

Meeting Date: Thursday 15 October 2020
Location: Council Chambers, Level 1A, 1 Pope Street, Ryde
Time: 5.00pm

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

NOTICE OF BUSINESS

| Item | Page |
|--|------|
| DECLARATIONS OF INTEREST | |
| DEVELOPMENT APPLICATION | |
| 1 31 Campbell Street, Eastwood - Demolition, new dual occupancy (attached) and strata subdivision - LDA2020/0139 | 3 |

DEVELOPMENT APPLICATIONS

- 1 31 Campbell Street, Eastwood - Demolition, new dual occupancy (attached) and strata subdivision - LDA2020/0139**

Report prepared by: Assessment officer – Town Planner

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

Report dated: 07 October 2020

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

BP20/1013

City of Ryde Local Planning Panel Report

| | |
|--------------------------------|--|
| DA Number | LDA2020/0139 |
| Site Address & Ward | 31 Campbell Street, Eastwood West Ward |
| Zoning | R2 Low Density Residential |
| Proposal | Demolition, new dual occupancy (attached) and strata subdivision |
| Property Owner | Shaohui Zhao |
| Applicant | Shaohui Zhao |
| Report Author | Deren Pearson – Assessment Officer |
| Lodgement Date | 30 April 2020 |
| No. of Submissions | No submissions received |
| Cost of Works | \$950,000.00 |
| Reason for Referral to | Sensitive Development – Demolition of a Draft |

ITEM 1 (continued)

| | |
|-----------------------|--|
| LPP | Heritage Item |
| Recommendation | Refusal |
| Attachments | Attachment 1: Compliance Table Attachment 2: Plans submitted with LDA |

1. Executive Summary

The following report is an assessment of Local Development Application LDA2020/0139 for demolition of the existing dwelling and construction of a new dual occupancy (attached) and strata subdivision.

This application is reported to the Ryde Local Planning Panel for determination as the proposal is sensitive development in that it includes the demolition of the existing dwelling which is a draft heritage item.

The proposal complies with the principal development standards within Ryde Local Environmental Plan 2014 and generally complies with the built form controls within Ryde Development Control Plan 2014. The proposal exceeds the maximum extent of excavation and is located within the minimum rear boundary setback, however the non-compliances are considered to be justified given the topography of the land and the merits of the side and rear boundary setbacks with respect to the amenity of the streetscape and neighbouring properties.

The proposed dual occupancy development responds well to the built form and amenity controls within Ryde Development Control Plan 2014, however the development relies upon the demolition of the existing dwelling which is not supported as it would have an adverse heritage impact through the loss of an item that has been identified as having heritage significance. This results in the development not being suitable for the site or in the public interest.

During the public notification period, no submissions were received.

The development application is recommended for refusal for the reasons detailed in the recommendation of this report.

2. The Site and Locality

The site is legally described as Lot 8 within DP 4789 and is known as 31 Campbell Street, Eastwood. The site is a corner allotment that is located on the northern side of Campbell Street at the intersection of Wentworth Road and Campbell Street (**Figure 1**). The site is rectangular in shape with a 20.115m

ITEM 1 (continued)

primary frontage to Campbell Street and 44.55m secondary frontage to Wentworth Road. The submitted survey plan identifies the total area of the allotment as 891.60m² by DP and 896.10m² by calculation.



Figure 1 - Aerial photograph of site

The site currently contains a single storey residential dwelling with a detached garage accessed from Wentworth Road. The dwelling is a brick Federation cottage known as 'Devonlea', identified in the *Ryde Heritage Review 2019*. Several mature trees occupy the site including pines and jacarandas.



Figure 2 - The site as viewed from Wentworth Road

ITEM 1 (continued)

The existing development in the vicinity of the site includes single residential dwellings, dual occupancies and multi dwelling housing developments. The neighbouring property to the north at 56 Rutledge Street contains an existing original single storey weatherboard dwelling with a detached garage accessed via Wentworth Road (**Figure 3**).



Figure 3 - Neighbouring property at 56 Rutledge Street (Source: Google Maps)

The neighbouring property to the east at 29 Campbell Street contains an existing single dwelling with an attached garage and a swimming pool (**Figure 4**).



Figure 4 - Neighbouring Property at 29 Campbell Street

ITEM 1 (continued)

The site is located on the low side of Campbell Street and the land has a moderate slope of 9.7% from the Campbell Street frontage to RL85.57 at the south eastern corner of the site to RL81.29 at the northern rear boundary.

3. The Proposal

The proposal seeks consent for demolition of the existing dwelling, construction of a dual occupancy (attached) and strata subdivision. The proposed works include:

- Demolition of the existing dwelling and detached garage;
- Removal of 11 trees from the subject site and the road reserve on both street frontages;
- Construction of a new two storey dual occupancy (attached) development, with each dwelling comprising the following:
 - Ground Floor: Single garage, entry foyer, kitchen, dining, living room, powder room, laundry, bedroom with ensuite and front and rear covered paved areas; and
 - First Floor: Three bedrooms, bathroom, ensuite, family room and balcony.
- Stormwater management discharging to the kerb in Wentworth Road and incorporating a combined on site detention and rainwater tank system;
- Central concrete driveway on the Wentworth Road frontage providing access to the two single garages; and
- Landscaping including *Pyrus ussuriensis*, *Tristaniopsis laurina* 'Lucious' and Magnolia 'Teddy Bear'.

The proposal is shown in **Figures 5 – 11** below.

ITEM 1 (continued)

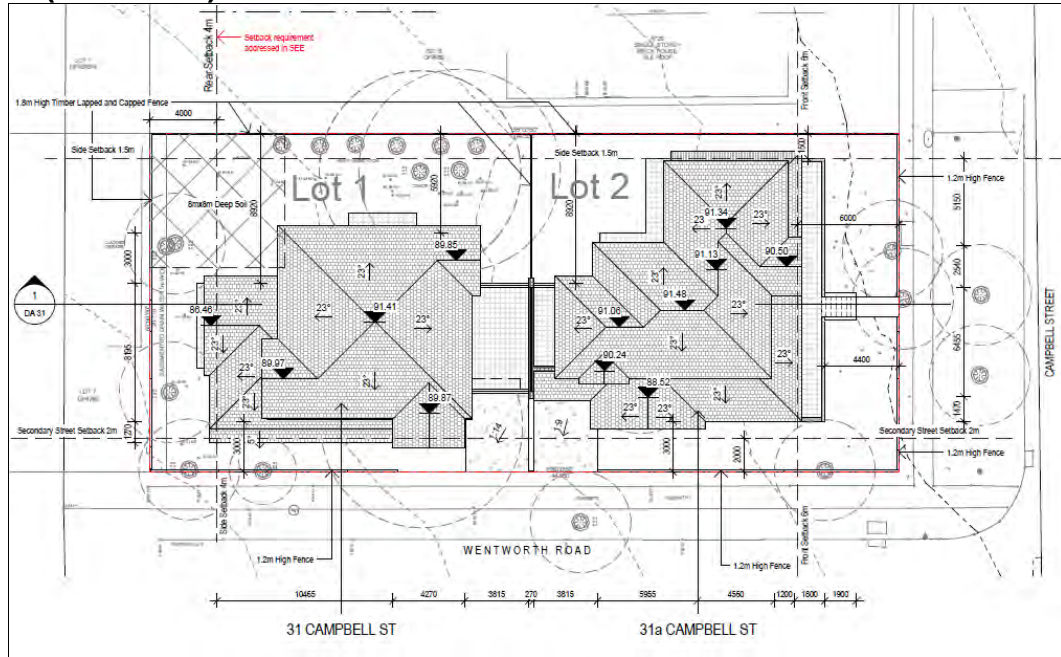


Figure 5 - Proposed Site Plan

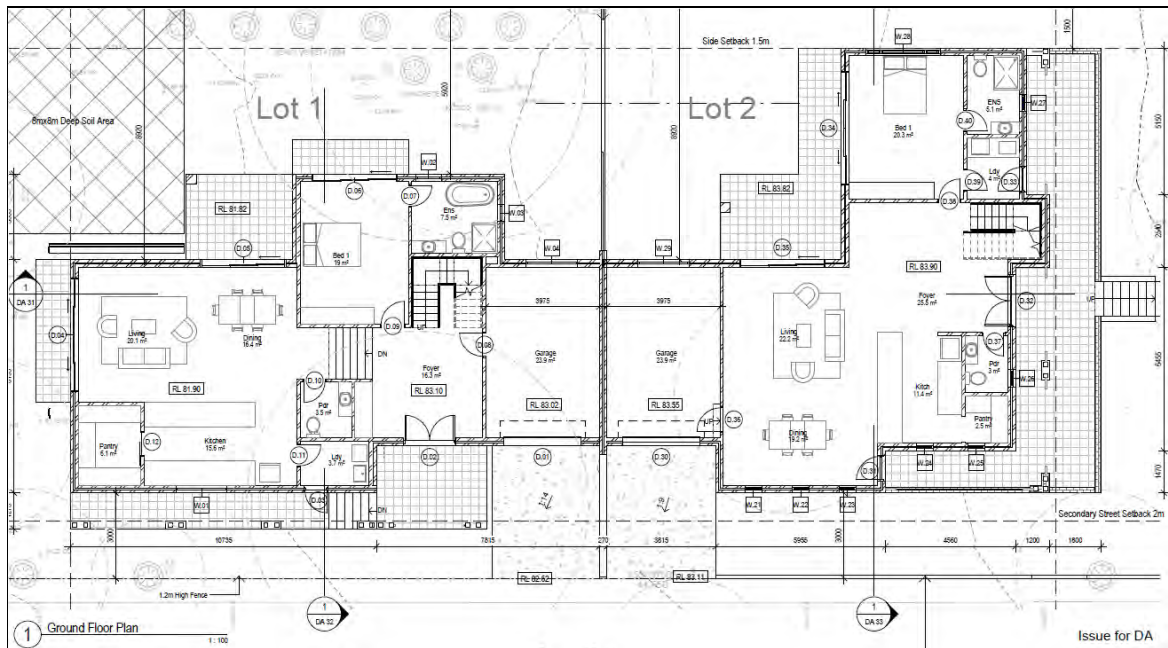


Figure 6 - Proposed Ground Floor Plan

ITEM 1 (continued)

