required in order that it has a service life consistent with that of the development and ensure it is compliant with current Council's standards and specifications. The location, design and construction shall be in accordance with Council's DCP 2014 Part 8.3 (*Driveways*), Part 8.5 (*Public Civil Works*) and Australian Standard AS2890.1 – 2004 (*Offstreet Parking*).

Prior to the issue of the Construction Certificate, an application shall be made to Council for approval under Section 138 of the Roads Act, 1993, for the construction of the vehicle footpath and gutter crossover. The application shall include engineering design drawings of the proposed vehicle footpath crossing and gutter crossover. The drawings shall be prepared by a suitably qualified Civil Engineer using the standard B85 vehicle profile. The drawings shall show the proposed vehicle footpath crossing width, alignment, and any elements impacting design such as service pits, underground utilities, power poles, signage and/or trees. In addition, a benchmark (to Australian Height Datum) that will not be impacted by the development works shall be included. All grades and transitions shall comply with Australian Standard AS 2890.1-2004 *Offstreet Parking* and Council's specifications. The new crossing shall be 3.0m wide, without the splays, and shall be constructed at right angle to the alignment of the kerb and gutter, and located no closer than 1m from any power pole and 3m from any street tree unless otherwise approved by Council.

Fees are payable at the time of the application, in accordance with Council's Schedule of Fees and Charges.

The Council approved design details shall be incorporated into the plans submitted for the application of the Construction Certificate.

**ITEM 1 (continued)**

**ATTACHMENT 2**

34. **Stormwater Management.** Stormwater runoff from the development shall be collected and piped by gravity flow to Clanwilliam Street, generally in accordance with the plans by TAA Consulting Engineers Pty Ltd, drawing number H688 – S1/3 to S3/3, revision B, dated 12<sup>th</sup> August 2020, subject to any variations marked in red on the approved plans and amended as follows;
- The garage levels must be reduced to be consistent with the approved Architectural plans. This will require the stormwater from trench grates spanning both driveways to be redirected to the respective absorption trench system at the rear of the site. The size (volume) of the trench system must be adjusted accordingly to account for the additional area.
  - The absorption system must be relocated to comply with Council's DCP requirements.
  - The discharge to the kerb along Clanwilliam Street extends beyond the boundary. This shall not extend more than 20m beyond the boundary line.
  - The pipe must cross the footway perpendicular to the street with two 45° bends used to turn the pipe parallel to the kerb line. An inspection eye should be installed on one of the bends.
  - The discharge pipe crosses two vehicular crossings. The applicant must fully reconstruct all neighbouring driveways and alteration of public services effected by the works. All costs related to these works must be borne by the applicant. A note to be provided on drainage plans depicting this.

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

- The certification must state that the submitted design (including any associated components such as pump/ sump, absorption, onsite dispersal, charged system) are in accordance with the requirements of AS 3500.3 (2003) and any further detail or variations to the design are in accordance with the requirements of City of Ryde DCP 2014 Part 8.2 (Stormwater and Floodplain Management) and associated annexures.
- The submitted design is consistent with the approved architectural and landscape plan and any revisions to these plans required by conditions of this consent.
- Onsite detention must be incorporated in the stormwater management system having a minimum SSR of 4.85m<sup>3</sup> per dwelling and a maximum PSD of 4.2L/s per dwelling. Any variations to these values attributed to changes required by conditions of this consent, must be in accordance with Council's DCP requirements for onsite detention and must be validated in the certification of the design required by this condition. Note – a 2.5 m<sup>3</sup> offset to the RWT has been included in the calculation for each dwelling.
- Where the point of connection is in front of neighbouring property, the applicant must provide written notification to the affected property owner/s no less than a week prior to the works and all structures/ surface areas affected by the drainage connection works must be reinstated at the completion of this activity, at no cost to the affected property owner.

