

Meeting Date: Thursday 10 June 2021
Location: Held via Teleconference
Time: 5.00pm

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

NOTICE OF BUSINESS

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DECLARATIONS OF INTEREST

DEVELOPMENT APPLICATION

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There are no LPP Planning Proposals

DEVELOPMENT APPLICATION**2 64 Pellisier Road, Putney - Partial demolition, alterations and additions to existing dwelling - LDA2020/0327**

Report prepared by: Assessment officer – Town Planner**Report approved by:** Senior Coordinator - Development Assessment; Manager - Development Assessment; Director - City Planning and**File Number:** GRP/09/6/12/1/2 - BP21/539

**City of Ryde
Local Planning Panel Report**

DA Number	LDA2020/0327
Site Address & Ward	64 Pellisier Road, Putney East Ward
Zoning	R2 Low Density Residential
Proposal	Partial demolition, alterations and additions to existing dwelling.
Property Owner	Sarah Balestriere
Applicant	James Balestriere
Report Author	Deren Pearson – Assessment Officer
Lodgement Date	28 September 2020
No. of Submissions	Four (4) submissions received with three (3) objecting to the development.
Cost of Works	\$374,000.00

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Reason for Referral to LPP	Departure from Development Standard - The proposed development results in a 23.26% departure from the development standard for height of buildings imposed by Clause 4.3 of RLEP 2014.
Recommendation	Refusal
Attachments	<p>Attachment 1: RLEP 2014 and RDCP 2014 Compliance Table</p> <p>Attachment 2: SREP (Sydney Harbour Catchment) 2005 Compliance Table</p> <p>Attachment 3: Sydney Harbour Foreshores & Waterways Area DCP for SREP (Sydney Harbour Catchment) 2005</p> <p>Attachment 4: Heritage Consultant Referral Advice</p> <p>Attachment 5: Plans submitted with LDA</p>

1. Executive Summary

The following report is an assessment of Local Development Application LDA2020/0327 for partial demolition, alterations and additions to the existing dwelling at 64 Pellisier Road, Putney.

This application is reported to the Ryde Local Planning Panel for determination as it proposes a departure from a development standard in excess of 10% in accordance with the *Environmental Planning and Assessment Act 1979*, Section 9.1 - Directions by the Minister.

The subject site contains an existing single detached dwelling that is part single storey and part three storeys in height, with a swimming pool, boatshed and detached garage. The proposed additions include a new fourth level which is located above the single storey portion of the dwelling. The proposed development would result in a significant loss of views from the neighbouring properties to the west at 60, 62 and 62A Pellisier Road.

The development contravenes Clause 4.3 of RLEP 2014 which establishes the maximum height development standard of 9.5 metres. The proposal results in a height of 11.71 metres, being a 22.36% departure from the standard. The proposal has not been supported by a written request to vary the development standard pursuant to Clause 4.6 of RLEP 2014.

The proposed development is considered to be noncompliant with the objectives 1(a) and 1(b) of Clause 5.10 *Heritage Conservation* of the Ryde LEP 2014 as the proposal

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would have an adverse impact on the significance of the heritage item at No. 60 Pellisier Road by substantially adversely impacting on waterfront views to and from the heritage listed house at No. 60 Pellisier Road.

The proposal has been assessed in accordance with the relevant environmental planning instruments and local provisions in accordance with Section 4.15 of the Environmental Planning and Assessment Act 1979. The proposal would result in significant adverse impacts upon the amenity of the surrounding properties and it is considered to be contrary to the public interest. Development consent cannot be granted pursuant to Clause 4.6(3) as the jurisdiction prerequisites have not been met. The proposal is not considered to be suitable for the site and it is recommended for refusal.

2. The Site and Locality



Figure 1 Aerial photograph of site

The site is legally described as Lot 102 within DP 866280 and is known as 64 Pellisier Road, Putney. The site is an irregular shaped battle-axe allotment located on the eastern side of Pellisier Road. The site has an area of 1016m² and a front boundary to Pellisier Road of 3.05 metres. The site is located on the low side of Pellisier Road and the land falls from RL11.14 at the street frontage to the Mean High Water Mark where the allotment has waterway frontage to Morrisons Bay. The land has a slight cross-fall of up to 500mm.

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The site presently accommodates a part single storey and part three storey cement rendered brick dwelling with flat metal deck roofing (**Figure 3**). An in-ground swimming pool, boat shed, timber deck and pergola are located between the dwelling and the waterway. Vehicular access is provided from Pellisier Road via an access handle measuring 3.05 metres in width and 27.96 metres in length. A concrete driveway leads to a detached double garage at the end of the access handle. Right of Carriageway is provided over the driveway of 64A Pellisier Road to allow vehicles to enter and leave the subject site in a forward direction. A paved footpath to the eastern side of the garage provides pedestrian access to the dwelling.



Figure 2 The site as viewed from Pellisier Road



Figure 3 The site and neighbouring properties as viewed from Bayview Street, Tennyson Point

ITEM 1 (continued)

The site is adjoined to the north by No. 60 Pellisier Road (**Figure 4**), which contains a single storey dwelling with an attic, detached garage, boatshed with rumpus room and a swimming pool. The dwelling is a local heritage item listed as No. 86 in Schedule 5 of Ryde Local Environmental Plan 2014. The site is a hatchet shaped allotment with a 22.475m frontage to Pellisier Road and a "handle" with an approximate width of 7.70m which accommodates the swimming pool, boat shed structure and provides access to the rear private open space area on the foreshore of Morrisons Bay.



Figure 4 Neighbouring dwelling (heritage item) at 60 Pellisier Road

The site is adjoined to the west by two semi-detached dwellings at Nos. 62 and 62A Pellisier Road (**Figure 5**). The dwellings are two storeys in height and enjoy water views of Morrisons Bay and its interface with Tennyson Point in the distance. The views are obtained from the first floor of each dwelling where the main living areas, kitchen and dining rooms are orientated to the east in the direction of the waterway.



Figure 5 Neighbouring Dwellings at 60, 62 and 62A Pellisier Road

ITEM 1 (continued)

The site is adjoined to the south by 64A Pellisier Road (**Figure 6**), which contains a three storey brick dwelling with a tile roof and a detached garage. A reciprocal right of way is shared between the subject site and No. 64A Pellisier Road to provide vehicular access to both allotments.



Figure 6 Neighbouring dwelling at 64A Pellisier Road

3. The Proposal

Development consent is sought for partial demolition and alterations and additions to the existing dwelling. The proposal comprises the following works:

Basement Level

- Partial demolition of the eastern wall
- New glazing and wall to the eastern elevation
- Existing Sauna to be replaced by a plant room

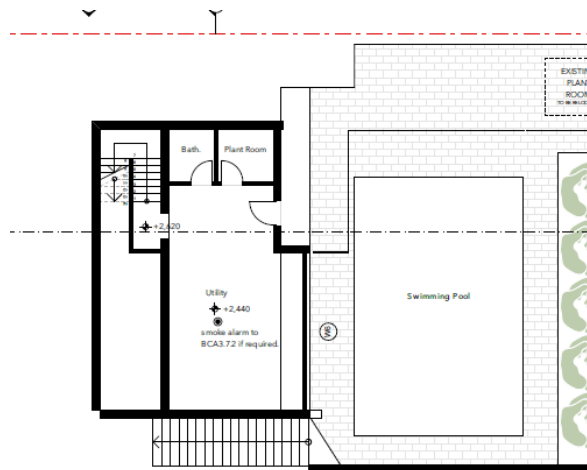


Figure 7 Proposed Basement Floor Plan

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Lower Ground Floor (RL5.090)

- Partial demolition of the walls of the existing rumpus room and study
- New master bedroom in place of the rumpus room
- Study extended to become a family room
- New balcony to the eastern elevation

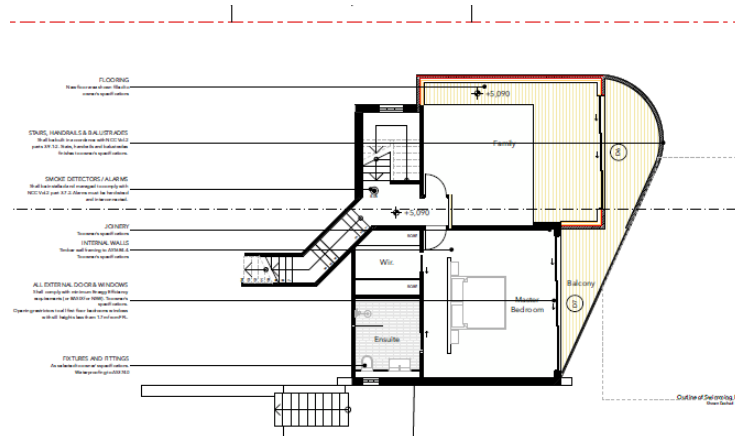


Figure 8 Proposed Lower Ground Floor Plan

Ground Floor (RL7.75)

- Partial demolition of the existing external walls and substantial demolition of internal walls
- New garage, carport and pedestrian entrance
- New bedroom, guest bedroom, bathroom and laundry at RL8.55
- Extension to the existing living room and a new balcony on the eastern elevation at RL7.75

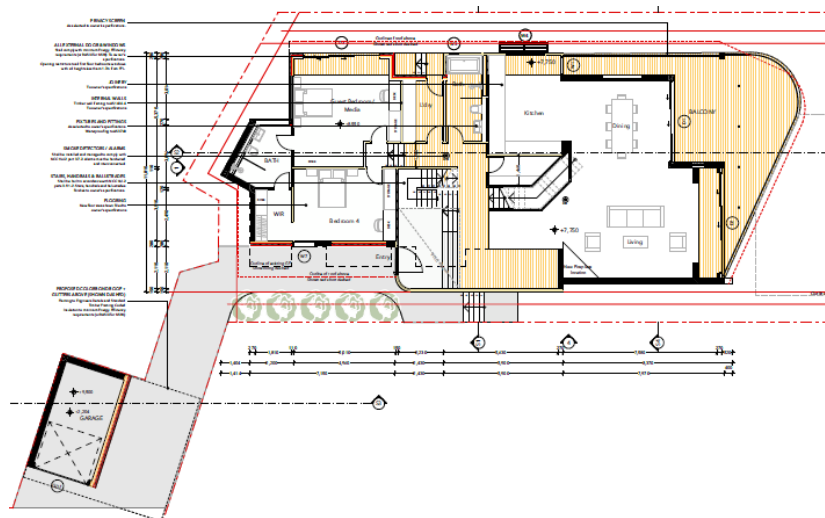


Figure 9 Proposed Ground Floor Plan

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First Floor (RL10.85)

A first floor addition consisting of the following:

- Three (3) bedrooms
- Bathroom
- Balcony on the eastern elevation

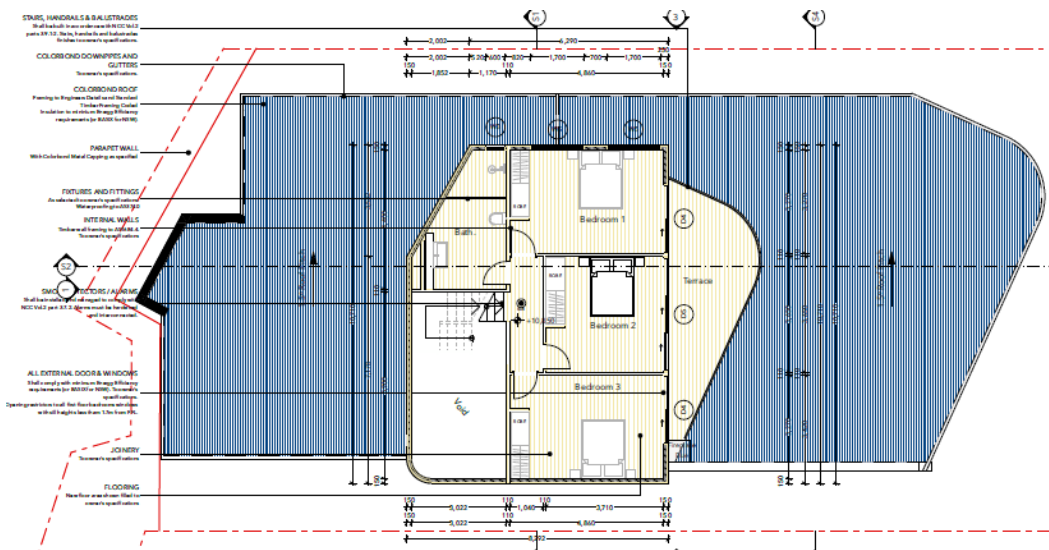
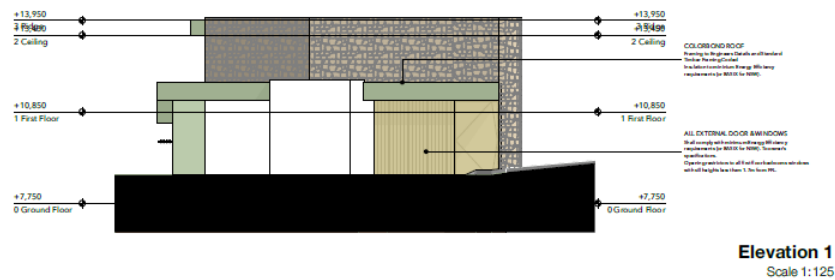
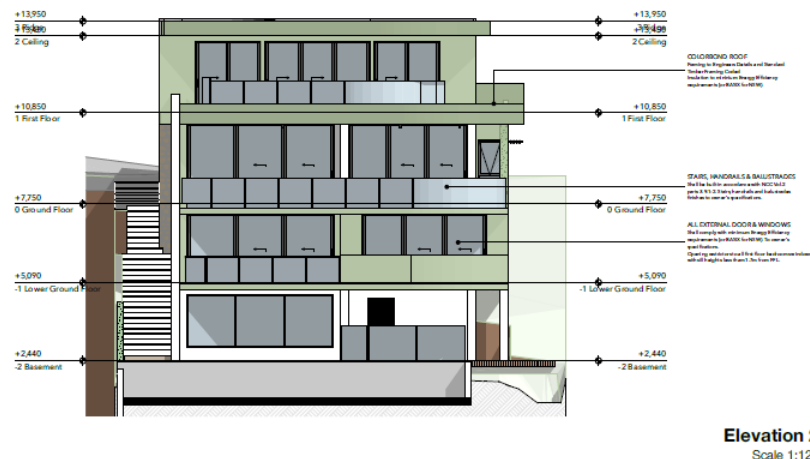


Figure 10 Proposed New First Floor Plan



Elevation 1
Scale 1:125



Elevation 2
Scale 1:125

Figure 11 Proposed Elevation 1 (West) and Elevation 2 (East)

ITEM 1 (continued)

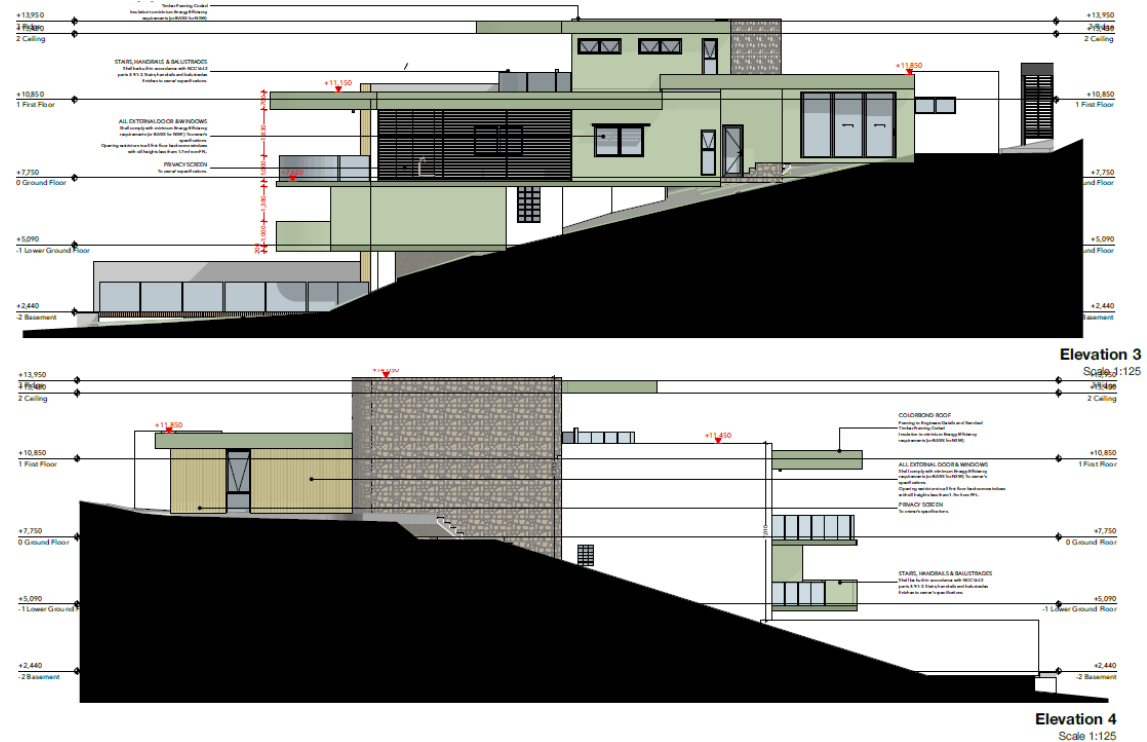


Figure 12 Proposed Elevation 3 (North) and Elevation 4 (South)

4. Background

Date	Action
13 September 2011	Local Development Application LDA2011/0493 was lodged with Council for alterations and additions to the existing dwelling including an additional new storey and new cabana in the rear yard. Submissions were received from the owners of the neighbouring properties at Nos. 60, 62, 62A and 64A Pellisier Road.
7 February 2012	LDA2011/0493 was reported to the former City of Ryde Planning and Environment Committee with a recommendation of refusal. The application included a similar proposal for a new first floor above the existing dwelling. The first floor included a bedroom, walk-in wardrobe, study, lounge room, bathroom, storage and terrace. The ridge height of the first floor was RL13.95 and the area of the first floor within the external walls was approximately 79.90m ² . The subject application (LDA2020/0327) proposes a new first floor with the same ridge height of RL13.95 and an area of 80.18m ² within the external walls. Figures 13 and 14 below are the first floor plan and south elevation lodged for LDA2011/0493.