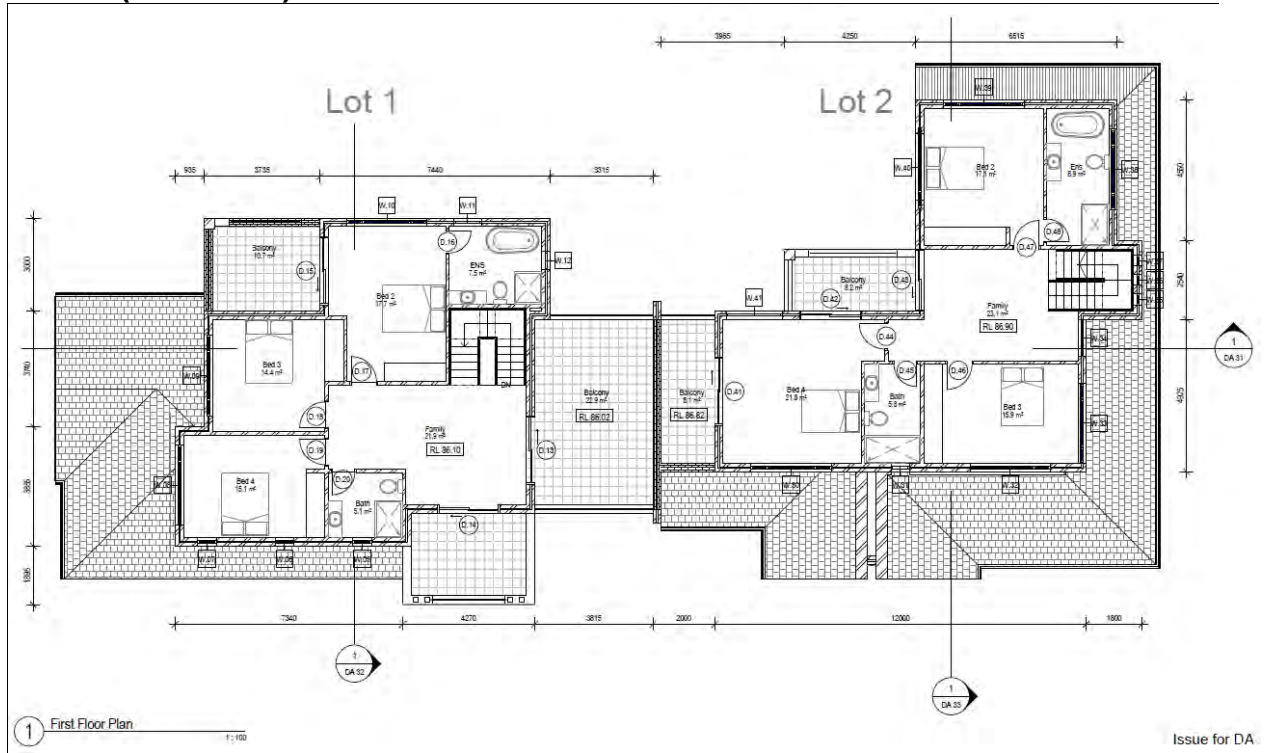


Figure 7 - Proposed First Floor Plan



Figure 8 - Proposed West Elevation

ITEM 1 (continued)



Figure 9 - Proposed South Elevation



Figure 10 - Proposed East Elevation



Figure 11 - Proposed North Elevation

ITEM 1 (continued)

Amended Plans Submitted on 31 August 2020

Amended architectural plans and stormwater plans were lodged with Council on 31 August 2020 detailing the following amendments:

- Relocation of on-site detention system under the proposed driveway;
- Increased secondary front setback to 2 metres from Wentworth Road;
- Fencing set back from the driveway to provide for vehicle sight lines.

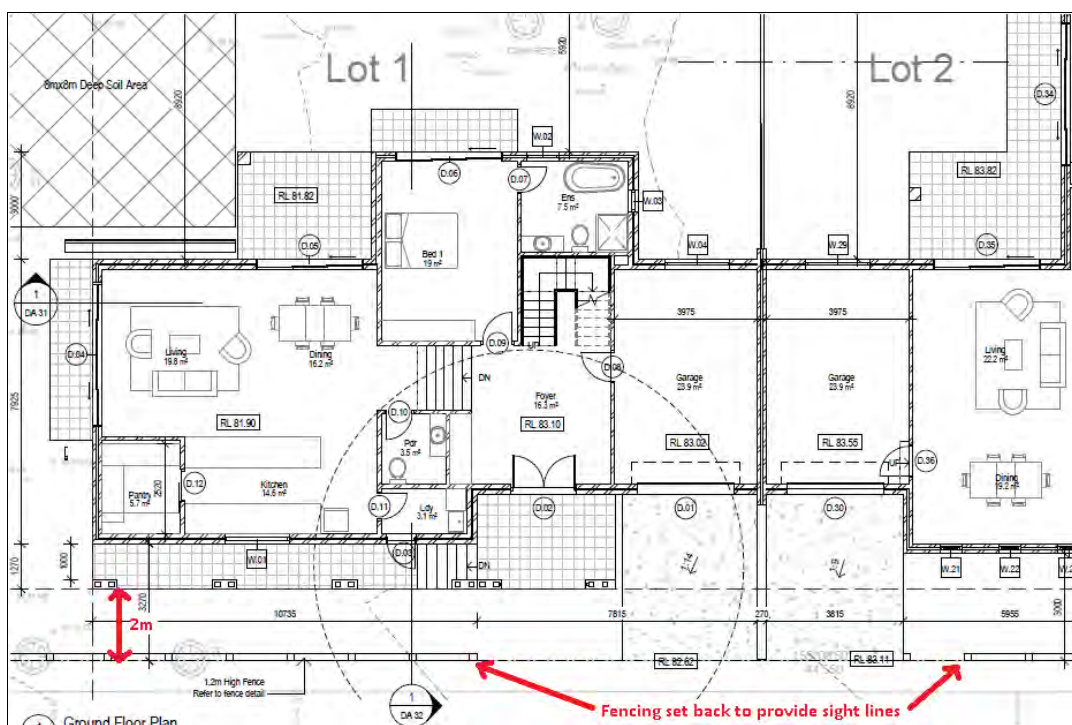


Figure 12 - Proposed amended Ground Floor Plan

The full set of amended plans are included at **Attachment 2**.

Arborist Report submitted on 4 September 2020

The arborist report submitted on 4 September 2020 assessed the trees within the site and on the road reserve. The arborist report recommends the removal of 11 trees and provides recommended measures for the protection and retention of all remaining trees.

4. Background

City of Ryde Council at its meeting on 12 December 2019 considered a report on the outcomes of community consultation regarding the 2019 Heritage Review Planning Proposal which sought to heritage list a number of Items and Heritage Conservation Areas. Council resolved to proceed with an amended Planning Proposal. As Council

ITEM 1 (continued)

did not have delegations to finalise the Planning Proposal, it was forwarded to the Department of Planning, Industry and Environment on 13 December 2019, together with a request to make the plan.

The existing dwelling at 31 Campbell Street is identified in the Amended Planning Proposal as an item of heritage significance.

Application History

| | |
|----------------------|---|
| 30 April 2020 | Local Development Application LDA2020/0139 was lodged with Council. |
| 4 May to 29 May 2020 | The Application was notified to adjoining property owners. No submissions were received. |
| 23 July 2020 | <p>A request for further information was forwarded to the applicant and their architect requiring submission of the following information:</p> <ul style="list-style-type: none"> - Amended stormwater management plan - Arborist report - Amended architectural plans demonstrating compliance with the minimum 2m front setback to the secondary street, Wentworth Road. - Amended plans demonstrating that the proposed fencing would not block sight lines for vehicle egress. <p>The letter emphasised that there is no guarantee that the submission of further information would result in a favourable determination of the development application as Council is still required to consider the draft local environmental plan in respect to heritage. The additional information and plans would however allow for a comprehensive assessment of the application.</p> |
| 31 August 2020 | Amended architectural and stormwater management plans were submitted. |
| 4 September 2020 | Arborist report submitted. |

ITEM 1 (continued)
5. Planning Assessment
5.1 State Environmental Planning Instruments
State Environmental Planning Policy No 55 – Remediation of Land (SEPP 55)

The provisions of SEPP 55 require Council to consider the potential for a site to be contaminated. The subject site has historically been used for residential purposes. As such, it is unlikely to contain any contamination and further investigation is not warranted in this case.