**ITEM 1 (continued)**  
**PRIOR TO COMMENCEMENT OF CONSTRUCTION**

**ATTACHMENT 2**

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

**35. Site Sign**

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

**36. Residential building work – insurance.** In the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.

**37. Residential building work – provision of information.** Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the PCA has given the Council written notice of the following information:

- (a) in the case of work for which a principal contractor is required to be appointed:
  - (i) the name and licence number of the principal contractor; and
  - (ii) the name of the insurer by which the work is insured under Part 6 of that Act.
- (b) in the case of work to be done by an owner-builder:
  - (i) the name of the owner-builder; and
  - (ii) if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

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

**38. Excavation adjacent to adjoining land**

**ITEM 1 (continued)**

**ATTACHMENT 2**

- (a) If an excavation extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation must, at their own expense, protect and support the adjoining premises from possible damage from the excavation, and where necessary, underpin the adjoining premises to prevent any such damage.
- (b) The applicant must give at least seven (7) days notice to the adjoining owner(s) prior to excavating.
- (c) An owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this condition, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.
39. **Safety fencing.** The site must be fenced prior to the commencement of construction, and throughout demolition and/or excavation and must comply with WorkCover New South Wales requirements and be a minimum of 1.8m in height.
40. **Development to be within site boundaries.** The development must be constructed wholly within the boundaries of the premises. No portion of the proposed structure shall encroach onto the adjoining properties. Any doors/gates on the boundary must be installed so they do not open onto any footpath.
41. **Footpath Works.** The applicant shall, at no cost to Council, excavate and/or fill the footpath adjacent to the subject property so the levels of the footpath comply with the levels specified by Council's Engineering Public Works. All work which is necessary to join the new footpath levels with the levels in front of the adjoining properties in a satisfactory manner shall be carried out by the applicant. The cost of reconstructing footpath paving or adjusting any services that may be affected shall be borne by the applicant.
42. **Tree Retention.** As identified in the Arborist Assessment prepared by Mark Bury Consulting dated 4/08/2020. The following trees on site or adjoining the site are to be retained and protected

Tree No.	Species "Common name"	Notes
2	<b>Jacaranda mimosifolia</b> (Jacaranda)	
3	<b>Jacaranda mimosifolia</b> (Jacaranda)	
4	<b>Jacaranda mimosifolia</b> (Jacaranda)	On adjoining property

43. **Tree Protection** Fence is to be installed before demolition and construction commences as indicated in the Arborist Report "Appendix 7 Tree Management Plan for Site" prepared by Mark Bury Consulting dated 4/08/2020.
44. **Tree Protection Fencing.** All trees to be retained on site and on adjoining site are to have protective fencing and signage around TPZs and must be located in accordance with AS4970-2009: Protection of trees on development sites. In this

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**ATTACHMENT 2**

regard, any fencing required to be constructed around the TPZ is to be in accordance with AS4687 Temporary fencing and hoardings.

45. **Project Arborist.** A Project Arborist with minimum AQF level 5 qualifications is to be engaged to ensure adequate tree protection measures are put in place for all trees to be retained on adjoining allotments in accordance with AS4970-2009 Protection of trees on development sites. All trees are to be monitored to ensure adequate health throughout the construction period. Additionally, all work within the Tree Protection Zones is to be supervised by the Project Arborist throughout construction.
46. **Provision of Arborist details.** Council is to be notified, in writing, of the name, contact details and qualifications of the Project Arborist appointed to the site. Should these details change during the course of works, or the appointed Consultant Arborist alter, Council is to be notified, in writing, within seven working days.
47. **Arborist Report.** All items in the Arborist Report outlined in :” Appendix 7 Tree Management Plan” prepared by Mark Bury Consulting dated 4/08/2020, are to be implemented.