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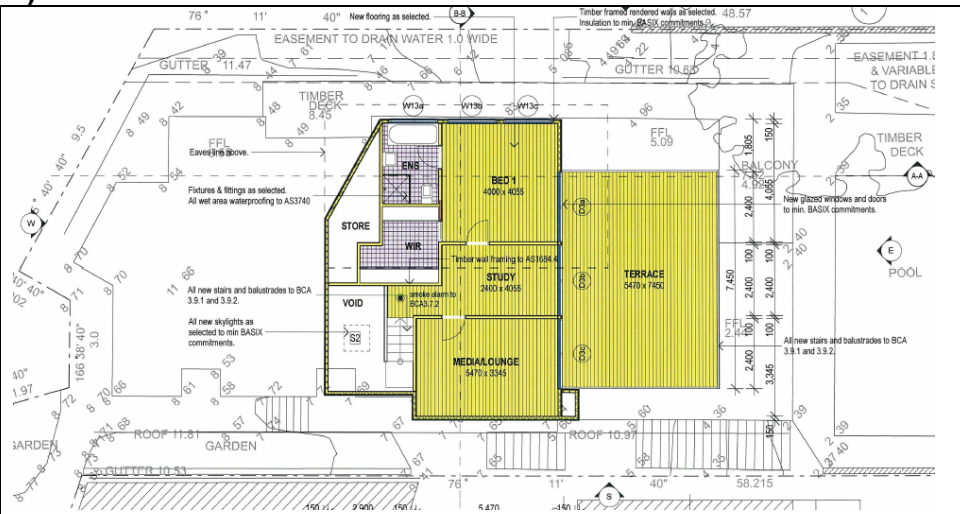


Figure 13 First Floor Plan proposed under LDA2011/0493

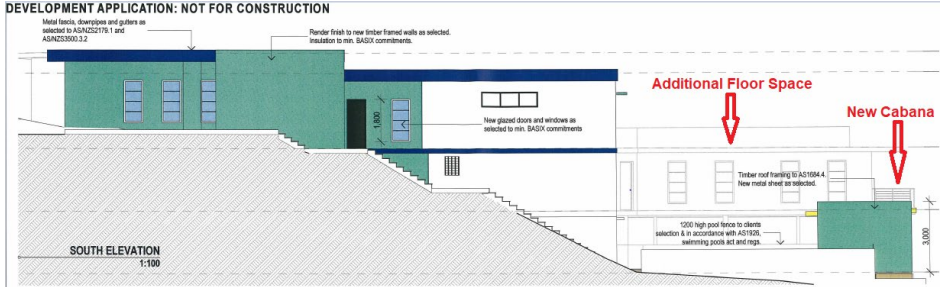



Figure 14 South Elevation proposed under LDA2011/0493

The application was recommended for refusal due to:

- Non-compliance with SEPP (Sydney Harbour Catchment) 2005
- Non-compliance with the Sydney Harbour Foreshore and Waterways Development Control Plan
- The height of the building and number of storeys result in adverse effects upon the amenity of neighbouring properties with regard to privacy and views
- Inconsistent with the objectives of RLEP 2014 with regard to height and floor space ratio
- Impact upon views from the heritage item at 60 Pellisier Road and adverse affect upon the heritage significance of the heritage item
- Non-compliance with the objectives and controls within Ryde DCP 2010
- Adverse visual and view impacts upon the adjoining properties being Nos. 60, 62 and 62A Pellisier Road

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	<ul style="list-style-type: none"> Adverse visual impact upon the adjoining property to the south, No. 64A Pellisier Road. <p>Council resolved that the then Group Manager Environment and Planning undertake a mediation session with the applicant and objectors to determine a possible solution to this matter and then be reported back to the Planning and Environment Committee for consideration within two months.</p>
15 March 2012	Mediation was held between Council officers, the Applicant and their architect and the objectors. Amended plans to be submitted within two weeks and then re-notified to adjoining owners.
18 April 2012	<p>Amended plans were lodged for a significantly amended design. The proposed first floor was deleted and additional floor space was proposed to be added to the north-western corner of the dwelling at the ground floor and lower ground floor levels.</p> <p>DEVELOPMENT APPLICATION: NOT FOR CONSTRUCTION</p>  <p>Figure 15 Amended South Elevation</p>  <p>Figure 16 Amended North Elevation</p>
14 August 2012	<p>The application was reported to the Planning and Environment Committee with a recommendation that Council request amended plans to address a number of issues. It was resolved that amended plans and further information is required to address the following matters:</p> <ol style="list-style-type: none"> Reduction of balcony/terrace. The Ground Floor balcony/terrace immediately adjoining the family and dining room shall be reduced by a minimum of 4 metres from the rear and the surplus area be replaced with roofing

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	<p>2. Setback of the proposed additions from northern boundary. The proposed additions must be stepped back to be in line with the existing kitchen and dining room side wall (this will equate to a setback of about 1 metre from the northern (side) boundary)</p> <p>3. Tree Management Plan – adjoining Fig Tree: The submission of a report and plans from a suitably qualified practicing Arborist which provides details of management of impacts on the adjoining Fig Tree. The report shall include details of the following matters:</p> <ul style="list-style-type: none"> • Details (including a site plan and photographs) regarding investigation to determine the location of the structural roots of the adjoining Fig Tree • Structural plans of columns of the proposed additions in relation to the structural roots of the adjoining Fig Tree (based on the investigations above) – which minimises construction impacts on the Fig Tree • Structural plans – cabana: The cabana is to be constructed with pier and beam or other construction methods which minimises impacts within the Tree Protection Zone of the Fig Tree, Subfloor infill walling is not acceptable • Proposed physical management of the Fig Tree before, during and post construction, to ensure its longevity.
9 October 2012	Council at its meeting held on 9 October 2012 moved a Notice of Rescission that the Council rescind the previous resolution (above) passed by Council on 14 August 2012. It was then resolved that the matter be referred to the Planning and Environment Committee for further consideration.
27 November 2012	<p>Council resolved to grant deferred commencement consent to LDA2011/0493, subject to the following deferred commencement conditions:</p> <ol style="list-style-type: none"> 1. Reduction of balcony/terrace. The Ground Floor balcony/terrace immediately adjoining the family and dining room shall be reduced by a minimum of 4 metres from the rear and the surplus area be replaced with roofing material to the lower ground floor level below and is not to be accessible 2. Setback of the proposed additions from northern boundary. The proposed additions must be stepped back to be in line with the existing kitchen and dining room side wall (this will equate to a setback of about 1 metre from the northern (side) boundary)

ITEM 1 (continued)

	<p>3. Tree Management Plan – adjoining Fig Tree:</p> <p>The submission of a report and plans from a suitably qualified practicing Arborist which provides details of management of impacts on the adjoining Fig Tree. The report shall include details of the following matters:</p> <ul style="list-style-type: none"> • Details (including a site plan and photographs) regarding investigation to determine the location of the structural roots of the adjoining Fig Tree • Structural plans of columns of the proposed additions in relation to the structural roots of the adjoining Fig Tree (based on the investigations above) – which minimises construction impacts on the Fig Tree • Structural plans – cabana: The cabana is to be constructed with pier and beam or other construction methods which minimises impacts within the Tree Protection Zone of the Fig Tree, Subfloor infill walling is not acceptable • Proposed physical management of the Fig Tree before, during and post construction, to ensure its longevity • That any proposed pruning of the Fig Tree be limited to 10% of the tree canopy as supervised by an arborist.
27 November 2013	Deferred commencement consent lapsed as the conditions detailed above were not satisfied within 12 months of the date that Council issued notice of the consent, being 27 November 2012.

4.1 Site History

Date	Action
28 September 2020	Application lodged.
2 October to 26 October 2020	Application notified. Four (4) submissions received, including three (3) objecting to the development. Submissions were from the owners of the neighbouring properties at Nos. 60, 62, 62A and 64A Pellisier Road.
17 December 2020	Site inspected and meeting was held on site between the Applicant and the assessment officer.
21 January 2021	Site inspection undertaken of 60 Pellisier Road to observe the potential view loss and associated impacts upon the heritage item.
25 January 2021	Site inspections undertaken of No. 62 and 62A Pellisier Road to observe the potential view loss from each dwelling.
4 February 2021	A request for information was sent to the applicant raising the following concerns:

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	<ul style="list-style-type: none"> • 11.71m building height above the existing ground level being non-compliant with the maximum 9.5m building height • View impacts upon the properties at 60, 62 and 62A Pellisier Road <p>The applicant was advised that the impact of the development upon the views enjoyed by the above properties is not considered to be acceptable. There is the opportunity to provide the same development potential and amenity while minimising view impacts upon neighbouring properties.</p>
16 February 2021	Meeting held with the applicant and Council staff to discuss the request for information.
22 February 2021	Concept plans submitted by the applicant deleting the roof over the eastern balcony, introducing a 2-degree roof pitch and reducing the height of the first floor roof to RL13.75 at the western end and RL13.48 at the eastern end. Overall, the roof is lowered between 200mm to 470mm.
26 February 2021	Height poles erected by applicant and neighbouring sites visited to assess potential view impacts.
26 February 2021	Site meeting held with the applicant to discuss the height poles and view loss impacts upon the properties at 60, 62 and 62A Pellisier Road.
19 April 2021	Applicant advised Council by email that they would not be submitting amended plans and that they request determination of the application in its current form.

5. Planning Assessment

Coastal Management Act 2016

The site is mapped as being within the following coastal management areas under SEPP (Coastal Management) 2018:

- Coastal environment area
- Coastal use area

The aim of this policy is to promote an integrated and co-ordinated approach to land use planning in the coastal zone in a manner consistent with the objects of the Coastal Management Act 2016. The objects of the Coastal Management Act 2016 are as follows:

The objects of this Act are to manage the coastal environment of New South Wales in a manner consistent with the principles of ecologically sustainable

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development for the social, cultural and economic well-being of the people of the State, and in particular—

- (a) *to protect and enhance natural coastal processes and coastal environmental values including natural character, scenic value, biological diversity and ecosystem integrity and resilience,*

Comment: The proposed alterations and additions to the existing dwelling house does not change the existing land use, therefore it is unlikely that the development would result in any pollutants entering the waterway other than what would ordinarily be expected in a residential area. The proposal is unlikely to result in any significant impacts upon the natural character, scenic value, biological diversity or ecosystem integrity and resilience.

- (b) *to support the social and cultural values of the coastal zone and maintain public access, amenity, use and safety,*

Comment: The proposal would not impact upon the social or cultural values of the coastal zone. The proposal is contained within the boundaries of the residential allotment and would not impact upon public access to the foreshore or the waterway.

- (c) *to acknowledge Aboriginal peoples' spiritual, social, customary and economic use of the coastal zone,*

Comment: The proposal is not expected to result in any significant impacts upon the Aboriginal peoples' spiritual, social, customary and economic use of the coastal zone.

- (d) *to recognise the coastal zone as a vital economic zone and to support sustainable coastal economies,*

Comment: The proposal is for alterations and additions to an existing residential dwelling and would not significantly impact upon the economic importance or vitality of the coastal zone.

- (e) *to facilitate ecologically sustainable development in the coastal zone and promote sustainable land use planning decision-making, and*

Comment: The proposal has been supported by the submission of a BASIX Certificate to ensure that the development meets the relevant requirements for thermal efficiency. The proposal would utilise the existing stormwater system and it does not involve the removal of any existing trees. The proposal is considered to be consistent with the principles of ecologically sustainable development.

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- (f) *to mitigate current and future risks from coastal hazards, taking into account the effects of climate change,*

Comment: The proposal retains the existing dwelling and the proposed additions are generally located within the existing footprint of the dwelling. The basement level is utilised for storage, plant and a utility room adjacent to the swimming pool. The main habitable rooms are located on the upper levels and the proposal does not include any earthworks that would make the dwelling more susceptible to coastal hazards.

- (g) *to recognise that the local and regional scale effects of coastal processes, and the inherently ambulatory and dynamic nature of the shoreline, may result in the loss of coastal land to the sea (including estuaries and other arms of the sea), and to manage coastal use and development accordingly, and*

Comment: The local and regional effects of coastal processes are recognised. The subject site has direct frontage to the waterway, however the proposal does not include any earthworks or other development along the foreshore. Therefore, it is unlikely to have any impact upon coastal processes, and the development would not result in the site being any more susceptible to coastal hazards.

- (h) *to promote integrated and co-ordinated coastal planning, management and reporting,*

Comment: The assessment considers the relevant coastal planning legislation. The object is satisfied in this regard.

- (i) *to encourage and promote plans and strategies to improve the resilience of coastal assets to the impacts of an uncertain climate future including impacts of extreme storm events,*

Comment: The existing dwelling is proposed to be retained and the floor height of the existing lower floor levels is unaltered. The dwelling is set back significantly from the foreshore and the proposal would not prevent the site from being able to incorporate measures to increase its resilience to coastal hazards in the future. The object is satisfied in this regard.

- (j) *to ensure co-ordination of the policies and activities of government and public authorities relating to the coastal zone and to facilitate the proper integration of their management activities,*

Comment: The application is subject to the consideration of the Coastal Management Act 2016 and the Environmental Planning and Assessment Act 1979. The relevant legislation has been considered in this report. The object is satisfied in this regard.

ITEM 1 (continued)

- (k) to support public participation in coastal management and planning and greater public awareness, education and understanding of coastal processes and management actions,*

Comment: The application was notified in accordance with the Regulations and the City of Ryde Community Participation Plan. No objections were received with regard to coastal processes and management.

- (l) to facilitate the identification of land in the coastal zone for acquisition by public or local authorities in order to promote the protection, enhancement, maintenance and restoration of the environment of the coastal zone,*

Comment: The proposal would not prevent any future acquisition as the works are generally within the footprint of the existing dwelling.

- (m) to support the objects of the Marine Estate Management Act 2014.*

Comment: The object of the Marine Estate Management Act 2014 are as follows:

- (a) to provide for the management of the marine estate of New South Wales consistent with the principles of ecologically sustainable development in a manner that—*
 - (i) promotes a biologically diverse, healthy and productive marine estate, and*
 - (ii) facilitates—*
 - economic opportunities for the people of New South Wales, including opportunities for regional communities, and*
 - the cultural, social and recreational use of the marine estate, and*
 - the maintenance of ecosystem integrity, and*
 - the use of the marine estate for scientific research and education,*
- (b) to promote the co-ordination of the exercise, by public authorities, of functions in relation to the marine estate,*
- (c) to provide for the declaration and management of a comprehensive system of marine parks and aquatic reserves.*

The proposal is not inconsistent with the objects of the Marine Estate Management Act 2014.

Given the site is located in the coastal environment area and the coastal use area, the objectives of the relevant clauses have been considered below:

Clause 8 Coastal Environment Area

The management objectives for the coastal environment area are as follows:

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- (a) *to protect and enhance the coastal environmental values and natural processes of coastal waters, estuaries, coastal lakes and coastal lagoons, and enhance natural character, scenic value, biological diversity and ecosystem integrity,*

Comment: The proposed alterations and additions to the existing dwelling house does not change the existing land use, therefore it is unlikely that the development would result in any pollutants entering the waterway other than what would ordinarily be expected in a residential area. The proposal is unlikely to result in any significant impacts upon the coastal environment, scenic value, biological diversity or ecosystem integrity.

- (b) *to reduce threats to and improve the resilience of coastal waters, estuaries, coastal lakes and coastal lagoons, including in response to climate change*

Comment: The proposal would not pose any significant threats upon the waterway, nor would it affect the opportunities to respond to climate change.

- (c) *to maintain and improve water quality and estuary health*

Comment: The proposal does not alter the existing use of the site and the use of the dwelling house would be unlikely to result in any significant impacts upon water quality.

- (d) *to support the social and cultural values of coastal waters, estuaries, coastal lakes and coastal lagoons*

Comment: The proposal would not impact upon the social or cultural values of the coastal environment area. The proposal is contained within the boundaries of the residential allotment and would not impact upon public access to the foreshore or the waterway.

- (e) *to maintain the presence of beaches, dunes and the natural features of foreshores, taking into account the beach system operating at the relevant place*

Comment: The proposed works are located entirely within the site, some 23 metres from the foreshore. The proposal would not impact upon the natural features of the foreshore.

- (f) *to maintain and, where practicable, improve public access, amenity and use of beaches, foreshores, headlands and rock platforms.*

ITEM 1 (continued)

Comment: The proposal is contained within the boundaries of the subject site and would not impact upon public foreshore access. It is not practicable to improve public access for the subject application for additions to a private residential dwelling.