State Environmental Planning Policy (Building Sustainability Index BASIX) 2004

The proposal is BASIX affected development and BASIX Certificate 1086073M, dated 10 March 2020, was submitted with the application.

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

| Commitment | Target | Proposed |
|-----------------|--------|----------|
| Water | 40 | 40 |
| Thermal Comfort | Pass | Pass |
| Energy | 50 | 55 |

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

The 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 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 proposal has been supported by an arborist report recommending the removal of 11 trees from the subject site and the road reserve, including (3) Chinese Juniper, Jacaranda, Brush Cherry, Alstonville Tibouchina, Cripps' Golden Hinoki Cypress, Sweet Gum, Western Juniper and two (2) Cocos Palms. The arborist also provides recommended measures for the protection and retention of all remaining trees.

Council's Landscape Architect and Tree Management Officer has reviewed the proposal and advised that the removal of the identified trees would be justifiable and capable of support. For this reason, it is considered that the proposal would not unduly impact upon any existing biodiversity or trees or vegetation on the site.

ITEM 1 (continued)**Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005**

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

Given the nature of the project and the location of the site, there are no specific controls that directly apply to this proposal.

5.2 Ryde LEP 2014

The subject site is identified as being within the R2 Low Density Residential zone under the provisions of RLEP 2014. The proposed dual occupancy (attached) is permissible with development consent.

Aims and objectives for the low density residential zones:

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

The proposed use of the land being a dual occupancy (attached) is consistent with the objectives in that it would provide for a variety of housing types to meet the housing needs of the community within a low density residential environment. The proposal satisfies the relevant objectives for residential developments.

The following is a summary of the clauses under Ryde LEP 2014 applicable to the development:

Clause 4.3 Height of buildings

The proposal is subject to a maximum height of 9.5 metres. The maximum height of the building is 9.21m at the highest point above the existing ground level. The ridge level of the Lot 1 dwelling is at RL91.41 above an existing ground level of RL82.20. The proposed maximum height of 9.21m complies with the development standard.

Clause 4.4 Floor space ratio

The proposal is subject to a maximum FSR of 0.5:1 (448.05m²). The proposal results in an FSR of 0.47:1 (424.10m²) and complies with the development standard.

ITEM 1 (continued)**Clause 6.4 Stormwater Management**

The objective of this clause is to minimise the impacts of urban stormwater on land to which this clause applies and on adjoining properties, native bushland and receiving waters. The proposal was referred to Council's Senior Development Engineer who advised that the proposal is not satisfactory in its current form. The detailed referral response is provided in section 10 of this report. The following comments were provided with regard to the submitted stormwater plan:

A review of the plan, completed by StormCivil Pty Ltd, drawing number 304133 D1 and D2, issue B, dated 29th January 2020, has noted the following matters which need to be addressed;

- *The combined belowground RWT and OSD tanks are to be located below the hardstand area,*
- *For maintenance purposes, the tanks must include an access panel of at least 600x600,*
- *The discharge pipe belonging to Dwelling 1 must not cross the vehicular crossing. It must traverse within the site boundary beyond the vehicular crossing before discharging to the kerb. Alternatively Pit P2 can discharge directly to Pit P1.*

Amended stormwater management plans were submitted to Council on 4 September 2020, detailing relocation of the tanks to the area under the driveway, 600mm x600mm grates and Pit P2 discharging into Pit P1. The amended plans were referred to Council's Senior Development Engineer who has raised no objection to the updated plans.

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

The Draft SEPP is a relevant matter for consideration as it is an Environmental Planning Instrument that has been placed on exhibition. The explanation of Intended Effects accompanying the draft SEPP advises:

As part of the review of SEPP 55, preliminary stakeholder consultation was undertaken with Councils and industry. A key finding of this preliminary consultation was that although the provisions of SEPP 55 are generally effective, greater clarity is 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. The subject site has been historically used for residential purposes. As such, it is unlikely to contain any contamination and further investigation is not warranted in this case.

ITEM 1 (continued)
Draft Environment SEPP

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

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

As discussed above, the submitted landscape plan details that 11 trees are proposed to be removed from the subject site and the road reserve, however Council's Landscape Architect and Tree Management Officer has reviewed the proposal and advised that the removal of the identified trees would be justifiable and capable of support. Therefore, the proposal is not considered to be inconsistent with the provisions of the draft SEPP.

Draft 2019 Heritage Review Planning Proposal

The dwelling house on the subject site is identified as a draft item of local heritage significance in the 2019 Ryde Heritage Review Planning Proposal. The proposal includes demolition of the existing dwelling, therefore the application was referred to Council's Heritage Advisor for comment. The detailed referral response is provided in section 10 of this report.

By including 31 Campbell Street as a draft heritage item, consideration also needs to be given to Clause 5.10 of RLEP 2014. Clause 5.10 of RLEP 2014 has the following objectives:

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

- (a) to conserve the environmental heritage of Ryde,*
- (b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,*
- (c) to conserve archaeological sites,*
- (d) to conserve Aboriginal objects and Aboriginal places of heritage significance.*

Council's Heritage Advisor has provided the following comment in respect of the application:

As the Planning Proposal Heritage Review 2019 is now with the Department of Planning for finalisation, the inclusion of 31 Campbell Street, Eastwood, on Schedule 5 of the Ryde LEP 2014 as an item of heritage significance, is considered imminent.

ITEM 1 (continued)

31 Campbell Street, Eastwood, is identified as having cultural heritage significance at the local level as it demonstrates the early residential development in the Eastwood area. Although the dwelling has been previously modified, the form and key features of the dwelling are retained, with a sufficient degree of integrity to make it identifiable as a good example of an early 20th century Federation period cottage. The rear additions are of a scale that do not visually dominate or distort the silhouette or form of the dwelling and cosmetic changes are considered reversible. Situated on a street corner, the dwelling also has visual prominence in the streetscape, enhanced by the landscaped garden setting.

Demolition of the existing dwelling would have an adverse heritage impact as it would result in the wholesale loss of an item which has been identified as having heritage significance.

Consequently, demolition of the draft heritage item is not supported.

The proposed development seeks approval for the construction of an attached dual occupancy dwelling house. Since the construction of the replacement built form is predicated on the demolition of the existing dwelling and that demolition of the existing dwelling is not supported, the proposed development cannot be supported.

As the proposal involves the demolition of a draft item of local heritage significance, the application is recommended for refusal.

5.4 Ryde Development Control Plan 2014 (RDCP 2014)

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

- Part 3.3 Dwelling Houses and Dual Occupancy (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 - Compliance Table**. A discussion of the non-compliance's with the provisions of the DCP is discussed below:

ITEM 1 (continued)**Part 3.3: Dwelling Houses and Dual Occupancy (Attached)****2.6.2 Topography and Excavation**

Control 2.6.2(c) states that areas outside of the building footprint may be excavated and filled so long as the maximum height of retaining walls is no greater than 900mm, the depth of excavation is not more than 900mm and the height of fill is not more than 500mm. Excavation up to 1.05 metres in depth is required for the retaining wall with a finished height of up to 950mm that provides for the entry and front porch of the Lot 2 dwelling. The control aims to retain the natural topography of the existing landform and the proposal generally achieves this objective. The numerical non-compliance is considered to be minor and acceptable given the moderate slope of the land. The setback area along Campbell Street provides extensive landscaping with the retention of existing vegetation and the addition of new plantings. This will assist in reducing the impacts of the excavation.

2.9.1 Front Setbacks

The subject site has a primary frontage to Campbell Street and a secondary frontage to Wentworth Avenue. Control 2.9.1(a) requires a front setback of 6 metres from the street front boundary to the outside wall of a dwelling or to the outside face of a deck, balcony or the like, including supporting posts. The façade of the Lot 2 dwelling is set back a minimum of 6.2 metres, however the open front terrace is located within the front setback area and is 4.4 metres from the front boundary to the retaining wall where the terrace is cut into the land slope.