**DURING CONSTRUCTION**

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

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

**ITEM 1 (continued)**

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- (c) the material is reused only to the extent that fill is allowed by the consent.
53. **Construction materials.** All materials associated with construction must be retained within the site.
54. **Site Facilities**  
The following facilities must be provided on the site:
- (a) toilet facilities in accordance with WorkCover NSW requirements, at a ratio of one toilet per every 20 employees, and
  - (b) a garbage receptacle for food scraps and papers, with a tight fitting lid.
55. **Site maintenance**  
The applicant must ensure that:
- (a) approved sediment and erosion control measures are installed and maintained during the construction period;
  - (b) building materials and equipment are stored wholly within the work site unless an approval to store them elsewhere is held;
  - (c) the site is clear of waste and debris at the completion of the works.
56. **Work within public road.** At all times work is being undertaken within a public road, adequate precautions shall be taken to warn, instruct and guide road users safely around the work site. Traffic control devices shall satisfy the minimum standards outlined in Australian Standard No. AS1742.3-1996 "Traffic Control Devices for Work on Roads".
57. **Tree protection – no unauthorised removal.** This consent does not authorise the removal of trees unless specifically permitted by a condition of this consent or identified as approved for removal on the stamped plans.
58. **Erosion and Sediment Control.** The applicant shall install erosion and sediment control measures in accordance with the approved plan at the commencement of works on the site. Suitable erosion control management procedures in accordance with the manual "Managing Urban Stormwater: Soils and Construction" by the NSW Department – Office of Environment and Heritage, must be practiced at all times throughout the construction. Where construction works deviate from the plan, soil erosion and sediment control measures are to be implemented in accordance with the above referenced document.
59. **Stormwater Management - Construction.** The stormwater drainage system on the site must be constructed in accordance with the Construction Certificate version of the Stormwater Management Plan by TAA Consulting Engineers Pty Ltd, drawing number H688 – S1/3 to S3/3, submitted in compliance to the condition labelled "Stormwater Management."
60. **Excavation for services within Tree Protection Zone (TPZ).** Any excavation for services or grading/re-grading within the identified TPZs of trees to be retained shall be carried out by hand using manual hand tools. Roots greater

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than 25mm are not to be damaged or severed without the prior written approval of the Project Arborist.

61. **Tree Removal.** As identified in the Arborist Assessment prepared by Mark Bury Consulting dated 4/08/2020. The following trees on site are to be removed:

Tree No.	Species "Common name"
1	<b>Cupressus x leylandii</b> (Leyland Cypress)

62. **Project Arborist Inspections.** The Project Arborist is to inspect and document with Certificates of Compliance to the certifying authority as stipulated in SECTION 5 MONITORING AND CERTIFICATION of AS4970-2009.

PROJECT PHASE	ACTIVITIES	PROJECT ARBORIST to
Initial Site Preparation	Establish/delineate TPZ Install protective measures and undertake soil rehabilitation for all trees to be retained.	Project Arborist to mark Tree Protection Zones and install fences, mulch, irrigation and signage <b>Issue a Certification of Compliance</b> of tree protection measures being in place and soil rehabilitation undertaken
Construction work	Liaison with site manager, compliance and any deviation from approved plan	Maintain or amend protective measures Supervision and monitoring formal notification of any deviation from approved tree protection plan
Stormwater connection installation through TPZ, Implement hard and soft landscape works	<b>Supervise</b> Installation of pipes within tree TPZ	Excavate trench through TPZ under Arborist supervision, install pipework, remove selected protective measures as necessary and perform remedial tree works <b>Issue a Certificate of Compliance</b>
Practical Completion	Tree vigour and structure Assessment and undertake soil rehabilitation for all retained trees	Remove all remaining tree Protection measures <b>Certification of tree protection and soil rehabilitation for Protected Trees</b>
Defects liability / maintenance	Tree vigour and structure	Undertake any required remedial tree works



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period		<b>Certification of tree protection if necessary</b>
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63. **Tree works – Australian Standards.** All tree work must be carried out by a qualified and experienced Arborist with a minimum of AQF level 3 in Arboriculture with NSW Work Cover Code of Practice for Amenity Tree Industry (1998) and AS4373 Pruning of amenity trees (2007).