Clause 9 Coastal Use Area

(2) The management objectives for the coastal use area are as follows:

(a) to protect and enhance the scenic, social and cultural values of the coast by ensuring that:

(i) the type, bulk, scale and size of development is appropriate for the location and natural scenic quality of the coast

Comment: The dwelling exceeds the maximum height and number of storeys prescribed by RLEP 2014 and RDCP 2014. The proposal is for a fourth level that would significantly impact upon views of the waterway from the neighbouring properties at Nos. 60, 62 and 62A Pellisier Road. The proposal does not provide for sharing of views of Morrisons Bay and Tennyson Point.

Given the impact upon the views enjoyed by neighbouring properties the dwelling as proposed is considered to be too large and the application is recommended for refusal.

(ii) adverse impacts of development on cultural and built environment heritage are avoided or mitigated

Comment: The proposal would result in an unacceptable impact upon the local heritage item at 60 Pellisier Road. As discussed within the referral comments from Council's Heritage Consultant, the proposal would block views from the heritage item to Morrisons Bay and it would also interrupt views of the heritage item from the waterway and surrounding land. The proposal would adversely impact upon the heritage significance of the heritage item, which forms one of the recommended reasons for refusal of the application.

(iii) urban design, including water sensitive urban design, is supported and incorporated into development activities

Comment: The design of the dwelling is not inconsistent with urban design principles.

(iv) adequate public open space is provided, including for recreational activities and associated infrastructure

ITEM 1 (continued)

Comment: The proposal does not impact upon any public spaces.

(v) *the use of the surf zone is considered*

Comment: The proposal does not impact upon the surf zone.

(b) *to accommodate both urbanised and natural stretches of coastline.*

Comment: The site is located within an urbanised area of the coastline.
The proposal would not impact upon any natural stretches of coastline.

5.1 State Environmental Planning Instruments

Instrument	Proposal	Compliance
State Environmental Planning Policy No. 55 – Remediation of Land		
The provisions of SEPP 55 require Council to consider the potential for a site to be contaminated.	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.	Yes
State Environmental Planning Policy (BASIX) 2004		
The certificate demonstrates compliance with the provisions of the SEPP and is consistent with commitments identified in the application documentation.	A BASIX Certificate (see Certificate No. A370403_02 and dated 17 August 2020) has been submitted with the application.	Yes
State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017		
<p>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.</p> <p>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.</p>	The proposal has been considered satisfactory by Council's Landscape Architect and supported by an arborist report and landscape plan. The proposal does not unduly impact upon any existing biodiversity or trees or vegetation on the site	Yes

ITEM 1 (continued)

State Environmental Planning Policy (Coastal Management) 2018		
The aim of this Policy is to promote an integrated and coordinated approach to land use planning in the coastal zone in a manner consistent with the objects of the Coastal Management Act 2016 including the management objectives for coastal management areas.	<p>The site is mapped as being within a coast environment area and coastal use area on the Coastal Management Map.</p> <p>The proposal is subject to the provisions of SREP Sydney Harbour Catchment and pursuant to Clause 13(2) and Clause 14(2) of the SEPP, as the land is subject to the SREP Sydney Harbour Foreshore the provisions of these clauses do not apply. An assessment of the proposal pursuant to the SREP and associated DCP is made below.</p>	Yes
Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005		
<p>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.</p> <p>The objectives of this zone are as follows:</p> <p><i>(a) to give preference to unimpeded public access along the intertidal zone, to the visual continuity and</i></p>	<p>The site is located within the Foreshores and Waterways Area and subject to consideration under the provisions of the SREP.</p> <p>The foreshore to which the site has frontage is mapped pursuant to Clause 16 as being zoned W8 Scenic Waters Passive Use.</p> <p>The proposal does not impede public access.</p>	No

ITEM 1 (continued)

<p><i>significance of the landform and to the ecological value of waters and foreshores,</i></p> <p><i>(b) to allow low-lying private water-dependent development close to shore only where it can be demonstrated that the preferences referred to in paragraph (a) are not damaged or impaired in any way, that any proposed structure conforms closely to the shore, that development maximises open and unobstructed waterways and maintains and enhances views to and from waters in this zone,</i></p> <p><i>(c) to restrict development for permanent boat storage and private landing facilities in unsuitable locations,</i></p> <p><i>(d) to allow water dependent development only where it can be demonstrated that it meets a demonstrated demand and harmonises with the planned character of the locality,</i></p> <p><i>(e) to ensure that the scale and size of development are appropriate to the locality and protect and improve the natural assets and natural and cultural scenic quality of the surrounding area, particularly when viewed from waters in this zone or areas of public access.</i></p>	<p>The proposal does not include any private water dependant development close to the shore.</p> <p>No permanent boat storage or private landing facilities are proposed.</p> <p>The proposal is not for water dependent development.</p> <p>The proposal would interrupt views from the waterway to the heritage item at 60 Pellisier Road. The proposal does not protect the cultural scenic quality of the area.</p> <p>The Sydney Harbour Catchment DCP assessment is provided in Attachment 2.</p>	
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ITEM 1 (continued)

5.2 Ryde Local Environmental Plan 2014 (RLEP 2014)

Under Ryde LEP 2014, the subject site is zoned R2 Low Density Residential. The proposal being alterations and additions to the existing dwelling are permissible with development consent.

The aims and objectives for the R2 Low Density Residential zone in Clause 2.3 – Zone Objectives are as follows:

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

The proposal is for alterations and additions to the existing dwelling house which provides for a variety of housing types and provides for the housing needs of the community within a low density residential environment. The second objective is not of relevance to the proposed development. The proposal results in a non-compliant height. The proposal has not been supported by a Clause 4.6 written variation demonstrating the residential zone objectives are achieved despite the variation to the development standard.

Ryde LEP 2014	Proposal	Compliance
4.3(2) Height of buildings		
9.5m	Roof RL (highest): RL13.95 Basement RL: RL2.24 Height: 11.71m	No
4.4(2) & 4.4A(1) FSR		
0.5:1 (508m ²) Site Area: 1016m ²	Basement: 59.50m ² Lower Ground Floor: 87.10m ² Ground Floor: 213.30m ² First Floor: 61.30m ² Garage: 16.40m ² (excluded) Boat Shed: 21.60m ² Total GFA: 442.80m ² FSR: 0.44:1	Yes


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4.6 Exceptions to development standards		
<p>(1) The objectives of this clause are as follows—</p> <p>(a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,</p> <p>(b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.</p>	<p>A clause 4.6 written request has not been submitted, despite the variation to clause 4.3.</p>	<p>No</p>
Clause 5.7 Development below mean high water mark		
<p>The objective of this clause is to ensure appropriate environmental assessment for development carried out on land covered by tidal waters. Development consent is required to carry out development below mean high water mark.</p>	<p>The subject site has a frontage to Glades Bay. The proposal does not include any works below the mean high water mark and is considered acceptable in this regard.</p>	<p>Yes</p>
5.10 Heritage Conservation		
<p>(1) The objectives of this clause are as follows—</p> <p>(a) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,</p> <p>(b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, setting and views,</p> <p>(c) To conserve archaeological sites,</p> <p>(d) to conserve Aboriginal objects and Aboriginal places of heritage significance</p>	<p>The subject site does not contain any heritage items, however it is located adjacent to the neighbouring locally listed heritage item at 60 Pellisier Road.</p> <p>The proposal has been considered by Council's Heritage Consultant and it has been assessed as resulting in an unacceptable impact upon the heritage item at 60 Pellisier Road. Please see discussion in the referrals section of this report.</p>	<p>No</p>

ITEM 1 (continued)

6.1 Acid Sulfate Soils		
(1) The objective of this clause is to ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage.	The subject site is affected by class 5 Acid Sulfate Soils. The site is within 500m of class 2 land, however the proposal does not include any significant excavation and it would be unlikely to lower the water table below 1m AHD.	Yes
6.2 Earthworks		
(1) The objective of this clause is to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.	<p>The proposal does not include any major earthworks that would be likely to impact upon the heritage item at 60 Pellisier Road.</p> <p>The proposal includes minor excavation associated with piers and footings to the ground floor extension to the northern side of the dwelling. The existing finished floor level of the ground floor is maintained and is higher than the existing ground level adjacent to the dwelling. The proposed excavation is not considered to result in any adverse detrimental impacts upon environmental functions and processed or neighbouring uses.</p> <p>The proposed works are considered to be consistent with the provisions of Clause 6.2(3).</p>	Yes

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Clause 6.4 Stormwater management		
<p>(1) The objective of this clause is to minimise the impacts of urban stormwater on land to which this clause applies and on adjoining properties, native bushland and receiving waters.</p>	<p>The proposal is consistent with the provisions of Clause 6.4(3). The proposal generally retains the existing building footprint and the stormwater collected by the additional roof area is proposed to be directed to the existing stormwater system. On-site detention is not required.</p> <p>The proposal would not result in any significant adverse impacts of stormwater runoff on adjoining properties and receiving waters.</p> <p>The proposal has been considered acceptable by Council's Senior Development Engineer.</p>	<p>Yes</p>
Clause 6.5 Limited development on foreshore area		
<p>The objective of this clause is to ensure that development in the foreshore area will not impact on natural foreshore processes or affect the significance and amenity of the area.</p> 	<p>The site is subject to the foreshore building line. All proposed works are set back in accordance with Clause 6.5. The dwelling is located behind the foreshore building line.</p> <p>The proposal is not considered to impact upon natural foreshore processes or affect the significance and amenity of the foreshore area consistent with the objectives of the clause. The proposal is satisfactory and consistent with the requirements of Clause 6.5(3).</p>	<p>Yes</p>

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4.3 Height of buildings

The maximum permissible building height as prescribed by Clause 4.3 of RLEP 2014 is 9.5m from ground level (existing) to the highest point of the building. The highest point of the building is the roof over the proposed first floor terrace at RL 13.95. The existing ground level is below the concrete slab under the basement level. The floor level of the basement is RL2.44 and the approximate ground level below is RL2.24. The height from the existing ground level to the highest point of the building is 11.71m. **Figure 17** below is a graphic of how the height of the building is calculated in accordance with the definition in RLEP 2014.

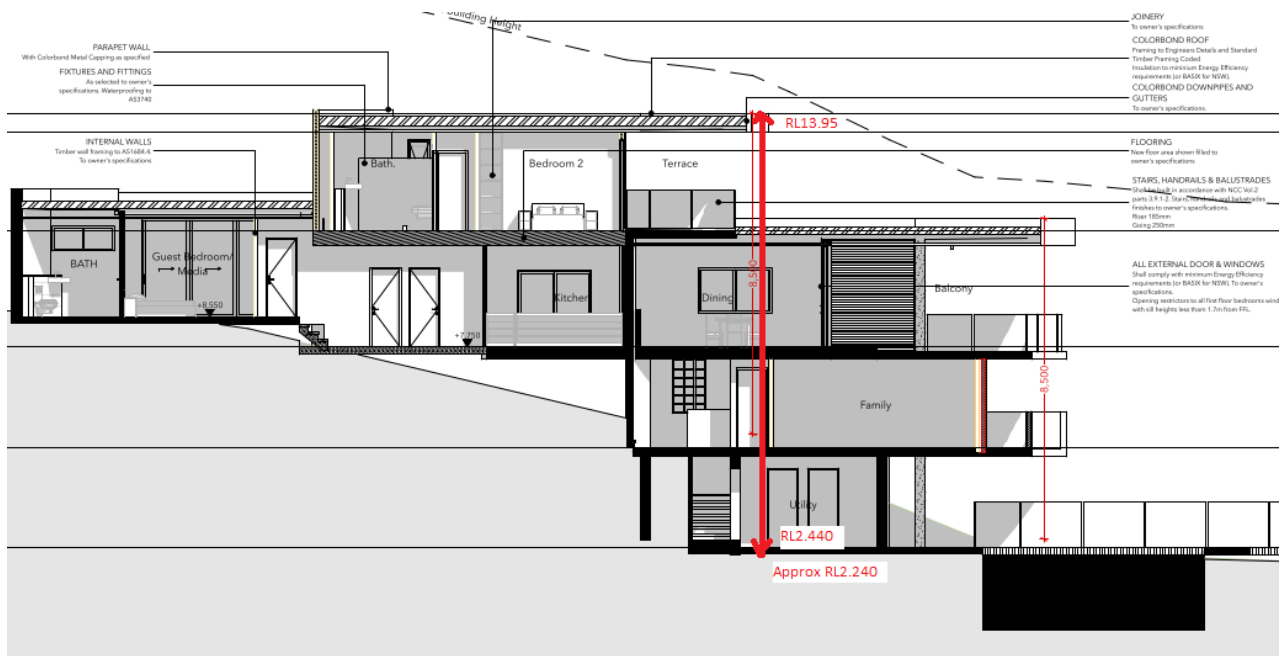


Figure 17 Maximum proposed building height

The height non-compliance is limited to the roofed terrace area at the highest point of the building. The applicant has not submitted a Clause 4.6 request to vary the development standard for the height of the building. Notwithstanding the absence of a written variation request, the proposal does not comply with the objectives of the development standard and is therefore not supported. The objectives aim to minimise the impact of development on the amenity of surrounding properties and the proposal would result overlooking of the neighbouring properties and would partly impact upon the views from No. 60 Pellisier Road. The non-compliance with the maximum building height is recommended as a reason for refusal of the application.

Clause 4.6 Exceptions to Development Standards

The development contravenes the development standard for height of building pursuant to Clause 4.3 of RLEP 2014, therefore *Clause 4.6 Exceptions to Development Standards* applies to the proposal.

ITEM 1 (continued)

Clause 4.6(3) of RLEP 2014 states that development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard. The written submission should demonstrate that the variation requested meets the objectives of Clause 4.6 and also that compliance with the development standard is unreasonable and unnecessary in the circumstances of the case.

The application was not supported by a written request to vary the development standard for height of buildings pursuant to Clause 4.3 of RLEP 2014, therefore it has not met the jurisdictional prerequisite to allow the standard to be varied. Therefore, development consent cannot be issued pursuant to Clause 4.6(3).

5.3 Draft Environmental Planning Instruments

Instrument	Proposal	Compliance
Draft Remediation of Land State Environmental Planning Policy		
<p>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:</p> <p><i>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.</i></p>	<p>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.</p>	Yes

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Draft Environment SEPP		
<p>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:</p> <ul style="list-style-type: none"> - Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 	<p>The proposal is not inconsistent with the provisions of the draft SEPP.</p>	<p>Yes</p>

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
- Part 7.2: Waste Minimisation and Management
- Part 8.2: Stormwater & Floodplain Management
- Part 8.3: Driveways
- Part 9.3: Parking Controls

Note: The proposal is satisfactory with regard to Parts 7.2 to 9.3, noting the advice received from the various technical departments.

The development is subject to the provisions of Part 3.3 – Dwelling Houses and Dual Occupancy under the RDCP 2014. A full assessment of the proposal under DCP 2014 is illustrated in the compliance table at **Attachment 1**.

The provisions of DCP 2014 have been considered in this assessment and it is concluded that the proposal is inconsistent with the aims and objectives of RDCP 2014. The non-compliances associated with Part 3.3 of RDCP 2014 are assessed and discussed in more detail below:

2.1 Desired Future Character and 2.2 Dwelling Houses

The proposal is inconsistent with the desired future character of the low density residential area and control 2.2.1(b), which requires that residential dwellings are to be a maximum of two storeys in height. The proposed additional storey would result in a total of four storeys when viewed from the Morrisons Bay waterway and from Tennyson Point beyond the bay. The proposal exceeds the desired building height by two storeys and impacts significantly on the views enjoyed by the neighbouring properties to the west. There is sufficient opportunity to carry out alterations and additions to the dwelling within the existing footprint and extend to the east without requiring an additional storey

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that impacts upon neighbour amenity and the desired visual character for dwellings in the low density residential area. The proposal is therefore considered to be unacceptable in this regard.

2.8.1 Building Height

Control 2.8.1(a) prescribes a maximum building height of 9.5m, 8m wall plate height and a maximum of 2 storeys in height. As discussed under Clause 4.3 of RLEP 2014, the proposed building height of 11.71m exceeds the maximum building height of the site. The building would be a total of four storeys in height as a result of the proposed additional floor, extending over part of the existing three storey component of the building. This is a significant non-compliance with control 2.8.1(a), which requires that buildings are a maximum of two storeys in height. The proposed additions would result in unacceptable impacts upon the amenity of the neighbouring properties and accordingly, the proposal is recommended for refusal.

2.11.1 Car Parking

Insufficient information has been submitted with regard to the proposed garage, carport and pedestrian entry to the site. A floor plan has been provided, however there are no elevations demonstrating the three-dimensional form of the structure and how it would respond to the relevant planning controls and whether it is compatible with the surrounding development. The lack of information forms a reason for refusal of the application.

2.14.2 Visual Privacy

The proposal includes balconies/terraces on the eastern side of the dwelling on the lower ground floor, ground floor and first floor that would allow for overlooking of neighbouring private open space to the north No. 60 and to the south at No.64A Pelliser Road. The elevated balconies would allow for unobstructed views from an elevated position into the rear private open space of the neighbouring properties. It is acknowledged that protecting privacy on waterfront properties can be difficult due to the priority given to water views, however privacy measures are capable of being incorporated into the design so that the balconies are orientated towards the rear of the property and not with open sides that allows for overlooking between properties. The proposal is unacceptable in this regard.

2.14.4 View Sharing

Control 2.14.4(a) of RDCP 2014 requires that the siting of development is to provide for view sharing. Submissions were received from the following neighbouring properties raising concern regarding a loss of views:

- 60 Pellisier Road
- 62 Pellisier Road
- 62A Pellisier Road

ITEM 1 (continued)

The location of these properties is shown in **Figure 18**.