ITEM 1 (continued)

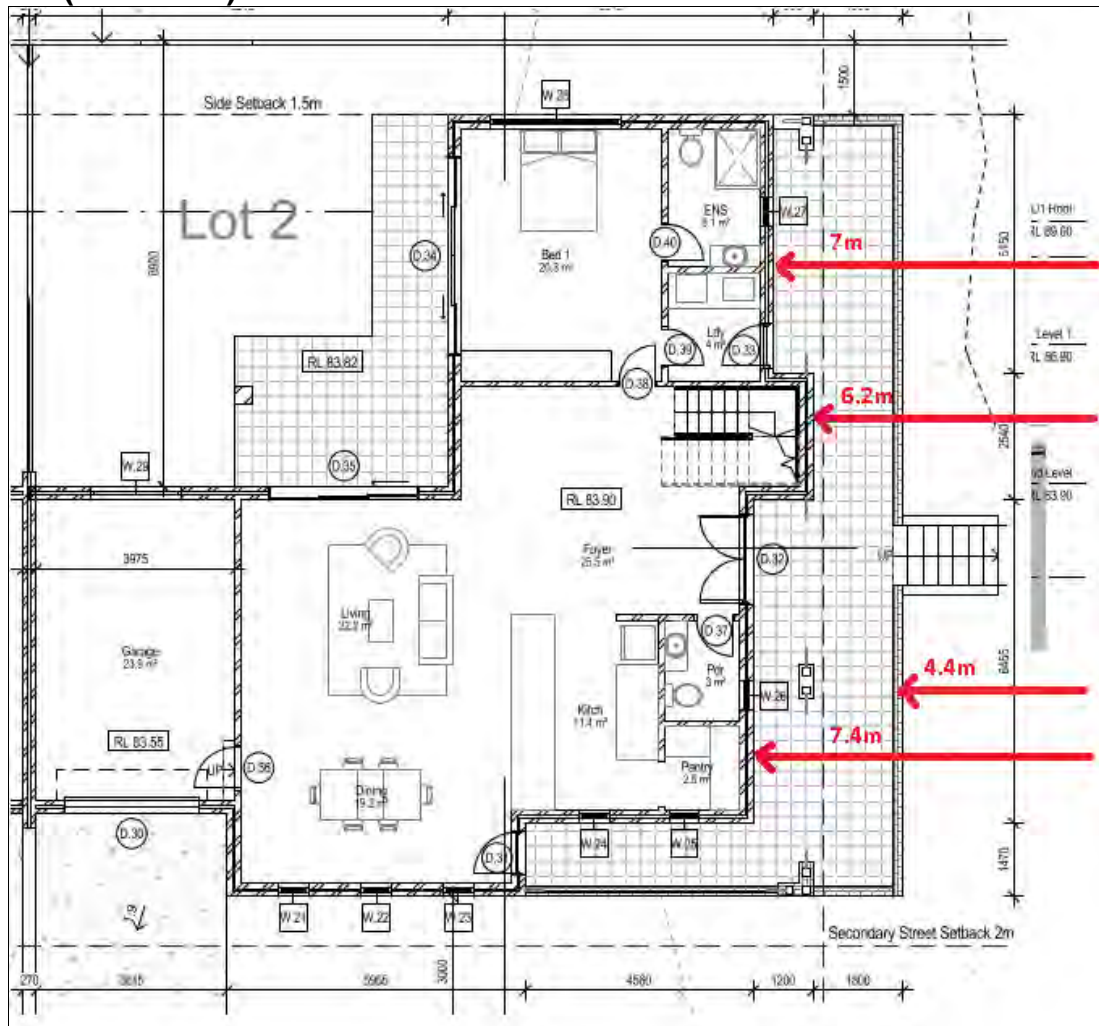


Figure 13 - Setback from the Front Boundary to the Facade and Terrace

Control 2.9.1(b) requires a 2 metre setback to the secondary street. The plans submitted with the application detailed a setback of 1.73 metres from Wentworth Road frontage to the outside face of the elevated front porch and first floor balcony of the proposed Lot 1 dwelling. A request for further information was forwarded to the applicant requesting compliance with the minimum 2 metres setback control and amended plans were submitted increasing the setback to 2 metres to achieve compliance.

The objectives of the control seek to provide suitable front gardens and consistent building setbacks along streets. The built form that would be visible from the public domain is set back a minimum of 6 metres and is generally consistent with the setbacks of neighbouring properties on the low side of Campbell Street. Substantial landscaping including canopy trees and hedges is provided within the front garden and the building is sited suitably on the allotment to minimise any amenity impacts upon neighbouring properties and the streetscape. The numerical non-compliance is considered to be acceptable given that the terrace area would not be visually prominent and the objectives of the control are achieved.

ITEM 1 (continued)

2.9.3 Rear Setbacks

The subject site is a corner allotment with two street frontages to the south and west, a side boundary to the east and rear boundary to the north. Control 2.9.3(a) requires the rear of a dwelling to be set back from the rear boundary a minimum distance of 25% of the length of the site or 8 metres, whichever is the greater. A rear setback of 11.14 metres is 25% of the 44.55 metre site length, making full compliance difficult on a corner allotment. The proposed rear setback is 2.75 metres from the northern boundary to the rear terrace of the Lot 1 dwelling. The northern ground floor wall of the dwelling is set back 4 metres and the first floor is 7.22 metres to the rear boundary. The potential building footprint for the site is detailed in **Figure 14** below, considering the boundary setbacks required by RDCP 2014 as follows:

- 6m front setback to Campbell Street
- 2m secondary street setback to Wentworth Road
- 11.14m rear setback to the north boundary
- 1.5m setback to the east side boundary

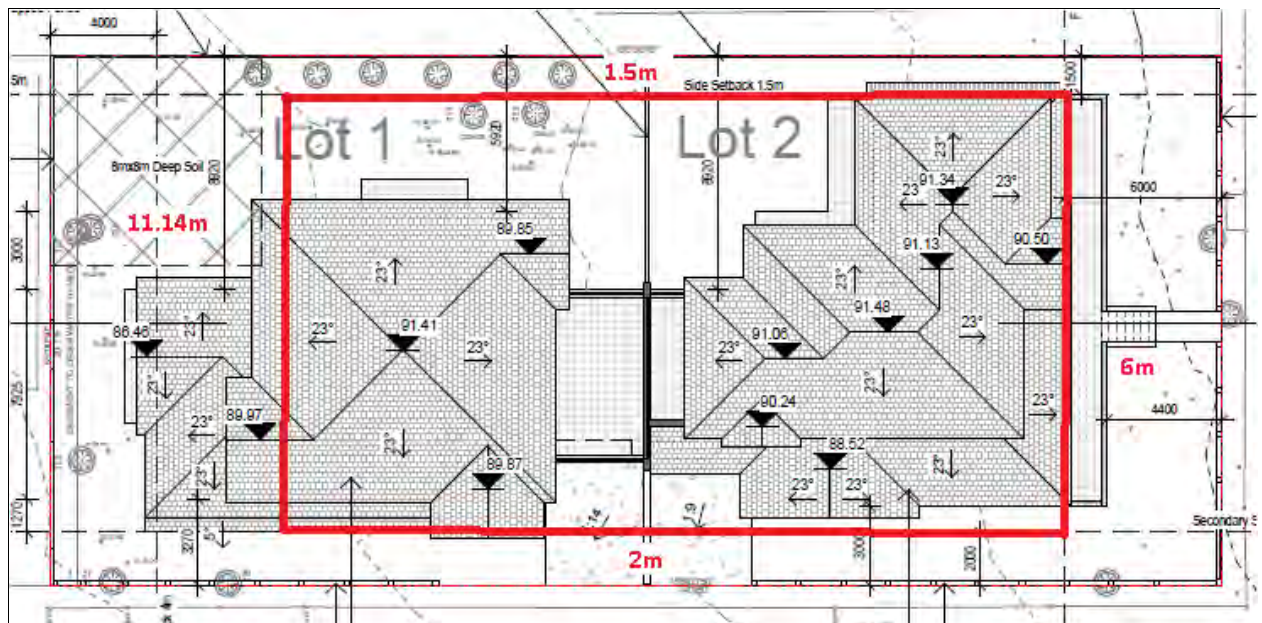


Figure 14 - Potential building footprint - DCP minimum setbacks indicated in red

The objectives of the control seek to provide for areas of private outdoor recreation, vegetation and privacy. The proposed development results in a significant numerical non-compliance to the rear boundary, however substantial setbacks are provided to the eastern side boundary which allows for suitable private open space and solar access to both proposed dwellings, as well as the neighbouring property at 29 Campbell Street. The proposed eastern side setbacks result in less built form in close proximity to the dwelling at 29 Campbell Street, providing for visual privacy between

ITEM 1 (continued)

8. The Public Interest

The public interest is best served by the consistent application of the requirements of relevant Environmental Planning Instruments and by Council ensuring that any adverse effects on the surrounding area and the environment is minimised. The proposal has been assessed against the relevant planning instruments and is considered to be unacceptable. Demolition of the dwelling would result in the loss of a draft item of local heritage significance and would have an adverse heritage impact. On this basis, the proposal is considered to be contrary to the public interest.

9. Submissions

The proposal was notified to adjoining property owners from 4 May 2020 to 29 May 2020 in accordance with the City of Ryde Community Participation Plan. No submissions were received in response to the notification of the application.

10. Referrals

Development Engineers

The proposal was referred to Council's Senior Development Engineer, who provided the following comments:

Stormwater Management

The proposed stormwater management system for the development discharges to the kerb in Wentworth Road and incorporates an onsite detention system complying with Councils requirements.

A review of the plan, completed by StormCivil Pty Ltd, drawing number 304133 D1 and D2, issue B, dated 29th January 2020, has noted the following matters which need to be addressed;

- *The combined belowground RWT and OSD tanks are to be located below the hardstand area,*
- *For maintenance purposes, the tanks must include an access panel of at least 600x600,*
- *The discharge pipe belonging to Dwelling 1 must not cross the vehicular crossing. It must traverse within the site boundary beyond the vehicular crossing before discharging to the kerb. Alternatively Pit P2 can discharge directly to Pit P1.*

These will require the stormwater management plan to be amended prior to determination.