**PRIOR TO OCCUPATION CERTIFICATE**

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

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

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

64. **BASIX.** The submission of documentary evidence of compliance with all commitments listed in BASIX Certificate numbered 980960M\_03 dated 15 October 2020.
65. **Letterboxes and street/house numbering.** All letterboxes and house numbering are to be designed and constructed to be accessible from the public way. Council must be contacted in relation to any specific requirements for street numbering.
66. **Sydney Water – Section 73 Compliance Certificate.** A compliance certificate must be obtained from Sydney Water, under Section 73 of the Sydney Water Act 1994. Sydney Water will determine the availability of water and sewer services, which may require extension, adjustment or connection to Sydney Water mains. A Section 73 Compliance Certificate must be completed before the issue of any Occupation Certificate. Sydney Water will assess the development and if required will issue a Notice of Requirements letter detailing all requirements that must be met. Applications can be made either directly to Sydney Water or through a Sydney Water accredited Water Servicing Coordinator.

Go to [www.sydneywater.com.au/section73](http://www.sydneywater.com.au/section73) or call 1300 082 746 to learn more about applying through an authorised WSC or Sydney Water.

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67. **Redundant Footpath Crossing.** The existing footpath crossing(s) and associated gutter crossover(s) which are not accessing approved vehicle access points must be removed and restore kerb and gutter, verge and footway to match existing adjoining sections. All new levels and materials must be flush and consistent with adjoining sections and all costs are to be borne by the applicant. The works must be completed to Councils satisfaction, prior to the issue of any Occupation Certificate.
68. **Stormwater Management - Work-as-Executed Plan.** A Work-as-Executed plan (WAE) of the as constructed Stormwater Management System must be submitted with the application for an Occupation Certificate. The WAE must be prepared and certified (signed and dated) by a Registered Surveyor and is to clearly show the constructed stormwater drainage system (including any onsite detention, pump/ sump, charged/ siphonic and onsite disposal/ absorption system) and finished surface levels which convey stormwater runoff.
69. **Stormwater Management – Positive Covenant(s).** A Positive Covenant must be created on the property title(s) pursuant to the relevant section of the Conveyancing Act (1919), providing for the ongoing maintenance of the onsite detention, charged/ siphonic and onsite disposal/ absorption components incorporated in the approved Stormwater Management system. This is to ensure that the drainage system will be maintained and operate as approved throughout the life of the development, by the owner of the site(s). The terms of the instrument are to be in accordance with the Council's terms for these systems as specified in City of Ryde DCP 2014 - Part 8.4 (Title Encumbrances) - Section 7, and to the satisfaction of Council, and are to be registered on the title prior to the release of the Occupation Certificate for that title.
70. **Restriction as to User - Site cover.** A restriction as to user registered in accordance with the Conveyancing Act 1919 shall be placed on the property title, to limit the extent of impervious paving and or roof areas on the site. The terms of the restriction shall be generally in accordance with Council's DCP Part 8.4 (Title Encumbrances) for restricting site cover and to the satisfaction of Council
71. **Compliance Certificates – Engineering.** To ensure that all engineering facets of the development have been designed and constructed to the appropriate standards, Compliance Certificates must be obtained for the following items and are to be submitted to the Accredited Certifier prior to the release of any Occupation Certificate. All certification must be issued by a qualified and practising civil engineer having experience in the area respective of the certification unless stated otherwise.
- a) Confirming that all components of the parking areas contained inside the site comply with the relevant components of AS 2890 and the City of Ryde DCP 2014, Part 9.3 "Car Parking".
  - b) Confirming that the Stormwater Management system (including any constructed ancillary components such as onsite detention) servicing the development complies with the City of Ryde DCP 2014 Part 8.2 (Stormwater and Floodplain Management) and associated annexures, and