Figure 18 Location of view loss submissions

The affected properties were visited as part of the assessment and the potential view loss is assessed below. Council sent a request for further information on 4 February 2021, advising the applicant that the neighbouring properties had been visited and the potential loss of views from these properties is considered to be severe. The applicant was advised that the impact of the development upon the views enjoyed from the neighbouring properties is not considered to be acceptable as there is opportunity to develop the site with a single dwelling that would afford the same development potential and amenity to the subject site, while minimising the loss of views from neighbouring properties. The applicant was requested to make significant amendments to the proposal and to erect height poles with certification from a registered surveyor at the highest and most easterly point of the building.

The applicant submitted concept plans on 22 February 2021, detailing a reduction in the height of the proposed first floor roof. The plans submitted with the application detail a flat roof with a ridge height of RL13.95 and the concept plans delete the roof over the eastern balcony, introduce a 2 degree roof pitch and reduce the height of the first floor roof to RL13.75 at the western end and RL13.48 at the eastern end. Overall, the roof is lowered between 200mm to 470mm.

The applicant erected height poles to reflect the maximum height of the first floor depicted in the concept plans, however certification from a registered surveyor was not provided. The neighbouring properties were visited on 26 February 2021 to observe the height poles and the photos taken are included in the assessment below. The

ITEM 1 (continued)

applicant advised Council on 19 April 2021 by email that they would not be formally submitting amended plans in response to Council's request for further information. The assessment of views to be affected below considers the plans initially lodged with the application. The photos of the height poles erected by the applicant have been used to assist with the assessment.

In determining the extent of potential view loss to both neighbouring properties, the four (4) planning principles outlined within the Land and Environment Court Case of *Tenacity Consulting Pty Ltd v Warringah Council (2004) NSWLEC 140*, are applied to the proposal.

1. Nature of the views affected

"The first step is the assessment of the views to be affected. Water views are valued more highly than land views. Iconic views (e.g. of the Opera House, the Harbour Bridge or North Head) are valued more highly than views without icons. Whole views are valued more highly than partial views, e.g. a water view in which the interface between land and water is visible is more valuable than one in which it is obscured".

The views obtained from all three neighbouring properties consist of land (Tennyson Point), water (Morrisons Bay) and the interface between the land and water along the foreshore of Tennyson Point. None of the available views are considered to be iconic.

Photographs of the existing views and potential view impact of the proposed development marked up in red by the assessment officer are included within this assessment.

2. What part of the affected property the views are obtained

"The second step is to consider from what part of the property the views are obtained. For example, the protection of views across side boundaries is more difficult than the protection of views from front and rear boundaries. In addition, whether the view is enjoyed from a standing or sitting position may also be relevant. Sitting views are more difficult to protect than standing views. The expectation of retaining side views and sitting views is often unrealistic".

60 Pellisier Road

The dwelling at No. 60 Pellisier Road is located to the north west of the subject site and consists of a single storey detached dwelling with an attic. The property is a hatchet shaped lot with the body of the allotment fronting Pellisier Road and the handle of the hatchet providing a narrow frontage to the Mean High Water Mark.

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Land and water views to Tennyson Point and Morrisons Bay are obtained from the living room and deck to the rear of the dwelling. The interface between the land and water is visible on the eastern side of Morrisons Bay. Land and water views uninterrupted by buildings are also obtained from the rear of the property adjacent to the foreshore, however the views from the dwelling are more highly valuable as they are obtained from the main living and private outdoor space areas. **Figures 19, 20 and 21** depict the views currently observed from 60 Pellisier Road.



Figure 19 Existing view from rear deck of 60 Pellisier Road



Figure 20 View from the foreshore at 60 Pellisier Road

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Figure 21 View from attic at 60 Pellisier Road

Figures 22 and 23 show the views available from both a standing and sitting position on the elevated rear deck. The photographs were taken once height poles were erected and then edited by the assessing officer to clearly indicate the potential impacts of the proposal. The height poles have not been certified by a registered surveyor and they are representative of the concept plans which were not formally lodged with Council, therefore the view impacts would be greater in some instances than what is demonstrated in these images.



Figure 22 View impact from rear deck of 60 Pellisier Road – Sitting

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Figure 23 View impact from rear deck of 60 Pellisier Road – Standing

The affected views are obtained across the southern side boundary of 60 Pellisier Road, across the side boundaries of both Nos. 62 and 64 Pellisier Road. The views would be similarly affected from sitting and standing positions. Views across a side boundary are harder to protect than views over a front or rear boundary, however additional weight is given to the views being affected given the heritage value of the property and the importance of the views to its significance.

62 Pellisier Road

No. 62 Pellisier Road is located to the west of the subject site and consists of a double storey semi-detached dwelling. The views are obtained from the kitchen, dining room and rear terrace on the first floor of the dwelling. No views were observed from the ground floor. The dwelling has been constructed with the main living areas and principal open spaces orientated towards the land and water views to Tennyson Point and Morrisons Bay. **Figure 23** shows the whole view from the rear terrace and **Figure 25** is the view from the kitchen window.



Figure 24 View from rear deck of 62 Pellisier Road

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Figure 25 View from kitchen window of 62 Pellisier Road

Land and water views to Tennyson Point and Morrisons Bay are obtained from the living room and deck to the rear of the dwelling. The interface between the land and water is visible on the eastern side of Morrisons Bay. The views are obtained across the rear boundary of 62 Pellisier Road, which they share with the subject site.



Figure 26 View impact from rear deck of 62 Pellisier Road – Sitting

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Figure 27 View impact from rear deck of 62 Pellisier Road – Standing

62A Pellisier Road

No. 62A Pellisier Road is located to the south-west of the subject site and consists of a double storey semi-detached dwelling. The views are obtained from the kitchen, dining room and rear terrace on the first floor of the dwelling. No views were observed from the ground floor. The dwelling has been constructed with the main living areas and principal open spaces orientated towards the land and water views to Tennyson Point and Morrisons Bay. **Figures 28 and 29** below demonstrate the view from the rear terrace from both a sitting and standing position.

Land and water views to Tennyson Point and Morrisons Bay are obtained from the living room and deck to the rear of the dwelling. The interface between the land and water is visible on the eastern side of Morrisons Bay. The views are obtained across the rear boundary of 62A Pellisier Road and across the side boundaries of 62 and 64 Pellisier Road.

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Figure 28 View impact from rear deck of 62A Pellisier Road – Sitting



Figure 29 View impact from rear deck of 62A Pellisier Road – Standing

3. Extent of impact

“The third step is to assess the extent of the impact. This should be done for the whole of the property, not just for the view that is affected. The impact on views from living areas is more significant than from bedrooms or service areas (though views from kitchens are highly valued because people spend so much time in them). The impact may be assessed quantitatively, but in many cases, this can be meaningless. For example, it is unhelpful to say that the view loss is 20% if it includes one of the sails of the Opera House. It is usually more useful to assess the view loss qualitatively as negligible, minor, moderate, severe or devastating”.

ITEM 1 (continued)**60 Pellisier Road**

The views that are affected by the proposal are the most valuable views enjoyed from 60 Pellisier Road. The view from the attic is of less importance as it is a service/storage area that does not lend itself to spending extended periods of time. The views from the foreshore are valuable as they are uninterrupted, however the views can only be enjoyed by deliberately walking to the foreshore for recreation. The views from the ground floor of the dwelling are the most valuable as they are obtained from the main living room and private open space areas of the dwelling. The impact upon the views is similar whether observed from a sitting or standing position.

The view loss is assessed as severe since the views from the heritage item contribute to the significance of the item. The views available from the dwelling have been diminished as a result of the subdivision of the original allotment before the introduction of heritage protection provisions and then the subsequent development surrounding the site. The remaining views from the ground floor of the dwelling are interrupted by neighbouring dwellings and filtered by vegetation, including the significant Port Jackson Fig. The submission from the neighbour has demonstrated that the tree has a dense canopy when it is in good health and obstructs the views from the dwelling across the rear boundary.

62 Pellisier Road

The view impact is assessed as severe as the affected view is obtained directly over the rear boundary of 62 Pellisier Road. The planning principle states that whole views are valued more highly than partial views and the proposal would reduce a wide and valuable view to a narrow corridor on each side of the new proposed first floor. The views from the kitchen, dining room and rear terrace would all be significantly impacted with the interface between the land and water at Tennyson Point being largely obstructed.

62A Pellisier Road

The view impact is assessed as moderate to severe as the affected view is similar to the views from 62 Pellisier Road, however a wider view corridor would still be available directly over the rear boundary of 62A Pellisier Road, over the roof of No. 64A. Filtered views of Morrison Bay Park would be interrupted, as would a significant section of the land and water interface at Tennyson Point.

4. Reasonableness of the proposal that is causing the impact

“The fourth step is to assess the reasonableness of the proposal that is causing the impact. A development that complies with all planning controls would be considered more reasonable than one that breaches them. Where an impact on views arises as a result of non-compliance with one or more planning controls, even a moderate impact may be considered unreasonable. With a complying proposal, the question should be asked whether a more skilful design could provide the applicant with the same development potential and amenity and reduce the impact on the views of neighbours.

ITEM 1 (continued)

If the answer to that question is no, then the view impact of a complying development would probably be considered acceptable and the view sharing reasonable.”

The proposal does not comply with the maximum building height for the site, being 9.5m and it results in a four storey dwelling, which exceeds the two storey maximum required by RDCP 2014. The additional storey is not consistent with the desired future character of the low density residential area and it would significantly impact upon the views enjoyed by the neighbouring property owners. The significant view loss arises from non-compliance with the building height controls and therefore is not supported.

It is considered that a more skilful design could provide the applicant with the same development potential and amenity whilst reducing the impact on the views of neighbouring properties. There is the potential to arrange the floor space within the existing footprint and/or extend the building to the east, where a new first floor would not be necessary. There is also opportunity to reduce the floor to ceiling height on the proposed first floor and the existing ground floor. The existing three storey dwelling has frontage to the waterway and the floor space can be arranged to make the best use of the views while maximising the floor space and amenity of the dwelling. The current proposal would result in unacceptable impacts upon the views enjoyed by the neighbouring properties and therefore it is recommended that the appliance is refused.

5.5 Planning Agreements OR Draft Planning Agreements

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

5.6 Section 7.11 Development Contributions Plan 2020

The subject application is not subject to a contribution.

5.7 Any matters prescribed by the regulationsEnvironmental Planning and Assessment Regulation 2000

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

6. The likely impacts of the development

The assessment demonstrates that the proposal will have any significant adverse impacts upon any adjoining properties in terms of view loss. The proposal is inconsistent with the provisions of RLEP 2014 and RDCP 2014. The proposal would result in an unreasonable impact on the amenity of neighbouring properties and it

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would diminish the heritage significance of the heritage item at 60 Pellisier Road. The proposal is not supported on this basis.

7. Suitability of the site for the development

For the reasons outlined within this report, including the impact upon views and overlooking of neighbouring properties, the subject site is not deemed suitable for the proposed development.

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. The proposal results in a non compliant height and has not been supported by a Clause 4.6 written variation which is required to address public interest. The proposal results in adverse impacts upon adjoining properties.

9. Submissions

In accordance with DCP 2014 Part 2.1 Notice of Development Applications, owners of surrounding properties were given notice of the application. In response, four (4) submissions were received, with three (3) objecting to the development from the following properties:

- 60 Pellisier Road
- 62 Pellisier Road
- 62A Pellisier Road

A further submission was received from 64A Pellisier Road, however no objections were raised. This submission and the objections from the above properties are addressed below:

A. A similar DA application was lodged in 2011 and rejected by 2012.

Comment: The previously approved development application (LDA2011/0493) has been outlined in the Section 4.0 of this report. The background of LDA2011/0493 has been noted and an assessment of the subject proposal under the current planning legislation has been carried out. The proposal has been assessed as being unacceptable in its current form and the application is recommended for refusal.

B. The Statement of Environmental Effects references plan numbers and dates that are inconsistent with the plans lodged with the application.

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Comment: It is noted that the references within the Statement of Environmental Effects are inconsistent with plans lodged with the subject development application. The application is recommended for refusal based on the assessment of the submitted information.

C. Objection to the bulk and scale of the design.

Comment: The building exceeds the maximum height and number of storeys required by RLEP 2014 and RDCP 2014, which forms part of the recommended reasons for refusal

D. Objection to the loss of outlook

Comment: As discussed within the view sharing assessment, it is considered that the proposal would result in unacceptable impacts upon the views currently enjoyed from Nos. 62 and 62A Pellisier Road to Morrisons Bay and Tennyson Point. Accordingly, refusal of the subject application is recommended.

E. Objection to aspects of shadowing and light. We believe there will be a huge impact on our pool area and downstairs living space.

Comment: The concerns raised regarding loss of outlook from the ground floor are noted. The proposal would not result in any significant overshadowing of the rear private open space of 62 Pellisier Road and the proposed first floor is set back a minimum of 8m from the rear boundary of the neighbouring property. The proposal does not raise any issues of non-compliance in this regard, however it has been assessed as unacceptable for the reasons outline in this report.

F. Significant heritage curtilage view loss and loss of amenity to “Hazelville” if the top-level addition is approved.

Comment: As discussed within the heritage and view sharing assessment, it is considered that the proposal would result in an unacceptable impact upon the heritage significance of the heritage item at 60 Pellisier Road and the views currently enjoyed from the property to Morrisons Bay and Tennyson Point. These matters form reasons for the recommended refusal of the application.

G. Privacy overlooking pool area and rear yards of No 60.

Comment: The rear balconies/terraces have open sides that would allow for overlooking of neighbouring properties. The impacts upon visual privacy form part of the reasons for refusal of the application.

H. 460 to 560 mm difference between top level ceiling and roof.

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Comment: Concern was raised regarding the floor to ceiling height of the proposed first floor and the scope to reduce the height of this level. It is acknowledged that there is scope to reduce the height of the proposed first floor. Proposed floor to ceiling heights contribute to the height of the building and the impact on views from the neighbours to the west. The height of the building and the impact on views form part of the reasons for the recommended refusal of the application.

I. Inconsistent Roof level RL level in plans.

Comment: The levels provided are considered to be sufficient for the assessment of the proposal against the relevant planning controls and with regard to the potential impacts upon neighbouring properties. The proposal has been assessed as resulting in unacceptable impacts upon the neighbouring properties and is recommended for refusal.

J. Possible future relocation of Solar panels to new top level.

Comment: Solar panels can be located on roofs under the provisions of exempt development. The application is recommended for refusal and further consideration with regard to solar panel location is not required.

K. Condition to removal or maintain the height of Tree 2 and hedge of bamboo, and other planting.

Comment: The application is recommended for refusal, therefore conditions regarding landscaping are not required.

L. Impact to significant Port Jackson Fig Tree.

Comment: Council's Landscape Architect has reviewed the proposal and advised that the Port Jackson Fig is capable of being retained and protected by following the recommendations outlined in the submitted Arborist's Report.

M. Privacy overlooking rear lower yard of No 60 from existing pool area.

Comment: The rear balconies/terraces have open sides that would allow for overlooking of neighbouring properties. The impacts upon visual privacy form part of the reasons for refusal of the application.

N. Solar access. It is unclear how solar access is achieved given the existing planting by and proposed retention by the applicant of bamboo and Tree 2 in the drainage easement along the border with No 60, which cast shadows and blocks out / does not allow any sunlight in.

Comment: The main living areas have remained largely unchanged and sunlight the north-east facing windows would receive sunlight between 9am and 12pm.

ITEM 1 (continued)

- O. Recently planted Tree 2.** The arborist report noted that this recently planted tree will be retained despite its close proximity to the building (100 mm), impact on drainage easement and impact on maintenance on the building. This tree serves no purpose other than to block / filter our views, is not shown in any of the plans provided and we object to its retention.

Comment: Council's Landscape Architect has reviewed the proposal and required retention of Tree 2. However, the application is recommended for refusal

- P. Landscape area non-compliance (statement cl 4.1).** We object to this proposed justified compliance on the basis that the applicant could achieve compliance by removing the unauthorised pool deck area / cabana on the border of No 60, which is also non-compliant as it is built of timber / not a fire resistance structure.

Comment: The proposal has been assessed as resulting in a minor non-compliance in deep soil area. Notwithstanding the minor nature of the non-compliance, the application is recommended for refusal for a range of reasons identified in the recommendation.

- Q. Proposed relocation of fireplace and chimney (Plan 10).**

Comment: The proposal is recommended for refusal, therefore further consideration of the chimney location is not required.

- R. Alternative Design Options.**

Comment: The submission raised design alternatives that would reduce the impacts on neighbouring properties. It is considered that the site is capable of accommodating an amended development that would provide the applicant with similar floor space and amenity without impacting as significantly on the neighbouring properties.

- S. There are inconsistent RL levels for view impacts of No 62 and 62A.** The verandah level of No 62A is stated to be at RL 13.50 (plan 25). The verandah level of No 62 is stated to be RL 13.32 (plan 24). This would imply a difference of some 180 mm, which is not evident from a visual inspection.

Comment: The balcony levels at 62 and 62A Pellisier Road were indicated on the submitted survey plan which was prepared by a registered surveyor. The submitted information is considered to be accurate and acceptable in this regard.

- T. There is an inconsistent Roof level RL level in plans.** It is noted that despite the new top level roof level being documented as RL 13.95 on the plans, many plans show what appears to be an additional element that appears to be set at 14.050 (see plan 15 and 16). It appears that this may be a further parapet of approx. 100 mm and its purpose is unknown.

ITEM 1 (continued)

Comment: The levels provided are considered to be sufficient for the assessment of the proposal against the relevant planning controls and with regard to the potential impacts upon neighbouring properties. The proposal has been assessed as resulting in unacceptable impacts upon the neighbouring properties and is recommended for refusal.