ITEM 1 (continued)**Vehicle Access and Parking**

The proposal includes a shared vehicular crossing located along Wentworth Road. Each dwelling includes a single garage capable of accommodating one off-street parking space each satisfying the requirements of Council's DCP. The dimensions and grades shown on the plans appear to generally comply with the requirements of AS2890.1 raising no objection to the proposal.

Amended stormwater management plans were submitted to Council on 4 September 2020, detailing relocation of the tanks to the area under the driveway, 600mm x600mm grates and Pit P2 discharging into Pit P1. The amended plans were referred to Council's Senior Development Engineer who has raised no objection to the updated plans.

Heritage Advisor

The proposal was referred to Council's Heritage Advisor as it includes the demolition of the existing dwelling, which is a draft heritage item under the Ryde Heritage Review 2019. The following referral comments were received:

Consideration of the proposal:

The development proposal involves the demolition of the existing dwelling and construction of an attached dual occupancy dwelling.

Reason for the Heritage Referral:

The development proposal has been referred for heritage consideration as the subject site is a draft item of heritage significance, known as 'Devonlea', identified in the Ryde Heritage Review 2019.

Statement of Cultural Significance:

'Within the 1906 subdivision of the Campbell Estate, the dwelling at 31 Campbell Street, Eastwood, has cultural heritage significance at a local level as it demonstrates a key period of development in the Eastwood area at the start of the twentieth century. It is a good and intact example of a Federation cottage and demonstrates qualities of a particular building typology that was once predominant in the area. It has aesthetic significance, retaining many of its original Federation features including its overall form, wraparound verandah and decorative joinery. It is largely intact and retains a number of features that are consistent with dwellings built at the start of the century.'

Consideration of the heritage impacts:

On 28 November 2017, Council resolved in part the following:

ITEM 1 (continued)

'That Council, in order to ensure certainty in the development process, undertakes a City wide heritage study to ensure items of heritage significance are identified and options for their adequate protection recommended.'

In response to that resolution, GML Heritage were engaged by Council in 2018 to conduct a comprehensive heritage review of the Ryde Local Government Area.

The scope of the Ryde Heritage Review 2019 was to undertake a 'gap' analysis of the LGA to identify places worthy of heritage protection in accordance with Council's 2017 resolution and the NSW Heritage Manual.

A short list was produced by GML Heritage and subsequently reviewed based on more detailed research in order to reach the final places recommended to be heritage listed. In a report titled 'City of Ryde Heritage Review' dated August 2019, GML Heritage identified built, landscape and archaeological items that are of heritage significance to the City of Ryde for inclusion in Schedule 5 of the Ryde Local Environmental Plan 2014.

Specifically, the Ryde Heritage Review 2019 identified 44 new heritage items, 6 new heritage conservation areas, 2 new archaeological sites and amendments to 8 existing heritage items.

31 Campbell Street, Eastwood, is identified as a draft heritage item in the Ryde Heritage Review 2019, which provides the following description:

'The house at 31 Campbell Street is a single-storey brick dwelling built in the Federation style with a dominant pitched terracotta roof. Located on the corner of Campbell and Wentworth Streets, the house has a symmetrical form that addresses the corner. The main entrance of the house addresses Campbell Street.

The house has a hipped roof with symmetrical projecting gables on either side of the front verandah, which wrap around the corner of the house. The roof has terracotta Marseilles pattern tiles and extends over the verandah. The verandah has pairs of simple timber posts on masonry columns with decorative timber fretwork. The walls are face brick with darker banding. Gables are rendered with overhanging eaves and simple vertical battens.

Modifications include the replacement of original slate tiles with terracotta, replacement of original windows with aluminium windows and a large addition at the rear that is not visible from the street.

ITEM 1 (continued)

The front garden of the house is currently overgrown. The Wentworth Road boundary is defined by a low metal fence which encloses the backyard. A single-car garage is located in the backyard and is accessible from Wentworth Road.'

The Ryde Heritage Review 2019 is subject to a Planning Proposal to amend Schedule 5 Environmental Heritage and accompanying heritage maps of the Ryde Local Environmental Plan 2014 by including the new heritage items, archaeological sites, landscape heritage items and heritage conservation areas.

The Planning Proposal Heritage Review 2019 was exhibited from 11 September to 10 November 2019 for 60 days exceeding the required 28 day period for major Planning Proposals. Council at its meeting of 11 and 12 December 2019, endorsed the Planning Proposal Heritage Review 2019 and resolved to proceed with the heritage listing of 31 Campbell Street, Eastwood.

As the Planning Proposal Heritage Review 2019 is now with the Department of Planning for finalisation, the inclusion of 31 Campbell Street, Eastwood, on Schedule 5 of the Ryde LEP 2014 as an item of heritage significance, is considered imminent.

31 Campbell Street, Eastwood, is identified as having cultural heritage significance at the local level as it demonstrates the early residential development in the Eastwood area. Although the dwelling has been previously modified, the form and key features of the dwelling are retained, with a sufficient degree of integrity to make it identifiable as a good example of an early 20th century Federation period cottage. The rear additions are of a scale that do not visually dominate or distort the silhouette or form of the dwelling and cosmetic changes are considered reversible. Situated on a street corner, the dwelling also has visual prominence in the streetscape, enhanced by the landscaped garden setting.

Demolition of the existing dwelling would have an adverse heritage impact as it would result in the wholesale loss of an item which has been identified as having heritage significance.

Consequently, demolition of the draft heritage item is not supported.

The proposed development seeks approval for the construction of an attached dual occupancy dwelling house. Since the construction of the replacement built form is predicated on the demolition of the existing dwelling and that demolition of the existing dwelling is not supported, the proposed development cannot be supported.

ITEM 1 (continued)***Recommendation***

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

- 1. The property is identified as a draft item of local heritage significance in the Ryde Heritage Review 2019.*
- 2. Council, at its meeting of 12 December 2019, has resolved to proceed with the heritage listing of 31 Campbell Street, Eastwood.*
- 3. Demolition of the dwelling would result in the loss of a draft item of local heritage significance and would have an adverse heritage impact.*
- 4. The proposal is not considered in the public interest.*

Landscape Architect

The submitted landscape plan details that 11 trees are proposed to be removed from the subject site and the road reserve. The trees to be removed include (3) Chinese Juniper, Jacaranda, Brush Cherry, Alstonville Tibouchina, Cripps' Golden Hinoki Cypress, Sweet Gum, Western Juniper and two (2) Cocos Palms.

The proposal was reviewed by Council's Landscape Architect who has raised no objection to the proposed tree removal and is in support of the submitted landscape plan.

Tree Management Officer

No objection has been raised to the removal of the street tree in Wentworth Road. The tree is of low retention value and provides little amenity.

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 not suitable for the site and is not in the public interest. Therefore, it is recommended that the application be refused for the following reasons:

- The proposal is inconsistent with Draft Ryde Heritage Review Planning Proposal 2019
- The proposed demolition of the existing dwelling would not conserve the environmental heritage of Ryde
- The development is considered to be not suitable for the site
- The proposal is considered to be contrary to the public interest.

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

That the Ryde Local Planning Panel, as the consent authority, refuse Local Development Application LDA2020/0139 for demolition, new dual occupancy (attached) and strata subdivision at 31 Campbell Street, Eastwood, for the following reasons:

1. Pursuant to Section 4.15(1)(a)(i) and (ii), (b), (c) and (d) of the *Environmental Planning and Assessment Act 1979*, the proposed demolition of the existing dwelling would not conserve the environmental heritage of Ryde:
 - The property is identified as a draft item of local heritage significance in the 2019 Heritage Review Planning Proposal.
 - Council, at its meeting of 12 December 2019, has resolved to proceed with the heritage listing of 31 Campbell Street, Eastwood.
 - Demolition of the dwelling would result in the loss of a draft item of local heritage significance and would have an adverse heritage impact.
 - The proposal is not considered in the public interest.

ATTACHMENTS

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

Report Prepared By:

Deren Pearson
Assessment officer – Town Planner

Report Approved By:

Kimberley Kavwenje
Senior Coordinator - Assessment

Sandra Bailey
Manager - Development Assessment

Liz Coad
Director - City Planning and Environment

ITEM 1 (continued)
ATTACHMENT 1

ATTACHMENT 1

Compliance Check - Quality Certification
Assessment of a Dual Occupancy (attached)

| | |
|--|---|
| LDA No: LDA2020/0139 | Date Plans Received: 30 April 2020 |
| Address: 31 Campbell Street, Eastwood. | |
| Proposal: Demolition, dual occupancy (attached) and strata subdivision. | |
| Constraints Identified: Existing dwelling house is a Draft Heritage Item. | |