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- has been constructed to function in accordance with all conditions of this consent relating to the discharge of stormwater from the site.
- c) Confirming that after completion of all construction work and landscaping, all areas adjacent the site, the site drainage system (including any on-site detention system), and the trunk drainage system immediately downstream of the subject site (next pit), have been cleaned of all sand, silt, old formwork, and other debris.
  - d) Confirming that erosion and sediment control measures were implemented during the course of construction and were in accordance with the manual *"Managing Urban Stormwater: Soils and Construction"* by the NSW Department – Office of Environment and Heritage and the City of Ryde DCP 2014, Part 8.1 "Construction Activities".
  - e) Compliance certificate from Council confirming that all external works in the public road reserve have been completed to Council's satisfaction.
72. **On-Site Stormwater Detention System - Marker Plate.** To ensure the constructed On-site detention will not be modified, a marker plate is to be fixed to each on-site detention system constructed on the site. The plate construction, wordings and installation shall be in accordance with City of Ryde DCP 2014 Part 8.2 (Stormwater and Floodplain Management) and associated annexures. The plate may be purchased from Council's Customer Service Centre at Ryde Civic Centre (Devlin Street, Ryde).

**PRIOR TO SUBDIVISION CERTIFICATE**

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

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

- 73. **Landscaping.** All landscaping works approved by condition 1 are to be completed prior to the issue of any **Occupation Certificate**.
- 74. **Final Occupation Certificate.** The final occupation certificate associated with Development Consent DA2020/135 and any related S4.55 applications, must be issued for the entire development prior to the release of the Subdivision Certificate.
- 75. **Final Plan of Subdivision.** The submission of a final plan of subdivision plus three copies suitable for endorsement by the Authorised Officer.
- 76. **Final plan of subdivision - title details.** The final plan of subdivision shall contain detail all existing and/or proposed easements, positive covenants and restrictions of the use of land
- 77. **Certification of Building Works.** If Council is not the PCA then certification that all building and drainage works **as detailed** in Local Development Consent No

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2020/135 and all related S4.55 applications if any, have been completed in accordance with that consent and final Occupation Certificate is ready to be issued.

78. **Existing Easements and Restrictions.** The applicant must acknowledge all existing easements and restrictions of the use of land on the final plan of subdivision.
79. **On-site Stormwater Detention Certification.** The submission of certification by a suitably qualified Civil Engineer for the on-site stormwater detention system, attesting the storage volume, discharge rate and satisfactory operation of the system prior to the release of the Subdivision Certificate.
80. **Sydney Water – Section 73 Compliance Certificate.** A compliance certificate must be obtained from Sydney Water, under Section 73 of the Sydney Water Act 1994. Sydney Water will determine the availability of water and sewer services, which may require extension, adjustment or connection to Sydney Water mains. A Section 73 Compliance Certificate must be completed before the issue of any Occupation Certificate. Sydney Water will assess the development and if required will issue a Notice of Requirements letter detailing all requirements that must be met. Applications can be made either directly to Sydney Water or through a Sydney Water accredited Water Servicing Coordinator.

Go to [www.sydneywater.com.au/section73](http://www.sydneywater.com.au/section73) or call 1300 082 746 to learn more about applying through an authorised WSC or Sydney Water.

81. **Utility provider** - compliance with the requirements (including financial costs) of any relevant utility provider (e.g. Energy Australia, Sydney Water, Telstra, Council etc).
82. **88B Instrument.** If required, the submission of an instrument under Section 88B of the Conveyancing Act 1919 with 2 copies, creating any Easements, Positive Covenants and Restrictions on use, the City of Ryde being the authority empowered to release vary or modify the same.
83. **Fibre-ready facilities and telecommunications infrastructure.** Prior to the issue of any Subdivision Certificate satisfactory evidence is to be provided to the Principal Certifier that arrangements have been made for:
- (i) The installation of fibre-ready facilities to all individual lots and/or premises in a real estate development project so as to enable fibre to be readily connected to any premises that is being or may be constructed on those lots. Alternatively, demonstrate that the carrier has confirmed in writing that they are satisfied that the fibre ready facilities are fit for purpose.  
And
  - (ii) The provision of fixed-line telecommunications infrastructure in the fibre-ready facilities to all individual lots and/or premises in a real estate development project demonstrated through an agreement with a carrier.

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(Note real estate development project has the meanings given in Section 372Q of the Telecommunications Act).

**OPERATIONAL CONDITIONS**

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

84. **Dual Occupancy development only.** The dwelling is not to be used or adapted for use as a boarding house.

There are no LPP Planning Proposals