U. Objection to lack of detail in regard to future additions.

Comment: Concern was raised with regard to the placement of air conditioning units, chimneys, aerials and any other services that may be placed on the roof. Appropriate conditions of consent could be imposed with regard to the placement of these items for any consent issued for the development, however the proposal has been assessed as being unacceptable in its current form.

V. Noise and loss of privacy during construction.

Comment: The proposal is recommended for refusal, therefore further consideration of the construction process is not required.

64A Pellisier Road

The owners of 64A Pellisier Road wrote to Council during the notification period advising that they would not be lodging any objections based on the plans submitted with the application. A second submission was received during the assessment of the application providing background regarding the previously approved application (LDA2011/0493) and their objections to the amendments made to that proposal. The submission stated that the owners of 64A Pellisier Road would object to any amendments to the application to revert it to the design approved in 2012. The submission provided alternative design options for consideration by Council. The submission is noted and the proposed development has been assessed as being unacceptable and is recommended for refusal.

10. Referrals**Senior Development Engineer**

Council's Senior Development Engineer reviewed the proposal and raised no objections to the development with respect to engineering matters. The following commentary was provided:

The proposed stormwater management system for the development discharges to the existing in-ground stormwater system.

Detailed stormwater management plans have not been provided to Council; therefore, a detailed review was unable to be undertaken. A cursory review of the lodged documentation notes the following:

ITEM 1 (continued)

- *Due to the nature of the works not increasing the impervious area on the site, it is unlikely that the existing system will be unable to convey flows from the altered roof area. Accordingly, stormwater management standard conditions of consent will apply.*
- *An existing easement burdens the property on the northern boundary. This is not proposed to be altered.*
- *The BASIX certificate does not mention that a RWT is required to be provided for the development.*
- *The site lies within Council's OSD exclusion zone and therefore OSD is not required to be provided.*

Standard conditions of consent regarding stormwater management apply.

Vehicle Access and Parking

No amendments to the driveway or existing garage are proposed.

Flooding and Overland Flow

Ryde Maps indicates that the site is not subject to flooding or overland flow.

Referrals

A structural adequacy certificate has been provided by ACE P/L and appears generally acceptable.

Recommendation

There are no objections to the proposed development with respect to the engineering components, subject to the application of the following conditions being applied to any development consent being issued for the proposed development.

Landscape Architect

Council's Landscape Architect reviewed the proposal and raised no objections to the development with regard to tree protection and landscaping. The following commentary was provided:

Existing Trees

An Arborist Report has been submitted with the application prepared by McArdle Arboricultural dated 9/09/2020.

A summary of the existing trees identified by the Arborist are show in the table below:

ITEM 1 (continued)

Tree No.	Species "Common name"	Proposed recommendation by Arborist	Comment
1	<i>Ficus rubiginosa</i> (Port Jackson Fig)	Retain On adjoining property. Allow one pier hole and pruning of a significant dead branch.	Agree
2	<i>Hymenosporum flavum</i> , (Native Frangipani),	Retain and protect	Agree

Refer to figure 1 for location of trees

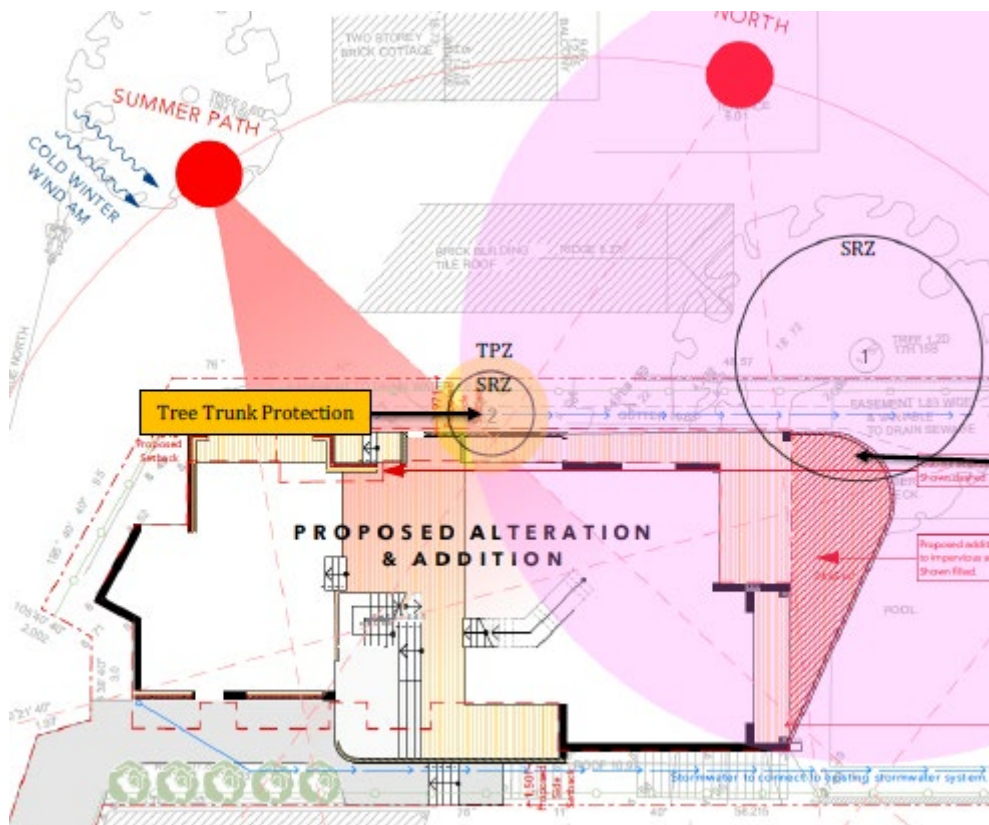


Figure 1

ITEM 1 (continued)



Photo 1. Tree 1



Photo 2. Significant dead branch to be removed.

Architectural Plans

The DA includes extension to the deck which involves one pier hole. If carried out to the directions contained in the Arborist Report this will not cause the tree to deteriorate further.

Removal on the significant dead branch will not further detract from the tree's appearance or health.

Recommendations

There is no objection to the development if the following conditions are imposed.

Heritage Consultant

The application was referred to Council's Heritage Consultant who has advised that the proposal would adversely impact on the significance of the heritage item at 60 Pellisier Road and is non-compliant with the objectives of Clause 5.10 Heritage Conservation in RLEP 2014. The complete assessment from the Heritage Consultant

ITEM 1 (continued)

is held at **Attachment 3**. The following is the concluding comments provided within their report:

Proposed Alterations

The proposed 1st floor addition will largely eliminate remaining views from the heritage item at 60 Pellisier Road to the east towards Morrison Bay, adversely impacting on the heritage significance of the heritage item. If the proposal were to go ahead, the only remaining views from to the east from the heritage listed house would be directly east through the Ficus tree canopy.

Setting

The impact of the proposed 1st floor addition to 64 Pellisier Road would be to largely enclose the heritage item at 60 Pellisier Road on the eastern side, already impacted by the existing house at 60A Pellisier Road. While the curtilage of the heritage item is acknowledged to be the lot boundaries, the impact of adjacent development on the heritage item must be considered where this adversely impacts on the heritage item. In this case, the proposed 1st floor addition to 64 Pellisier Road will largely block remaining views to Morrison Bay from the heritage item.

LEP Heritage Controls

The proposal is considered to be noncompliant with the objectives 1(a) and 1(b) of Clause 5.10 of the Ryde LEP 2014 as the proposal would have an adverse impact on the significance of the heritage item at No. 60 Pellisier Road by substantially adversely impacting on waterfront views to and from the heritage listed house at No. 60 Pellisier Road.

ITEM 1 (continued)**Conclusion**

The significant Ficus tree (listed on Council's Significant Tree Register) partially obscures views from the house to Morrison Bay. As a result of the Ficus tree, the outlook to Morrison Bay from the rear of the heritage item is largely available across the existing flat roof of the house on the subject site at 64 Pellisier Road. As a result, any increase in height of the house at 64 Pellisier Road will have a substantial adverse impact on views from the heritage item at 60 Pellisier Road towards Morrison Bay. The views from the heritage item are part of the significance of the heritage item, which once enjoyed a substantial water frontage and, as illustrated on the 1943 aerial photo, originally had a verandah on the eastern elevation (since replaced with an extension and larger eastern verandah).

As the proposed 1st floor addition to the house at 64 Pellisier Road will adversely impact on the significance of the heritage item at 60 Pellisier Road, the proposal is noncompliant the Objectives 1(a) and 1(b) of Clause 5.10 of the Ryde LEP 2014 as it would diminish the significance of the heritage item, obscuring waterfront views both to and from the heritage listed house, and the proposal is therefore recommended for refusal by the consent authority.

The issues raised by the Heritage Consultant are included as reasons for refusal in the recommendation of this report.

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 considered suitable for the site and is contrary to the public interest for the following reasons:

- The proposal exceeds the maximum building height prescribed in Clause 4.3 of RLEP 2014 and a clause 4.6 variation request has not submitted with the application.
- The proposal would adversely impact upon the heritage significance of the heritage item at 60 Pellisier Road, Putney.
- The proposal would result in overlooking of neighbouring private open space.
- The proposal does not provide for view sharing and it would result in unacceptable impacts upon the views enjoyed by the neighbouring properties at 60, 62 and 62A Pellisier Road, Putney.
- The proposal is not consistent with the objectives for R2 zoned land.
- The proposal is contrary to the public interest.

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

That the Ryde Local Planning Panel, as the consent authority refuse Local Development Application No. LDA2020/0327 for partial demolition, alterations and additions to the existing dwelling at 64 Pellisier Road, Putney, for the following reasons:

1. Pursuant to Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*, the development is inconsistent with the provisions of *Ryde Local Environmental Plan 2014* in that:
 - The proposal has a height of 11.71m and does not comply with Clause 4.3 Height of buildings.
 - The proposal was not supported by a written request to vary the development standard for height of buildings pursuant to Clauses 4.6 and development consent cannot be granted in accordance with Clause 4.6(3).
 - The proposal is inconsistent with the objectives of Clause 5.10 1(a) and 1(b) of the Ryde LEP 2014 as it would diminish the significance of the heritage item, obscuring waterfront views both to and from the heritage listed house.
2. Pursuant to Section 4.5(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*, the development is inconsistent with the provisions of *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005* in that:
 - The proposal does not protect the cultural scenic quality of the area as required by Clause 17.
 - The proposal does not minimise impacts on views and vistas to and from public places, landmarks and heritage items as required by Clause 26(b).
 - The proposal does not minimise the cumulative impact of development on views as required by Clause 26(c).
3. Pursuant to Clause 4.15(1)(a)(iii) of the *Environmental Planning and Assessment Act 1979*, the development is inconsistent with the following provisions of *Ryde Development Control Plan 2014*:
 - Part 3.3 Dwelling houses and dual occupancy (attached):
 - Section 2.8.1, as the proposal exceeds the maximum building height and maximum number of storeys for dwelling houses.
 - Section 2.11.1, as the proposal does not provide sufficient detail regarding the design of the garage, carport and pedestrian entry.
 - Section 2.14.2, as the proposal results in overlooking of neighbouring private open space.
 - Section 2.14.4, as the proposal does not provide for view sharing.

ITEM 1 (continued)

4. Pursuant to Section 4.15(1)(c) of the *Environmental Planning and Assessment Act 1979*, the site is unsuitable for the proposed development.
5. Having regard to the reasons noted above, pursuant to the provisions of Section 4.15(1)(d) and Section 4.15(1)(e) of the *Environmental Planning and Assessment Act 1979*, approval of the development application is not in the public interest.

ATTACHMENTS

- 1 RLEP 2014 and RDCP 2014 Compliance Table
- 2 SREP Compliance Table
- 3 SREP DCP Compliance Table
- 4 Heritage Consultant Comments
- 5 Plans submitted with DA - subject to copyright provisions

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ITEM 1 (continued)

**ATTACHMENT 1
ATTACHMENT 1 – COMPLIANCE TABLE**

Compliance Check - Quality Certification
Assessment of Alterations & Additions to a Dwelling
House and ancillary development.

LDA No: LDA 2020/327	Date Plans Received: 28 September 2020
Address: 64 Pellisier Road, Putney	
Proposal: Partial demolition and alterations and additions to the existing dwelling	
Constraints Identified: Heritage <ul style="list-style-type: none"> Site adjoins Heritage Item 86, a dwelling house at No.60 Pellisier Road. Significant Tree (Port Jackson Fig) located on adjoining property at No. 60 Pellisier Road - impacted by pier from subject site. Acid Sulphate Soils – Class 5 Portion of site subject to Slope Instability Portion of site below the FBL and subject to Foreshore Building Line Portion of site subject to “High Ecological Value Waterways’ (SEPP)	

COMPLIANCE CHECK

RLEP 2014

Ryde LEP 2014	Proposal	Compliance
4.3(2) Height		
9.5m	Roof RL (highest): RL13.95 Basement RL: RL2.24 Height: 11.71m	No
4.4(2) & 4.4A(1) FSR		
0.5:1 (508m ²) Site Area: 1016m ²	Basement: 59.50m ² Lower Ground Floor: 87.10m ² Ground Floor: 213.30m ² First Floor: 61.30m ² Garage: 16.40m ² (excluded)	Yes

ITEM 1 (continued)

ATTACHMENT 1

Ryde LEP 2014	Proposal	Compliance
	Boat Shed: 21.60m ² Total GFA: 442.80m ² FSR: 0.44:1	

RDCP 2014

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 prepared by 8 Squared Architects dated 14 September 2020. Site is orientated in an east west direction with eastern boundary adjoining Morrison Bay.	Yes
Section 2.0 General Controls		
2.1 Desired Future Character		
Development is to be consistent with the desired future character of the low density residential areas.	The existing three storey dwelling exceeds the maximum of two storeys required by RDCP 2014 and an additional storey is proposed, resulting in a total of four storeys. The proposal exceeds the maximum of two storeys desired for the low density residential areas and it results in amenity impacts upon neighbouring properties.	No
2.2 Dwelling Houses		
(a) Landscape setting which includes significant deep soil areas at the front and rear	Deep Soil Area is provided.	Yes
(b) Maximum two storeys high	The existing dwelling is 3 storeys in height when viewed from Morrisons Bay. Currently comprising the following levels: <ul style="list-style-type: none"> • Basement Level • Lower Ground Level • Ground Level The proposal includes a new first floor, resulting in a total of four storeys as viewed from the waterway.	No
(c) Dwellings address the street	Dwelling does not address the street as located on a battle axe.	N/A

ITEM 1 (continued)

ATTACHMENT 1

DCP 2014	Proposed	Compliance
(d) Boundary between public and private space is clearly articulated	Public space commences at the east of the site being the boundary of the subject site and to Morrison Bay.	Yes
(e) Garages and carports are not to be visually prominent features	Garage is not visually prominent as located on the battle axe access.	Yes
(f) Dwellings are to response appropriately to the site analysis	The dwelling is existing and is located in an east west direction orientated towards Morrison Bay which is appropriate for the orientation and topography of the site.	Yes
2.5 Public Domain Amenity		
2.5.1 Streetscape		
(a) Site design, building setbacks and level changes respect the existing topography	The proposed alterations are within the existing building footprint and the proposed first floor addition is setback 8.20m from the western property boundaries. The additions are a maximum of two storeys above the existing ground level and would not be visually prominent from Pellisier Road as the site is a battle-axe allotment.	Yes
(b) Front gardens to complement and enhance streetscape character	The site does not have a front garden. The building has a minor existing setback of 1.475m from the ground floor walls to the western boundary.	Yes
(c) Dwelling design is to enhance the safety and amenity of the streetscape	The proposed alterations and additions will not impact on the existing safety and amenity of the streetscape.	Yes
(d) Carports and garages visible from the public street are to: (i) Be compatible with the building design (ii) Be setback behind the dwelling's front elevation	The proposal involves the demolition of the existing double garage at the end of the access handle and construction of a new single garage and attached carport. The carport will allow greater access to the site and less built form within the narrow section of the site between the access handle and the body of the hatchet shaped allotment. Minimal visual impact from Pellisier Road.	Yes
(e) Driveways and hard stand areas are to be minimised	Existing driveway and hardstand are maintained.	Yes
(f) Dwellings, garages and carports are to be orientated to match the prevailing orientation of	The garage is appropriately located given that the access is via a battle axe handle.	Yes

ITEM 1 (continued)

ATTACHMENT 1

DCP 2014	Proposed	Compliance
such buildings in the streetscape		
(g) Facades from the public domain are to be well designed.	<p>The additional first storey will be visible from the public domain being Morrison Bay. The dwelling will present as a four storey building as viewed from the waterway.</p> <p>While the first floor addition is generally well designed aesthetically, the additional floor level contributes to the bulk of the building as viewed from Morrison Bay.</p>	Yes
2.5.2 Public Views and Vistas		
(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>A view corridor is unable to be provided from the street as the site is not located on a street frontage.</p> <p>Landscaping and fencing do not restrict views from Pellisier Road.</p>	<p>Yes</p> <p>Yes</p>
(b) Garages/carports and outbuildings are not to be located within view corridor if they obstruct view.	The garage is not located within a view corridor	Yes
2.5.2 Pedestrian & Vehicle Safety		
(a) Car parking located to accommodate sightlines to footpath & road in accordance with relevant Australian Standard.	Street is able to be egressed in a forward direction which will ensure clear sightlines.	Yes
(b) Fencing that blocks sight lines is to be splayed	No fencing proposed.	N/A
(c) Refer to relevant AS when designed driveways	No new designed driveway proposed.	N/A
2.6 Site Configuration		
2.6.1 Deep Soil Areas		
<p>(a) 35% of site area min.</p> <p>Site area = 1016m²</p>	<p>35% equates to 355.6m². Proposed 338.90m² (33.36%)</p>	No (Existing non-compliance)
(b) Deep soil area must include: (i) Min 8x8m deep soil area in backyard.	Deep soil of 8m x 8m is provided in the rear garden within the southern corner	Yes