COMPLIANCE CHECK

| Ryde LEP 2014 | Proposal | Compliance |
|---|---|------------|
| 4.1A Dual occupancy (attached) subdivisions | | |
| 580m ² | 896.10m² | Yes |
| 4.1B(2)(a) & (b) Minimum lot sizes for dual occupancies and multi dwelling housing | | |
| 580m ² | 896.10m² | Yes |
| 20m frontage | Corner allotment: 20.115m to Campbell Street 44.55m to Wentworth Road | Yes |
| 4.3(2) Height | | |
| 9.5m | Roof RL (highest): RL91.41 EGL (lowest) under: RL82.20 Height of Building = 9.21m | Yes |
| 4.4(2) & 4.4A(1) FSR | | |
| 0.5:1 (448.05m ²) Site Area = 896.10m ² | Ground Floor: 285.90m ² First Floor: 174.20m ² (Garages: 36m ²) Total GFA: 424.10m ² FSR = 0.47:1 | Yes |

| DCP 2014 | Proposed | Compliance |
|---|--|------------|
| Part 3.3 - Dwelling Houses and Dual Occupancy (attached) | | |
| Section 1.0 Introduction | | |
| Part 1.6 Site Analysis | | |
| Site analysis to be submitted. | Drawing DA02, prepared by Archian Architects and dated 23/04/2020. | Yes |
| Section 2.0 General Controls | | |
| 2.1 Desired Future Character | | |
| Development is to be consistent | The proposal is generally | |

ITEM 1 (continued)

ATTACHMENT 1

| DCP 2014 | Proposed | Compliance |
|---|--|-------------------|
| with the desired future character of the low density residential areas. | consistent with the desired future character of the low density residential area. | Yes |
| 2.2 Dwelling Houses | | |
| (a) Landscape setting which includes significant deep soil areas at the front and rear | Landscape setting. | Yes |
| (b) Maximum two storeys high | Two storeys. | Yes |
| (c) Dwellings address the street | The dwellings address Campbell Street and Wentworth Road. Boundary is clearly articulated by fencing and landscaping. | Yes |
| (d) Boundary between public and private space is clearly articulated | Garages are set back 1.6m from the façade to Wentworth Road. | Yes |
| (e) Garages and carports are not to be visually prominent features | The dwellings respond appropriately to the site analysis. | Yes |
| (f) Dwellings are to respond appropriately to the site analysis | | |
| 2.3 Dual Occupancy (attached) | | |
| (a) New dual occupancy buildings are to meet the controls for new dwelling houses set out in 2.2.1. | The proposed dual occupancy (attached) development meets the controls for new dwelling houses in section 2.2.1. | Yes |
| (b) Alterations and additions to dual occupancy buildings are to meet the requirements of 2.2.2. | New development. N/A. | N/A |
| 2.4 Subdivision | | |
| Minimum 580m ² lot size | 896.10m ² . | Yes |
| Minimum lot sizes apply under RLEP Clause 4.1A | The proposal complies with the development standard for minimum lot size for strata subdivision of a dual occupancy (attached) within clause 4.1A Dual occupancy (attached) subdivisions of RLEP 2014. | |
| 2.5 Public Domain Amenity | | |
| 2.5.1 Streetscape | | |
| (a) Site design, building setbacks and level changes respect the existing topography | The design of the building respects the topography of the land. The building steps down the site as it slopes away from Campbell Street. | Yes |
| (b) Front gardens to | The front garden would | Yes |

ITEM 1 (continued)

ATTACHMENT 1

| DCP 2014 | Proposed | Compliance |
|--|---|--|
| <p>complement and enhance streetscape character</p> <p>(c) Dwelling design is to enhance the safety and amenity of the streetscape</p> <p>(d) Carports and garages visible from the public street are to:</p> <p>(i) Be compatible with the building design</p> <p>(ii) Be setback behind the dwelling's front elevation</p> <p>(e) Driveways and hard stand areas are to be minimised</p> <p>(f) Dwellings, garages and carports are to be orientated to match the prevailing orientation of such buildings in the streetscape</p> <p>(g) Facades from the public domain are to be well designed.</p> | <p>complement and enhance the streetscape character. Suitable setbacks are provided and a range of shrubs and canopy trees are proposed.</p> <p>The proposal provides for casual surveillance of Campbell Street and Wentworth Road.</p> <p>The proposal includes a single garage for each dwelling, which are set back 1.6m from the façade to Wentworth Road.</p> <p>Driveways and hard stand areas are minimised.</p> <p>The proposal is consistent with surrounding corner properties that provide a reduced secondary setback to Wentworth Road and a larger primary setback.</p> <p>The facades are well designed with varied setbacks, gables and porches to provide articulation to the built form.</p> | <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> |
| 2.5.2 Public Views and Vistas | | |
| <p>(a) 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. Fence 70% open where height is >900mm.</p> <p>(b) Garages/carports and outbuildings are not to be located within view corridor if they obstruct view.</p> | <p>No significant public views were observed through the subject site. The property is substantially vegetated.</p> <p>Garages are not located within any view corridors.</p> | <p>Yes</p> <p>Yes</p> |
| 2.5.3 Pedestrian & Vehicle Safety | | |
| <p>(a) Car parking located to</p> | <p>Car parking is located to accommodate sight line.</p> | <p>Yes</p> |

ITEM 1 (continued)

ATTACHMENT 1

| DCP 2014 | Proposed | Compliance |
|--|---|---|
| <p>accommodate sightlines to footpath & road in accordance with relevant Australian Standard.</p> <p>(b) Fencing that blocks sight lines is to be splayed.</p> <p>(c) Refer to relevant AS when designed driveways</p> | <p>Fencing is set back from driveways to accommodate sight lines.</p> <p>Council's Development Engineer has raised no issues regarding the car parking arrangement.</p> | <p>Yes</p> <p>Yes</p> |
| 2.6 Site Configuration | | |
| 2.6.1 Deep Soil Areas | | |
| <ul style="list-style-type: none"> - 35% of site area min. Site Area = 896.10m² - Deep soil area must include: <ul style="list-style-type: none"> (i) Min 8x8m deep soil area in backyard. (ii) Front garden area to be completely permeable (exception driveway, pedestrian path and garden walls). - Dual occupancies need only one 8m x 8m in back yard - Deep soil areas to have soft landscaping - Deep soil areas to be 100% permeable. Not covered by structures, paving or the like, or have below surface structures such as stormwater detention elements. | <p>43.91% (393.50m²) DSA</p> <p>8m x 8m DSA provided to the rear of proposed Lot 1.</p> <p>Permeable front garden.</p> <p>8m x 8m DSA provided in the ear yard of Lot 1.</p> <p>Soft landscaping provided within DSA.</p> <p>100% permeable.</p> | <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> |
| 2.6.2 Topography & Excavation | | |
| <p>(a) Building form and siting relates to the original topography of the land and of the streetscape.</p> | <p>Proposal responds appropriately to the topography of the land.</p> | <p>Yes</p> |

ITEM 1 (continued)

ATTACHMENT 1

| DCP 2014 | Proposed | Compliance |
|---|--|------------|
| (a) FSR is 0.5:1 in accordance Clause 4.4 (b) A floor area of 36m ² may be excluded when this area accommodates 2 car spaces. An area of 18m ² may be excluded when the area accommodates 1 parking space. | Ground Floor: 285.90m ² First Floor: 174.20m ² (Garages: 36m ²) Total GFA: 424.10m ² FSR = 0.47:1 | Yes |
| 2.8 Height | | |
| 2.8.1 Building height | | |
| (a) Building heights are to be as follows: - Maximum height of 9.5 metres for dwellings and dual occupancy. - Outbuildings including garages and carports maximum height 4.5 metres. | Roof RL (highest): RL91.41 EGL (lowest) under: RL82.20 Height of Building = 9.21m | Yes |
| <u>Maximum wall plate</u> - 7.5m max above FGL or - 8m max to top of parapet <i>NB:</i> <i>TOW = Top of Wall</i> <i>EGL = Existing Ground Level</i> - FGL = Finished Ground Level | TOW: RL88.80 EGL below: RL81.40 TOW Height = 7.40m | Yes |
| <u>Maximum number of storeys:</u> - 2 storeys maximum (storey incl basement elevated greater than 1.2m above EGL). - 1 storey maximum above attached garage incl semi-basement or at-grade garages | 2 storeys. Balconies above garages. | Yes |
| 2.8.2 Ceiling Height | | |
| (a) Habitable rooms to have 2.4m floor to ceiling height (min). | 2.7m minimum room height. | Yes |

ITEM 1 (continued)

ATTACHMENT 1

| DCP 2014 | Proposed | Compliance |
|---|--|------------------------|
| 2.9 Setbacks | | |
| 2.9.1 Front setbacks | | |
| (a) Dwellings are generally to be set back 6m from street front boundary | 4.4m to front terrace and 6.2m to Campbell Street façade. | No (acceptable) |
| (b) On corner sites, the setback to secondary frontage to be minimum 2m | 3m to front wall facing Wentworth Road. | Yes |
| (c) Garages and carports, including semi-basement garages and attached garages, set back min 1m from façade | 2m to the outside face of the Lot 1 first floor balcony and porch. 1.60m. | Yes Yes |
| (d) The front setback free of structures. The exception is car parking structures which comply with 2.11. | Free of structures. | Yes |
| (e) Attached garages, including semi-basement garages on secondary frontages not to protrude forward of the façade. The exception is garages located on battle axe allotments. These garages do not need to be setback. | Garages set back 1.60m from the façade. | Yes |
| (f) The outside face of wall built above a garage aligns with the outside face of the garage wall below. | Acceptable. | Yes |
| 2.9.2 Side Setbacks | | |
| (a) One storey dwellings setback 900mm | Two storeys. N/A. | N/A |
| (b) Two storey dwellings setback 1.5m | Lot 1: 5.92m Lot 2: 1.5m | Yes Yes |
| (c) The second storey addition to a single storey dwelling are to be set back 1.5m | New development. N/A. | N/A |
| (d) Allotments wider than they are long, one side setback a min of 20% of | The allotment is longer than it is wide. N/A. | N/A |

ITEM 1 (continued)

ATTACHMENT 1

| DCP 2014 | Proposed | Compliance |
|---|---|---|
| the width of the lot or 8m, whichever is greater. | | |
| 2.9.3 Rear Setbacks | | |
| (a) The rear setback min 25% of the site length or 8m, whichever is greater. (b) Allotments wider than they are long, min setback of 4m (c) Dwelling on battle axe allotment are to be setback the rear boundary of the front lot min of 8m. Single storey garage or outbuilding can be within setback. | A rear setback of 11.14m is 25% of the 44.55m site length. Proposed rear setback is 2.75m to the northern terrace adjacent to the Lot 1 living room and 4m to the living room wall. | No (acceptable) |
| 2.11 Car Parking and Access | | |
| 2.11.1 Car Parking | | |
| (a) Dwellings 2 spaces. Dual occ 1 space/dwg (b) Spaces can be enclosed or roofed. (c) Garages setback 1m behind front elevation. (d) Located forward of existing dwelling if: (i) there is no other suitable position (ii) no vehicular access to the rear of side of the site (iii) it is preferred that it is single car width. (e) Garages doors solid. No expanded mesh doors. (f) Preference located off laneways, secondary street frontages. (g) Driveway widths minimised. Driveways single car width except where needed to be widened to double garage access. (h) Driveways not roofed. | Two single garages. One space per dual occupancy (attached) dwelling. Enclosed. 1.60m. N/A. Solid doors. Located off secondary street frontage. Driveway is double width and suitable given the distance from the garages to the boundary of the secondary street frontage, Wentworth Road. Not roofed. 4m per single garage. | Yes Yes Yes N/A Yes Yes Yes Yes Yes |

ITEM 1 (continued)

ATTACHMENT 1

| DCP 2014 | Proposed | Compliance |
|---|--|------------|
| (i) Max width 6m or 50% of the frontage whichever is less | 5.4m. | Yes |
| (j) Total width garage doors not be >5.7m | The site is not a battle-axe allotment. N/A. | N/A |
| (k) Driveways for battle axe enable vehicles to enter and leave in forward direction | 300mm. | Yes |
| (l) Garage doors not be recessed more than 300mm | No windows within 900mm of boundaries. Attached garages. N/A. | Yes N/A |
| (m) Garage windows >900mm from boundaries | Complements building. | Yes |
| (n) Free standing garages max GFA 36m ² | 1.60m | Yes |
| (o) Design and materials to complement dwelling | Carports are not proposed. N/A. | N/A |
| (p) Setback at least 1m from façade | | |
| (q) Carports not enclosed. | | |
| 2.13 Landscaping | | |
| (a) Major trees to be retained where practical | The proposal includes the removal of 8 trees, including street trees. An Arboricultural Impact Assessment has been provided recommending tree protection measures for the trees proposed to be retained. Council's Landscape Architect has raised no concerns with the removal of the trees identified as being suitable for removal within the Arborist report. | Yes |
| (b) Lots adjoining bushland, protect and retain indigenous native vegetation and use native indigenous plant spaces for a distance of 10m | The lot does not adjoin bushland. N/A. | N/A. |
| (c) Provide useful outdoor spaces | Useful outdoor spaces are provided. | Yes |
| (d) Physical connection between dwelling and external ground level | Stairs are proposed at the front of each dwelling. Rear alfresco areas are proposed at the existing ground level. Less than 40%. | Yes |

ITEM 1 (continued)

ATTACHMENT 1

| DCP 2014 | Proposed | Compliance |
|--|---|------------|
| (e) Provide landscape front garden. Hard paved areas no more than 40%. | Pathway to rear of each dwelling is provided. | Yes |
| (f) Pathway along one side boundary connecting front to rear. Not to be blocked by ancillary structures. Not required where there is rear lane access or corner allotment. | Landscaping compatible with scale of building. | Yes |
| (g) Landscape elements in front garden to be compatible with scale of dwelling. | Council's Landscape Architect has advised that the submitted landscaping plan is satisfactory. | Yes |
| (h) Front garden at least 1 canopy tree at least 10m in height | Council's Landscape Architect has advised that the submitted landscaping plan is satisfactory. 1 x 8m tree. Acceptable. Privacy between dwellings achieved. | Yes |
| (i) Mature tree at least 15m in rear garden with the DSA. | 2m. | Yes |
| (j) Locate and design landscaping top increase privacy between dwellings. | Council's Senior Development Engineer has advised that the proposal is capable of achieving suitable stormwater drainage. No objections were raised to the location of retaining walls. | Yes |
| (k) Hedge planting on boundary no greater than 2.7m | OSD in rear yard. Senior Development Engineer advised that the tanks should be located below the driveway. | Yes |
| (l) Retaining walls and other landscape elements not to obstruct stormwater overland flow. | POS provided. Proposal would achieve suitable energy efficiency. | Yes |
| (m) OSD not to be located within front setback unless it is underneath driveway | | |
| (n) Landscaping to include POS | | |
| (o) Designed to improve | | |

ITEM 1 (continued)

ATTACHMENT 1

| DCP 2014 | Proposed | Compliance |
|---|--|--|
| <p>family etc) to the front and rear</p> <p>(b) Orientate terraces, balconies and outdoor living areas to front or rear and not side boundary</p> <p>(c) Terraces and balconies are not to overlook neighbour's living areas and POS</p> <p>(d) Living and kitchen windows, terraces and balconies are not to allow direct view into neighbouring dwelling or POS</p> <p>(e) Side windows are to be offset by sufficient distance to avoid visual connection between dwellings.</p> <p>(f) Splayed walls with windows are not to be located above ground level where the windows provide views into adjoining property.</p> | <p>boundary appropriate given substantial 8.92m setback. Front and rear boundaries. 5.92m setback from terrace of northern unit is suitable given the nature of the site being a corner allotment. Elevated balconies include appropriate privacy screening.</p> <p>No direct overlooking would result from the proposal. First floor balcony of Lot 2 is set back 6.85m from the eastern side boundary with landscaping within the setback. The balcony is only 1.7m in width and would not result in any unreasonable privacy impacts. Side windows are offset and set back a sufficient distance. Highlight window proposed for ground floor bedroom facing 29 Campbell Street. The proposal does not include splayed walls facing neighbouring properties.</p> | <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> |
| 2.14.3 Acoustic Privacy | | |
| <p>(a) Noise of mechanical equipment not exceed 5dB(A) above background noise measured in or on any premises in vicinity of the item.</p> <p>(b) Dwellings on arterial roads double glazed windows fronting road.</p> <p>(c) Dwellings on arterial roads acoustic seal on the front door.</p> | <p>The proposal would comply with the control requirements, subject to a condition of consent requiring compliance with Protection of the Environment Operations Act 1997</p> <p>Site does not have frontage to an arterial road.</p> <p>Site does not have frontage to an arterial road.</p> <p>Garages separate the proposed dwellings on the ground floor</p> | <p>Yes</p> <p>N/A</p> <p>N/A</p> <p>Yes</p> |

ITEM 1 (continued)

ATTACHMENT 1

| DCP 2014 | Proposed | Compliance |
|---|---|------------|
| (d) Dual occupancies are to be designed to reduce noise transmission between dwellings. | and the party wall separates balconies at the first floor level. The Lot 1 first floor balcony is associated with the family room and would likely result in some noise generation, however the main entertaining and living areas are located on the ground floor. The proposal would achieve suitable acoustic privacy between dwellings. | |
| 2.14.4 View Sharing | | |
| (a) The siting of development is to provide for view sharing. | No significant views were observed in the vicinity of the site. The proposal would not result in any unreasonable impacts upon views or outlooks from surrounding properties or the public domain. | Yes |
| 2.14.5 Cross Ventilation | | |
| (a) Designed to optimise access to prevailing breezes and provide for cross ventilation. | Cross ventilation is achieved. | Yes |
| 2.15 External Building Elements | | |
| 2.15.1 Roofs | | |
| (a) Relate roof design to the desired built form by: (i)articulating the roof (ii)roof is consistent with the architectural character of dwelling (iii)eaves minimum 450mm overhang on pitched roofs (iv)compatible roof form, slope, material and colour to adjacent buildings (v)roof height is in proportion to the wall height of the building | Roof is suitable articulated and it is consistent with the architectural character of the proposed building. 450mm eaves are proposed and the roof is in proportion with the walls below and compatible with surrounding roof forms. | Yes |
| (b) The main roof not trafficable terrace. | Main roof is not trafficable. Balconies are proposed over the garages, however they are considered acceptable as discussed above. These balconies provide articulation to the façade. | Yes |
| (c) Proposed attic contained within the volume of the | The proposal does not include attics. | N/A |

ITEM 1 (continued)