ITEM 1 (continued)

ATTACHMENT 1

DCP 2014	Proposed	Compliance
(ii) Front garden area to be completely permeable (exception driveway, pedestrian path and garden walls).	The site is a battle-axe allotment and does not have a front garden.	
(c) Deep soil areas to have soft landscaping.	Deep soil has provision for soft landscaping.	Yes
(d) Dual occupancies need only one 8m x 8m in back yard	N/A	N/A
(e) 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.	Deep soil is located in the rear garden and is 100% permeable	Yes
2.6.2 Topography & Excavation		
(a) Building form and siting relates to the original topography of the land and of the streetscape.	Generally, the existing topography is to be retained.	Yes
(b) The area under the building footprint may be excavated or filled so long as:	The proposed works are entirely within the existing building footprint.	Yes
(i) the topography of the site requires cut and/or fill in order to reasonably accommodate a dwelling	No significant excavation or fill proposed within the dwelling footprint.	Yes
(ii) the depth of excavation is limited to 1.2m maximum	<1.2m.	Yes
(iii) the maximum height of fill is 900mm	<900mm	Yes
(c) Areas outside the dwelling footprint may be excavated and/or filled so long as:		
(i) the maximum height of retaining walls is not >900mm	No excavation or fill proposed outside of the dwelling footprint.	Yes
(ii) the depth of excavation is not >900mm	No retaining walls proposed.	Yes
(iii) the height of fill is not >500mm	No excavation or fill proposed outside of the dwelling footprint.	N/A
(iv) the excavation and filled areas do not have an adverse	No significant excavation or fill proposed.	Yes

ITEM 1 (continued)

ATTACHMENT 1

DCP 2014	Proposed	Compliance
<ul style="list-style-type: none"> - 8m max to top of parapet <p><i>NB:</i> <i>TOW = Top of Wall</i> <i>EGL = Existing Ground Level</i> <ul style="list-style-type: none"> - <i>FGL = Finished Ground Level</i> </p>	<p>Wall plate height: 9.01m</p> <p>Existing wall plate height non-compliance resulting from 3 storey vertical height from the finished ground level to the top of the ground floor (third storey).</p>	
<p><u>Maximum number of storeys:</u></p> <ul style="list-style-type: none"> - 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 	<p>A fourth storey is proposed to be added to the existing three storey dwelling. The enclosed area of the fourth storey is a maximum of two storeys above existing ground level, however it will present as a fourth storey when viewed from Morrisons Bay.</p> <p>No additional storey proposed above garage.</p>	<p>No</p> <p>N/A</p>
2.8.2 Ceiling Height		
(a) Habitable rooms to have 2.4m floor to ceiling height (min).	<p>2.40m</p> <p>The proposed first floor has a floor to ceiling height of 2.80m.</p>	Yes
2.9 Setbacks		
2.9.1 Front setbacks		
(a) Dwellings are generally to be set back 6m from street front boundary.	1.475m existing setback to the western boundary is unchanged.	No (Existing)
(b) On corner sites, the setback secondary frontage minimum 2m	Site is not a corner site.	N/A
(c) Garages and carports, including semi-basement garages and attached garages, set back min 1m from façade	Garage is located to the north of the existing battle axe driveway.	N/A
(d) The front setback free of structures. The exception is car parking structures which comply with 2.11	The proposed retains the existing 1.475m setback to the western boundary, being the boundary adjoining the rear boundaries of 62 and 62A Pellisier Road.	Yes
(e) Attached garages, including semi-basement	Existing nil setback to the rear boundary of 62A Pellisier Road is	Yes

ITEM 1 (continued)

ATTACHMENT 1

DCP 2014	Proposed	Compliance
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.	retained for the new garage. The site is a battle axe allotment and the garage does not need to be setback.	
(f) The outside face of wall built above a garage aligns with the outside face of the garage wall below.	A single storey detached garage is proposed.	N/A
2.9.2 Side Setbacks		
(a) One storey dwellings setback 900mm	The dwelling is an existing 3 storey building and an additional level is proposed. N/A.	N/A
(b) Two storey dwellings setback 1.5m	The existing side setbacks are 1.971 m from the northern side setback and 1,501m from the southern side boundary.	Yes
(c) The second storey addition to a single storey dwelling are to be set back 1.5m	The dwelling is a 3 storey building and an additional storey is proposed, a fourth level. The setback at the fourth level is not setback further than 1.50m on the southern side setback however it is setback further by 3.1m on the northern elevation.	
(d) Allotments wider than they are long, one side setback a min of 20% of the width of the lot or 8m, whichever is greater.	N/A.	N/A
2.9.3 Rear Setbacks		
(a) The rear setback min 25% of the site length or 8m, whichever is greater.	25% of 58.215m = 14.55m. New works are set back at least 23m from the Mean High Water Mark. The foreshore building line is applicable to the site and requires a setback of 16 to 17m from the Mean High Water Mark.	Yes
(b) Allotments wider than they are long, min setback of 4m	N/A	N/A
(c) Dwelling on battle axe allotment are to be setback the rear boundary of the	Front set back is 1.475m and is existing.	No (Existing)

ITEM 1 (continued)

ATTACHMENT 1

DCP 2014	Proposed	Compliance
front lot min of 8m. Single storey garage or outbuilding can be within setback.		
2.10 Outbuildings		
	The site contains an existing boatshed which is to be retained within the foreshore area. No new outbuildings are proposed.	N/A
2.11 Car Parking and Access		
2.11.1 Car Parking		
(a) Dwellings 2 spaces. Dual occ 1 space/dwg	2 car spaces are proposed.	Yes
(b) Garages setback 1m behind front elevation.	Battle-axe allotment. N/A.	N/A
(c) Spaces can be enclosed or roofed.	An enclosed single garage is proposed with an adjacent open carport.	Yes
(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.	Garage is located forward of existing dwelling as there no other suitable position.	Yes
(e) Garages doors solid. No expanded mesh doors.	Solid.	Yes
(f) Preference located off laneways, secondary street frontages.	Not possible given battle axe access.	N/A
(g) Driveway widths minimised. Driveways single car width except where needed to be widen to double garage access.	Existing driveway retained.	Yes
(h) Driveways not roofed	Driveway is unroofed.	Yes
(i) Min width 6m or 50% of the frontage whichever is less	Battle-axe site.	N/A
(j) Total width garage doors not be >5.7m	2.7m	Yes
(k) Driveways for battle axe enable vehicles to enter	There is sufficient space to reverse out of the garage, execute a 3-point turn and exit in a forward direction.	Yes

ITEM 1 (continued)

ATTACHMENT 1

DCP 2014	Proposed	Compliance
and leave in forward direction.		
(l) Garage doors not be recessed more than 300mm	Max 300mm.	Yes
(m) Garage windows >900mm from boundaries	No windows.	Yes
(n) Free standing garages max GFA 36m ²	16.40m ²	Yes
(o) Design and materials to complement dwelling	Insufficient details provided.	No
(p) Setback at least 1m from façade	Setback not required for battle-axe allotment.	Yes
(q) Carports not enclosed	Carport is not enclosed.	Yes
2.12 Swimming Pools and Spas		
2.13 Landscaping		
(a) Major trees to be retained where practical	The proposal does not seek consent for removal of any trees. The existing Port Jackson Fig within the neighbouring site at 60 Pellisier Road and the Native Frangipani within the subject site are required to be retained and protected during construction associated with any development consent for the proposal.	Yes
(b) Lots adjoining bushland, protect and retain indigenous native vegetation and use native indigenous plant spaces for a distance of 10m	Site does not adjoin bushland.	N/A
(c) Provide useful outdoor spaces	Currently provides useful outdoor area to the rear of the site.	Yes
(d) Physical connection between dwelling and external ground level	The Lower Ground Level and Basement Level have stairs which access the rear garden thereby creating the physical connection.	Yes
(e) Provide landscape front garden. Hard paved areas no more than 40%.	It is not possible to provide a landscape front garden due to the existing location of the dwelling.	No (Existing)
(f) Pathway along one side boundary connecting front to rear. Not to be blocked	Pathway provided on the southern side of the dwelling.	Yes

ITEM 1 (continued)

ATTACHMENT 1

DCP 2014	Proposed	Compliance
by ancillary structures. Not required where there is rear lane access or corner allotment.		
(g) Landscape elements in front garden to be compatible with scale of dwelling.	It is not possible to provide a landscape front garden due to the existing location of the dwelling	No (Existing)
(h) Front garden at least 1 canopy tree at least 10m in height	The site does not have a front garden and the provision of a canopy tree is not possible due to the existing 1.475m setback to the western boundary.	No (Existing)
(i) Mature tree at least 15m in rear garden with the DSA.	The proposal has been reviewed by Council's Landscape Architect who has not required the provision of a canopy within the foreshore area.	N/A
(j) Locate and design landscaping to increase privacy between dwellings	Existing shrubs and hedges to be retained.	Yes
(k) Hedge planting on boundary no greater than 2.7m	Existing planting to be retained.	Yes
(l) Retaining walls and other landscape elements not to obstruct stormwater overland flow.	No retaining walls proposed.	Yes
(m) OSD not to be located within front setback unless it is underneath driveway	The proposal does not require on-site detention.	N/A
(n) Landscaping to include POS	POS is provided in the rear garden.	Yes
(o) Designed to improve energy efficient of building and micro climate of external living areas.	No change to existing garden.	Yes
2.14 Dwelling Amenity		
2.14.1 Daylight and Sunlight Access		
(a) Living areas are to be predominantly located to the north where possible	Living area located on the Ground Floor which contains the kitchen and dining orientated to the north and living to the east.	Yes

ITEM 1 (continued)

ATTACHMENT 1

DCP 2014	Proposed	Compliance
(b) Sites with northern side boundary to have increased setback of 4 metres is preferred.	The subject site has a northern side boundary however it is an existing building and is located 1.971m from the northern boundary.	No (Existing)
<u>Subject Dwelling</u>		
(c) Windows to north facing living areas of subject dwellings are to receive at least 3 hours of sunlight between 9am to 3pm on June 21.	Existing ground floor living room arrangement retained. Living/dining room windows are orientated to the north-west and would receive 3 hours sunlight from 9am to 12pm.	Yes
(d) Private open space is to receive at least 2 hours sunlight between 9am to 3pm on June 21.	Rear private open space would receive in excess of 2 hours sunlight.	Yes
<u>Neighbouring properties:</u>		
(e) For neighbouring properties: (i) sunlight to 50% of principal areas of ground level POS is not reduced to less than 2 hours between 9am to 3pm on 21 June	No 64A Pellisier Road POS will receive sunlight between 9.00am and 12pm.	Yes
(ii) windows to north facing living areas to receive at least 3 hours of sunlight between 9am and 3pm on 21 June over a portion of surface, where can be reasonably maintained given orientation and topography.	No 64A Pellisier Road would receive 3 hours of sunlight between 9.00am and 12pm to the north-east facing windows.	Yes
2.14.2 Visual Privacy		
(a) Orientate the windows of main living spaces (living room, dining, kitchen, family etc) to the front and rear	The windows of the main living spaces are generally orientated to the rear, towards the waterway. The ground floor living/dining/kitchen is generally consistent with the existing dwelling.	Yes
(b) Orientate terraces, balconies and outdoor living areas to front or rear and not side boundary	Terraces are orientated to the rear of the dwelling.	Yes
(c) Terraces and balconies are not to overlook neighbour's living areas and POS	Balconies/terraces on lower ground floor, ground floor and first floor would allow for overlooking of neighbouring private open space to the north No. 60	No

ITEM 1 (continued)

ATTACHMENT 1

DCP 2014	Proposed	Compliance
	and to the south at No.64A. Privacy screening is not provided.	
(d) Living and kitchen windows, terraces and balconies are not to allow direct view into neighbouring dwelling or POS	Privacy screening is provided where required.	Yes
(e) Side windows are to be offset by sufficient distance to avoid visual connection between dwellings.	Side windows are sufficiently offset and include privacy screening where required. The existing landscape screening at 60 Pellisier Road provides visual screening between the pool on that property and the windows of the ground floor of the subject site.	Yes
(f) Splayed walls with windows are not to be located above ground level where the windows provide views into adjoining property.	Splayed wall proposed on first floor however there are no associated windows.	Yes
2.14.3 Acoustic Privacy		
(a) Noise of mechanical equipment not exceed 5dB(A) above background noise measured in or on any premises in vicinity of the item. (b) Dwellings on arterial roads double glazed windows fronting road. (c) Dwellings on arterial roads acoustic seal on the front door. (d) Dual occupancies are to be designed to reduce noise transmission between dwellings.	The proposal is for alterations and additions to the existing single dwelling and would not result in any unreasonable noise impacts.	Yes
2.14.4 View Sharing		
(a) The siting of development is to provide for view sharing.	The proposal would result in significant impacts upon the views enjoyed from the neighbouring dwellings to the west Nos. 60, 62 and 62A Pellisier Road. An assessment of the impact is discussed in the assessment report.	No
2.14.5 Cross Ventilation		

ITEM 1 (continued)

ATTACHMENT 1

DCP 2014	Proposed	Compliance
(a) Designed to optimise access to prevailing breezes and provide for cross ventilation.	Window and door openings provide for cross ventilation.	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 consistent with the character of the dwelling and proposes a flat roof consistent with the architectural style of the building. The roofing style is not out of character with waterfront development in the vicinity of the site.	Yes
(b) The main roof not trafficable terrace.	A new first floor terrace is proposed. Please see the discussion within the visual privacy controls.	No
(c) Proposed attic contained within the volume of the roof space.	The proposal does not contain an attic.	N/A
(d) Skylights to be minimised on roof planes visible from the public domain. Skylights are to be symmetrical.	A single skylight is proposed on the new first floor roof.	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.	Yes
(g) Scale of the roof is to be in proportion with the scale of the wall below.	Scale of the roof is in proportion.	Yes
(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.	Attics are not proposed.	N/A
2.16 Fences		
2.16.1 Front and return Fences and Walls		
	No boundary fencing is proposed.	N/A

ITEM 1 (continued)

ATTACHMENT 1

DCP 2014	Proposed	Compliance
2.16.2 Side and Rear Fences and Walls		
	No boundary fencing is proposed.	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 (b) Site analysis	BASIX Certificate A370403_02 and dated 17 August 2020.	Yes
Part 7.2 Waste Minimisation and Management		
2.3 All developments		
(a) Developments must provide space for onsite waste containers	Space is provided for on-site waste containers.	Yes
(b) Compliant size of storage areas and number of storage containers.	Sufficient storage space is provided.	Yes
(c) Space to be provided for bulk waste where appropriate.	Bulk waste can be stored at the rear of the property.	Yes
(d) Storage of green waste provided	Space provided for storage of green waste.	Yes
(e) Stored within the boundaries of the site.	Waste can be stored within the boundaries of the site.	Yes
(f) Site Waste Minimisation and Management Plan (SWMMP) to be submitted.	Waste management Plan submitted.	Yes
(g) Located to provide easy, direct and convenient access.	Convenient access provided.	Yes
(h) No incineration devices.	None proposed.	N/A
(i) Collection point identified on plan.	Collection point on Pellisier Road.	Yes
(j) Path for wheeling bin collection not less than 1:14	Existing driveway is the path for wheeling bins.	Yes
2.4 Demolition and Construction		
(a) Demolition must comply with AS and WorkCover	The existing dwelling is proposed to be retained.	Yes
(b) Demolition work plan submitted	N/A.	N/A
(c) Dedicated area on site for stockpile of materials taking into account environmental factors and amenity impacts.	Stockpile area provided.	Yes
(d) Construction materials to be stored away from the waste materials on site.	Sufficient space provided for separate storage of waste and construction materials.	Yes
Part 8: Engineering		

ITEM 1 (continued)

ATTACHMENT 1

DCP 2014	Proposed	Compliance
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 would be required to be submitted with any Construction Certificate application for the proposed development. However, the subject application is recommended for refusal for the reasons detailed within the assessment report.	N/A
Part 8.2 Stormwater and Floodplain Management		
2.0 Stormwater Drainage		
(a) Drainage is to be piped in accordance with Section 2.0 Stormwater Drainage Application has been consideration satisfactory by Development Engineering and City Works.	Stormwater Plan prepared by 8 squared, dated 14 September 2020. Project number 19R224. Proposal has been considered satisfactory by Council's Senior Development Engineer.	Yes
4.0 Flooding and Overland Flow		
	The site is not identified as being subject to flooding.	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.	Single dwelling. Existing crossing retained.	Yes
3.2(a) disused footway crossing slabs that become redundant are to be removed and footway restored.	Existing crossing retained.	Yes
4.0 Designing internal access roads and parking spaces		
4.1 (a) the design of all parking spaces, circulation roads and manoeuvring areas on the property must conform to the minimum requirements of AS2890.1-2004.	The proposal was reviewed by Council's Senior Development Engineer who has raised no issues with the proposed access arrangement.	Yes
4.2 Design of Parking Spaces		
(b) Vehicles (85 th percentile) to enter and leave designated parking space in a single 3 point turn manoeuvre. A 99 th percentile vehicle for disabled vehicles.	There is sufficient space to reverse out of the garage, execute a 3-point turn and exit in a forward direction.	Yes

ITEM 1 (continued)

ATTACHMENT 1

DCP 2014	Proposed	Compliance
(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.		
S2.0 Design Standards		
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	Existing driveway is 3.05m in width.	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.	Level of land would likely prohibit an accessible path of travel.	N/A
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 	2 spaces.	Yes

ITEM 1 (continued)

ATTACHMENT 2

ATTACHMENT 2 – SYDNEY REGIONAL ENVIRONMENTAL PLAN (SYDNEY HARBOUR CATCHMENT) 2005 COMPLIANCE TABLE

Provision	Proposal	Compliance
<i>Cl. 21 Biodiversity, Ecology and Environmental Protection</i>		
(a) Development should have neutral or beneficial effect on quality of water entering waterways	As there is no change in land-use proposed and the works are generally limited to the existing footprint of the dwelling, the proposal would result in nothing more than a minor impact in terms of biodiversity, ecology and natural environment impacts. It is considered the proposed development would have a neutral effect on the quality of water entering waterways.	Yes
(b) Development should protect and enhance terrestrial and aquatic species, populations and ecological communities and, in particular, should avoid physical damage and shading of aquatic vegetation (such as seagrass, saltmarsh and algal and mangrove communities)	<p>All works involved with the proposal are to occur above the MHWL. The proposal would be unlikely to result in any adverse impacts on any terrestrial and aquatic species, populations and ecological communities.</p> <p>The proposed dwelling house is unlikely to cause any adverse overshadowing impact on adjacent aquatic areas.</p> <p>Given the above, it is considered the proposed development would protect terrestrial and aquatic vegetation. Appropriate conditions of consent are capable of being imposed with regard to silt and sediment control for any development consent granted for the proposal.</p>	Yes
(c) Development should promote ecological connectivity between neighbouring areas of aquatic vegetation (such as seagrass, saltmarsh and algal and mangrove communities)	All works associated with the proposal will occur entirely within the site above the MHWL. Accordingly, the proposed development is not considered to have a negative impact on ecological	N/A

ITEM 1 (continued)

ATTACHMENT 2

Provision	Proposal	Compliance
	connectivity of aquatic vegetation.	
(d) Development should avoid indirect impacts on aquatic vegetation (such as changes to flow, current and wave action and changes to water quality) as a result of increased access	All works associated with the proposal will occur entirely within the site above the MHWM. Accordingly, the proposed development is not considered to have any indirect impact on aquatic vegetation. It is noted that the proposed development is unlikely to cause any indirect impacts on the natural environment.	Yes
(e) Development should protect and reinstate natural intertidal foreshore areas, natural landforms and native vegetation	All works associated with the proposal will occur entirely within the site above the MHWM. Accordingly, the proposed development is considered to protect the natural intertidal foreshore, natural landforms & native vegetation with minimal adverse impacts on the natural environment.	Yes
(f) Development should retain, rehabilitate and restore riparian land	All works associated with the proposal will occur entirely within the site above the MHWM. Therefore, all riparian land is retained and the proposed development is not considered to have any adverse impacts. The proposed development does not aim to rehabilitate or restore riparian land.	N/A
(g) Development on land adjoining wetlands should maintain and enhance the ecological integrity of the wetlands and, where possible, should provide a vegetation buffer to protect the wetlands	The subject site adjoins wetland protection areas. All works associated with the proposal will occur entirely within the site above the MHWM and sufficient vegetation buffer will be provided.	Yes
(h) The cumulative environmental impact of development	All works associated with the proposal will occur entirely within the site above the MHWM, as such it is considered the cumulative	Yes

ITEM 1 (continued)

ATTACHMENT 2

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

ITEM 1 (continued)

ATTACHMENT 2

Provision	Proposal	Compliance
(e) The need to minimise disturbance of contaminated sediments	All works are proposed well above MHWM and is considered not to disturb any contaminants in water/sediments. Additionally, sediments are considered unlikely to be containment due to continued history of residential use on the subject site and the surrounding area.	Yes
<i>Cl. 24 Interrelationship of Waterway and Foreshore Uses</i>		
(a) Development should promote equitable use of the waterway, including use by passive recreation craft	Proposal will not inhibit or prevent equitable use of waterway by passive recreation craft and presents no change from the existing relationship with the waterway.	Yes
(b) Development on foreshore land should minimise any adverse impact on the use of the waterway, including the use of the waterway for commercial and recreational uses	Proposal will not inhibit or prevent equitable use of waterway for commercial or recreational uses and presents no change from the existing relationship with the waterway.	Yes
(c) Development on foreshore land should minimise excessive congestion of traffic in the waterways or along the foreshore	Development does not seek to increase or impede any existing traffic conditions in the waterway or along the foreshore and presents no change from the existing relationship with the waterway.	Yes
(d) Water-dependent land uses should have propriety over other uses	Not applicable.	N/A
(e) Development should avoid conflict between the various uses in the waterways and along the foreshores	No change to existing use of site and waterway as part of the proposed development. It is therefore considered conflicts between various uses in the waterways & along the foreshore will be avoided.	Yes
<i>Cl. 25 Foreshore and Waterways Scenic Quality</i>		
(a) The scale, form, design and siting of any building should be based on an analysis of:		
(i) the land on which it is to be erected, and	The proposal is not out of character with the surrounding development.	Yes

ITEM 1 (continued)

ATTACHMENT 2

Provision	Proposal	Compliance
(II) the adjoining land, and	The proposal is not out of character with the surrounding development.	Yes
(III) the likely future character of the locality	The proposed development is generally consistent with the current and likely future character of the locality.	Yes
(b) development should maintain, protect and enhance the unique visual qualities of Sydney Harbour and its islands, foreshores and tributaries	The proposed development would not create adverse impacts on the visual qualities of Sydney Harbour.	Yes
(c) the cumulative impact of water-based development should not detract from the character of the waterways and adjoining foreshores	Proposed development is totally land based and proposes no water based development. It is therefore considered that proposed development does not detract from the character of the waterways and adjoining foreshores.	N/A
Cl. 26 Maintenance, Protection and Enhancement of Views		
(a) Development should maintain, protect and enhance views (including night views) to and from Sydney Harbour	The proposal would significantly impact upon views to the harbour from neighbouring properties.	No
(b) Development should minimise any adverse impacts on views and vistas to and from public places, landmarks and heritage items	The proposal would result in unacceptable view impacts upon the heritage item at 60 Pellisier, diminishing its heritage significance.	No
(c) The cumulative impact of development on views should be minimised	The cumulative impact on views to the harbour is considered to be unacceptable as a result of the proposed development.	No
Cl. 29 Consultation required for certain development applications		
(1) The consent authority must not grant development consent to the carrying out in the Foreshores and Waterways Area of development listed in Schedule 2, unless:	(1) It is acknowledged that the subject site is located within the Foreshores and Waterways Area as depicted. The proposed development does not	N/A

ITEM 1 (continued)

ATTACHMENT 2

Provision	Proposal	Compliance
<p>(a) it has referred the development application to the Advisory Committee, and</p> <p>(b) it has taken into consideration any submission received from the Advisory Committee within 30 days after the date on which the application was forwarded to the Committee.</p>	<p>include any items included in relation to Schedule 2 of the SREPSHC 2005.</p> <p>(a) As per Cl.29(3) (see below), it is the opinion of the assessment officer working on behalf of the consent authority (Ryde City Council) that the proposed development is minor and does not, to any significant extent, increase the scale, size or intensity of the use of the proposed buildings and works over that of the existing arrangements on site. Accordingly, the development application has not been referred to the Advisory Committee.</p> <p>(b) Noted.</p>	
<p>(2) In the case of an application to carry out development for more than one purpose, of which one or more is listed in Schedule 2 and one or more is not, the consent authority is only required to refer to the Advisory Committee that part of the application relating to development for a purpose so listed.</p>	<p>(2) Noted.</p>	<p>Noted.</p>
<p>(3) This clause does not apply to development that consists solely of alterations or additions to existing buildings or works and that, in the opinion of the consent authority, is minor and does not, to any significant extent, increase the scale, size or intensity of use of those buildings or works.</p>	<p>(3) As the proposed works are not identified under Schedule 2 of the SHCREP this clause does not apply.</p>	<p>N/A</p>

ITEM 1 (continued)

ATTACHMENT 2

Provision	Proposal	Compliance
Wetlands Protection Area along Lane Cove / Parramatta River frontage	Subject site fronts the wetlands protection area to Morrisons Bay.	Yes
Cl. 62 Requirement for Development Consent (2) Development may be carried out only with development consent	Development consent is sought by current application.	Yes
(3) Development consent is not required by this clause:	Not applicable.	N/A
(a) For anything (such as dredging) that is done for the sole purpose of maintaining an existing navigational channel, or	The proposed development does not include maintenance of an existing navigational channel.	N/A
(b) For any works that restore or enhance the natural values of wetlands being works:	The proposed development does not include any works that aim to restore or enhance the natural values of wetlands.	N/A
(i) that are carried out to rectify damage arising from a contravention of this plan, and	Not applicable.	N/A
(ii) that are not carried out in association with another development, and	Not applicable.	N/A
(iii) that have no significant impact on the environment beyond the site on which they are carried out.	Not applicable.	N/A
Cl. 63 Matters for Consideration (2) The matters to be taken into consideration are as: (a) The development should have a neutral or beneficial effect on the quality of water entering the waterways,	The proposed development is for alterations and additions to the existing dwelling house dwelling house. As there is no change in land-use proposed and works are considered minor in terms of biodiversity, ecology and environmental impacts it is considered the proposed development will have a neutral effect on the quality of water entering waterways.	Yes

ITEM 1 (continued)

ATTACHMENT 2

Provision	Proposal	Compliance
(b) The environmental effects of the development, including effects on:		
(i) the growth of native plant communities,	No impact on the growth of native plant communities due to all existing vegetation being retained and all proposed works to be located away and above the MHWL.	Yes
(ii) the survival of native wildlife populations,	Wildlife populations are considered to be unharmed as a result of the proposed development as there are no impacts to any known habitats.	Yes
(iii) the provision and quality of habitats for both indigenous and migratory species,	The quality of habitats for both indigenous and migratory species is fully retained as part of the proposed development.	Yes
(iv) the surface and groundwater characteristics of the site on which the development is proposed to be carried out and of the surrounding areas, including salinity and water quality and whether the wetland ecosystems are groundwater dependant,	The proposed development is considered to have no adverse affects on surface and groundwater characteristics of the site and surrounding areas due to there being no significant change to land use and the development being in compliance with the stormwater controls set out in the Ryde DCP 2014.	Yes
(c) Whether adequate safeguards and rehabilitation measures have been, or will be, made to protect the environment.	The application is recommended for refusal, however appropriate safeguards can be put in place for any consent issued for the development by way of Council's standard conditions to ensure all runoff, sedimentation & siltation is controlled so as to protect the environment. Rehabilitation measures are not considered necessary as no works being undertaken below and beyond the MHWL.	Yes
(d) Whether carrying out the development would be consistent with the principles	The proposal is located within the wetlands protection area	Yes

ITEM 1 (continued)

ATTACHMENT 2

Provision	Proposal	Compliance
set out in <i>The NSW Wetlands Management Policy</i> (as published in March 1996 by the then Department of Land and Water Conservation).	and is considered to be consistent with principles set out in <i>The NSW Wetlands Management Policy</i> .	
(e) Whether the development adequately preserves and enhances local native vegetation,	The development is considered to adequately preserve the local native vegetation through proposing no works below and beyond the MHWM, therefore retaining all existing local native vegetation.	N/A
(f) Whether the development application adequately demonstrates:		
(i) how the direct and indirect impacts of the development will preserve and enhance wetlands, and	No adverse impacts.	Yes
(ii) how the development will preserve and enhance the continuity and integrity of the wetlands, and	All works associated with the proposal will occur entirely within the site above the MHWM.	Yes
(iii) how soil erosion and siltation will be minimised both while the development is being carried out and after it is completed, and	Soil erosion and siltation is capable of being minimised during construction through implementation of sediment fences & sediment traps set up strategically across the site. Following construction all existing stormwater controls will remain unchanged.	Yes
(iv) how appropriate on-site measures are to be implemented to ensure that the intertidal zone is kept free from pollutants arising from the development, and	The application is recommended for refusal, however, the standard conditions of consent are capable of being imposed on any consent for the development to provide sufficient sediment control measures ensuring that the intertidal zone is kept free from pollutants arising from the development.	Yes
(v) that the nutrient levels in the wetlands do not increase as a consequence of the development, and	The development is considered not to result in any increase in nutrient levels in any surrounding wetlands due to all works associated with the	Yes

ITEM 1 (continued)

ATTACHMENT 2

Provision	Proposal	Compliance
(vi) that stands of vegetation (both terrestrial and aquatic) are protected or rehabilitated, and	proposal taking place entirely within the site above the MHWM. No development is proposed within the stands of existing vegetation (both terrestrial and aquatic) therefore protecting them from any adverse impacts.	N/A
(vii) that the development minimises physical damage to aquatic ecological communities, and	The development minimises any adverse impacts on the aquatic ecological communities through ensuring no works are undertaken below the MHWM.	Yes
(viii) that the development does not cause physical damage to aquatic ecological communities,	With all works associated with the proposal being carried out entirely within the site above the MHWM, it is considered that no physical damage to aquatic ecological communities would occur as a result of the proposed development.	Yes
(g) Whether conditions should be imposed on the carrying out of the development requiring the carrying out of works to preserve or enhance the value of any surrounding wetlands.	The application is recommended for refusal, therefore no conditions of consent are recommended.	Yes

ITEM 1 (continued)

ATTACHMENT 2

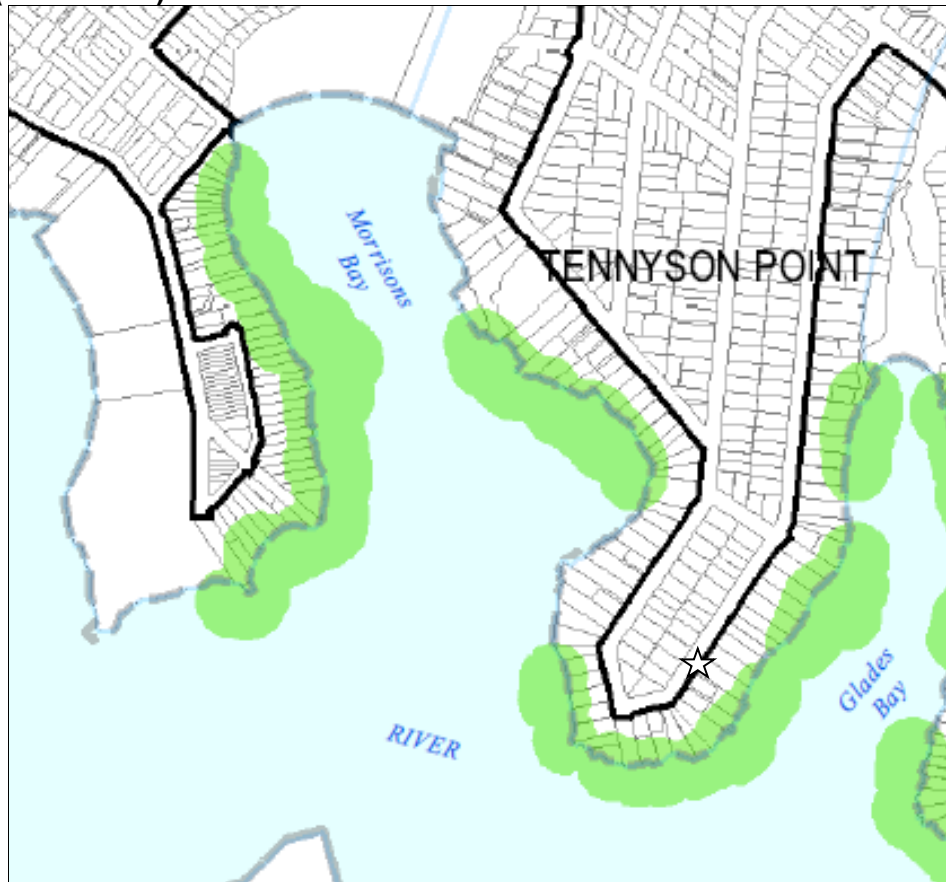


Figure 28 Wetlands Protection Area

ITEM 1 (continued)

ATTACHMENT 3
ATTACHMENT 3 -
SYDNEY HARBOUR FORESHORES & WATERWAYS AREA
DCP FOR SREP (SYDNEY HARBOUR CATCHMENT) 2005
(SHFWADCP 2005) COMPLIANCE TABLE

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

For the purposes of the following assessment, the subject site has been identified as being located with the Landscape Character Type 14, being the low topographic developed areas of Parramatta River (Refer to Figure 3 on page 17)

Provision	Proposal	Compliance
<p>Statement of Character and Intent: These areas are mostly developed with detached residential development on the upper slopes and boat shed and wharves along the foreshore. Further development in these areas must consider protecting key visual elements including rock outcrops, native vegetation, vegetation in and around dwellings and maintaining the density and spacing of development.</p>	<p>The proposed development is for alterations and additions to the existing dwelling house. The proposed development is not considered to impact on any rock outcrops.</p> <p>Council's Landscape Architect has reviewed the proposal and advised that the significant Port Jackson Fig within the neighbouring property at 60 Pellisier Road would not be significantly impacted by the proposal.</p> <p>Density and spacing of the development remains unchanged as part of the proposal as the single dwelling land use is unchanged. Accordingly, the proposed development is considered to be consistent with the character and intent for development in the Landscape Character Type 14 area.</p>	Yes
<p>Performance criteria:</p> <ul style="list-style-type: none"> consideration is given to the cumulative and incremental effects of further development along the 	<ul style="list-style-type: none"> Consideration has been given to the cumulative and incremental effects of further development along 	Yes