ATTACHMENT 1

| DCP 2014 | Proposed | Compliance |
|--|--|------------|
| roof space. | | |
| (d) Skylights to be minimised on roof planes visible from the public domain. Skylights are to be symmetrical. | The proposal does not include skylights. | Yes |
| (e) The front roof plane is not to contain both dormer and skylight. Dormers are preferred. | Neither element is proposed. | Yes |
| (f) Balconies and terraces are not to be set into roofs. | Not set into roofs. Balconies above garages considered acceptable as discussed above. | Yes |
| | Roof is in proportion with walls below. | Yes |
| (g) Scale of the roof is to be in proportion with the scale of the wall below. | Attics are not proposed. | N/A |
| (h) Attics may be located in the garage roofs if the garage is located next to the dwelling. Garages located within front or rear setbacks are not to have attics. | | |
| 2.16 Fences | | |
| 2.16.1 Front and return Fences and Walls | | |
| (a) Reflect the design of the dwelling | The proposed front fencing consists of bricks to match the building up to 600mm in height within 20mm wide piers and metal railings from up to a maximum height of 1.2m. | Yes |
| (b) Materials compatible with the house and other fences in streetscape | | 600mm. |
| (c) Solid fence or wall max 900mm. Open light weight fence (timber picket) 1m. | 1.2m | Yes |
| (d) Return fence is to be no higher than front fence | N/A | N/A |
| (e) Fences max 1.8m if 50% open with solid base max 900mm | Local Road. N/A. | N/A |
| (f) Fences arterial road solid and 1.8m max | Neither material proposed. | Yes |
| (g) No Colorbond or timber paling. | No retaining walls are incorporated into the front fencing. | Yes |
| (h) Retaining walls max | | |

ITEM 1 (continued)

ATTACHMENT 1

| DCP 2014 | Proposed | Compliance |
|--|--|----------------|
| 900mm | The land is not identified as being prone to flooding. | N/A |
| (i) Overland flow - fencing open not impede flow of water | 200mm. | Yes |
| (j) Fence piers max 350mm. | | |
| 2.16.2 Side and Rear Fences and Walls | | |
| (a) 1.8m Max side and rear fence | 1.8m. | Yes |
| (b) Overland flow - fencing to be open not impede flow of water | The land is not identified as being subject to overland flow. | N/A |
| (c) No Barbed wire, broken glass or other dangerous elements. | No dangerous elements. | Yes |
| (d) Fencing forward of the foreshore building line open and permeable. | The site is not subject to the foreshore building line. | N/A |
| Part 7: Environment | | |
| 7.1: Energy Smart, Water Wise | | |
| 3.0 The information Guide | | |
| 3.2 Required information | | |
| (a) Energy efficiency performance report | BASIX Certificate number 1086073M, dated 10 March 2020. | Yes |
| (b) Site analysis | Energy: 55 Water: 40 Plans consistent with Certificate. | |
| Part 7.2 Waste Minimisation and Management | | |
| 2.3 All developments | | |
| (a) Developments must provide space for on-site waste containers | Space provided for on-site waste containers. | Yes |
| (b) Compliant size of storage areas and number of storage containers. | Suitable storage area provided in the 3.975m wide garages. Space provided for bulk waste. | Yes Yes |
| (c) Space to be provided for bulk waste where appropriate. | Storage space for green waste provided. | Yes |
| (d) Storage of green waste provided | Stored within the boundaries of the site. | Yes |
| (e) Stored within the boundaries of the site. | SWMMP submitted. | Yes |
| (f) Site Waste Minimisation | | |

ITEM 1 (continued)

ATTACHMENT 1

| DCP 2014 | Proposed | Compliance |
|--|--|------------|
| and Management Plan (SWMMP) to be submitted. | Convenient access provided. | Yes |
| (g) Located to provide easy, direct and convenient access. | None proposed. | Yes |
| (h) No incineration devices. | Collection point not identified, however space provided. | Yes |
| (i) Collection point identified on plan. | Driveways provide suitable paths. | Yes |
| (j) Path for wheeling bin collection not less than 14: | | |
| 2.4 Demolition and Construction | | |
| (a) Demolition must comply with AS and WorkCover | Demolition of existing dwelling proposed. Waste Management Plan submitted. The application is recommended for refusal, however conditions of consent on any development consent issued for the development would ensure compliance with the Australian Standards for demolition of structures. | Yes |
| (b) Demolition work plan submitted | | |
| (c) Dedicated area on site for stockpile of materials taking into account environmental factors and amenity impacts. | | |
| (d) Construction materials to be stored away from the waste materials on site. | | |
| | Sufficient space is available for stockpile of waste. | |
| 2.5 Residential Developments comprising 1 or 2 Dwellings | | |
| (a) Space inside each dwelling for receptacles for garbage, recycling. | Space provided for receptacles inside and outside of each dwelling. | Yes |
| (b) Space provided outside the dwellings to store the required garbage, recycling and green waste bins. Screened from street. Easy access to wheel the bins to the kerbside. | | |
| Part 8: Engineering | | |
| 8.1 Construction Activities | | |
| 2.1.2 Erosion and Sediment Control Plan | | |
| Erosion and sediment control plan to be submitted. | Erosion and sediment control plan Ref: Job 304133, Drawing E1 Issue B, prepared by Storm Civil and dated 29 January 2020 | Yes |
| Part 8.2 Stormwater and Floodplain Management | | |
| 2.0 Stormwater Drainage | | |
| (a) Drainage is to be piped | Stormwater Plan Ref: Job | Yes |

ITEM 1 (continued)

ATTACHMENT 1

| DCP 2014 | Proposed | Compliance |
|--|---|------------|
| <p>in accordance with Section 2.0 Stormwater Drainage</p> <p>Application has been considered satisfactory by Development Engineering and City Works.</p> | <p>304133, Drawing D2 Issue C, prepared by Storm Civil and dated 01/08/2020.</p> <p>Council's Senior Development Engineer has reviewed the proposal and raised no objection to the proposed stormwater management system.</p> | |
| 4.0 Flooding and Overland Flow | | |
| | The site is not identified as being flood prone. | N/A |
| Part 8.3 Driveways | | |
| 3.0 Existing footway crossings | | |
| 3.1(a) Existing footway crossings may only be used when they provide access of max of 2 dwgs, correct location and level and adequate width. In good condition and is not a bridge or piped crossing. | New footpath crossing proposed to Wentworth Road frontage. | Yes |
| 3.2(a) disused footway crossing slabs that become redundant are to be removed and footway restored. | Capable of compliance through conditions for any development consent issued for the proposal. | Yes |
| 4.0 Designing internal access roads and parking spaces | | |
| 4.1 (a) the design of all parking spaces, circulation roads and maneuvering areas on the property must confirm to the minimum requirements of AS2890.1-2004. | The proposal was reviewed by Council's Senior Development Engineer who raised no objections to the vehicular access arrangement. | Yes |
| 4.2 Design of Parking Spaces | | |
| <p>(b) Vehicles (85th percentile) to enter and leave designated parking space in a single 3 point turn manoeuvre. A 99th percentile vehicle for disabled vehicles.</p> <p>(c) Enter and leave in a forward direction. Waived where the garage is located at the front of a dwelling and insufficient space within front setback to provide a turning area.</p> | The proposal was reviewed by Council's Senior Development Engineer who raised no objections to the vehicular access arrangement. | Yes |
| S2.0 Design Standards | | |

ITEM 1 (continued)

ATTACHMENT 1

| DCP 2014 | Proposed | Compliance |
|---|--|------------|
| S2.2 Vehicular crossing widths | | |
| (a) Min 3.0m and max of 5.0m. (b) Max width of 6m to facilitate accessing two adjacent garages if the distance between the space and the street frontage is less than 5.0m | The proposal was reviewed by Council's Senior Development Engineer who raised no objections to the vehicular access arrangement. | Yes |
| Part 9.2 Access for People with Disabilities | | |
| 4.1.2 Class 1 Buildings | | |
| Accessible path required from the street to the front door, where the level of land permits. | An accessible path of travel has not been provided. Acceptable given the slope of the land. | Yes |
| Part 9.3 Parking Controls | | |
| 2.2 Residential Lane Uses | | |
| <ul style="list-style-type: none"> - Dwelling houses up to 2 spaces/dwelling - Dual occupancy 1 space/dwelling | 1 space per dual occupancy (attached) dwelling. | Yes |

Summary of Issues/Non compliances:

- **2.6.2 Topography and Excavation** – Control 2.6.2(c) states that areas outside of the building footprint may be excavated and filled so long as the maximum height of retaining walls is no greater than 900mm, the depth of excavation is not more than 900mm and the height of fill is not more than 500mm. Excavation up to 1.05m in depth is required for the retaining wall with a finished height of up to 950mm that provides for the entry and front porch of Lot 2.
- **2.9.1 Front Setbacks** - Control 2.9.1(a) requires a front setback of 6 metres from the street front boundary to the outside wall of a dwelling or to the outside face of a deck, balcony or the like, including supporting posts. The façade of the Lot 2 dwelling is set back a minimum of 6.2 metres, however the open front terrace is located within the front setback area and is 4.4 metres from the front boundary to the retaining wall where the terrace is cut into the land slope.
- **2.9.3 Rear Setbacks** – Control 2.9.3(a) requires the rear of a dwelling to be set back from the rear boundary a minimum distance of 25% of the length of the site or 8m, whichever is the greater. A rear setback of 11.14m is 25% of the 44.55m site length. The proposed rear setback is 2.75m from the northern boundary to the rear terrace of Lot 1 and 4m to the rear ground floor wall.