ITEM 1 (continued)

ATTACHMENT 3

Provision	Proposal	Compliance
<p>foreshore and to preserving the remaining special features;</p> <ul style="list-style-type: none"> ▪ development is to avoid substantial impact on the landscape qualities of the foreshore and minimise the removal of natural foreshore vegetation, radical alteration of natural ground levels, the dominance of structures protruding from rock walls or ledges or the erection of sea walls, retaining walls or terraces; ▪ landscaping is carried out between buildings to soften the built environment; and ▪ existing ridgeline vegetation and its dominance as the backdrop to the waterway, is retained. 	<p>the foreshore. The proposed development is consistent with surrounding development in terms of design, and bulk and scale.</p> <ul style="list-style-type: none"> ▪ It is considered that minimal impacts will result as part of the development, no natural existing foreshore vegetation is proposed to be removed, natural ground levels close to the shoreline have been maintained and no erection of rock walls, sea walls or ledges have been proposed. ▪ No existing mature ridgeline vegetation was identified during the site inspection. 	
<p>(a) Development should have neutral or beneficial effect on quality of water entering waterways</p>	<p>The proposed development is for alterations and additions to the existing dwelling house. As there is no change in land-use proposed and works are considered minor in terms of biodiversity, ecology and environmental impacts it is considered the proposed development will have a neutral effect on the quality of water entering waterways.</p>	<p>Yes</p>

ITEM 1 (continued)

ATTACHMENT 3

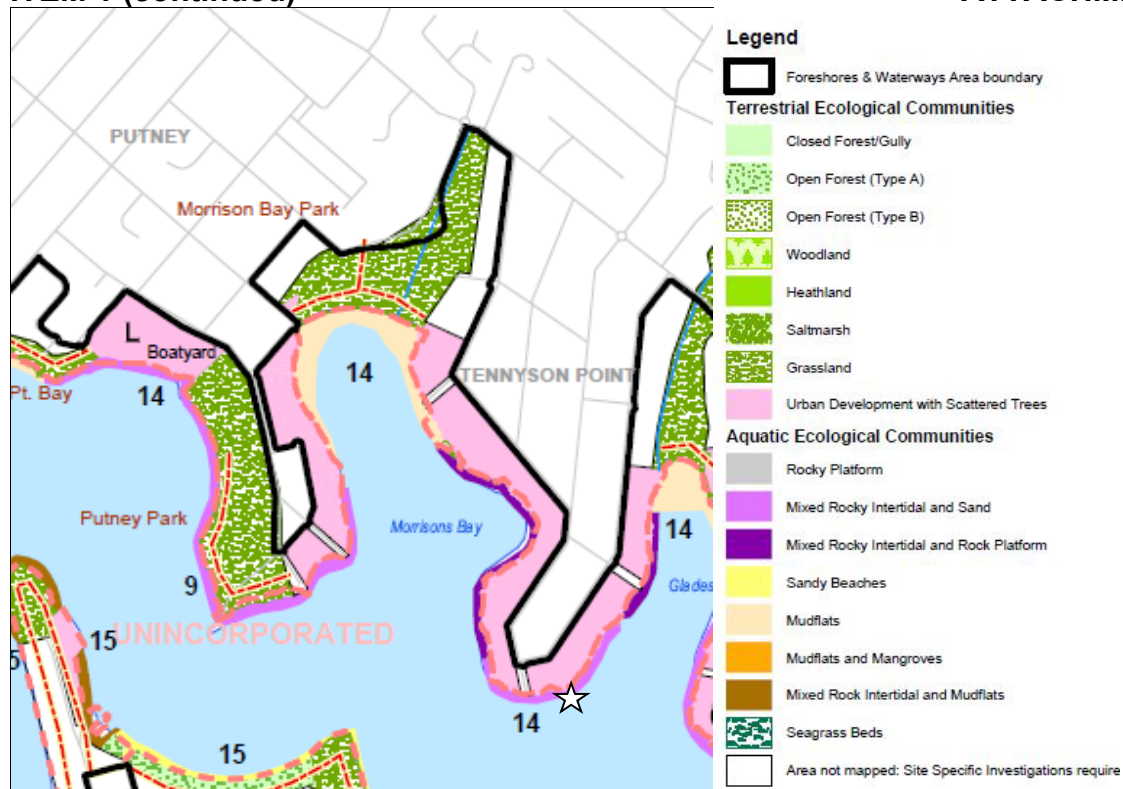


Figure 29 Ecological Communities and Landscape Characters

ITEM 1 (continued)

ATTACHMENT 4

15 April 2021

64 PELLISIER ROAD, PUTNEY, (LOT 102, DP866280).

DEVELOPMENT APPLICATION HERITAGE REVIEW DA NO.
LDA2020/0327

FOR CITY OF RYDE COUNCIL

INTRODUCTION

Kemp and Johnson Heritage Consultants have been engaged by City of Ryde Council to undertake an independent heritage review of the development application submitted to Council to undertake proposed partial demolition, alterations and additions to the existing house on the site at 64 Pellisier Road, Putney (Lot 102, DP866280).

Documents viewed in relation to the DA submission include the following:

- Heritage Impact Statement for proposed alterations and additions to 64 Pellisier Road, Putney, NSW prepared by John Oultram Heritage & Design, dated August 2020
- Architectural plans prepared by 8 Squared dated 14 September 2020 and revised plans prepared by 8 Squared dated 17 February 2021
- Photomontage prepared by 8 Squared, dated 14 September 2020
- Aboricultural Impact Assessment 64 Pellisier Road, Putney, NSW 2112 prepared by McArdle Aboricultural Consultancy dated 9 September 2020
- View Analysis diagrams prepared by 8 Squared dated 14 September 2020

The site was inspected by Chery Kemp, Principal Partner of Kemp and Johnson Heritage Consultants on 9 April 2021, which included inspection of views from the western (waterfront) elevation of the heritage item at No. 60 Pellisier Road, Putney.

HERITAGE STATUS & SIGNIFICANCE OF THE SITE

The subject site at 64 Pellisier Road Putney is not a listed heritage item, and is not within any Heritage Conservation Area, however the subject site is adjacent to the listed heritage item at No. 60 Pellisier Road, Putney, listed in Schedule 5 of the Ryde LEP 2014. Figure 1 and Table 1 below show the heritage context of the site and the listing details for the adjacent heritage item in the Ryde LEP 2014.

Table 1: Heritage listing details for adjacent heritage item No. 60 Pellisier Road, from Ryde LEP 2014

Locality	Item name	Address	Property Description	Significance	Item no.
Putney	House	60 Pellisier Road	Lot 92, DP 590979	Local	86

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Figure 1: Extract Heritage Map No. 007 Ryde LEP 2014. No 60 Pellissier Road is heritage item No. 86, north of the subject site at 64 Pellissier Road (arrowed).

The Statement of Significance for the adjacent heritage item at No. 60 Pellissier Road (from the State Heritage Inventory form) is as follows:

The house, Hazelville, built circa 1917, is of historical significance as part of an early twentieth century riverfront subdivision of Putney. The dwelling has historical association with Michael Joseph Connington, a member of the Labor movement, industrial advocate and Member of the NSW Legislative Assembly (MLA from 1919), and his family, who continued to own the property well into the 20th century. The house is of aesthetic significance as a fine, substantial Federation Queen Anne style residence in a prominent waterfront location fronting Morrisons Bay, Putney, representative of the style, and rare in the Putney area.

The inventory form also includes the following information with regard to No. 60 Pellissier Road:

Large tennis courts at the rear of the property and a swimming pool in the river at the rear of the property (described as "baths" in the 1924 Ryde Valuation book), made this home a focal point for the social life of the people of Putney during the Connington's life.

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DESCRIPTION OF SITE & CONTEXT

The subject site at 64 Pellisier Road is located on a battle-axe waterfront site on the eastern side of Pellisier Road, which is to the south-east of the site of the heritage item at No. 60 Pellisier Road. The site of the heritage item at No. 60 Pellisier Road extends down to the waterfront, with a narrow (8m wide) piece of land extending down to the waterfront encompassing a swimming pool, studio, landscaping, a fig tree listed as a significant tree, and a boat shed. This narrow piece of land belonging to the heritage item site is adjacent to the subject site at No. 64 Pellisier Road.

Figures 2-4 below show the location of the site, noting that Figure 4, the 1943 aerial photo, shows the tennis court and original boatshed on towards the waterfront associated with the heritage listed house at No. 60 Pellisier Road, however most of this land has since been subdivided from the heritage item site and now forms the battle-axe block at No. 60A Pellisier Road.



Figure 2: Location map showing the subject site at 64 Pellisier Road (shaded yellow, outlined in red), with the adjacent heritage item at 60 Pellisier Road arrowed. Source: Six Maps, NSW Land Registry Services

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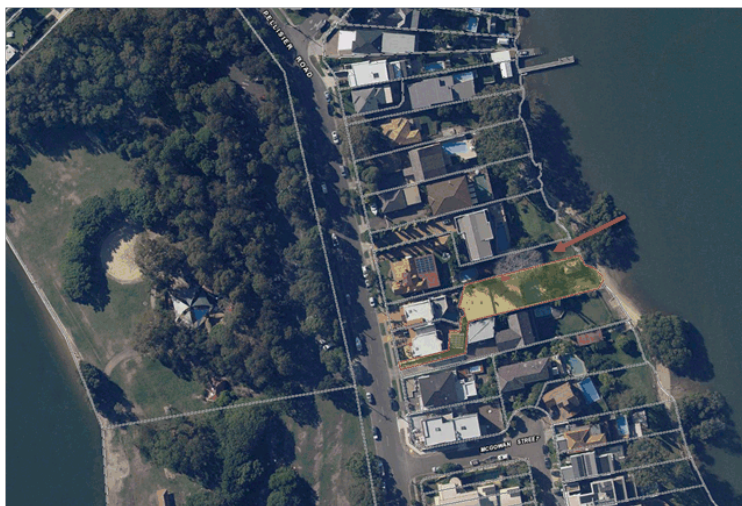


Figure 3: Recent satellite view showing the subject site at 64 Pellissier Road (shaded yellow, outlined in red), with the adjacent heritage item at 60 Pellissier Road arrowed. Source: Six Maps, NSW Land Registry Services



Figure 4: 1943 aerial photo showing the subject site at 64 Pellissier Road (shaded yellow, outlined in red), with the adjacent heritage item at 60 Pellissier Road arrowed. Source: Six Maps, NSW Land Registry Services

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With regard to the significant fig tree at No. 60 Pellisier Road, the applicant's Aboricultural Impact Assessment includes the following information:

Tree 1 Ficus rubiginosa Port Jackson Fig is listed on the City of Ryde Significant Tree Register. The tree is mature with a sparse canopy and significant deadwood and decay within the tree. The tree is located 200mm off the boundary in the neighbouring property at 60 Pellisier Road, Putney. The significant tree will be impacted by one pier required for the proposed additions.¹

And

Mature, unbalanced canopy north west, very sparse canopy, new growth around base, significant deadwood 7m south-east 150mm cut. There is significant decay within the tree, specifically along the trunk base up to 5m. less than 50% canopy cover. There is a hollow at 5m of 300m diameter. The tree is 200mm off the boundary. Below the decking there is 1m depth of fill. The tree is listed on the City of Ryde Significant Tree Register.²

It is noted that the adjacent site to the north-east and east of the heritage item, No. 60A Pellisier Road, also a battle-axe waterfront site, is occupied by a large 2-storey residence which blocks views to the north-east and partially blocks views to the east from the waterfront of the heritage item at No. 60 Pellisier Road.

The Heritage Impact Statement for this LDA includes the following information regarding the development of the subject site at 64 Pellisier Road (page 12 of the HIS):

64 Pellisier is a late Twentieth Century residential development that appears to have been built c. 1970. The house was built on a subdivision of the house at 62 Pellisier Road that was carried out in 1965 creating three lots. The subject house was built on one of the waterside lots. At that time the cottage to the street was extant but has now been demolished and replaced with two, two storey, modern houses.

The site was part of the vast land grant to Nicholas Bayly in 1779 parts of which were later subdivided by the Phillip Billingsley Walker in 1880. The subject site was Lot 8 in Section 3 but does not appear to have been developed till after 1900 and development was sparse to the east side of the street...and the west side (now Putney Park) was developed for light industrial use.

The adjacent sites to the subject site are developed with modern dwellings with the exception of the heritage item at No. 60 Pellisier Road.

¹ Page 3, Aboricultural Impact Assessment 64 Pellisier Road, Putney, NSW 2112 prepared by McArdle Aboricultural Consultancy dated 9 September 2020

² Page 10, Tree Survey Table 1, Aboricultural Impact Assessment 64 Pellisier Road, Putney, NSW 2112 prepared by McArdle Aboricultural Consultancy dated 9 September 2020

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Views of the heritage item at 60 Pellisier Road from Morrison Bay were assessed in 2012 as being obscured by the significant *Ficus* tree on the waterfront of the property, however, as shown in the photomontage provided by the applicant, and documented by the applicant's Aboricultural Assessment report which documents the tree as having only 50% intact canopy, the roof of the heritage item is now visible to an extent through the fig tree canopy. Views to the heritage item from Morrisons Bay therefore now also need to be considered.

Remaining views of the waterfront from the heritage item are predominantly across the existing flat roof of the house at 64 Pellisier Road, the subject site.

It is also noted that the heritage item at 60 Pellisier Road has undergone a ground floor level extension on the waterfront including a new verandah, however the photos below of the views to the waterfront and Morrison Bay are taken by the author of this report, at a point adjacent to the original rear wall of the heritage item.



Figure 5: View south-east across the flat roof of No. 64 Pellisier Road (arrowed) from a point adjacent to the original rear wall of the heritage listed house at No. 60 Pellisier Road.

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Figure 6: View east from the rear of the heritage listed house at 60 Pellisier Road, noting the significant *Ficus* tree (centre, arrowed), with the house at 64 Pellisier Road at right, the house at No. 60A Pellisier Road at left.

THE PROPOSAL

The proposed works are for partial demolition, alterations and additions to the existing house at 64 Pellisier Road, Putney, including:

- Extension of the lower ground floor level
- Extensive alterations to the ground floor level
- A central proposed 1st floor addition to the flat roof to encompass, 3 bedrooms, a bathroom, void area and eastern terrace.

HERITAGE ASSESSMENT OF THE PROPOSAL

Heritage documentation

A Heritage Impact Statement has been submitted with the application.

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Proposed Alterations

The proposed 1st floor addition will largely eliminate remaining views from the heritage item at 60 Pellisier Road to the east towards Morrison Bay, adversely impacting on the heritage significance of the heritage item. If the proposal were to go ahead, the only remaining views from to the east from the heritage listed house would be directly east through the Ficus tree canopy (see Figure 6 above). An illustration of the impact of the proposed 1st floor addition to No. 64 Pellisier Road on views from the heritage listed house has been provided by Council (see Figure 7 below).



Figure 7: The red box to the roof of No. 64 Pellisier Road, as viewed from the waterfront (eastern) elevation of the heritage listed house at No. 60 Pellisier Road, illustrates the impact of the proposed 1st floor addition at 64 Pellisier Road on eastern views of the house at No. 60 Pellisier Road.

Source: Illustration provided by Development Assessment section, City of Ryde Council

Setting

The impact of the proposed 1st floor addition to 64 Pellisier Road would be to largely enclose the heritage item at 60 Pellisier Road on the eastern side, already impacted by the existing house at 60A Pellisier Road. While the curtilage of the heritage item is acknowledged to be the lot boundaries, the impact of adjacent development on the heritage item must be considered where this adversely impacts

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on the heritage item. In this case, the proposed 1st floor addition to 64 Pellisier Road will largely block remaining views to Morrison Bay from the heritage item.

LEP Heritage Controls

The proposal is considered to be noncompliant with the objectives 1(a) and 1(b) of Clause 5.10 of the Ryde LEP 2014 as the proposal would have an adverse impact on the significance of the heritage item at No. 60 Pellisier Road by substantially adversely impacting on waterfront views to and from the heritage listed house at No. 60 Pellisier Road.

CONCLUSION

The significant Ficus tree (listed on Council's Significant Tree Register) partially obscures views from the house to Morrison Bay. As a result of the Ficus tree, the outlook to Morrison Bay from the rear of the heritage item is largely available across the existing flat roof of the house on the subject site at 64 Pellisier Road. As a result, any increase in height of the house at 64 Pellisier Road will have a substantial adverse impact on views from the heritage item at 60 Pellisier Road towards Morrison Bay. The views from the heritage item are part of the significance of the heritage item, which once enjoyed a substantial water frontage and, as illustrated on the 1943 aerial photo, originally had a verandah on the eastern elevation (since replaced with an extension and larger eastern verandah).

As the proposed 1st floor addition to the house at 64 Pellisier Road will adversely impact on the significance of the heritage item at 60 Pellisier Road, the proposal is noncompliant the Objectives 1(a) and 1(b) of Clause 5.10 of the Ryde LEP 2014 as it would diminish the significance of the heritage item, obscuring waterfront views both to and from the heritage listed house, and the proposal is therefore recommended for refusal by the consent authority.



Chery Kemp, Principal Partner,
Kemp and Johnson Heritage Consultants